**FLATHEAD RESERVATION**  
APPLICATION FOR APPROVAL TO  
CONSTRUCT A DOMESTIC ALLOWANCE

Section 2-2-117 of the CSKT-MT Compact Unitary Administration and Management Ordinance (Ordinance), §85-20-1902, MCA, prescribes the process for applying for Domestic Allowances under the authority of the Flathead Reservation Water Management Board on the Flathead Indian Reservation.

Use this form to apply for a new use of groundwater for domestic purposes that fits one of the categories below.  

Check all appropriate boxes and fill in each blank. If more space is needed, attach properly labeled additional information. To avoid processing delays, submit all required information.  

**FILING FEE: $125.00**  
Checks payable to the FRWMB

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**Attention!**

**Before** drilling a well or developing a spring, an appropriator must file this form and receive approval to develop a Domestic Allowance.

**After** drilling a well or developing a spring, an appropriator must file a Domestic Allowance Completion Form (form 60DF- Part B, Completion) within one year of approval to construct a well or develop a spring.

**PROPOSED DEVELOPMENT**  
(Select one only)

- [ ] Individual Domestic Allowance § 2-2-117 (4): a single well or developed spring for 1 household with a flow rate up to 35 gallons per minute and a volume of up to 2.4 acre-feet per year with no more than 0.7 acres of lawn & garden.
- [x] Shared Domestic Allowance § 2-2-117 (5): a single well or developed spring for 2 or 3 households with a flow rate of up to 35 gallons per minute and a volume of up to 2.4 acre-feet per year with no more than 0.5 acres of lawn & garden for two homes or businesses and no more than 0.75 acres for three. You must attach a copy of the shared well agreement.

**Development Domestic Allowances** - not accepted during interim period, file with the Office of the Engineer

Development Domestic Allowance § 2-2-117 (6): one or more wells and/or developed springs, not to exceed one per home or business, for a development with a flow rate of up to 35 gallons per minute and a volume of up to 10 acre-feet per year with no more than 0.25 acres of lawn & garden per home or business. You must attach a copy of the shared well agreement, a description of the measuring device to be used for annual reporting requirements, and a copy of the development plan, plat, or equivalent as required by the county.

If you did not mark one of the boxes above, you cannot use this form. See the Unitary Administration and Management Ordinance, § 2-2-117, for complete details on domestic allowances.

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1 Please note: all ground water wells and developed springs must comply with the Montana Groundwater Diversion Standards adopted in section 1-1-111 of the Ordinance. See them printed at the end of this form.
STARTING JULY 1, 2022, THOSE WHO DRILLED A WELL OR DEVELOPED A SPRING BETWEEN SEPTEMBER 17, 2021 AND JUNE 1, 2022, MAY FILE THIS FORM FOR ONE OF THE TWO DOMESTIC ALLOWANCES ALLOWED ON THIS APPLICATION FORM. APPLICATIONS FOR A DOMESTIC ALLOWANCE FOR A WELL THAT WAS DRILLED BETWEEN SEPTEMBER 17, 2021 AND JUNE 1, 2022 WILL NOT BE ACCEPTED UNTIL JULY 1, 2022.

☐ Check this box if you already drilled a well or developed a spring for the Domestic Allowance being filed for on this application form. If you check this box, fill in ‘proposed’ sections of this form with information about the well or developed spring that was already constructed. Additionally, if you already constructed the well or developed spring, please provide the following information:

Date well or developed spring was constructed: _____________________

Date water was first put to use: _____________________

Please include your Well Log, which can be found online: https://mbmqqwic.mtech.edu/

IF YOU PUT YOUR WATER TO USE BEFORE SEPTEMBER 17, 2021, AND HAVE NOT REGISTERED YOUR WATER USE, YOU CANNOT USE THIS INTERIM PROCESS TO REGISTER YOUR EXISTING WATER USE.

IF YOU WANT TO REGISTER YOUR EXISTING WATER USE WITH THE BOARD but did not file with the DNRC by March 16, 2022, a process will be developed once the Board’s Office of the Engineer becomes fully functional; your application will be held and you will be contacted by the Office of the Engineer at that time.

IF YOU ARE A TRIBAL MEMBER OR ALLOTTEE AND WANT TO REGISTER YOUR EXISTING WATER USE WITH THE CONFEDERATED SALISH AND KOOTENAI TRIBES as part of the Tribal Water Right, you must register your water use with the Tribal Water Right Registration Office at: Phone Number (406) 675-2700, ext. 1161. Your application will not be accepted and will be returned to you along with your payment.

