

# APPLICATION TO CONSTRUCT STOCK WATER ALLOWANCE

Mail form and payment to:

## Flathead Reservation Office of the Water Engineer

PO Box 37

Ronan, MT 59864

For questions contact: [contact@frwmb.gov](mailto:contact@frwmb.gov) or (406) 201-2532

*Use this form to apply for authorization to construct a stock water allowance as described in **Section 2-2-116** of the CSKT-MT Compact Unitary Administration and Management Ordinance (MCA 85-20-1902 and CSKT Ordinance 111-A).*

**TYPE:** Stock Water Well, Stock Water Pit, and Stock Water Tank Served by Surface Water Allowances

**WELL (OR DEVELOPED SPRING) ALLOWANCE:**

**Maximum Diverted Flow:** 35 gallons per minute

**Maximum Volume:** 2.4 acre-feet/year

**Source:** Groundwater

\*Must be dispensed in a Stock Tank

**PIT ALLOWANCE:**

**Capacity:** 5 acre-feet or less

**Maximum annual volume:** 10 acre-feet or less

**Source:** Groundwater seepage, or non-perennial stream

**SURFACE WATER ALLOWANCE:**

**Maximum Diverted Flow:** 10 gallons per minute and

**Maximum Volume:** 2.4 acre-feet/year

**Source:** perennial or non-perennial stream

\*Must be dispensed in a Stock Tank

**Filing Fee: \$125.00** *Make checks payable to FRWMB.*

Read attached instructions **before** completing this form.  
Incomplete or incorrectly filed forms may result in processing delays.

**OFFICE of the ENGINEER USE ONLY**

Water Right # \_\_\_\_\_ Basin \_\_\_\_\_

Date Rec'd \_\_\_\_\_

Time \_\_\_\_\_ AM / PM

Rec'd By \_\_\_\_\_

Payor \_\_\_\_\_

Amount Rec'd \_\_\_\_\_

Check # \_\_\_\_\_

Receipt # \_\_\_\_\_

Refund \_\_\_\_\_ Date \_\_\_\_\_

### IMPORTANT

- **This form must be approved before constructing or developing stock water.**
- **Authorization to construct is valid for 365 days from the authorization letter date.**
- **Form 60SA-Part B must be submitted within 120 days of putting water to use.**
- **Within 30 days of receiving your completed application, you will be mailed either approval to construct your Stock Water Allowance or additional instructions about your application.**

**1. WATER RIGHT OWNER INFORMATION**

Name(s) \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Cell/Home Phone \_\_\_\_\_ Email Address \_\_\_\_\_

**2. PROPOSED DEVELOPMENT**

- Stock Well (or Developed Spring) Allowance § 2-2-116 (5):
- The well construction complies with the requirements of Section 1-1-111 *CSKT-MT Compact Unitary Administration and Management Ordinance*;
  - Maximum flow rate is 35 gallons per minute or less;
  - Maximum annual diverted volume is 2.4 acre-feet or less;
  - Means of diversion is a single well or developed spring;
  - Well is not physically connected to a home or business;
  - Means of diversion includes well shaft casing; and
  - Stock water use associated with the appropriation is dispensed using stock tanks.
  - If your stock water is sourced from a developed spring, you must construct a fence to exclude stock from the developed spring to protect the point of diversion.
- Stock Water Pit Allowance § 2-2-116 (6):
- Capacity of the stock water pit is 5 acre-feet or less;
  - Maximum annual appropriated volume is 10 acre-feet or less;
  - Stock water pit allowance is sourced from groundwater seepage, a non-perennial stream, or both, ditches or pipelines are not permitted to fill a stock water pit.
  - Stock water pit allowance is constructed on and accessible to a parcel of land 40 acres or larger and owned or under control of the applicant; and
  - Construction of the means of diversion complies with Tribal Ordinance 87(A) (Aquatic Lands Conservation Ordinance).
- Stock Water Tank Served by Surface Water Allowance § 2-2-116 (7):
- Maximum flow rate is 10 gallons per minute or less;
  - Combined maximum annual diverted volume is 2.4 acre-feet or less;
  - Sourced from a perennial or non-perennial stream;
  - Means of conveyance is a fully contained pipe or hose. Open ditch conveyance is not allowed;
  - Construction of the means of diversion complies with Tribal Ordinance 87(A) (Aquatic Lands Conservation Ordinance); and
  - Stock Water associated with the appropriation is dispensed using one or more stock tanks;

