

2-2-116. Appropriations for Stock Water Allowances.

1. Stock Water Allowances include: Stock Water Well Allowances, Stock Water Pit Allowances, and Stock Water Tank Served by Surface Water Allowances.
2. Stock Water Allowances may be appropriated only by a person who has a Possessory Interest in the property where the water is to be put to beneficial use and property rights in the diversionary works.
3. A Stock Water Well Allowance may be sourced from either Groundwater Wells or Developed Springs.
4. A Stock Water Pit Allowance may be sourced by groundwater seepage or a non-perennial stream.
5. A Stock Water Tank Served by Surface Water Allowance may be sourced by a perennial or non-perennial stream.
6. Inside the boundaries of a Groundwater Management Area, Stock Water Allowances may be appropriated only according to the specific provisions of that particular aquifer management designation, which may or may not provide for the issuance of Stock Water Allowances pursuant to this section.
7. Before appropriating water for a Stock Water Well, approval from the Engineer is required.
The Engineer can approve a Stock Water Well Allowance if:
 - a. The maximum flow rate is 35 gallons per minute or less;
 - b. The maximum annual diverted volume is 2.4 acre-feet or less;¹
 - c. The means of diversion is a single Well or Developed Spring;

¹ The DNRC standard is 0.017 af per animal unit (AU) per year. 2.4 afy allows for watering of 140 animal units.

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- d. The well is not physically connected to a Home or Business;
 - e. The means of diversion includes Well Shaft Casing; and
 - f. Stock Water use associated with the appropriation is dispensed using Stock Tanks.
8. Before appropriating water for a Stock Water Pit Allowance, approval from the Engineer is required. The Engineer can approve a Stock Water Pit allowance if:
- a. The capacity of the Stock Water Pit is 5 acre feet or less;
 - b. The maximum annual appropriated volume is 10 acre feet or less;²
 - c. The Stock Water Pit Allowance is sourced by groundwater seepage, a non-perennial stream, or both, provided that a ditch or pipeline is not used;
 - d. The 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
 - e. The construction of the means of diversion complies with Tribal Ordinance 87(A) (Aquatic Lands Conservation Ordinance).
9. Before appropriating water for a Stock Water Tank Served by Surface Water Allowance, approval from the Engineer is required. The Engineer can approve a Stock Water Tank Served by Surface Water Allowance if:
- a. The maximum flow rate is 10 gallons per minute or less;
 - b. The combined maximum annual diverted volume is 2.4 acre-feet or less;
 - c. The means of conveyance is a fully contained pipe or hose. Open ditch conveyance is not allowed;

² The higher volume is to account for evaporation.

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- d. The construction of the means of diversion complies with Tribal Ordinance 87(A) (Aquatic Lands Conservation Ordinance); and
 - e. Stock Water associated with the appropriation is dispensed using one or more Stock Tanks.
10. An applicant must fill out completely an Application for a Stock Water Allowance (Stock Water Form A), and obtain an approval from the Engineer before developing and appropriating water for Stock Water use under the Stock Water Allowance provisions of this ordinance. In addition to these form requirements, an application shall also include:
- a. proof that the applicant has the possessory interest or the written consent of the person with possessory interest in the property where the point of diversion is located and where the water is to be put to beneficial use; and
 - b. a site-map showing the location of all proposed Stock Water Allowance development(s) including latitude and longitude in decimal degrees. The map must include the entire property boundaries where the Stock Water Allowance development is proposed, or a minimum radius of 500 feet from any proposed Stock Water Allowance development, whichever is greater, and include any of the following that are in existence or are proposed by the applicant within the mapped area:
 - i. Well(s), Pits and Stock Tanks including purpose of each;
 - ii. Buildings on the site, including identification well(s) connections;
 - iii. Property lines and ownerships; and

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- iv. Means of conveyance, water right points of diversions, and surface water features.
11. Upon receipt of a completed application form complying with subsection 10 of this Section, the Office of the Water Engineer shall date stamp the application form.
12. Upon receipt of a date stamped application form under subsections 10 and 11 of this section, the Engineer shall review the application within 45 days and may either approve the appropriation or return a defective application to the applicant with a written explanation of the defects . If a corrected application is submitted within 30 days of its return by the office of the Engineer, no new filing fee shall be required. Upon receiving a corrected application, the office of the Engineer has 30 days from the certified receipt of the corrected application to approve or deny the application. If the office of the Engineer does not approve or return an application within the initial 45 day review period, the application shall be deemed approved. If the office of the Engineer does not approve or deny a corrected application within 30 days of certified receipt, the application shall be deemed approved.
13. Once an applicant meets the requirements of subsections 7-11, as applicable, and an application is approved by the Engineer under subsection 12, the Approval to Develop a Stock Water Allowance shall be issued by the Engineer. The Approval to Develop a Stock Water Allowance allows an appropriator to construct the authorized type of Stock Water Allowance within, but not to exceed, one year of the date of approval.
14. An appropriation of a Stock Water Allowance becomes valid and final when, within 120 days of completing the diversion works and putting the water to beneficial use, an appropriator files a Stock Water Allowance completion form (Stock Water Form B)

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accurately and completely. The completion form must identify the as-built attributes of any Well, Pit or Stock Tank constructed. If the as-built attributes are less than or equal to the size of the Allowance for which the applicant originally applied, the Certificate of Stock Water Allowance shall be issued for the as-built attributes. The completion form for a Stock Water Well Allowance must also include a copy of the companion Well Log Report(s). No certificate of Stock Water Allowance may be issued if the as-built system exceeds the allowances contained in this Ordinance.

15. A Stock Water Allowance shall be revoked if it is not actually used to provide water to Livestock for a period of 24 consecutive months when water is otherwise available. Upon such revocation, or if the Stock Water Allowance is otherwise abandoned, the appropriator shall, within 180 days of the revocation or determination of abandonment, fill in and rehabilitate any Pits, Pit-dams, Constructed Ponds, or Reservoirs associated with the revoked or abandoned Stock Water Allowance, and shall, within 180 days of the revocation or determination of abandonment, seal any tanks or supply lines associated with the revoked or abandoned Stock Water Allowance.