

11 AAC 93.115 is amended to read:

11 AAC 93.115. Closure of an application for a water right. The commissioner may close a [A] pending water right application and the department's application file [WILL, IN THE COMMISSIONER'S DISCRETION, BE CLOSED] if

(1) the applicant informs the commissioner, in writing, or by filing a notice of relinquishment, that the applicant has abandoned plans to develop the water source or use, in which case **the commissioner may** close the application [WILL, IN HIS OR HER DISCRETION, BE CLOSED BY THE COMMISSIONER] without further correspondence with the applicant;

(2) the applicant informs the commissioner orally that the applicant has abandoned plans to develop the water source **or** [AND] use, in which case the **commissioner will notify the** applicant [WILL BE NOTIFIED] in writing that the application is closed as a consequence of the oral notice;

(3) the commissioner is unable to locate the applicant by certified mail at the address on file in order to adjudicate the application, in which case **the commissioner may close** the application [WILL, IN THE COMMISSIONER'S DISCRETION, BE CLOSED] without further correspondence [BY THE COMMISSIONER] with the applicant;

(4) the applicant fails to provide information requested under 11 AAC 93.070 or fails to complete the newspaper notice of the proposed appropriation, in which case the **commissioner will notify the** applicant [WILL BE NOTIFIED] by certified mail that the application has been closed, noting the reason for **and effective date of** the closure [, THE EFFECTIVE DATE OF THE CLOSURE, AND ANY APPEAL PROCESS]. (Eff. 11/7/90, Register 116; am ___/___/_____, Register _____)

Authority: AS 46.15.020 AS 46.15.133

11 AAC 93.210(a) is amended to read:

(a) Procedures to authorize the temporary use of water, as provided in 11 AAC 93.220, will apply if the use continues for less than five consecutive years and the water applied for is not otherwise appropriated **under a permit to appropriate water, certificate of appropriation, certificate of reservation, or change permit.**

11 AAC 93.210(c) is amended to read:

(c) Upon the commissioner's receipt of a written request from the permittee, **the commissioner may, for good cause, extend one time** an authorization for temporary use of water. **The temporary use may not** [WILL, IN THE COMMISSIONER'S DISCRETION, BE EXTENDED ONE TIME FOR GOOD CAUSE FOR A PERIOD OF TIME NOT TO] exceed five years, **including the extension and the initial time period for which that authorization was issued.** The request for an extension of the authorization for temporary use of water must be accompanied by the fee prescribed in 11 AAC 05.260. (Eff. 2/8/67, Register 23; am 12/29/79, Register 72; am 11/7/90, Register 116; am 9/16/92, Register 123; am 8/20/2004, Register 171; am ___/___/_____, Register _____)

Authority: AS 46.15.020 AS 46.15.133 AS 46.15.155
AS 46.15.040

11 AAC 93.220(b)(2) is amended to read:

(2) a map identifying the section, township, range, and meridian, and indicating

the location [,] of the property, the point of withdrawal, diversion, or impoundment, [AND] the point of use, **and the point of discharge or return flow, if any;**

(Eff. 12/29/79, Register 72; am 11/7/90, Register 116; am 8/20/2004, Register 171; am 7/1/2018, Register 227; am ___/___/_____, Register _____)

Authority: AS 46.15.020 AS 46.15.100 AS 46.15.155
AS 46.15.040 AS 46.15.133

11 AAC 93.510 is repealed and readopted to read:

11 AAC 93.510. Public notice and meeting. (a) Before the commissioner designates a geographic or hydrologic area as a critical water management area or revokes or amends a designation, the department will post a notice of the proposed action on the Alaska Online Public Notice System (AS 44.62.175) for at least 30 days and will allow an opportunity of at least 30 days for comment by mail, by electronic mail, or through the Alaska Online Public Notice System. For the department to consider a comment, the comment must be received not later than the last day of the comment period.

(b) At the same time that the department posts a notice under (a) of this section on the Alaska Online Public Notice System, the department will provide the notice by mail, electronic mail, or other means to

(1) owners of property in the geographic area affected by the proposed designation, revocation, or amendment;

(2) appropriators of record on a water source affected by the proposed designation, revocation, or amendment;

(3) existing applicants for appropriations of water on a water source affected by

the proposed designation, revocation, or amendment;

(4) existing applicants for, or holders of, a temporary water use authorization on a water source affected by the proposed designation, revocation, or amendment;

(5) affected federal, state, and local agencies, including the Department of Fish and Game and the Department of Environmental Conservation; and

(6) any affected regional or village corporation organized under 43 U.S.C. 1601 - 1629h (Alaska Native Claims Settlement Act).

(c) The commissioner may

(1) hold a public meeting at a location within or in close proximity to the geographic area affected by the proposed designation, revocation, or amendment;

(2) extend the public notice and comment period; the department will post notice of any extension on the Alaska Online Public Notice System for the duration of the extension and will provide notice to persons under (b) of this section. (Eff. 11/7/90, Register 116; am ___ / ___ / ____, Register _____)

Authority: AS 46.15.010 AS 46.15.020

11 AAC 93.530(a) is amended to read:

(a) **Not later than** [WITHIN] 30 days after signing a department order to designate a geographic or hydrologic area as a critical water management area [,] or revoke or amend a designation, the commissioner will announce the decision by **posting** [PUBLISHING] the order **on the Alaska Online Public Notice System (AS 44.62.175) and mailing the order** [IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AFFECTED AREA ONCE A WEEK FOR FOUR CONSECUTIVE WEEKS. THE ORDER WILL ALSO BE MAILED] to

(1) applicants for appropriations of water in the affected area;

(2) appropriators [, PERMITTEES OR CERTIFICATE HOLDERS] of record **in the affected area;**

(3) [AND] property owners [OF RECORD] in the **affected** area;

(4) affected federal, state, and local agencies, **including the Department of Fish and Game and the Department of Environmental Conservation;** [,] and

(5) any affected regional and village corporations **organized under 43 U.S.C. 1601 - 1629h (Alaska Native Claims Settlement Act).**

(Eff. 11/7/90, Register 116; am 8/20/2004, Register 171; am ____ / ____ / _____, Register _____)

Authority: AS 46.15.010 AS 46.15.180 AS 46.15.255
AS 46.15.020 AS 46.15.250 AS 46.15.256

11 AAC 93.970(4) is amended to read:

(4) "commissioner" means the commissioner of **natural resources, or the commissioner's** [OF THE DEPARTMENT OF NATURAL RESOURCES OR HIS OR HER] delegate;

11 AAC 93.970(9) is amended to read:

(9) "division" means the division of **mining,** land and water [MANAGEMENT] within the Department of Natural Resources;

11 AAC 93.970(25) is amended to read:

(25) "appropriators of record" means [APPLICANTS FOR, AND PERMITTEES

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AND CERTIFICATE] holders of **permits to appropriate water, certificates of appropriation, certificates of reservation, or change permits** [, WATER RIGHTS];

(Eff. 2/8/67, Register 23; am 12/29/79, Register 72; am 9/11/83, Register 87; am 11/7/90,

Register 116; am 9/16/92, Register 123; am 8/20/2004, Register 171; am ____ / ____ / _____,

Register _____)

Authority:	AS 46.15.020	AS 46.15.050	AS 46.15.133
	AS 46.15.040	AS 46.15.080	AS 46.15.145