

APPLICATION TO CONSTRUCT AN INDIVIDUAL OR SHARED DOMESTIC ALLOWANCE

Mail form and payment to:

Flathead Reservation Office of the Water Engineer

PO Box 37

Ronan, MT 59864

For questions contact: contact@frwmb.gov or (406) 201-2532

Use this form to apply for authorization to construct an Individual or Shared Domestic Allowance as described in **Section 2-2-117** of the CSKT-MT Compact Unitary Administration and Management Ordinance (MCA 85-20-1902 and CSKT Ordinance 111-A).

Type: Individual and Shared Domestic Allowances
(For Development Domestic Allowances use Form 60DF(D) -part A)

Maximum Flow: 35 gallons per minute and

Maximum Volume: 2.4 acre-feet/year

Source: Groundwater

Filing Fee: **\$125.00** *Make checks payable to FRWMB.*

Read attached instructions **before** completing this form.
Incomplete or incorrectly filed forms may result in processing delays.

OFFICE of the ENGINEER USE ONLY

Water Right # _____ Basin _____

Date Rec'd _____

Time _____ AM / PM

Rec'd By _____

Payor _____

Amount Rec'd _____

Check # _____

Receipt # _____

Refund _____ Date _____

IMPORTANT

- **Approval must be received before drilling well(s) or developing spring(s), unless the well was drilled before June 1, 2022.**
- **Authorization to drill well or develop spring is valid for 365 days from the authorization letter date.**
- **Form 60DF-Part B must be submitted within 120 days of putting water to use.**
- **Within 30 days of receiving your completed application, you will be mailed either approval to construct your Domestic Allowance or additional instructions about your application.**

1. WATER RIGHT OWNER INFORMATION

Name(s) _____

Mailing Address _____

City _____ State _____ Zip _____

Cell/Home Phone _____ Email Address _____

2. PROPOSED DEVELOPMENT (Select one only)

Individual Domestic Allowance § 2-2-117 (4):

- Single well or developed spring for 1 home or business (can include outbuildings) AND
- Flow rate up to 35 gallons per minute and a volume of up to 2.4 acre-feet per year AND
- No more than 0.7 acres of lawn & garden.

Shared Domestic Allowance § 2-2-117 (5):

- Single well or developed spring for 2 or 3 homes/businesses (can include outbuildings) AND
- Flow rate of up to 35 gallons per minute and a volume of up to 2.4 acre-feet per year AND
- No more than 0.5 acres of lawn & garden for two homes or businesses and no more than 0.75 acres for three.
- **Must attach a copy of the proposed shared well agreement.**

3. WELL OR DEVELOPED SPRING CONSTRUCTION

a. Has the proposed development already been constructed? Yes No

b. If yes, provide the following information:

- Date well or developed spring was constructed: _____
- Date water was first put to use, if applicable: _____
- Include your Well Log, if applicable, which can be found online: <https://mbmaggwic.mtech.edu/>

4. PROPOSED SOURCE OF WATER SUPPLY

Well

Developed Spring (must be fully enclosed)

**Note: Pits, pit-dams, constructed ponds, and reservoirs are not permitted under Ordinance Section 2-2-117. Wells and developed springs must utilize well shaft casing to be fully enclosed.*

Please describe your proposed appropriation works (including description of anticipated well shaft casing).

5. COMBINATION OR SHARED DEVELOPMENT

a. Will this development be used in combination with another well or spring? Yes No

b. If yes, explain how the development will be used with existing points of diversion. Attach Map/Diagram if needed.

6. PURPOSE AND PERIOD OF USE: Complete all questions for each type of use that is proposed. **Domestic or Commercial:**

Number of homes supplied: _____ Number of businesses supplied: _____

Year-round use? Yes No If no, from _____ to _____, inclusive of each year.

 Lawn & Garden:

Total size of lawn & garden: _____ (length x width) OR _____ (acres)

Include only irrigated area. Do not include house footprint, driveway, graveled areas, etc.

April 1 – October 31 Yes No If no, from _____ to _____, inclusive of each year.

 Stock:

Number & type: (Ex: 10 Cows & 1 Horse) _____

Amount of water (volume) used per year: _____

Year-round use? Yes No If no, from _____ to _____, inclusive of each year.

Will the water be dispensed with a stock tank? Yes No

 Other: (Do not include purposes described above)

Describe the purpose and annual volume of the use: _____

Amount of water used _____ gallons per day Number of days used per year _____

Year-round use? Yes No If no, from _____ to _____, inclusive of each year.

