

January 3, 2007

Alaska Department of Natural Resources  
Division of Mining, Land and Water  
Water Resources Section  
550 W. 7<sup>th</sup> Ave., Suite 1020  
Anchorage, Alaska 99501

**Subject: Atka Application for Water Right**

Dear Ms. Tatlow:

The City of Atka together with Alaska Department of Environmental Conservation (ADEC) Village Safe Water is proposing improvements to the community water and sewer systems to meet regulatory requirements and address community and environmental health concerns. As part of this effort the City would like to obtain a water right for the use of drinking water from an existing surface water reservoir. Enclosed is the application for water right along with a copy of the deed, and access easement for the reservoir.

The reservoir can be seen on the project vicinity map. This reservoir is the only community water source, and has been in use since 1977 when constructed by the Public Health Service. Part of the water improvements include reconstruction of the aging existing dam. A figure of the proposed construction sequence for the dam replacement has also been included for your reference.

Currently the City does not have an approved ADEC water system certificate. As part of the proposed water and wastewater improvements, a new water treatment facility will be constructed. Additionally, the City is replacing two of the three ocean outfalls and adding community septic tanks to improve the wastewater treatment system. All of these proposed improvements will need to be reviewed and approved by the ADEC as part of the plan review and approval to construct process. Construction will not begin until approval to construct has been granted. Likewise, once constructed the City will need to apply for approval to operate for the new system to allow the ADEC an opportunity to review the as-built construction documents.

Based on correspondence with Cindy Anderson with the Department of Natural Resources, a fish habitat permit is not required since the impoundment has been used for many years and is not cataloged as an anadromous stream.

This application has been included as part of the Alaska Coastal Project Questionnaire (ACMP), which is attached for your reference.

Thank you for your consideration of this application, if you have questions or need additional information please do not hesitate to call me at 644-2049 or email me at [todd.bethard@hdrinc.com](mailto:todd.bethard@hdrinc.com).

Sincerely,



Todd Bethard, P.E.  
Project Manager

Enclosures:      Application for Water Right  
                     Statutory Quitclaim Deed  
                     Grant of Rights-of-Way  
                     Vicinity Map and Proposed Construction Sequence Figures  
                     Alaska Coastal management Program Consistency Evaluation

Copies:            Julie Dirks, City of Atka City Administrator  
                     Raymond O'Neill, VSW Project Manager  
                     Christine Ballard, Alaska Department of Natural Resources

DIVISION OF MINING, LAND AND WATER  
**WATER RESOURCES SECTION**

[www.dnr.state.ak.us/mlw/water/index.htm](http://www.dnr.state.ak.us/mlw/water/index.htm)



Anchorage Office 550 West 7 <sup>th</sup> Avenue, Suite 1020 Anchorage, AK 99501-3562 (907) 269-8600 Fax: (907) 269-8947	Juneau Office PO Box 111020 400 Willoughby Avenue Juneau, AK 99811-1020 (907) 465-3400 Fax: (907) 586-2954	Fairbanks Office 3700 Airport Way Fairbanks, AK 99709 (907) 451-2790 Fax: (907) 451-2703	<b>For ADNR Use Only</b> <b>Date/Time Stamp</b>
<b>For ADNR Use Only</b> <b>LAS #</b>	<b>For ADNR Use Only</b> <b>CID #</b> <b>CID #</b>	<b>For ADNR Use Only</b> <b>Receipt Type</b> <b>WR</b>	

**APPLICATION FOR WATER RIGHT**

<b>INSTRUCTIONS</b>
<ol style="list-style-type: none"> <li>Complete one application for each water source (incomplete applications will not be accepted).</li> <li>Attach copy of executed deed, lease agreement, or other possessory interest document for property where water will be used (applicant must own, lease, or obtain written authorization to use water on property).</li> <li>Attach copy of legal access document (e.g. right-of-way, easement, permit) or application for legal access to water withdrawal point and transport route, if applicable, or copy of request or application for legal access to water withdrawal point.</li> <li>Attach driller's well log for drilled wells (if already drilled and available).</li> <li>Attach sketch, photos, plans of water system, or project description (if applicable).</li> <li>Attach legible map that includes meridian, township, range, and section lines such as a subdivision plat, USGS topographical quadrangle, or borough tax map. Indicate location of water withdrawal, route of water transmission, water use area boundary, points of water use within boundary, and point of water return flow (if applicable).</li> <li>Attach copy of approved ADEC water and wastewater system certificate (if applicable).</li> <li>Attach copy of ADNR fish habitat permit (if applicable).</li> <li>Attach notarized Statement of Beneficial Use of Water form and associated fee, if water system and water use are fully developed, and total water use does not exceed 500 gallons of water per day.</li> <li>Attach completed Coastal Project Questionnaire (if applicable - see page 4).</li> <li>Submit non-refundable fee (see page 4).</li> </ol>

