

STATE OF ALASKA

JAY S. HAMMOND, Governor

WATER RESOURCES BOARD

April 6, 1979

Commissioner Robert E. LeResche
Alaska Department of Natural Resources
Pouch M
Juneau, Alaska 99811

Dear Commissioner LeResche:

At the April 3-4, 1979 meeting of the Water Resources Board, the Board considered a proposed addition to the water management regulations (11 AAC 93.140) which would establish a confidentiality provision and process for certain water well logs. The proposed process would keep logs of certain exploratory wells confidential for a period not to exceed 24 months. This provision was drafted in response to a concern, expressed by water well contractors, that release of information on a developer's exploratory well may provide an inequitable competitive advantage if immediately released and made available to neighboring developers that share none of the risk or cost of the exploratory well.

The Board realizes that there are administrative problems inherent in providing a secure system and process for maintenance of confidential information. In addition, the Board expects that well logs that fall into this category would be a very small percentage of all the wells drilled in the state. Perhaps some classification other than "confidential" would be more appropriate yet still provide for a delayed release to the general public. The Board believes that circumstances will continue to occur where immediate release of such information would be unfair to those who may invest a substantial amount to obtain such data to aid in future investment decisions.

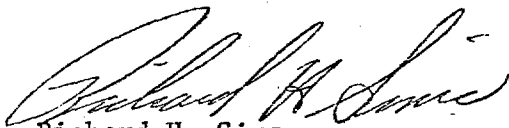
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Therefore, the Board unanimously supports the concept of the proposed addition to the water management regulations (draft copy attached) with the proviso that a clause be added which specifies that burden of proof of potential economic hardship be placed on the party requesting the use of a confidentiality or delayed release period. In addition, the term "exploratory well" should be defined and the department should develop a list of criteria to determine when delayed release is warranted and the appropriate period of time for which maintenance is necessary. The Board agrees with the concept that information on wells used for production of water should not be kept confidential.

Sincerely,



Richard H. Sims
Chairman

cc: Theodore G. Smith, Director
Forest, Land & Water Management

Ross Schaff, Director
Division of Geology & Geophysical Surveys

Water Resources Board Members

Governor Jay S. Hammond