



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Water Resources Section

550 West 7th Avenue, Suite 1020
Anchorage, Alaska 99501-3579
Main: 907.269.8600
TTY: 711 or 800.770.8973
Fax: 907.269.8904

October 19, 2023

Christina and Andrew Bentz
HC 89 Box 802
Willow AK 99688

Re: Water Right Certificate of Appropriation LAS 33101

Enclosed is a conformed copy of Certificate of Appropriation LAS 33101. We have sent the original to the Palmer Recorder's Office for recording. Once recorded, the Recorder's Office will send you the original. This may take up to 60 days.

This water right is valid as long as you continue to use the water (AS 45.15.140). However, if all or part of the water right goes unused for five or more consecutive years, without sufficient cause, it is presumed to be forfeited.

This water right is appurtenant to the land and will pass with the land when sold unless specifically exempted. You must obtain approval from the Department of Natural Resources to sever the water right from the land or otherwise change the water right (AS 46.15.160).

Please contact me with any questions. You can reach me at 907-269-8620 or via email at catherine.shepherd@alaska.gov.

Sincerely,

Catherine Shepherd

Catherine Shepherd
Natural Resources Specialist 2

Enclosure: Copy of Certificate of Appropriation, LAS 33101
Water Use Act Summary

State of Alaska

Water Rights

**CERTIFICATE OF APPROPRIATION
LAS 33101**

The State of Alaska, acting by and through the Department of Natural Resources, Division of Mining, Land and Water, 550 W. 7th Ave, 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:

Christina K. Bentz and Andrew C. Bentz
HC 89 Box 802
Willow, Alaska 99688

The right to the following use of water:

SOURCE: Drilled Well
QUANTITY: 500 Gallons per Day
PERIOD: January 1st through December 31st
USE: Domestic Use

With a PRIORITY DATE of November 20, 2019.

The location of this water source:

A drilled well, 101 feet in depth, located within the below-described parcel of land.

The location to which this water right is appurtenant:

Lot 1, Block 1, Falcon's Ridge Subdivision, according to Plat Number 2006-19, recorded in the Palmer Recording District, Third Judicial District, State of Alaska, subject to

CERTIFICATE OF APPROPRIATION
LAS 33101

reservations and exceptions of record. Said lot located in the Southwest one-quarter of the Southwest one-quarter (SW¼SW¼) Section 6, Township 22 North, Range 4 West, Seward Meridian.

The holder of this Certificate of Appropriation shall:

1. Follow acceptable engineering standards in exercising the water right granted by this permit and certificate.
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 water right granted by this permit and certificate.
3. Comply with all applicable laws, regulations, and conditions.
4. Notify the grantor of any change of address, transfer of any real property identified in this permit and certificate, or proposed change in the water appropriation.
5. 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.
6. Notify the Division of any major well maintenance work performed and submit a report to this office within 45 days of completion that includes testing data, maintenance results, date when the well was shut down and restarted, static water level, name of contractor who performed the work and the dates of work.
7. Permanent decommissioning of any well must be in compliance with requirements of 18 AAC 80.015(e) and 11 AAC 93.140. Abandonment report shall be submitted to this office and DEC within 45 days of completion.
8. Per 11 AAC 05.260(e), no annual administrative service fee shall be assessed on this appropriation of water.

This water right is granted subject to the pertinent statutory provisions in AS 46.15 and Administrative Regulations in 11 AAC 93.

CERTIFICATE OF APPROPRIATION
LAS 33101

This Certificate of Appropriation is issued by authority of AS 46.15.080, AS 46.15.120, 11 AAC 93.120, and 11 AAC 93.130 on October 19, 2023.

APPROVED Henry Brooks
Henry Brooks
Natural Resource Manager

STATE OF ALASKA)
) ss.
3rd JUDICIAL DISTRICT)

This is to certify that on October 19, 2023, before me appeared Henry Brooks known by me to be the director or authorized representative of the Division of Mining, Land and Water, Department of Natural Resources, and acknowledged to me that this Certificate of Appropriation was voluntarily executed on behalf of the State of Alaska.

Carl S. [Signature]
Notary Public in and for the State of Alaska

With Office
My Commission Expires

After recording return to the Grantee:

Christina and Andrew Bentz
HC 89 Box 802
Willow AK 99688

State Business – No Charge

WATER USE ACT

ALASKA STATUTE 46.15

Sec. 46.15.140.

Abandonment, Forfeiture, and Reversion of Appropriation.

(a) The commissioner may declare an appropriation to be wholly or partially abandoned and revoke or amend the certificate of appropriation as to the unused quantity of water if an appropriator, with intention to abandon, does not make beneficial use of all or a part of the appropriated water.

(b) The commissioner may declare that an appropriator has wholly or partially forfeited an appropriation, and shall revoke the certificate of appropriation in whole or in part if the appropriator voluntarily fails or neglects, without sufficient cause, to make use of all or a part of the appropriated water for a period of five successive years. A person who has a permit to develop a use of water including but not limited to residential, agricultural, industrial, or mining use, but has not developed that property to the point of water use before permit expiration, may file a request for permit extension with the commissioner.

(c) Failure to use beneficially for five successive years all or part of the water granted in a certificate of appropriation raises a rebuttable presumption that the appropriator has abandoned or forfeited the right to use the unused quantity of water and shifts to the appropriator the burden to prove otherwise to the satisfaction of the commissioner.

(d) If the commissioner revokes a certificate in whole or in part, the portion of the certificate covered by the revocation reverts to the state and the water becomes unappropriated water.

Sec. 46.15.160.

Transfer and Change of Appropriations.

(a) The right to use water under an appropriation or permit shall be appurtenant to the land or place where it has been or is to be beneficially used, provided, that water supplied by one person to another person's property is not appurtenant to the property unless the parties so intend. An appurtenant water right shall pass with a conveyance of the land, or transfer, or by operation of law unless specifically exempted from the conveyance.

(b) With the permission of the commissioner, all or any part of an appropriation may be severed from the land to which it is appurtenant, may be sold, leased or transferred for other purposes or to other land and be made appurtenant to other land. A permit or certificate or a deed, lease, contract, assignment of permit or other instrument transferring an appropriation must be filed in the office of the commissioner and a certified copy of the instrument must be recorded in the recorder's office of the recording district in which the appropriation is located.

Revised (3/02)



State of Alaska

Water Rights

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