7. PROPOSED POINT OF DIVERSION *leave fields blank if not applicable

Latitude: _____ Longitude: _____
 ___ 1/4 ___ 1/4 ___ 1/4 Section _____ Township _____ N S Range _____ E W
 County _____ Lot* _____ Block* _____ Subdivision Name* _____
 Tract No.* _____ COS/TSR No.* _____ Government Lot* _____
 Street Address, including City/State/Zip Code: _____

8. PROPOSED PLACE OF USE

a. Geocode of the place of use (17 digits): _____
If there are multiple places of use, list the geocode for each parcel on an attached sheet. Geocodes can be found in county records, tax statements, or at <http://svc.mt.gov/msl/mtcadastral/>.

b. Is the place where water will be used the same as the point of diversion? Yes No
 IF NO, enter the place of use land description below. If there is more than one place of use, please attach a separate sheet with additional land descriptions. *leave field blank if not applicable
 ___ 1/4 ___ 1/4 ___ 1/4 Section _____ Township _____ N S Range _____ E W
 County _____ Lot, Block* _____ Subdivision Name* _____
 Tract No.* _____ COS/TSR No.* _____ Government Lot* _____
 Street Address, including City/State/Zip Code: _____

9. MAP

Montana Cadastral aerial images can be used to help generate a map. (<http://svc.mt.gov/msl/mtcadastral/>)

A map must be submitted with the application and include the following marked and labeled:

- Property boundaries and ownership information
- Township, Range, and Section of the point of diversion and place of use
- All buildings on the property
- Boundaries of the proposed watered lawn and garden area
- Sewage facilities including septic tanks and drain fields within the property boundaries
- All wells within a 500-foot radius of the proposed well or spring
- Other well connections including conveyance, water right points of diversions, and surface water features

10. DECLARATION OF OWNERSHIP

I declare under penalty and perjury that the statements appearing here are, to the best of my knowledge, true and correct and affirm that I have possessory interest, or the written consent of the person with the possessory interest, in the point of diversion, place of use, and conveyance.

Applicant 1 Printed Name _____

Authorized Signature _____ **Date** _____

Applicant 2 Printed Name _____

Authorized Signature _____ **Date** _____

Applicant 3 Printed Name _____

Authorized Signature _____ **Date** _____

***Please note, you must submit ORIGINAL owner signatures, copies will not be accepted.

INSTRUCTIONS FOR APPLICATION FOR APPROVAL
TO CONSTRUCT A DOMESTIC ALLOWANCE

Qualifying Questions:

1. Has the development (well or developed spring) already been constructed?
 - If YES, proceed to Question 2.
 - If NO, skip to Question 4.
2. Did you put your water to use before September 17, 2021?
 - If yes, and you filed with DNRC before March 16, 2022, your information is recorded with DNRC, and your application will be processed when the Office of the Engineer becomes fully operational.
 - If yes, and you are a tribal member or allottee that wants to register your existing use as part of the Confederated Salish and Kootenai Tribes water right, you need to work with the Tribal Water Right Registration Office at (406) 675-2700 ext. 1161 before applying through for your registration with the Office of the Engineer.
 - If yes, and you did NOT file with DNRC before March 16, 2022, you can use this form so long as your total water use that constitutes an “exception to a permit” is 10 acre-feet or less and 35 gallons per minute or less and meet all the other criteria for Development Domestic Allowances set forth in the Ordinance (2-2-117).
 - If not, proceed to the next questions.
3. Are you planning to divert surface water (any water on the surface of the earth)?
 - If yes, this is not the correct form. Please contact the Office of the Engineer for information about your surface water source.
 - If not, and you are planning to divert groundwater, a well or developed spring is required for this form, proceed to the next questions.
4. Do you expect your use to exceed a flow rate of 35 gallons per minute or 10 acre-feet in volume per year?
 - If yes, this is not the correct form. Please contact the Office of the Engineer for information about your proposed uses.
 - If not, ensure you answered no to all preceding questions before proceeding with this form.
5. Are you proposing to supply water to more than three houses or businesses through this application?
 - If yes, this is not the correct form. The Development Allowance form has not been approved by the board. Please contact the Office of the Engineer for updates.
 - If not, ensure you answered no to all preceding questions before proceeding with this form.

Complete this form ONLY if you have determined this is the correct form to file.

