

PUBLIC INTEREST DETERMINATION

Permit to Appropriate Water
LAS 30043

Effect on the rights of a prior appropriator

The application was reviewed for prior appropriators of record. A search of the Department's database indicates that there are no water right holders, or other applicants for water rights, for the requested water source, Lake M9605. Therefore, it is found that there are no prior appropriators to be affected by issuing the proposed permit.

Adequacy of the proposed means of diversion or construction

Water withdrawal will be accomplished by use of a screened intake designed to prevent the impingement, entrainment or entrapment of fish at each intake point. intake, while allowing water withdrawal rates of 200-300 gallons per minute. This will still allow for water removal even under 7 feet of ice during winter operations. It is the Department of Natural Resources' finding that the means of construction for the water withdrawal is adequate.

Beneficial use of water

The application was reviewed for consistency under AS 46.15.080 and found that the statutory criteria for beneficial use are satisfied. The use of water for the purposes intended is by all definitions beneficial.

Public Interest

Benefit to the applicant resulting from the proposed appropriation

The criteria under AS 46.15.080 was reviewed, considered, and found that the statutory criterion is fully satisfied. The applicant will use the water for oil and gas exploration, development, operational, and maintenance projects (including dust abatement, hydro-testing, drilling, and camp supply) to the extent that those activities have the appropriate approvals. Additionally, this lake is located near the Alpine Utility, Alpine Oil and Alpine Diesel Pipelines.

Effect of the economic activity resulting from the proposed appropriation

The criteria under AS 46.15.080 was reviewed, considered, and found that the statutory criterion is fully satisfied. As indicated above, the use of water is necessary for the oil and gas industry work on the North Slope and provides employment, income, royalty and tax benefits to the State of Alaska and its citizens.

Effect on fish and game resources and public recreation opportunities

The criteria under AS 46.15.080 was reviewed, considered, and found that the statutory criterion is fully satisfied. ADF&G has issued Fish Habitat Permit FH05-III-0328 (as amended) for year-round use of this source. Therefore, it is determined that there will be no adverse effect on the fish and game resources or on the public recreational opportunities from this proposed appropriation.

Effect on public health

The criteria under AS 46.15.080 was reviewed, considered, and found that the statutory criterion is fully satisfied. The proposed withdrawals will have no negative effect on public health.

Effect of loss of alternate uses of water that might be made within a reasonable time if not precluded or hindered by the proposed appropriation

The criteria under AS 46.15.080 was reviewed, considered, and found that the statutory criteria are fully satisfied. The requested appropriation represents only 1.90 % of the total lake volume and only 9.5 % of the maximum 20% of total lake volume allowed under the North Slope Water Withdrawal Guidelines. Therefore, there remains enough un-appropriated water available for alternative uses by others.

Harm to other persons resulting from the proposed withdrawal

The criteria under AS 46.15.080 was reviewed, considered, and found that the statutory criteria are fully satisfied. It is determined that there will be no undue harm to other persons resulting from the proposed appropriation based on evaluation of hydrologic data.

Intent and ability of the applicant to complete the appropriation

The criteria under AS 46.15.080 was reviewed, considered, and found that the statutory criterion is fully satisfied. The applicant has been withdrawing water from Lake M9605 since 2014.

Effect upon access to navigable or public water

The criteria under AS 46.15.080 was reviewed, considered, and found that the statutory criterion is fully satisfied. This application pertains to a perched lake within the Colville River Delta located adjacent to the Nechelik Channel of the Colville River where use of the lake will not impede or restrict other use or access to the Colville River. Therefore, the appropriation will have no effect upon access to navigable or public water.

After considering the above eight criteria, it is found that the proposed appropriation is in the public interest.

Signature: Henry C Brooks Date: 12/30/2021
Henry C Brooks, Natural Resource Manager I