



**State of Alaska**

**Department of Natural Resources  
Division of Mining, Land & Water  
Water Resources Section**

**PERMIT TO APPROPRIATE WATER  
LAS 13742**

The State of Alaska, acting by and through the Department of Natural Resources, Division of Mining, Land and Water, 550 West 7<sup>th</sup> Avenue, Suite 1020, Anchorage, AK 99501-3562, hereinafter referred to as the grantor, under AS 46.15, the Alaska Water Use Act, and the regulations adopted under it, grants to:

The Seemann Estate Preservation Trust, dated February 20, 1998  
2011 E. 66<sup>th</sup> Avenue  
Anchorage, AK 99507

The right to develop the following use of water:

SOURCE: Unnamed Stream (known locally as "Annie Creek")  
QUANTITY: 675 Gallons per Day  
PERIOD: May 1<sup>st</sup> through September 30<sup>th</sup>  
USE: Commercial Livestock Watering

QUANTITY: 29,320 Gallons per Day  
PERIOD: May 1<sup>st</sup> through September 30<sup>th</sup>  
USE: Commercial Crop Irrigation

With a PRIORITY DATE of June 8, 1992.

The location of this water source:

That portion of an unnamed stream located within the Southwest one-quarter of the Southeast one-quarter (SW1/4SE1/4) Section 13, Township 18 North, Range 2 East, Seward Meridian.

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The location to which this appropriation is appurtenant:

SW1/4SW1/4NW1/4,                      S1/2SE1/4SW1/4NW1/4,                      S1/2S1/2SE1/4NW1/4,  
SW1/4SW1/4SW1/4NE1/4 Section 13, Township 18 North, Range 2 East, Seward  
Meridian;

and

The west two-thirds of the parcel of land more particularly described as:

An area of land commencing at the section corner monument of Sections 14, 13, 23, and 24, Township 18 North, Range 2 East, Seward Meridian; thence South 89 degrees 56 minutes East  $\pm 2,638.68$  feet along the section line common to Sections 13 and 24 to the quarter corner monument common to Sections 13 and 24, according to the BLM Rectangular Township Plat for Township 18 North, Range 2 East, Seward Meridian, dated May 1, 1916; this line being the basis of bearing for this description, this quarter corner being the true point of beginning for this description; thence  $\pm$ North 00 degrees 01 minute West 1,056.00 feet along the center quarter line of Section 13 to a point; thence  $\pm$ North 70 degrees 39 minutes West  $\pm 2,797.60$  feet along the line between Parcels #1 and #2 to the N-S 1/64 corner of Sections 14 and 13; thence  $\pm$ North 00 degrees 02 minutes West  $\pm 660.00$  feet along the section line common to Sections 14 and 13 to the quarter corner monument of said sections; thence  $\pm$ South 89 degrees 56 minutes East  $\pm 5,278.90$  feet along the center quarter line of Section 13 to the quarter corner monument common to Section 13, Township 18 North, Range 2 East, and Section 18, Township 18 North, Range 3 East, Seward Meridian, Alaska; thence  $\pm$ South  $\pm 2,640.00$  feet along the section line common to Sections 13 and 18 of Ranges 2 and 3 East, respectively, to the section corner monument of Sections 13 and 24, Township 18 North, Range 2 East, Seward Meridian, and Sections 18 and 19, Township 18 North, Range 3 East, Seward Meridian; thence  $\pm$  North 89 degree 56 minutes West  $\pm 2,638.68$  feet along the Section line common to Sections 13 and 24 to the True Point of Beginning;

Said parcels of land located within the Palmer Recording District, Third Judicial District, State of Alaska, and are subject to reservations and exceptions of record.

Changes in the natural state of water are to be made in the manner and only for the purposes stated in this permit. This permit is subject to the pertinent statutory provisions in AS 46.15, Administrative Regulations in 11 AAC 93, and the following conditions:

The holder of this permit shall:

1. Follow acceptable engineering standards in exercising the privilege granted by this permit.

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2. Except for claims or losses arising from negligence of the State, defend and indemnify the State against and hold it harmless from any and all claims, demands, legal actions, loss, liability, and expense for injury to or death of persons and damages to or loss of property arising out of or connected with the exercise of the privilege granted by this permit.
3. Comply with all applicable laws, regulations, and conditions.
4. Maintain necessary permits and approvals from the Alaska Department of Environmental Conservation for the water and wastewater systems.
5. Notify the grantor of any change of address, transfer of any real property identified in this permit, or proposed change in the water appropriation.
6. **Establish a measuring system acceptable to grantor. Measure water usage and submit to this office quarterly reports of monthly water usage with associated actual usage dates. Measurements for water usage shall allocate actual usage between livestock watering and crop irrigation.**
7. **At all times maintain "visually observable flow" at a point five feet downstream of the water take point. Water withdrawals under this permit must decrease appropriately to maintain said flow at this point.**
8. **Limit in-water activity to placement and removal of the intake structure only. No other in-water activities may occur.**
9. **Avoid blocking and/or damming the water course. No dams or obstructions are permitted. Infiltration galleries adjacent to the stream bed are permissible. Should the infiltration system cease to be used, the system must be permanently decommissioned to prevent aquifer contamination or hazard to other persons. Rehabilitation shall include recontouring and revegetation of the site to its natural condition that existed prior to installation of the infiltration gallery.**
10. **Immediately stabilize stream banks, shore, or beds to prevent erosion and the resultant sedimentation of waterbody which could occur both during and after operations. If banks, shores, or beds are inadvertently disturbed, excavated, compacted, or filled by activities attributable to this project, they shall be immediately stabilized. Any disturbed areas shall be recontoured and revegetated.**

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11. During the constructional and operational phases of this project, make any discharge to waters subsequent to this appropriation compliant with Alaska Water Quality Standards.
12. Allow grantor's authorized representatives to inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under this permit.
13. If the grantor determines that this appropriation unduly affects a prior appropriator's ability to obtain water in accordance with his or her permit or certificate, this appropriation may be amended or water use may be curtailed until the prior appropriator can again obtain water under his or her prior right. Those individuals within the same area that do not have water rights may also be required to curtail taking water.
14. This appropriation is subject to Alaska Coastal Management Program Generally Consistent Determination GCD-8 (permanent use of water), attached hereto and made a part thereof, where applicable.
15. Per 11 AAC 05.010 (a) (8) (M), an annual Administrative Service Fee shall be assessed on this appropriation of water.

**This permit shall EXPIRE on: February 25, 2014.**

This Permit to Appropriate Water is granted by authority of AS 46.15.080 and 11 AAC 93.120 on:

March 3, 2009  
Date

Wayne R. Rasmussen  
Approved

Chief, Water Resource Section  
Title