**3. DATE OF CONSTRUCTION**

- Has the proposed development already been constructed?  Yes  No
- If yes, provide the following information:
  - Date of construction: \_\_\_\_\_
  - Date water was first put to use, if applicable: \_\_\_\_\_
  - Include a well log, if applicable, which can be found online: <https://mbmaggwic.mtech.edu/>

**4. PROPOSED SOURCE OF WATER SUPPLY**

- Well
- Developed spring (must be fully enclosed)
- Non-perennial stream, Name: \_\_\_\_\_, Tributary to: \_\_\_\_\_ (for stock water pits/tanks only)
- Perennial stream, Name: \_\_\_\_\_, Tributary to: \_\_\_\_\_ (for stock water served by surface water)
- Other: \_\_\_\_\_

**5. COMBINATION OR SHARED DEVELOPMENT**

- If this stock allowance is shared by multiple land parcels, a shared well agreement is required and must be submitted with this application. A shared well agreement can be used for pits and surface water sources.
- Will this development be used in combination with another water source?  Yes  No
- If yes, explain how the development will be used with existing points of diversion. Attach a map or diagram if needed. \_\_\_\_\_

**6. CONSTRUCTION DETAILS AND DESCRIPTION OF USE**

a. Please describe your proposed appropriation works including the following, as appropriate:

Wells – casing size, estimated well depth, flow rate, Stock Tank capacity, and specifications of the water level regulator/shutoff.

Pit – means of construction, surface area, maximum depth, and capacity of pit excavation.

Stock Water Tank Served by Surface Water – Stock Tank capacity, means of surface water diversion, flow rate, specifications of the fully contained pipe or hose, and specifications of the water level regulator/shutoff.

Attach drawings, specific information, receipts, etc, to help describe the information requested.

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b. Number & type of stock : (Ex: 40 cows & 300 chickens)

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Amount of water (volume) used per year \_\_\_\_\_

Will the water be dispensed with a stock tank?  Yes  other \_\_\_\_\_

Year-round use?  Yes  No If no, from \_\_\_\_\_ to \_\_\_\_\_ inclusive of each year.

c. Pit capacity & appropriation (only if applying for stock water pit allowance)

(surface area \_\_\_\_\_ acres) X (maximum depth \_\_\_\_\_ feet) X 0.5 = \_\_\_\_\_ capacity in acre-feet

(capacity \_\_\_\_\_ acre-feet) X (number of fills/ season \_\_\_\_\_) = \_\_\_\_\_ acre-feet

**7. PROPOSED POINT OF DIVERSION**

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 \_\_\_\_\_

**8. PROPOSED PLACE OF USE**

**Geocode** of the proposed place of use (17 digits) \_\_\_\_\_

*If there are multiple places of use, list the geocode for each parcel on an attached sheet. Geocodes can be found in county records, tax statements, or at <http://svc.mt.gov/msl/mtcadastral/>.*

Is the place where water will be used the same as the point of diversion?  Yes  No

IF NO, enter the place of use land description below. If there is more than one place of use, please attach a separate sheet with additional land descriptions. \* *leave field blank if not applicable*

\_\_\_\_\_ 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 \_\_\_\_\_

**9. MAP**

Montana Cadastral aerial images can be used to help generate a map.

(<http://svc.mt.gov/msl/mtcadastral/>)

A map must be submitted with the application and include the following marked and labeled:

- Property boundaries and ownership information with a minimum radius of 500 feet of the proposed stock water allowance development
- Township, Range, and Section of the point of diversion and place of use
- The location of all proposed stock water allowance developments; well(s), Pits and Stock Tanks including purpose of each, including Latitude and Longitude in decimal degrees.
- The location of stock tanks
- The entire property boundaries where the Stock Water Allowance development is proposed
- Buildings on the site, including identification of Well connections
- All wells within a 500-foot radius of the proposed stock water allowance development
- Other well connections including conveyance, water right points of diversions, and surface water features