<b>APPLICANT INFORMATION</b>			
City of Atka	HDR Alaska, Inc.		
Organization Name (if applicable)	Agent or Consultant Name (if applicable)		
Julie Dirks	Todd Bethard		
Individual Applicant Name (if applicable)	Individual Co-applicant Name (if applicable)		
2525 C Street, Suite 305	Anchorage	AK	99503
Mailing Address	City	State	Zip Code
907-644-2000	Alternate Phone Number (optional)		
Daytime Phone Number	todd.bethard@hdrinc.com		
907-644-2022	E-Mail Address (optional)		
Fax Number (if available)			

PROPERTY DESCRIPTIONS							
<b>Location of Water Use</b>							
Subdivision Name or Survey Number	Lot, Block, or Tract	Meridian	Township	Range	Section	Quarter Sections	
City of Atka		Seward	91 S	176 W	15 & 22	¼	¼
<b>Location of Water Source</b>							
Subdivision Name or Survey Number	Lot, Block, or Tract	Meridian	Township	Range	Section	Quarter Sections	
Atka ANSCA 14(c) Map of Boundaries (Plat 2005-8)	42	Seward	91 S	176 W	16	¼	¼
<b>Location of Water Return Flow or Discharge (if applicable)</b>							
Geographic Name of Water Body or Well Depth		Meridian	Township	Range	Section	Quarter Sections	
Nazan Bay		Seward	91 S	176 W	15 & 22	¼	¼

WATER SOURCE				
<b>Ground Water</b>				
Type (e.g. drilled, dug)	Total Depth (in feet)	Static Water Level (in feet)	Date Completed	Well Production Capacity
<b>Surface Water</b>				
Type (e.g. stream, lake, spring)		Geographic Name (if named)		
Stream		Unnamed Creek		

METHOD OF TAKING WATER (IF KNOWN)	
<b>Pump</b>	Pump Intake _____ Inches      Hours Working _____ Hours/Day Pump Output _____ GPM      Length of Pipe _____ Feet (from pump to point of use)
<b>Gravity</b>	Pipe Diameter <u>4</u> Inches      Length of Pipe <u>2730</u> Feet (take point to point of use) Head <u>141.5</u> Feet
<b>Ditch</b>	L _____ H _____ W _____ Feet      Diversion Rate _____ <input type="checkbox"/> GPM or <input type="checkbox"/> CFS
<b>Reservoir</b>	L _____ H _____ W _____ Feet      Water Storage _____ AF
<b>Dam</b>	L <u>56</u> H <u>3.5</u> W <u>0.83</u> Feet      Water Storage <u>0.05</u> AF

<b>AMOUNT OF WATER</b>							
<b>Common Water Uses and Standard Amounts</b>							
Type of Use	How Many		Standard Amounts		Total Amount Requested	Months of Use	
						Begin	End
Fully Plumbed Single-family Home (includes irrigation of 10,000 sq. ft.)	# <u>50</u> Homes	X	500 GPD	=	25,000 GPD	Jan	Dec
Partially Plumbed Single-family Home (no hot water heater)	# _____ Homes	X	250 GPD	=			
Unplumbed Single-family Home (hand carry water)	# _____ Homes	X	75 GPD	=			
Duplex or Triplex	# _____ Bldgs.	X	1000 GPD	=			
Four-plex and Larger Housing	# _____ Units	X	250 GPD	=			
Motel or Resort	# _____ Rooms	X	150 GPD	=			
Work Camps	# _____ People	X	50 GPD	=			
Domestic Irrigation	# _____ Sq. ft.	X	250 GPD per 10,000 Sq. ft.	=			
Non-domestic Irrigation	# _____ Acres	X	0.5 AFY	=			
<b>Other Water Uses</b>							
Type of Use	How Many		Amount		Total Amount Requested	Months of Use	
						Begin	End
Water Reservoir Storage Capacity	1	X	0.05 Acre-feet	=	0.05 Acre-feet	Jan	Dec
		X		=			
Type of Use					Total Amount Requested	Months of Use	
						Begin	End
Atka Pride Seafoods (Fish Processing)					20,000 GPD	April	Nov

Expected date for water system and water use to be fully developed *or* date when existing use started 1978  
 Note: Pursuant to AS 46.15.180(a)(1). Crimes, a person may not construct works for an appropriation, or divert, impound, withdraw, or use a significant amount of water from any source without a permit, certificate of appropriation, or authorization issued under this chapter.

11 AAC 93.040 sets out the required information on an application for a water right. 11 AAC 93.050 authorizes the commissioner to decide what additional information is needed to process an application for a water right. This information is made a part of the state public water records and becomes public information under AS 40.25.110 and 40.25.120. Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210.

