



July 14, 2022

To: Flathead Reservation Water Management Board & DNRC Compact Implementation Program

From: CSKT Compact Implementation Team

Re: Meeting request re: data format for registering existing use of the Tribal Water Right

The water rights of the Confederated Salish Kootenai Tribes quantified in the CSKT-MT Water Rights Compact include existing use of the Tribal Water Right by the Tribes, their members and allottees (III.C.1.b). To be valid and enforceable existing use that falls under the terms of the Unitary Administration and Management Ordinance (UMO) at 2-1-101 must be registered with the Water Management Board within five (5) years of the Compact Effective Date pursuant to the process at 2-1-102.

Additionally, the Water Management Board is required to cause all water rights within the Flathead Reservation, including those uses registered pursuant to the UMO 2-1-101 through 2-1-107 to be entered into the DNRC water rights database in a format agreed to by the Board and the DNRC (UMO 1-1-108).

The Tribes' intent is to file registration products consistent with what was provided to DNRC for the litigation water rights claims filed by the Tribes in 2015. Intended registration products include:

- A completed registration form for each Existing Use designed around the information required for registering an Existing Use (UMO 2-1-102.1.a. through 2-1-102.1.j.). Registration forms will be provided to the Board and the DNRC in pdf format. Form REU-F is attached.
- A Microsoft Excel workbook (XLSX) for each Existing Use category that includes the pertinent data utilizing the template approved by the CSKT and DNRC for the water rights claims.
- An ArcGIS database for each Existing Use category that contains the places of use, points of diversion, ditches, reservoirs, and other necessary information to demonstrate the movement, storage or application of water.

The Tribes need to verify that the data the Tribes will be providing to the Board and the DNRC is consistent with what was provided previously through the "upload spreadsheet" and associated GIS data. Specifically we have the following questions:

- For the filed water rights claims, five spreadsheets of data were provided:
 - Versions

- Purpose & POU
- Point of Diversions
- Reservoirs
- Remarks

Will these be the same spreadsheets required for the Existing Use registrations? (A spreadsheet for owner information may need to be added). The litigation claims included a FlowRateSchedule spreadsheet (Instream Flows?) but we assume that it will not be needed for Existing Uses? The elements of each spreadsheet will need to be reviewed with DNRC as some elements identified for the Compact Claims may be different for the Existing Uses. (DOWL has made some modifications to the spreadsheets and need confirmation from DNRC).

- Owner information will also be provided with the Existing Use registrations and we need to know what format to provide it in and whether it will be a separate spreadsheet.
- Confirm GIS format with DNRC
 - What coordinate system should we be using for the GIS to be compatible with DNRC? The Compact claims data was provided in State Plane NAD83 Meters. (ArcGIS NAD_1983_StatePlane_Montana_FIPS_2500 - Meters)
 - The GIS is not mentioned in the Compact Claims Procedures Manual because it wasn't provided until a later date.

The Litigation Claims Procedures Manual contained the following description:

ArcGIS Personal Geodatabase Template

All of the tables from the DNRC Excel Submittal Workbook are duplicated in the corresponding ArcGIS Personal Geodatabase for each claim category. The spatial data is included as one or more feature classes for each claim category as described in the Sections below. Sample Metadata for each feature class is included in Appendix D.

In addition to confirming the coordinate system, we may need to discuss the format, elements, and metadata of the GIS data to be provided.

2. It's our understanding that the cadastral grid (Township, Range, Section, ¼ Sec, and ¼ -¼) used for the legal descriptions of the compact claims were generated by DNRC using a particular gridding process. Can we coordinate with the DNRC on their process to ensure consistency?
3. Is there a series of water right numbers and Sequence ID numbers set aside for the CSKT Existing Use Registrations?

Verification of the data the Tribes will be providing to the Board and DNRC to register existing use of the Tribal Water Right is a critical path task of the Tribes' registration work plan and as such determines the scope and timing of subsequent tasks. Coupled with the ongoing DNRC water rights database enhancements we perceive the issue is time-sensitive. Therefor the Tribes propose the parties meet to coordinate and verify the data format required by the DNRC's enhanced water rights database.

The Tribal team is available the week of August 15th. Mary Price – CSKT Compact Implementation Team will coordinate with you on setting up a meeting.

**REGISTRATION OF EXISTING USES OF
TRIBAL WATER RIGHT APPLICATION**

Use for filing existing uses of water of the Reservation which are part of the Tribal Water Right.

Check all appropriate boxes and fill in each blank. If more space is needed, attach properly labeled additional information. To avoid processing delays, submit all required information.

Completion # _____ Basin _____

Priority Date July 16, 1855

Time _____ AM / PM

Rec'd By _____

Fee Rec'd N/A Check # N/ARefund N/A Date _____

File this form within 5 years of the Effective Date (or no later than September 17, 2026).

1. NAME OF APPLICANT _____

Mailing Address _____
 City / Town _____ State _____ Zip _____
 Cell Phone _____ Work Phone _____ Home Phone _____

2. SOURCE OF WATER SUPPLY

GROUNDWATER

☐ Well (attach well log) ☐ Developed Spring ☐ Pit/Pond

SURFACE WATER

☐ Stream ☐ Undeveloped Spring ☐ Lake/Reservoir

Source Name _____

Unnamed Source Tributary to _____

OTHER SOURCE _____

3. POINT OF DIVERSION Describe the location to the nearest 10 acres. Include a map showing location of diversion and place of use.