**10. DECLARATION OF OWNERSHIP \*ORIGINAL owner signatures, copies will not be accepted.**

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

**Applicant 1 Printed Name** \_\_\_\_\_

**Authorized Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Applicant 2 Printed Name** \_\_\_\_\_

**Authorized Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Applicant 3 Printed Name** \_\_\_\_\_

**Authorized Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Applicant 4 Printed Name** \_\_\_\_\_

**Authorized Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**QUALIFYING QUESTIONS FOR APPLICATION FOR  
APPROVAL TO CONSTRUCT A STOCK WATER ALLOWANCE**

1. Has the stock water allowance already been constructed?
  - If **NO**, skip to question 4.
  - If **YES**,
2. Did you put your water to use before September 17, 2021?
  - If **YES**, and you filed with DNRC before March 16, 2022, your information is recorded with DNRC, and your application will be processed when the Office of the Engineer becomes fully operational. You do not need to file again.
  - If **YES**, and you are a tribal member or allottee that wants to register your existing use as part of the Confederated Salish and Kootenai Tribes water right, you need to work with the Tribal Water Right Registration Office at (406) 675-2700 ext. 1161 before applying through for your registration with the Office of the Engineer.
  - If **YES**, and you did NOT file with DNRC by March 16, 2022, you can use this form so long as your total water use that constitutes an “exception to a permit” meets all the other criteria for Stock Water Allowances set forth in the Ordinance (2-2-116).
  - If **NO**, proceed to Question 3.
3. Was this stock water allowance constructed after June 1, 2022, and before today’s date?
  - If **YES**, please contact the Office of the Engineer for further information.
4. Do you expect your Well to exceed a flow rate of 35 gallons per minute or 2.4 acre-feet in volume per year, or your pit to exceed a volume of 5 acre-feet and an appropriated volume of 10 acre-feet per year, or your surface water serving a stock tank to exceed 10 gallons per minute or a volume of 2.4 acre-feet in volume per year?
  - If **YES**, this is not the correct form. Please contact the Office of the Engineer for information about your proposed uses.
5. Do you plan to attach the proposed development to a home or business?
  - If **YES**, this is not the correct form. Please contact the Office of the Engineer for information

**Complete this form ONLY if you have determined this is the correct form to file.**

about your proposed uses.

**INSTRUCTIONS FOR APPLICATION FOR APPROVAL  
TO CONSTRUCT A STOCK WATER ALLOWANCE**

**1. Water Right Owner Information**

- a. Enter the complete name of the person(s) to be listed as the water right owner(s), their mailing address, and a phone and email address. Applicants should match the title on the property. If the property is held in trust or incorporated, please provide proof (trust documents or titles of incorporation) that the applicant(s) signing the application is authorized by the trust or corporation.

**2. Proposed Development**

- a. Specify what type of stock water allowance you are proposing.
  - i. Note that well stock water allowances are limited to one well or developed spring, may not be connected to a home or business, must include well shaft casing, and the water must be dispensed using a stock tank.
  - ii. Note that stock water pit allowances must be 5 acre-feet or less with an annual appropriation volume of 10 acre-feet or less, must be sourced from a groundwater seepage, a non-perennial stream, or both, provided that a ditch or pipeline is not used. Stock water pit allowances must be constructed on, or accessible to, parcels of land 40 acres or larger and owned or under control of the applicant and the construction of the means of diversion complies with Tribal Ordinance 87(A) (Aquatic Lands Conservation Ordinance)
  - iii. Note that Stock Water Tank Served by Surface Water Allowance must not exceed 10 gallons per minute or

an annual diverted volume of 2.4 acre-feet per year, must be conveyed in a fully contained pipe or hose (No open ditches). Construction of the means of diversion complies with Tribal Ordinance 87(A) (Aquatic Lands Conservation Ordinance) and is dispensed using one or more stock tanks.

### 3. Date of Construction

- a. Has the stock water allowance been constructed? If yes, provide the date of development and when the water was put to use. If you constructed a well to supply your stock, a well log is required. All wells must be constructed to the Montana Groundwater Diversion Standards adopted in the Unitary Administration and Management Ordinance (MCA 85-20-1902). (See Below)

### 4. Proposed Source of Water Supply

- a. Describe the proposed water source.

