

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

WATER POLICIES & PROCEDURES (WP&P)



THE BOARD APPROVED THE FOLLOWING FRWMB WATER POLICIES & PROCEDURES (WP&P) FOR A 15-DAY PUBLIC COMMENT PERIOD STARTING ON **DECEMBER 17, 2025**. COMMENTS MUST BE RECEIVED OR POSTMARKED BY **5:00 PM JANUARY 1**. THESE DRAFT POLICIES INCLUDE:

- WP&P 21-107(4) UPDATED SUBSECTION: State-based Registrations, Pre-1973 Uses

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 37. 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

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WP&P 21-107. Process for Registration of Certain Other Previously Unrecorded Existing Uses.

4) Adequacy of State-based Registrations - Pre-1973 filings under Ordinance 2-1-106(1):
Registrations under this section are limited to uses whose first use predates July 1, 1973 and the use is one of the following:

- Surface Water, direct from source, purposed for stock;
- Groundwater purposed for single domestic (**one (1) Home**) that may include lawn and garden **not to exceed five (5) acres in total size**; or
- Groundwater purposed for stock.

When the OE cannot confirm pre-1973 use, it will issue a letter of defect and require substantial evidence of the pre-1973 use that may include, but is not limited to, affidavit from a pre-1973 water user corroborating the use, additional pre-1973 photographic information, and/or additional pre-1973 written documentation corroborating the use.