

APPLICATION TO CONSTRUCT A DEVELOPMENT DOMESTIC ALLOWANCE

Mail form and payment to:

Flathead Reservation Office of the Water Engineer

PO Box 37

Ronan, MT 59864

For questions contact: contact@frwmb.org or (406) 201-2532

Use this form to apply for authorization to construct a Development Domestic Allowance as described in **Section 2-2-117** of the CSKT-MT Compact Unitary Administration and Management Ordinance (MCA 85-20-1902 and CSKT Ordinance 111-A).

Type: Development Domestic Allowances
(For Individual and Shared Domestic Allowances use Form 60DF-Part A)

Maximum Flow: NOT TO EXCEED 35 gallons per minute for each well

Maximum Volume: NOT TO EXCEED 10 acre-feet/year – must measure use

Source: Groundwater

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

- **Approval must be received before drilling well(s) or developing spring(s).**
- **Authorization to drill well or develop spring is valid for 365 days from the authorization letter date.**
- **Form 60DF(D)-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 Development Domestic Allowance or additional instructions about your application.**
- **Only Development Domestic Allowances require a cumulative water volume measurement device (Totalizer), approved by the Office of the Engineer, to be acquired, and installed on each well or developed spring by the applicant.**
- **This application must include a copy of any proposed Shared Well Agreement(s) signed by all parties, if applicable.**

1. WATER RIGHT OWNER INFORMATION

Name(s) _____

Mailing Address _____

City _____ State _____ Zip _____ Cell/Home Phone _____

Email Address _____

2. PROPOSED DEVELOPMENT

Development Domestic Allowance § 2-2-117 (6&7):

- Four or more houses or businesses to be supplied with water
- One or more Wells and/or Developed Springs not to exceed one Well or Developed Spring per Home or Business within the Development
- Flow rate up to 35 gallons per minute per well or developed spring and a volume of up to 10 acre-feet per year
- No more than 0.25 acres of lawn and garden for each home or business within the development.
- Applicant must provide and install a cumulative volume water measuring device on every well or developed spring.
- Applicants must submit a Water Measurement Report (form FWMR-01), by March 31st of each year to the Office of the Engineer that details the total annual water volume diverted by the development.

3. WELL OR DEVELOPED SPRING CONSTRUCTION

a. Has the proposed development already been constructed? Yes No

b. If yes, provide the following information:

Date well or developed spring was constructed: _____

Date water was first put to use, if applicable: _____

Include your Well Log, if applicable, which can be found online: <https://mbmaggwic.mtech.edu/>

4. PROPOSED SOURCE OF WATER SUPPLY

Well(s) Number _____ Developed Spring(s) Number _____ **(must be fully enclosed)**

**Note: Pits, pit-dams, constructed ponds, and reservoirs are not permitted under Ordinance Section 2-2-117. Wells and developed springs must utilize well shaft casing to be fully enclosed.*

Please describe your proposed appropriation works (including description of anticipated well shaft casing). _____

5. PURPOSE AND PERIOD OF USE: Complete all questions for each type of use that is proposed.

Domestic or Commercial:

Number of homes supplied: _____ Number of businesses supplied: _____

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

Lawn & Garden: **If you have additional lawn and garden locations include an attached sheet*

Provide the amount of land to be irrigated for each home or business within the development.

Include only irrigated area. Do not include house footprint, driveway, graveled areas, etc.

Building 1: size of lawn & garden _____ (length x width) OR _____ (acres)

April 1 – October 31 Yes No If no, from _____ to _____ inclusive of each year.

Building 2: size of lawn & garden _____ (length x width) OR _____ (acres)

April 1 – October 31 Yes No If no, from _____ to _____ inclusive of each year.

Building 3: size of lawn & garden _____ (length x width) OR _____ (acres)

April 1 – October 31 Yes No If no, from _____ to _____ inclusive of each year.

Building 4: size of lawn & garden _____ (length x width) OR _____ (acres)

April 1 – October 31 Yes No If no, from _____ to _____ inclusive of each year.

Stock:

Total number & type: (Ex: 40 Cows & 1 Horse)

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

Will the water be dispensed with a stock tank? Yes No

Other: (Do not include purposes described above)

Describe the purpose and annual volume of the use: _____

Amount of water used _____ gallons per day Number of days used per year _____ days

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

6. PROPOSED POINTS OF DIVERSION *leave fields blank if not applicable

**If you have more than two points of diversion include them on an attached sheet*

Point of diversion 1 (well head 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 _____

Point of diversion 2 (well head 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 _____

7. PROPOSED PLACES OF USE

Geocode(s) of the place(s) of use (17 digits)

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

*If there are more than five places of use, please attach a separate sheet with additional land descriptions.

