

**FLATHEAD RESERVATION WATER MANAGEMENT BOARD
AND THE OFFICE OF THE WATER ENGINEER**

WATER POLICIES & PROCEDURES



THE BOARD APPROVED THE FOLLOWING FRWMB WATER POLICIES & PROCEDURES (WP&P) FOR A 15-DAY PUBLIC COMMENT PERIOD STARTING ON **OCTOBER 9, 2025**. COMMENTS MUST BE RECEIVED OR POSTMARKED BY **5:00 PM OCTOBER 24**. THESE DRAFT POLICIES INCLUDE:

- **WP&P22-101(2) NEW SUBSECTION: Permits and Changes. Replacement POD.**

INTRODUCTION

The Water Policy & Procedures (“WP&P” or “Procedures”) are created by the Flathead Reservation Water Management Board (“FRWMB” or “Board”) and the Office of the Water Engineer (“OE”) to specify and clarify details relating to water administration for the achievement and implementation of the Unitary Administration and Management Ordinance (“UAMO” or “Ordinance”). These Procedures, and amendments thereof, shall be published by the OE on the FRWMB website (www.frwmb.gov).

The FRWMB has the authority to develop and promulgate these Procedures pursuant to the Confederated Salish and Kootenai Tribes (CSKT)—Montana (MT) Water Compact (Compact):

Compact Article IV.I.5.a: Powers and Duties.

a. In General. The Board shall have the power to promulgate procedures, prescribe forms, develop additional materials, and implement amendments thereto as may be necessary and proper to exercise its jurisdiction and carry out its assigned functions under this Compact and the Law of Administration. A set of forms for initial use by the Board in the implementation of the Law of Administration is attached hereto as Appendix 10-1. The Board may amend these forms at its discretion. Such modifications are pursuant to, and shall not be deemed an amendment of, this Compact.

The Board shall promulgate the Procedures through public meetings of the Board. These meetings shall be open to the observation of the general public pursuant to the Compact, Ordinance, and Policies of the Board. Where there is a conflict of laws, the law that provides for greater openness to the public applies. The Board shall notice the public of any scheduled drafting workshops in the creation of these Procedures and shall encourage the participation of the public through public comment, to be considered by the Board at the next scheduled Board meeting. The Board shall not approve any portion of these Procedures until public comment has been solicited.

These Procedures are intended to clarify and supplement details into the implementation of the Ordinance and the administration of water within the exterior boundaries of the Reservation. In the event that these Procedures conflict with the Ordinance or the Compact, the language of the Ordinance or the Compact shall control.

This document is intended to track the organization of the Ordinance for purposes of easy referencing to sections of the Ordinance for which the procedural clarification is intended to elucidate; 100 is added to each Ordinance section directly referenced with less direct sections added before and after.

FRWMB Water Policies & Procedures

WP&P 22-101(2). [NEW] Appropriation Rights and Change in Use authorizations on the Reservation..... 3

WP&P 22-101(2). [NEW] Appropriation Rights and Change in Use authorizations on the Reservation.

- 2) Replacement Point of Diversion: Before replacing a surface water Point of Diversion, a water user must file a Request for a Replacement Point of Diversion form (Form 644F). All information requested by form 644F must be correct and complete before the OE may approve the request. Upon receipt, the OE has 45 days from receiving and date stamping to review the request but may extend the review period up to 60 days. If the request has deficiencies, the OE will send a defect letter that itemizes the defects the applicant must address. The applicant has thirty (30) calendar days from the date of the letter to respond. If the applicant requests additional time, the OE, may allow up to six (6) months in which to respond to defects. If the applicant is unable to attain OE approval for a request to move a point of diversion, the action is not permissible.

If the OE determines a 644F request to be outside the parameters of what is allowed under this section and Form 644F, the applicant may alternatively be required by the OE to submit and receive approval for a 606F Change Authorization Request before replacing the POD.