Notice of your application being received by the Board. Received applications will be date-stamped, scanned, and publicly posted at this location: https://bit.ly/FRWMB-Meetings-Page

Within 30 days of the Board receiving your completed application, you will be mailed either approval to construct your Domestic Allowance or additional instructions about your application.
1. WATER RIGHT OWNER INFORMATION

Name(s) Michael A. Brooks
Mailing Address C/O Po
Box 1374

Mike Brooks 33121 Hwy 35

City Polson State Mt Zip 59860

Home Phone Work Phone Cell Phone 700 604 0434

Email: mike.brooks@roadrunner.com

2. PROPOSED SOURCE OF WATER SUPPLY

☐ Single well Well(s)
☐ Developed Spring(s) (must be fully enclosed)

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

Please describe your proposed appropriation works (including anticipated Well Shaft Casing Description) and the number of wells or springs.

The proposal is for a single well to service 2 homesites, one being built as soon as possible, the second in the future as a subdivision plan is completed by MDEQ, we propose a 6" casing professional drilled. 2.4 acre ft.

3. PURPOSE AND PERIOD OF USE: Check those that apply and answer applicable questions

☐ Domestic: Number of homes supplied: 2
Year round use? ☒ Yes ☐ No If no, from _______ to _______, inclusive of each year.

☐ Lawn & Garden: Include only watered area. Do not include house footprint, driveway, graveled areas, etc.
Total size of lawn & garden - length x width 10,000 sq. ft. per home 20,000 sq. ft -OR- Number of Acres 0.5 (Note: if this is for a Shared Domestic Allowance, please use the map required by question 8 to show the yard/garden acreage footprint for each house. Please answer the period of use question directly below either way.)
April 1 – October 31 ☒ Yes ☐ No If no, from _______ to _______, inclusive of each year.

☐ Stock:
Number & type: (Ex: 40 Cows & 1 Horse) 2 horses
Year round use? ☒ Yes ☐ No If no, from _______ to _______, inclusive of each year.
Water is dispensed using a stock tank? ☒ Yes ☐ No
☐ Other: (Do not include purposes described above)
Describe the purpose of the use ____________________________________________________________

Amount of water used _______________ gallons per day  Number of days per week __________
Year-round use?  ☐ Yes  ☐ No  If no, from _______ to _______

[Handwritten note: Warehouse (other) will be hooked up & bathroom]
4. PROPOSED POINT OF DIVERSION (Please include Latitude and Longitude)

LATITUDE 47.618055 Degree North
LONGITUDE 114

S ½ se ¼ Sec 35 Twp 22 N Rge 20 W County Lake

Lot ______________ Block ___________ Tract No. ______ Subdivision Name __________________

Government Lot No. ___________________________ COS No. pending ______________________________

Street Address, including City/State/Zip Code N/A

5. COMBINATION OR SHARED DEVELOPMENT

Will this development be used in combination with another well or spring?  □ Yes  □ No

If yes, please attach a separate sheet listing additional Points of Diversion and explain how the development is used.


6. PROPOSED PLACE OF USE

Geocode of the place of use (17 digits) 15-3228-35-1-01-07-0000

If there are multiple places of use, list the geocode for each parcel on an attached sheet. The 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 more than one place of use, please attach a separate sheet with additional land descriptions.

1/4 1/4 1/4 Sec 35 Twp 22 N Rge 20 W County

Lot __________ Block __________ Tract No. ______ Subdivision Name __________________________

Government Lot No. ___________________________ COS No. ______________________________

Street Address, including City/State/Zip Code ______________________________

7. MAP

Attach a site-map showing the location of all proposed wells or developed springs, including latitude and longitude in decimal degrees. The map must also show a minimum of 500 feet in radius around the proposed well(s) or spring(s) and include all of the following (existing or proposed by the applicant): well(s), developed springs, sewage facilities, buildings, well connections to buildings, property lines, property ownerships, irrigated acres per lot or unit, any and all means of conveyance for all water rights in the area, all water right points of diversions, and all surface water features.
8. AFFIDAVIT OF OWNERSHIP OR WRITTEN CONSENT

I have possessory interest in the property where the proposed water use will be put to beneficial use, diverted, conveyed, impounded, stored, transported, withdrawn, used, and distributed, OR I have attached written consent of the person with the possessory interest in the property where the water will be put to beneficial use, diverted, conveyed, impounded, stored, transported, withdrawn, used, and distributed (§ 1-1-110(10) of the Ordinance).

**Please note, you must submit ORIGINAL owner signatures, copies will not be accepted**

I declare under penalty of perjury & under the laws of the State of Montana that the foregoing is true & correct.

Printed Name**  

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Applicant Signature  

----------------------------------------  Date: 6/7/22

Printed Name**  

----------------------------------------

Applicant Signature  

----------------------------------------  Date:

Printed Name**  

----------------------------------------

Applicant Signature  

----------------------------------------  Date:

Upon receipt of this form, the interim Engineer shall review a complete application and within 30 days the Board may either approve the domestic allowance or return a defective application to the applicant, together with the reasons for returning it, affording the applicant the opportunity to correct deficiencies. If the Board does not approve or return a complete application within the 30-day review period, the application shall be deemed approved. Applications are not deemed complete until fee payment clears.