**SIGNATURE**

The information presented in this application is true and correct to the best of my knowledge. I understand that per 11 AAC 93.040 and 11 AAC 93.050 additional information may be required by the department to adjudicate this application. Failure to provide requested information could result in this file being closed.

*Julie Dicks*

Signature

*12/21/06*

Date

*Julie Dicks*

Name (please print)

*City Administrator*

Title (if applicable)

**REFERENCES**

**Measurement Units**

GPD = gallons per day

CFS = cubic feet per second

GPM = gallons per minute

AF = acre-feet

AFY = acre-feet per year (325,851 gallons/year)

AFD = acre-feet per day (325,851 gallons/day)

MGD = million gallons per day

**Conversion Table**

<u>5,000 GPD=</u>	<u>30,000 GPD=</u>	<u>100,000 GPD=</u>	<u>500,000 GPD=</u>	<u>1,000,000 GPD=</u>
0.01 CFS	0.05 CFS	0.2 CFS	0.8 CFS	1.5 CFS
3.47 GPM	20.83 GPM	69.4 GPM	347.2 GPM	694.4 GPM
5.60 AFY	33.60 AFY	112.0 AFY	560.1 AFY	1120.1 AFY
0.2 AFD	0.09 AFD	0.3 AFD	1.5 AFD	3.1 AFD
0.01 MGD	0.03 MGD	0.1 MGD	0.5 MGD	1.0 MGD

**Fees required by regulation 11 AAC 05.010(a)(8)**

- **\$100** for one single-family residence or duplex, or for water use associated with one single-family residence or duplex
- **\$1,200** for activities related to oil and gas and associated substances
- **Fee varies** for activities related to locatable minerals, unless the application is filed under 11 AAC 05.010(a)(9)(E)(i) or (9)(F)(i) - *contact Water Resources Section for pre-application meeting*
- **Fee varies** for hydroelectric power generation - *contact Water Resources Section for pre-application meeting*
- **Fee varies** for water removal out of a hydrologic unit under AS 46.15.035 or 46.15.037 - *contact Water Resources Section for pre-application meeting*
- **\$200** for 5,000 GPD or less for a use not listed above
- **\$450** for greater than 5,000 GPD and no more than 30,000 GPD for a use not listed above
- **\$550** for greater than 30,000 GPD and no more than 100,000 GPD for a use not listed above
- **\$900** for greater than 100,000 GPD for a use not listed above

Make checks payable to "Department of Natural Resources."

**Coastal Zone**

If this appropriation is within the Coastal Zone, and you are planning to use more than 1,000 GPD from a surface water source or 5,000 GPD from a subsurface water source, you need to submit a completed Coastal Project Questionnaire with this application. For more information on the Coastal Zone, contact the Office of Project Management and Permitting; Anchorage 269-7470, Juneau 465-3562, [www.dnr.state.ak.us/acmp/](http://www.dnr.state.ak.us/acmp/).

**2005-000687-0**

Recording Dist: 305 - Aleutian Islands  
11/30/2005 9:55 AM Pages: 1 of 2

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ATXAM CORPORATION  
ANCSA Section 14(c)(3)

STATUTORY QUITCLAIM DEED

CC

Atxam Corporation ("Grantor"), whose address is P.O. Box 47001, Atka, Alaska 99547, hereby conveys and quitclaims to the City of Atka, ("Grantee"), whose address is P. O. Box 47070, Atka, Alaska 99547, as settlement of Grantee's claim under Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. Section 1613(c)(1), as amended, without consideration, all of its rights, title and interest which Grantor has, if any, in and to the surface estate of the following described real property:

The following lots, as shown on Alaska Native Claims Settlement Act (ANCSA) Section 14(c), Lots 1 through 86 and Tracts A, B, and C, and the Dependent Resurvey of the exterior boundaries of U.S. Survey No. 2015 P.L. 92-203 (85 Stat. 688, 702, 703) recorded as Plat #2005-8 in the Aleutian Islands Recording District, Third Judicial District, State of Alaska, containing an aggregate of 12.47 acres, more or less.

- Lot 1, 0.19 acres more or less.
- Lot 2, 0.12 acres more or less.
- Lot 7, 0.16 acres more or less.
- Lot 18, 0.25 acres more or less.
- Lot 39, 0.05 acres more or less.
- Lot 40, 0.06 acres more or less.
- Lot 42, 0.12 acres more or less.
- Lot 47, 2.58 acres more or less.
- Lot 51, 0.36 acres more or less.
- Lot 53, 2.80 acres more or less.
- Lot 54, 0.15 acres more or less.
- Lot 56, 2.58 acres more or less.
- Lot 61A, 0.29 acres more or less.
- Lot 61B, 0.14 acres more or less.
- Lot 62A, 0.04 acres more or less.
- Lot 62B, 0.01 acres more or less.
- Lot 63, 0.15 acres more or less.
- Lot 64, 3.02 acres more or less.
- Lot 65, 0.18 acres more or less.
- Lot 86, 0.02 acres more or less.