(a) _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____ Latitude _____ Longitude _____

(b) _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____ Latitude _____ Longitude _____

4. MEANS OF DIVERSION

☐ Headgate ☐ Pump
☐ Pipeline _____ Rated Capacity (GPM or CFS)
☐ Dam / Pit _____ Horsepower
☐ Other _____ Lift in Feet

5. RESERVOIR INFORMATION ☐ Not Applicable

Name (if any) _____

☐ On-stream -or- ☐ Off-stream

Location of impoundment structure (dam or pit): Describe the location where the pit or dam crosses the source.

_____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

PIT: surface area _____ acres X maximum depth _____ feet X 0.5 = _____ capacity in acre-feet

DAM: surface area _____ acres X maximum depth _____ feet X 0.4 = _____ capacity in acre-feet

6. **PERIOD OF DIVERSION** The period during the year when the water will be diverted, impounded, or withdrawn from the source.
(month/day) _____ to (month/day) _____

7. **PURPOSE OF USE** Check the boxes that pertain to your development.

- ☐ Domestic Number of Homes Supplied _____
- ☐ Lawn & Garden Maximum size: acres _____ -or- length _____ ft width _____ ft
- ☐ Stock Maximum Number and Type _____
- ☐ Irrigation
- ☐ Sprinkler (type) _____
- ☐ Flood (explanation) _____
- ☐ Other _____
- ☐ Other Purpose _____

8. **FLOW RATE, VOLUME, PURPOSE OF USE, AND PERIOD OF USE**

_____ (cfs/gpm) up to _____ acre-feet for _____ purpose (month/day) _____ to (month/day) _____

_____ (cfs/gpm) up to _____ acre-feet for _____ purpose (month/day) _____ to (month/day) _____

_____ (cfs/gpm) up to _____ acre-feet for _____ purpose (month/day) _____ to (month/day) _____

Total Amount Requested _____ (cfs/gpm) up to _____ acre-feet per year

9. **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. The geocodes can be found at the County Clerk and Records Office or by visiting <http://gis.mt.gov/>.

(b) **Irrigation / Lawn & Garden**

Total Acres _____ County _____ Subdivision Name _____

_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W

_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W

_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W

_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W

(c) **Non-Irrigation**

(i) Purpose of Use _____ Place of use same as Point of Diversion, **CHECK** ☐
_____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____
Lot _____ Block _____ Tract # _____ Government Lot _____

(ii) Purpose of Use _____ Place of use same as Point of Diversion, **CHECK** ☐
_____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____
Lot _____ Block _____ Tract # _____ Government Lot _____

10. **AFFIDAVIT**

I affirm the information provided for this Notice of Completion is to the best of my knowledge true and correct.

Applicant's Signature _____ Date _____

Applicant's Signature _____ Date _____

To use the REU-F Form, all of the following must apply.

- ✓ The applicant is a CSKT Tribal Member or an allottee.
 - an allottee is an individual who holds a beneficial real property interest in an allotment of Indian lands located on the Flathead Reservation that is held in trust by the United States
- ✓ The water must have been put to use for the purpose(s) identified before September 17, 2021.
- ✓ The applicant does not hold a state-based water right for the same water use.

INSTRUCTIONS

Item 1. Enter the complete name and contact information of the Tribal member or allottee completing the form.

Item 2. Check the source for your water use. Attach a copy of the well log if it is available. Additional forms may be submitted for each separate development or source.

Item 3. Enter the legal land description for the point of diversion. Describe the location to the nearest 10 acres. A map should be submitted with this form should include the following: North Arrow, Section, Township, Range, and an X where the development is located.

Item 4. Choose the means used to divert water from the source.

Item 5. If the source is “Groundwater: Pit/Pond” (Item 2) enter whether it is on-stream or off-stream and the information about the location and capacity of the impoundment. Use the formula with current measurements of the pit or dam, or attach an NRCS or other engineered “As Built” survey. Maximum depth equals dam height as measured from the toe of downstream side of the dam minus freeboard. Round numbers to one decimal place.

Item 6. The period of diversion will be year round or seasonal use (for example, Apr. 15 - Oct. 15).

Item 7. Check the purpose(s) for which the water is being used.

Item 8. Enter the flow rate, volume and period of use for each purpose marked in Item 7.

- Flow Rate (cfs or gpm): The flow rate is the rate at which water has been diverted, impounded, or withdrawn from the Source. Flow rates less than one cubic foot/second (cfs) can be expressed in gallons/minute (gpm).
- Volume (acre-feet): The volume is the amount of water diverted from the source over the year and measured in acre-feet.
- Purpose: Complete one line for each purpose checked in Item 7.
- Period of Use: The period of use will be year round or seasonal for each use.

Item 9. Enter the place(s) of use:

- Geocode(s): enter the geocode if Montana Cadastral shows the geocode for your property (and not as a part of a larger parcel that is held in trust by the United States). Find geocodes/property records at: <https://gis.mt.gov/>
- Irrigation/Lawn & Garden: complete legal land description for the place(s) of use.
- Non-Irrigation: if the place of use is generally the same as the point of diversion check the box and proceed to Item 10. If not, complete legal land description for the place of use.

Item 10. If the statements are correct, sign and date the form.

RETURN COMPLETED FORMS TO:	FOR ASSISTANCE WITH THIS FORM CALL:
Tribal Water Right Registration Office PO Box 278, Pablo MT 59865	Tribal Water Rights Registration Office (406) 675-2700 ext. 1161

All water uses developed after the Effective Date of September 17, 2021, must be filed directly with the Flathead Reservation Water Management Board on post-Effective Date application forms.