

Alaska Interagency Water Rights Course No. 1730-26

October 24-28, 2016

Campbell Creek Science Center

Anchorage, Alaska

Target Audience: Managers and resource specialists who manage/need water for their programs (hydrologists, wild and scenic river managers, recreation planners, fisheries biologists, wildlife biologists, lands and realty specialists, etc.). Modules are open to any personnel who are interested, but some modules have a more targeted audience.

Course Prerequisite: All participants must complete on-line learning module entitled "Introduction to Water Rights," offered by BLM's National Training Center. The module is not state-specific, but instead, introduces students to basic water rights terminology and concepts.

Evaluations: Participants will be asked to complete a daily evaluation. The pre- and post-course on-line assessments will also be used to evaluate the effectiveness of the course.

Monday, October 24	
Day's Objective: Participants will understand how federal responsibilities fit into state water rights systems.	
Target Audience: All personnel listed in course audience description above	
12:00 - 12:45	Course Orientation Presenter: Jolene Tallsalt Robertson, NTC <ul style="list-style-type: none">• Course Logistics• Course Objectives• Introductions: Course Development Cadre, Participants in Course
12:45 - 1:00	Course Introduction: Why are water rights important in Alaska, where there is so much water and relatively little development? Presenter: Federal Lands Manager – John Trawicki, FWS
1:00 - 1:15	Break
1:15 - 2:15	Understanding Basic Concepts and Procedures of Alaska Water Law From the Perspective of a Federal Land Manager Presenter: Lin Fehlmann, BLM <ul style="list-style-type: none">• What is a water right and what does it look like in Alaska?• The Prior Appropriation Doctrine and how it is applied in Alaska• Types of water rights in Alaska• Processes for obtaining water rights in Alaska• Overview of administration of existing rights in Alaska
2:15 - 2:30	Break
2:30 - 3:30	Understanding Federal Reserved Water Rights Presenter: Roy Smith, BLM <ul style="list-style-type: none">• What is a federal reserved water right?• How the federal reserved rights concept started and evolved• What federal lands qualify for federal reserved water rights?• Characteristics of a federal reserved water right• How are federal reserved water rights claimed, adjudicated, protected, and exercised?• Federal reserved water rights created in Alaska by ANILCA

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	<ul style="list-style-type: none"> Key differences between federal reserved water rights and state appropriative water rights (including reservations of water)
3:30 - 3:45	Break
3:45 - 4:30	<p><i>Case Study With Moderated Question and Answer Session:</i> As a federal employee, what issues do I need to think about when developing a strategy for working within the Alaska water rights system?</p> <p>Moderators: Roy Smith, BLM and Lin Fehlmann, BLM</p> <p>Moderators will present a fictional case study that will be referred to throughout the course, and then ask participants what issues should be considered as part of developing a water rights strategy. Key issues will be captured on a flipchart.</p> <ul style="list-style-type: none"> Proposed development projects that will affect water quantity/quality Growing competition for water Opportunities for long-term protection and preservation Standards for management of aquatic habitats in Alaska vs. elsewhere Priority of water rights vs. other work loads Developing a consistent USDA/DOI approach to working within the Alaska water rights system, while respecting different agency purposes/missions.
4:30 - 4:45	<p><i>Daily Evaluation via Survey Monkey</i></p> <ul style="list-style-type: none"> Please do not logout of your computers until after you have taken the survey. Thank you!
<p align="center">Tuesday, October 25</p> <p><i>Day's Objective:</i> Participants will understand how Alaska water rights system works and be able to identify water rights procedures to meet specific land management objectives.</p> <p><i>Target Audience:</i> All personnel listed in course audience description above</p>	
8:00 - 8:15	Introduction to the Day's Objectives and Modules
8:15 - 10:00 (with 15 minute break)	<p><i>Alaska's State Appropriative System:</i></p> <p><i>What Do I Need To Do To Obtain A Right For Consumptive (and Non-Consumptive) Uses of Water?</i></p> <p>Presenter: Dave Schade, Alaska DNR</p> <ul style="list-style-type: none"> Effectively navigating the Alaska permit-certificate/authorization system – best practices and pitfalls Groundwater Use Permits to Appropriate-Certificates of Appropriation Surface water use Permits to Appropriate-Certificates of Appropriation Temporary Water Use Authorizations (TWUA, formerly TWUP) Uses that don't require a water right and/or temporary water use authorization Extensions