1. Water Right Owner Information

- a. Enter the complete name of the person(s) to be listed as the water right owner(s), their mailing address, and a phone and email address. Applicants should match the title on the property. If the property is held in trust or incorporated, please provide proof (trust documents or titles of incorporation) that the applicant(s) signing the application is authorized by the trust or corporation.

2. Proposed Development

- a. Specify whether the well will be individual or shared
 - i. Note that the maximum size of lawn and garden allowed is dependent on whether the well is individual or shared
 - ii. If you are developing a primary home and a guest house and/or out buildings that will all be attached to the same well and located on the **same parcel**, it is considered an individual development.

3. Well or Developed Spring Construction

- a. Has the well or developed spring been constructed? If yes, provide the date of development and when the water was put to use if applicable.
 - i. A well log is required if the well has already been drilled.
 - ii. All wells must be constructed to the Montana Groundwater Diversion Standards adopted in the Unitary Administration and Management Ordinance (MCA 85-20-1902). (See Below)

4. Proposed Source of Water Supply

- a. Provide a description of proposed developments including the proposed casing details (diameter, casing material, etc.).

5. Combination or Shared Development

- a. Will this development be combined with another groundwater development? This means physically connected or manifold with or sharing the same well or developed spring as a point of diversion.
- b. If yes, describe all shared or associated developments, such as additional homes or businesses on the same development or previous water rights associated with the same development (provide water right number or abstract), and/or type of connections that exist. Provide an additional map if necessary.

6. Purpose and Period of Use

- a. Identify the number of homes and/or businesses attached to the development and check the purposes for which the water use is proposed.
- b. If the water is used during the months specified, check 'Yes'. If not, check 'No' and enter the months and days water is used each year.

7. Proposed Point of Diversion

- a. If the well has been drilled, latitude and longitude must be entered. Enter the land description for the location of the (proposed) groundwater development. Describe the location to the nearest 10 acres if possible.
- b. Legal land descriptions, subdivisions, geocodes, and certificate of survey information may be obtained from the county records, tax statements, or from the Montana Cadastral system at: <http://svc.mt.gov/msl/mtcadastral/>
- c. Subdivisions – In addition to the above description, enter the lot and block or tract number, subdivision name.
- d. Certificate of Survey - In addition to the land description, enter the survey number.
- e. Government Lots – In addition to the land description, enter the government lot number.
- f. Street or Road Address – Enter the physical address of the development including city, state, and zip code.

8. Proposed Place of Use

- a. Enter the geocode(s) of the place of use. Geocodes can be found in county records, tax statements, or at Montana Cadastral: <http://svc.mt.gov/msl/mtcadastral/>.
- b. If the place of use is generally the same as the point of diversion, check 'Yes' and proceed to Item 9.
- c. If not, check 'No' and continue with Item 8 (using instructions for Item 7) to describe the place of use

9. Map

- a. A map is required. Include all information required on the form. A good option for producing a map is to print out an image of your parcel from the Montana Cadastral (linked above) and draw features directly on the printed map that includes your property boundaries.

10. Declaration of ownership

- a. All owners of record at the place of use, point of diversion, and conveyance must sign the application and attest that the statements on the form are true and correct.

**Montana Groundwater Diversion Standards adopted in the
Unitary Administration and Management Ordinance (MCA 85-20-1902)**

1. Wells:

- a. Persons that drill, make, or construct wells, including monitoring wells, on the Reservation shall comply with Title 37 Chapter 43, MCA, and ARM 36 Chapter 21 licensing, conduct, and regulatory requirements, or any successor provisions promulgated in State law.
- b. all well construction on the Flathead Reservation shall meet the standards set forth in ARM 36 Chapter 21, or any successor provisions promulgated in State law.
- c. construction and operations of all wells must comply with all applicable federal, State, Tribal, and local environmental regulations.

2. Developed Springs:

- a. all Developed Spring collection components, including but not limited to infiltration galleries, infiltration basins, and French drains, shall be installed and buried under the surface of the ground.
- b. all means of storage and conveyance, including but not limited to supply pipes, cisterns, and pump housings, shall be sealed and made impervious to water and designed in a manner that protects the source from backflow and surface contamination.
- c. open pits, ponds, or excavations shall not be used as a means of diversion for Developed Springs.
- d. construction and operation of all Developed Springs must comply with all applicable federal, State, Tribal, and local environmental regulations.

3. Aquifer injection is not allowed except when used exclusively for Heating/Cooling Exchange Wells.