# Request to Replace a Point of Diversion

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 request authorization to replace a **surface water point of diversion (POD)** that has been replaced. You must receive authorization from the Office of the Engineer before replacing your POD.

Attach additional sheets if needed to explain information.

**Filing Fee: $400** **Make checks payable to **FRWMB***

**OFFICE USE ONLY**

Date Rec'd_____
Rec'd By_____
Payor_____
Amount Rec'd_____
Check # _____
Receipt #_____

### IMPORTANT

Within 45 days of receiving your request, you will be mailed either Approval to Replace your Surface Water Point of Diversion or additional instructions about your application; the Office of the Engineer may extend this deadline to 60 days if additional time is needed to review your request.

**1. WATER RIGHT OWNER INFORMATION**

Name(s)_____
Mailing Address _____
City _____ State _____ Zip _____
Cell/Home Phone _____ Email Address _____

**2. WATER RIGHT NUMBER(S):**

a. Water Right # _____ Geocode_____
Water Right # _____ Geocode_____
Water Right # _____ Geocode_____

b. Please attach a water right abstract of the existing water right(s).

c. What type of change is being made to this water right? If more than the Point of Diversion is checked, this form cannot be used:

☐ Point of Diversion ☐ Place of Use ☐ Purpose of Use ☐ Place of storage

d. Is the method of irrigation changing? ☐ Yes ☐ No

**3. DATE REPLACEMENT OF POD IS PLANNED TO BE REPLACED:** _____

## 4. DIVERSION INFORMATION

e. Has the old POD been used within 10 years prior to this notice? ☐ Yes ☐ No

i. If yes, attach supporting documentation such as dated pictures, affidavits, or power records.

f. Are the new and old means of diversion the same? ☐ Yes ☐ No

i. If no, explain.

g. Will the new and old PODs be diverted from the same surface water source? ☐ Yes ☐ No

h. Will the new POD be located as close as reasonably practicable to the old diversion? ☐ Yes ☐ No

i. Explain.

i. Is the old POD rendered inoperable due to natural causes or structure deterioration?

☐ Yes ☐ No If no, explain why it cannot be used.

j. Identify all water users using the old POD and explain if they will also be moved to the new POD.

k. Old diversion capacity: _____GPM/CFS (circle one)

New diversion capacity: _____GPM/CFS (circle one)

l. Where will the proposed new POD be located? Approximately _____ feet upstream/downstream (circle one) from the old POD.

m. Identify the proposed new POD Location:

Latitude: _____ Longitude: _____
____ ¼ ____ ¼ ____ ¼ 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 _____
Geocode _____

n. Explain why the change in point of diversion will not increase access to the amount of water that was historically available and not increase the amount of water diverted, used, or consumed:

_____
_____
_____
_____

**5. INTERVENING WATER RIGHT HOLDERS AND WAIVERS**

a. Are there any intervening points of diversion between the old POD and the replacement POD other than one you own? You need to also include instream flow diversions for water reservations, fisheries, or mitigation. ☐ Yes ☐ No

i. If yes, list the intervening water rights and owners. If no, go to section 6.

_____ _____ _____
_____ _____ _____
_____ _____ _____
_____ _____ _____

b. You must provide a notarized waiver from all intervening water right holders listed above.

**6. MAP –**Montana Cadastral aerial images can be used to help generate a map (*http://svc.mt.gov/msl/mtcadastral/*)

**The map should include all of the following information associated with your request:**

☐ Property boundaries and ownership information;
☐ Township, Range, and Section of the **OLD** point of diversion and **NEW** point of diversion, and place of use;
☐ Precise location of the **OLD** point of diversion and **NEW** point of diversion;
☐ All places of use identified with the means of conveyance drawn on the map;
☐ All surface water features and ditches served by the POD

☐ All POD's identified in Section 5a above.

**7. SIGNATURE OF PETITIONER(S)**

I declare under penalty of 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 possessory interest, in the point of diversion, place of use, and conveyance.

**Applicant 1 Printed Name:** _____

**Applicant 1 Signature:** _____ **Date:** _____

**Applicant 2 Printed Name:** _____

**Applicant 2 Signature:** _____ **Date:** _____

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