

FLATHEAD RESERVATION APPLICATION TO CHANGE A WATER RIGHT

EXHIBIT C

To apply to change the point of diversion, place of use, purpose of use, or place of storage of a water right.

FILING FEE: _____

Application No. _____ Basin _____
 Date Received _____
 Time _____ AM / PM
 Rec'd by _____
 Fee Rec'd \$ _____ Check # _____
 Check No. _____
 Refund \$ _____ Date _____

1. Applicant Name: _____
 Mailing Address: _____ City _____ State _____ Zip _____
 Phone Numbers: Home _____ Work _____ Cell _____
 Email Address: _____

2. Contact Person: Check, if same as applicant Check, if contact is an attorney
 Contact Name: _____
 Mailing Address: _____ City _____ State _____ Zip _____
 Phone Numbers: Home _____ Work _____ Cell _____
 Email Address: _____

NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondence and a copy may be sent to the contact person.

3. Project Completion: _____ Years - Estimate how long it will take to complete the change, if the application is granted, to the point that water can be used according to the change. Information must be included in the application materials that justify the requested time. The justification must include information that would lead a person unfamiliar with the project to conclude the period requested is reasonable and needed to complete the change and put the changed water right(s) to use.

4. Affidavit – All undivided interest owners must sign as applicants.

I affirm the information provided for this application is to the best of my knowledge true and correct. I also affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

Attach a copy of written consent from the person with possessory interest.

Applicant Signature: _____ Date _____
 _____ Date _____

State of Montana
 County of _____

Signed or acknowledged before me on _____ by _____

Notary's Signature _____
 Notary's Name (Printed) _____
 Notary public for the State of _____
 Residing at _____
 My commission expires _____

Affix Notarial Seal/Stamp Above

TYPE OF PROPOSED CHANGE – Complete only the section for the type of change being proposed.

5. Change in Point of Diversion

- Yes No Will the existing point of diversion still be used?
- Yes No Is there a source change? If yes, new source _____
- Yes No Is there a means of diversion change? If yes, new diversion means _____
- Yes No Is this is a change for a replacement well? Old well depth _____ New well depth _____
The new well is located approximately _____ (feet) _____ (direction) of the new well.

A. Location of the proposed point(s) of diversion.

____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E /W County _____
 Lot _____ Block _____ Tract No. _____ Subdivision Name _____
 Government Lot No. _____ COS No. _____
 Street or Road Address, including City, State & Zip Code of the Development _____

B. ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E /W County _____
 Lot _____ Block _____ Tract No. _____ Subdivision Name _____
 Government Lot No. _____ COS No. _____
 Street or Road Address, including City, State & Zip Code of the Development _____

6. Change in Place of Use

Geocode: The geocode is a 17 digit number. If there are multiple places of use, list the geocode for each parcel. The geocodes can be found at the County Clerk and Recorders Office or by visiting <http://gis.mt.gov/>.

A. Describe the proposed place of use. For irrigation, identify those acres below.

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E /W Geocode _____
 Lot _____ Block _____ Tract No. _____ Subdivision Name _____

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E /W Geocode _____
 Lot _____ Block _____ Tract No. _____ Subdivision Name _____

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E /W Geocode _____
 Lot _____ Block _____ Tract No. _____ Subdivision Name _____

B. Will acres be taken out of irrigation? If yes, identify those acres below. Yes No

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E /W Geocode _____
 ____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E /W Geocode _____
 ____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E /W Geocode _____
 ____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E /W Geocode _____

7. Change in Purpose of Use

A. Yes No Is this a temporary change? If yes, complete and attach the *Temporary Change Addendum*

B. Proposed New Purpose

_____ Flow Rate _____ GPM/CFS Volume _____ Period of Use _____
 _____ Flow Rate _____ GPM/CFS Volume _____ Period of Use _____

8. Change in Place of Storage

A. Yes No Is this change to add a storage reservoir? If yes, identify the reservoir location.

____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E /W County _____

B. Identify the capacity

DAM: surface area _____ acres X maximum depth _____ feet X 0.4 = _____ capacity in ac-ft
 PIT: surface area _____ acres X maximum depth _____ feet X 0.5 = _____ capacity in ac-ft

ADDITIONAL INFORMATION

9. Supplemental Water Rights

When two or more water rights have overlapping places of use, the water rights are considered supplemental. If a water right to be changed has supplemental water rights, an applicant must include those water rights in the change application or must explain how each of the supplemental water rights have been used historically and how each one of the supplemental water rights will be used if the proposed change application is granted.

Provide the following information for supplemental water rights that are not being included in this change application.

- a. Explain how all of the supplemental water rights, those being proposed for change and those not being proposed for change have been collectively operated historically.
- b. Explain why all of the supplemental water rights are not being changed in this application.
- c. Attach documentation that provides the following information for each supplemental water right.
 1. Identify the historic flow rate diverted from each point of diversion and explain how the amount was determined.
 2. Identify the historic diverted volume from each point of diversion and explain how the amount was determined.
 3. Explain how each water right has been diverted and historically operated.
 4. Explain how these water rights will be used if the change application is granted.
- d. If water will continue to be used at the historic place of use, the applicant must explain how the continued use will not increase the combined maximum diverted flow rate, the diverted volume, and the historic consumptive volume.

10. Historic Use

Attach a current abstract of each water right proposed to be changed. For each water right proposed for change, attach a document which provides the following information.

- a. Identify the maximum volume of water stored in a reservoir and the number of times the reservoir fills during most years.
- b. Identify the historic flow rate diverted from each point of diversion and explain how the amount was determined.
- c. Describe the flow rate capacity of the historic diversion means and explain how the capacity was determined.
- d. Identify the combined total flow rate of water diverted into a ditch and the combined flow rate of the water rights using the ditch.
- e. Describe the historic diverted volume and explain how that amount was determined.
- f. Describe the historic diversion schedule and operation pattern and document how this information was obtained. What was the historic type of crop irrigated? How long was water typically available during the season? How was the diversion operated (i.e. was the headgate opened in the spring & flow diverted until a certain time; was diversion onto the crop a certain number of days on & a certain number of days off etc.)?
- g. Provide information describing the overall system efficiencies.