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	<ul style="list-style-type: none"> • Abandonment, forfeiture, and relinquishment • Changes/transfers of ownership/use for water rights and TWUAs • Alaska preference/priority for public water supply • Water rights for typical federal uses: administrative facilities, recreational facilities, constructed wildlife habitat structures, etc.
10:00 - 10:15	Break
10:15 - 11:30	<p><i>Alaska's State Appropriative System: What Do I Need To Do To Obtain A Right For a Reservation of Water?</i> Presenters: Kim Sager and Dave Schade, Alaska DNR</p> <ul style="list-style-type: none"> • Instream Flow Reservations • Reservations of Water For Lakes • Data and administrative requirements for instream flow reservations • State-allowed purposes for reservations of water, including sanitary and water quality • Water rights for a Federal Energy Regulatory Commission (FERC) project (consumptive right with minimum flow conditions vs. reservation of water) • How would federal reserved water rights for instream flows be claimed and adjudicated under Alaska procedures?
11:30 - 12:45	<p><i>Working Lunch: Accessing technical information on Alaska DNR internet sites</i> Presenter : Mike Walton, Alaska DNR (for interested participants only; will probably consume 30 minutes of lunch break)</p> <ul style="list-style-type: none"> • Searching for water rights data • Mapping tools • Alaska Hydrologic Survey information • Well Logs and Well Completion Data (WELTS Database)
12:45 - 2:00	<p><i>Moderated Question and Answer Session</i> Presenters: Dave Schade, Mike Walton, and Kim Sager, Alaska DNR Moderators: Roy Smith, Lin Fehlmann, Jolene Robertson</p> <ul style="list-style-type: none"> • Participants have opportunity to ask how water rights system applies to specific management situations
2:00 - 2:15	Break
2:15 - 2:45	<p><i>How can federal agencies be most productive working within the Alaska water rights system? A perspective from Alaska DNR</i> Presenter: Dave Schade, Alaska DNR</p> <ul style="list-style-type: none"> • Are any federal agency water uses at risk? • Typical strengths and weaknesses of federal water right applications/claims • Consistent contacts at each federal agency
2:45 - 3:00	Break
3:00 - 4:00	<p><i>Exercise: Identifying water rights tools that are available for a federal land management unit in Alaska. (Uses the fictional case study</i></p>

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	<i>presented earlier in course.)</i> Moderators: Roy Smith and Lin Fehlmann
4:00 - 4:15	<i>Daily Evaluation via Survey Monkey</i>
5:00 - 6:30	Mixer at hotel with course participants and Alaska DNR personnel
Wednesday, October 26 Agency Strategy Sessions and Technical Sessions Day's Objective: Students will be able to formulate water right applications and understand how to manage water rights as part of federal land management functions in Alaska. Target Audience: <ul style="list-style-type: none"> Sessions from 8:00 to 11:00 am - All personnel listed in course audience description above. Sessions from 11:00 am to 1:15 pm – All personnel who apply for water rights or who manage/maintain water rights Sessions from 1:30 to 4:30 pm – Lands/realty personnel and other specialists who apply for water rights and work on water-related lands/realty actions 	
8:00 - 8:15	Introduction to day's objective and modules
8:15 - 8:45	<i>Panel Discussion: Developing an agency-wide Water Rights Strategy: Scientific, Legal and Experiential Perspectives</i> Panel Facilitator: Roy Smith Panel Members: Federal agency water rights personnel from Alaska (at least one from each participating agency). Potential Issues To Be Discussed: <ul style="list-style-type: none"> Roles of legal counsel Most important water use threats facing federal agencies Most important water protection opportunities federal agencies should be addressing Recent water rights successes Getting agency leadership to support water rights work Strategies for convincing agencies to spend resources on water rights work, especially flow protection Vision for the future regarding water rights work
8:45 - 10:45 (with 10 minute break)	Federal Agency Break-Out Sessions Presenters: Participants will break up into groups organized by agency. Each agency will select a person to lead and facilitate their internal discussions. Each group will discuss the topics below: <ul style="list-style-type: none"> What is happening in the national arena for the agency regarding water and water rights issues Agency water rights status How water rights work is delegated and accomplished Prioritization of water rights work Water rights guidance and training
Technical Workshop #1 : Obtaining & Managing State Appropriative Water Rights	
11:00 - 11:30	<i>Field Data For Water Right Applications</i> – Inventory techniques,

