

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.

OFFICE USE ONLY

Attach additional sheets if needed to explain information.

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

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.

Date Rec'd _____
 Rec'd By _____
 Payor _____
 Amount Rec'd _____
 Check # _____
 Receipt # _____

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: _____
 _____ 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 _____
 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. ***

