Mel Durrett

**Temporary Water Use Authorization (TWUA)**

**SUMMARY**

A Temporary Water Use Authorization from the Alaska Department of Natural Resources (DNR) is required whenever a user will temporarily use a significant amount of water that is otherwise unappropriated. Uses include water withdrawal (e.g. dewatering for excavation), diversions (e.g., culvert installation), impoundments, and in-source uses.

**Permit Name**

Temporary Water Use Authorization (TWUA)

**APPLICABILITY**

A TWUA is needed if you want to…

* temporarily divert water (but immediately return it to the same place it came from, i.e., “non-consumptive use”) in amounts > 30,000 gallons per day (gpd) from a single source
* remove and use (i.e., “consumptive use”) > 5,000 gpd from a single source in a single day, one time
* remove and use > 500 gallons per day from a single source, for > 10 days per calendar year, OR
* use water in any way that adversely impacts the water rights of other users or the public interest.

A single TWUA can cover the same uses from the same sources for up to 5 years.

A single TWUA can cover up to 5 water sources.

**PROCESSING TIMES AND FEES**

* 60 days for new applications, extensions or amendments\*
* $450 for new applications, which covers 18 hours of staff time
* $350 for extensions and/or amendments, which covers 14 hours of staff time\*

**Agency Coordination**

Alaska Department of Natural Resources (DNR) requests comment from other state agencies (ADF&G, ADEC) in the 60 days before issuing or denying the authorization, extension or amendment.

**Information Necessary**

* A map identifying the section, township, range, and meridian, and indicating the location, of the property, the point of use and the point of withdrawal, diversion, dewatering, and/or impoundment
* A signed application form that includes:
  + The legal description of the point of water withdrawal, impoundment or diversion
  + The quantity of water to be used, with documentation and calculations justifying the request
  + The nature of the water use and project description
  + The daily duration and months of use (with an expiration date)
  + The type and size of equipment used to withdraw, divert or impound the water
* Other permits needed by other agencies (attach to TWUA application)

\*Extensions to active TWUA, to allow water use for a total time of 5 years, are available with a different form, Request for Extension of Permit or Authorization Form.

\*Amendments to active TWUA require a letter or email to the authorizing office, detailing the amendment.

**Special definitions**

* A “significant amount” of water is the amount that requires a water right or temporary water authorization (see Applicability, above).
* Non-consumptive use is the instream use of water, or diversion of water where 1) the quantity of water diverted is not diminished except by evaporation or transpiration and 2) the water is returned to its original source at the original point of diversion (i.e., the same spot, not just the same source). If a particular use does not meet this definition, it is a consumptive use.
* Two additional pages of water use definitions are provided as appendix to the Application Form

**Enforcement and Penalties**

**REGULATIONS**

Alaska Statutes Title 46, Chapter 15: AS 46.15

Alaska Administrative Code Title 11 Natural Resources, Chapter 93, Section 210 Temporary water use.

11 AAC 93.035 (a) (b)

11 AAC 93.220

Permit can be terminated for violating the terms of the permit. The water appropriated by the permit then becomes “unappropriated” for others to use.

Also, using too much water *without* a TWUA is a misdemeanor offense:

AS 46.15.180 Crimes

(a) A person may not

(1) construct works for an appropriation, or divert, impound, withdraw, or use a significant amount of water from any source without a permit, certificate or appropriation, or authorization issued under this chapter…

(6) (b) A person who violates this section is guilty of a misdemeanor.

**Other Resources**

* Web page detailing TWUA application process: <http://dnr.alaska.gov/mlw/water/temp_wateruse.cfm>
* Public database of all TWUAs: <http://dnr.alaska.gov/mlw/mapguide/water/twup_start_tok.cfm>