

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

**WATER POLICIES & PROCEDURES**

# FRWMB



**NOTICE**

THE BOARD APPROVED THE SECTIONS OF THE WP&P BELOW FOR A 15-DAY PUBLIC COMMENT PERIOD ON **8/28/2024**. THESE SECTIONS INCLUDE:

- CHAPTER II – WATER USE
    - PART 2 – PERMIT AND CHANGE APPLICATION PROCESS
- WP&P 22-116. APPROPRIATION RIGHTS FOR STOCK WATER ALLOWANCES.

**WP&P 22-116. Appropriation Rights for Stock Water Allowances.**

- 1) Using Existing Wells for Unregistered and New Uses: Existing Wells that are not connected to a Home or Business may be used as a point of diversion for new Stock Water Allowances, so long as they were drilled before June 01, 2022<sup>1</sup> and the existing uses have not been registered under Ordinance, §§ 2-1-101 to -108. Existing wells that were approved by the OE may also be used as points of diversion for new uses. Existing Wells must meet all the same Stock Water allowance application, construction, and use standards as would be required for new Wells [WP&P]. Existing Wells that are currently serving and will continue to serve other water rights may have additional conditions imposed to ensure the new Stock Water use does not exceed ~~volume or~~ flow rate standards when combined with the existing uses. If an applicant chooses to use an existing Well, the OE may require modifications to comply with standards associated with volume, flowrate, purpose, and place of use of existing water rights associated with the existing Well on the new use and examination of the old use.
- 2) Wells drilled after June 01, 2022: An individual who drills a Well(s) for a Beneficial Use without preapproval from the OE may be subject to a fine, or other conditions, for failure to comply with the Ordinance's requirement to obtain preapproval before drilling a Well to be used for Beneficial Use. Exceptions include Replacement Wells, Substitute Wells, and Wells drilled solely for aquifer testing.
- 3) Existing Wells – Retired Uses: An individual using an existing Well associated with an existing water right to be replaced or modified for a different use in a new application may be required by the OE to withdraw the existing water right as a condition of approval for the new application.
- 4) Existing Wells – Priority Date(s): The date of application constitutes the priority date for a new use assigned to an existing Well. Existing Wells to be used for a new use, in conjunction with other Existing use(s) that are approved to be used simultaneously on the same Well, will receive a new priority date of the date of application for the new use portion, and will retain the historic priority date for those Existing Use(s) approved to be used simultaneously on the same existing Well.
- 5) Automatic Stock Waterers Allowed: Automatic stock waterers equipped with overflow protection may be used in-place of Stock Tanks.
- 6) Stock Water Allowances - Maximum Number of Wells: There is no limit to the number of Stock Water Allowances so long as each allowance meets the terms set forth in Ordinance §2-2-116.
- 7) Stock Water Allowances - Permit Exceptions: Stock Water Allowances are not counted toward the total number of Domestic Allowances set forth in WP&P 22-117.

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<sup>1</sup> June 01, 2022 was the date upon which the Board concluded public notice of the well drilling preapproval requirements had been sufficiently communicated.

- 8) Animal Unit Calculations: Stock use volumes are to be calculated using the same method as the State of Montana: a consumptive use of 15 gallons per day or 0.017 acre-foot per year per AU. Animal unit (AU) equivalencies for water consumption are set out in ARM 36.12.101 and the water conversion table, MT DNRC Form No. 615.
- 9) Stock Water POD Fencing Requirement: If the Stock Water Allowance is sourced from a spring, the point of diversion should be fenced to exclude stock.

**BOARD CONSENSUS ON THIS WHOLE SECTION 6/18/2024** **STAFF REVISIONS 8/28/2024**