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	inventory forms, data management, data standards for applications and statements of beneficial use. Presenter: Lin Fehlmann
11:30 - 12:45	Lunch
12:45 - 1:15	<i>Exercise: Generating a water right application for a federal facility in Alaska</i> Moderator: Lin Fehlmann
1:15 - 1:30	Break
1:30 - 2:15	<i>Land Use Authorizations on Federal Lands for Third Party Water Uses</i> Presenter: Roy Smith <ul style="list-style-type: none"> Given a proposed water diversion & conveyance facility on federal lands: <ul style="list-style-type: none"> Determine the legal authority & processes used to evaluate the facility and make an authorization decision Identify general types of operations terms & conditions that may be appropriate if facility is authorized Identify how federal agencies should participate in the water rights process for a proposed facility
2:15 - 2:30	Break
2:30 - 3:15	<i>Water Rights in Land Tenure Adjustments</i> Presenter: Lin Fehlmann <ul style="list-style-type: none"> Identify the steps and processes to address water rights issues in land tenure actions
3:15 - 3:30	Break
3:30 - 4:30	<i>Exercise: Water Rights in Lands Actions.</i> Students will consider water rights implications of lands actions, using the case study presented earlier. Moderators: Lin Fehlmann and Roy Smith
4:30 - 4:45	<i>Daily Evaluation via Survey Monkey</i>
Thursday, October 27	
<i>Day's Objective:</i> Participants will be able to understand how to obtain and manage state reservations of water as part of federal land management functions in Alaska.	
<i>Target Audience:</i> hydrologists, fisheries biologists, wild and scenic river managers	
Technical Workshop #2: Instream Flow and Lake Protection	
8:30 - 8:45	Introduction to day's modules and objectives
8:45 - 10:00	<i>Obtaining Instream Reservations: A Fish and Wildlife Service Case Study on the Uganik River</i> Presenters: Cathleen Flanagan, FWS and Kim Sager, Alaska DNR
10:00 - 10:15	Break
10:15 - 11:45	<i>Alaska Dept. of Fish & Game Perspective on Reservations of Water</i> (includes 60-minute presentation and 30-minute question and answer session) Presenter: Joe Klein, Alaska Fish and Game
11:45 - 1:00	<i>Sack or catered lunch on site; walking tour of Campbell Creek; exercise</i>

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	discussion of approaches to protect instream flow reservations
1:00 - 1:30	<i>DNR Technical Review Process for Reservation Applications</i> Presenter: Kim Sager, Alaska DNR
1:30 - 1:45	Break
1:45 - 3:15	<i>Evolution of Alaska's Reservation of Water Program and Future Challenges/Opportunities</i> (includes 60-minute presentation and 30-minute question and answer session) Presenter: Christopher Estes, retired Alaska Fish and Game
3:15 - 3:30	Break
3:30 - 4:30	<i>Panel: How can the state and feds best work together on instream flow reservations?</i> Facilitator: Roy Smith. Participants: Dave Schade, Kim Sager, Joe Klein, Christopher Estes, Cathy Flannagan, Alan Peck <ul style="list-style-type: none"> • Application review process • Supporting data for purposes claimed in application • Hydrologic data to support applications
4:30 - 4:45	<i>Daily Evaluation via Survey Monkey</i>
Friday, October 28	
<i>Day's Objective:</i> Participants will be able to apply new water rights process knowledge to on-the ground situations.	
<i>Target Audience:</i> All personnel listed in course audience description above.	
8:00 - 8:15	Introduction to day's modules and objectives
8:15 - 11:15 (with breaks as needed)	<i>Facilitated discussion/brainstorming of water rights issues and opportunities faced by course participants</i> Facilitator: Roy Smith
11:15 - 11:30	<i>Daily Evaluation via Survey Monkey</i>
11:30	End of Course