### 5. Combination or Shared Development

- a. Will this development be combined with another groundwater development? This means physically connected or manifold with or sharing the same well or developed spring as a point of diversion.
- b. If yes, describe all shared or associated developments, such as previous water rights associated with the same development (provide water right number or abstract), and/or type of connections that exist. Provide an additional map if necessary.

### 6. Construction Details and Description of Use

- a. Provide all pertinent details listed on the form.
- b. Identify the number and type of stock you plan to supply.
  - i. If the water is used year-round, check 'Yes'. If not, check 'No' and enter the months and days water is used each year.
  - ii. Calculate the amount of volume your stock will require annually using stock water use standards set forth in the Administrative Rules of Montana 36.12.115.
  - iii. Ensure that you dispense your stock water in a stock tank if you are applying for a Well or Surface Water Supply Stock Water Allowance.
- c. Only file this section if you are applying for a stock water pit allowance
  - i. Enter the surface area of the pit in acres. Multiply that by the maximum depth of the pit in feet. Then multiply that value by 0.5 to calculate the pits capacity in acre-feet.
  - ii. To calculate the annual appropriation of the pit, take the calculated pit capacity from above and multiply it by the number of times the pit is filled per season.

### 7. Proposed Point of Diversion

- a. Enter the land description for the location of the proposed development. Describe the location to the nearest 10 acres if possible.
- b. Legal land descriptions, subdivisions, geocodes, and certificate of survey information may be obtained from the county records, tax statements, or from the Montana Cadastral system:  
<http://svc.mt.gov/msl/mtcadastral/>
- c. Subdivisions – In addition to the above description, enter the lot and block or tract number, subdivision name.
- d. Certificate of Survey - In addition to the land description, enter the survey number.
- e. Government Lots – In addition to the land description, enter the government lot number.
- f. Street or Road Address – Enter the physical address of the development including city, state, and zip code.

### 8. Proposed Place of Use

- ~~a. Enter the geocode(s) of the place of use. Geocodes can be found in county records, tax statements, or at Montana Cadastral: <http://svc.mt.gov/msl/mtcadastral/>~~
- b. If the place of use is generally the same as the point of diversion, check 'Yes' and proceed to Item 9.
- c. If not, check 'No' and continue with item 8 (using instructions for Item 7) to describe the place of use

### 9. Map

- a. A map is required. Include all information required on the form. A good option for producing a map is to print out an image of your parcel from the Montana Cadastral (<http://svc.mt.gov/msl/mtcadastral/>) and draw features directly on the printed map that includes your property boundaries.

### 10. Declaration of ownership

- a. All owners of record at the place of use, point of diversion, and conveyance must sign the application and attest that the statements on the form are true and correct.

**Montana Groundwater Diversion Standards adopted in the  
Unitary Administration and Management Ordinance (MCA 85-20-1902)**

1. Wells:

a. Persons that drill, make, or construct wells, including monitoring wells, on the Reservation shall comply with Title 37 Chapter 43, MCA, and ARM 36 Chapter 21 licensing, conduct, and regulatory requirements, or any successor provisions promulgated in State law.

b. All well construction on the Flathead Reservation shall meet the standards set forth in ARM 36 Chapter 21, or any successor provisions promulgated in State law.

c. Construction and operations of all wells must comply with all applicable Federal, State, Tribal, and local environmental regulations.

2. Developed Springs:

a. All Developed Spring collection components, including but not limited to infiltration galleries, infiltration basins, and French drains, shall be installed and buried under the surface of the ground.

b. All means of storage and conveyance, including but not limited to supply pipes, cisterns, and pump housings, shall be sealed and made impervious to water and designed in a manner that protects the source from backflow and surface contamination.

c. Open pits, or excavations shall not be used as a means of diversion for developed springs.

d. Construction and operation of all Developed Springs must comply with all applicable Federal, State, Tribal, and local environmental regulations.

3. Aquifer injection is not allowed except when used exclusively for Heating/Cooling Exchange Wells.

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## **ATTENTION**

**This application does not exclude you from other permitting requirements such as but not limited to:**

- **CSKT Aquatic Lands Conservation Ordinance (ALCO)**
- **Section 404 of the Clean Water Act (CWA)**
- **Section 401 of the CWA**
- **MT DEQ Subdivision of Platting Act**