* Leave fields blank if not applicable

PROPOSED PLACE OF USE 1:

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 _____

PROPOSED PLACE OF USE 2:

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 _____

PROPOSED PLACE OF USE 3:

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 _____

PROPOSED PLACE OF USE 4:

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 _____

PROPOSED PLACE OF USE 5:

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 _____

8. 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
- Township, Range, and Section of the point of diversion and place of use
- The location of the proposed Well(s), Developed Spring(s), and stock tank(s) and purpose of each
- All buildings on all properties with associated well connections including conveyance and water right points of diversions
- Boundaries of the proposed watered lawn and garden areas
- Sewage facilities including septic tanks and drain fields within the property boundaries
- All wells within a 500-foot radius of the proposed wells or developed springs
- Any surface water features
- In addition to the map, also include a copy of the development plan, plat, or equivalent as required by your associated county government.

9. DESCRIBE THE WATER MEASURING DEVICE TO BE INSTALLED

10. DECLARATION OF OWNERSHIP

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 _____ **Position** _____

Authorized Signature _____ **Date** _____

Applicant 2 Printed Name _____ **Position** _____

Authorized Signature _____ **Date** _____

Applicant 3 Printed Name _____ **Position** _____

Authorized Signature _____ **Date** _____

Applicant 4 Printed Name _____ **Position** _____

Authorized Signature _____ **Date** _____

***Additional applicants please attach owner signatures on a separate sheet*

*****You must submit ORIGINAL owner signatures; copies will not be accepted.**

INSTRUCTIONS FOR APPLICATION FOR APPROVAL**TO CONSTRUCT A DEVELOPMENT DOMESTIC ALLOWANCE****Qualifying questions:**

1. 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.
 - 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 before March 16, 2022, you can use this form so long as your total water use that constitutes an “exception to a permit” is 10 acre-feet or less and 35 gallons per minute or less and meet all the other criteria for Development Domestic Allowances set forth in the Ordinance (2-2-117).
 - If not, proceed to the next questions.
2. Are you planning to divert surface water (any water on the surface of the earth)?
 - If yes, this is not the correct form. Please contact the Office of the Engineer for information about your surface water source.
 - If not, and you are planning to divert groundwater, a well or developed spring is required for this form, proceed to the next questions.
3. Do you expect your use to exceed a flow rate of 35 gallons per minute or 10 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.
 - If not, ensure you answered no to all preceding questions before proceeding with this form.
4. Are you proposing to supply water to three or less houses or businesses through this application?
 - If yes, this is not the correct form. You should file for an individual or shared domestic allowance, Form 60DF – Part A through the Office of the Engineer.
 - If not, ensure you answered no to all preceding questions before proceeding with this form.

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

Key Definitions of a Development Domestic Allowance: Pursuant to the Compact Unitary Administration and Management Ordinance (MCA1-1-104.16), A Development is defined as a contiguous or closely grouped parcels of land under the same or affiliated ownership, including, but not limited to, housing subdivisions or any combination of business and residential units. A Development Domestic Allowance differs from a typical ‘household’ domestic allowance in a few ways: A Development must supply 4 or more homes/business to constitute a ‘development’. Developments require an annual cumulative water measurement report to be submitted by the water right owner to the Office of the Engineer. A Development must use no more than 10 Acre-feet of water per year, at a flow rate of no more than 35 GPM.

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. This form, **60DF(D) – Part A** is an application for permission to construct a Development Domestic Allowance. Your proposed development **MUST**:
 - i. Include four or more buildings to be supplied with water within the development
 - ii. Not exceed 10 acre-feet in volume per year or 35 GMP
 - iii. Limit irrigated land to 0.25 acres or less for each home or business within the development
 - iv. Be fitted with measurement devices approved by the Engineer and capable of recording cumulative volumes are installed on each Well or Developed Spring
 - v. Submit a Water Measurement Report (FWMR-01) by March 31st of the year following the year covered by the report to the Office of the Engineer.

3. Well or Developed Spring Construction

- a. Has the well or developed spring been constructed? If yes, provide the date of development and when the water was put to use if applicable.
 - i. A well log is required if the well has already been drilled.
 - ii. 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. Provide a description of proposed groundwater developments including the proposed casing details (diameter, casing material, etc.).

5. Purpose and Period of Use

- a. Identify the number of homes and/or businesses attached to each groundwater development and check the purposes for which the water use is proposed.
- b. If the water is used during the months specified, check 'Yes'. If not, check 'No' and enter the months and days water is used each year.

6. Proposed Point of Diversion

- a. If the well has been drilled, latitude and longitude must be entered. Enter the land description for the location of the (proposed) groundwater 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 at: <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.

7. Proposed Places of Use

- a. Enter the geocode(s) of the places of use. Geocodes can be found in county records, tax statements, or at Montana Cadastral: <http://svc.mt.gov/msl/mtcadastral/>
- b. include a copy of any Shared Well Agreement(s) signed by all parties, if applicable
- c. using instructions for Item 7, describe each place of use. Attach a separate sheet if you have more than five places of use.

8. 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.

9. Describe the water measuring device to be installed

- a. Provide as much detail as possible about the device you plan on installing on each well or developed spring that is part of the development.

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

Wells:

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

Developed Springs:

- 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.
- 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.
- Open pits, ponds, or excavations shall not be used as a means of diversion for Developed Springs.
- Construction and operation of all Developed Springs must comply with all applicable federal, State, Tribal, and local environmental regulations.

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