SUBJECT TO the following listed Covenants, Restrictions, Easements, Exceptions, and Reservations, if any:

1. Notes and easements as shown on the plat of said parcel.

SUBJECT TO all encumbrances, reservations, restrictions, and exceptions of record and/or reservations, restrictions and exceptions contained in Interim Conveyance No. 159, dated February 27, 1979 and recorded in Book 18, Pages 957-963 on February 28, 1979 in the Aleutians Islands Recording District.

This conveyance is made in complete fulfillment of the provisions of ANCSA Section 14(c)(3).

IN WITNESS WHEREOF, Grantor hereby sets its hand this 24<sup>th</sup> day of August, 2005.

**GRANTOR:**

ATXAM CORPORATION

By: Mark Snigaroff  
President/CEO

STATE OF ALASKA }  
THIRD JUDICIAL DISTRICT } ss.

This is to certify that on this 24<sup>th</sup> day of August, 2005, before me, the undersigned, a Notary Public in and for Alaska, personally appeared Mark Snigaroff known to me to be the person whose name is subscribed to this instrument, and he acknowledged to me that he had executed the foregoing instrument as his free and voluntary act and deed for the uses and purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last herein above written.

Amanda Joiner  
Notary Public in and for Alaska  
My Commission expires: 3/18/08

AFTER RECORDING, RETURN TO:

City of Atka  
P. O. Box 47070  
Atka, Alaska 99547



**2006-000198-0**

Recording Dist: 305 - Aleutian Islands  
4/24/2006 8:41 AM Pages: 1 of 2

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**ATXAM CORPORATION.**  
**ANCSA Section 14(c)(3)**

CC

**GRANT OF RIGHTS-OF-WAY**

Atxam Corporation ("Grantor"), whose address is P.O. Box 47001, Atka, Alaska 99547, hereby conveys and quitclaims to the City of Atka, ("Grantee"), whose address is P. O. Box 47070, Atka, Alaska 99547, as settlement of Grantee's claim under Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. Section 1613(c)(1), as amended, without consideration, all of its rights, title and interest which Grantor has, if any, in and to the surface estate of the following described real property:

The following lots, as shown on Alaska Native Claims Settlement Act (ANCSA) Section 14(c), Lots 1 through 86 and Tracts A, B, and C, and the Dependent Resurvey of the exterior boundaries of U.S. Survey No. 2015 P.L. 92-203 (85 Stat. 688, 702, 703) recorded as Plat #2005-8 in the Aleutian Islands Recording District, Third Judicial District, State of Alaska, containing an aggregate of 70.69 acres, more or less.

- Lot 41, 1.17 acres more or less.
- Lot 43, 8.64 acres, more or less.
- Lot 44, 0.43 acres, more or less.
- Lot 48, 0.22 acres, more or less.
- Lot 49, 1.30 acres, more or less.
- Lot 41, 1.17 acres, more or less.
- Lot 55, 14.93 acres, more or less.
- Lot 57, 13.82 acres, more or less.
- Lot 58, 0.41 acres, more or less.
- Lot 59, 2.75 acres, more or less.
- Lot 66, 8.86 acres, more or less.
- Lot 68, 0.81 acres, more or less.
- Lot 69, 3.12 acres, more or less.
- Lot 70, 3.36 acres, more or less.
- Lot 72, 3.46 acres, more or less.
- Lot 73, 4.61 acres, more or less.

**SUBJECT TO** the following listed Covenants, Restrictions, Easements, Exceptions, and Reservations, if any:

1. Notes and easements as shown on the plat of said parcel.

SUBJECT TO all encumbrances, reservations, restrictions, and exceptions of record and/or reservations, restrictions and exceptions contained in Interim Conveyance No. 159, dated February 27, 1979 and recorded in Book 18, Pages 957-963 on February 28, 1979 in the Aleutians Islands Recording District.

This conveyance is to be made pursuant to the provisions of Section 14(c)(3) of ANCSA.

IN WITNESS WHEREOF, Grantor hereby sets its hand this 5<sup>th</sup> day of April, 2006.

GRANTOR:

ATXAM CORPORATION

By: Mark Snigaroff  
President/CEO

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

} ss.

This is to certify that on this 5 day of April, 2006, before me, the undersigned, a Notary Public in and for Alaska, personally appeared Mark Snigaroff known to me to be the person whose name is subscribed to this instrument, and he acknowledged to me that he had executed the foregoing instrument as his free and voluntary act and deed for the uses and purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last herein above written.

Sarah Goldberg  
Notary Public in and for Alaska  
My Commission expires: \_\_\_\_\_

AFTER RECORDING, RETURN TO:

City of Atka  
P. O. Box 47070  
Atka, Alaska 99547