For Unitary Administration and Management Board use:

AUTHORIZATION TO DEVELOP A DOMESTIC ALLOWANCE

Witnessing Board Member:  

----------------------------------------  Date:

Authorizing Board Member:  

----------------------------------------  Date:

This authorization to develop a Domestic Allowance entitles an Appropriate to construct the authorized type of Domestic Allowance within, but not to exceed, one year of the date of approval. After completion of the project and putting the water to use, the Applicant must file a 60DF-Part B, Completion Form within 120 days to obtain a Domestic Allowance Certificate.
A conveyance will be polyline.

AB 01/22/2022
MONTANA TWENTIETH JUDICIAL DISTRICT COURT, LAKE COUNTY

IN THE MATTER OF THE ESTATE OF:  RICHARD LYLE SCHULZ, Deceased.

APPLICATION FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE IN INTESTACY

Cause No.: DP-21- 9

Applicant respectfully shows:

1. Applicant is Michael A. Brooks whose address is 33121 Hwy 35, Polson, MT 59860.

2. RICHARD LYLE SCHULZ, same person as Richard L. Schulz and Richard Schulz, died intestate on October 13, 2021 at the age of 80 years in Tennessee.

3. That the names and addresses of the heirs and devisees, so far as is known or ascertainable with reasonable diligence by the Applicant are:

   Michael A. Brooks, Nephew
   33121 Hwy 35
   Polson, MT 59860

4. Venue for this proceeding is in Lake County, Montana, because the decedent was a long-time resident of Lake County and owned property in said County.

5. There is no personal representative of the decedent or of the Estate whose
6. Applicant has not received a demand for notice, and is not aware of a demand for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere.

7. Applicant exercised reasonable diligence to determine if the decedent died testate, and is unable to locate any testamentary instrument relating to property having a situs in Montana.

8. The time limit for informal probate has not expired.

9. Applicant is entitled to the appointment of Personal Representative of the decedent’s estate for the reason that the decedent had no surviving spouse, never had any children, and Applicant, the only child of the decedent deceased sister, is the decedent’s only heir.

WHEREFORE, Applicant prays that he be appointed as Personal Representative of the decedent’s Estate, and that Letters issue, upon his qualification and acceptance.

DATED this 18th day of October 2021.

Michael A. Brooks, Applicant

TURNAGE MERCER & WALL, PLLP

By: John A. Mercer
STATE OF MONTANA  

County of Lake

Michael A. Brooks, being first duly sworn, upon his oath, according to law, deposes and says:

That I am the Applicant named in the within and foregoing Application for Informal Probate and for Appointment of a Personal Representative;

That I have read the same, know the contents thereof, and that the facts and matters therein contained are true and accurate of my own knowledge, information and belief.

By signing, accepting, or acting under this appointment, I acknowledge that I will assume the duties and responsibilities of a fiduciary and that I must work exclusively for the benefit of the decedent's estate and its beneficiaries. I also acknowledge that the primary duty of a personal representative is the duty of loyalty to and protection of the best interests of the estate. Therefore, I acknowledge that:

I may not use any of the property or other assets of the decedent's estate, ward, or protected person for my own personal benefit;

I must direct any benefit derived from this appointment to the decedent's estate, ward, or protected person; and

I must avoid conflicts of interest and must use ordinary skill and prudence in carrying out the duties of this appointment.

I declare under penalty of perjury under the laws of the state of Montana that the foregoing is true and correct.

Michael A. Brooks

SUBSCRIBED AND SWORN TO Before me this 5th day of October 2021.

[Seal]

Printed Name of Notary

Notary Public for the State of Montana

Residing at Polson, Montana

My Commission Expires

June 08, 2022

My Commission Expires

Application for Informal Probate - 3
AFTER RECORDING RETURN TO:
Mike Brooks, Personal Representative
Richard L. Schulz Estate
33121 Hwy 35
Polson, MT 59860

DECLARATION FOR OPERATION, MAINTENANCE AND
COST DISTRIBUTION FOR A SHARED WELL

THIS DECLARATION made and entered into this _____ day of _________ 2022,
by MICHAEL A. BROOKS, Personal Representative of the ESTATE OF RICHARD
L. SCHULZ, deceased, Lake County Cause No. DP-21-70, hereinafter “Schulz Estate”,
33121 Hwy 35, Polson, MT 59860, owner of the following described real properties
situate in Lake County, Montana, viz:

A fractional part of the South Half of the Southeast Quarter (5¼SE¼) of
Section Thirty-five (35), Township Twenty-two (22) North, Range Twenty
(20) West, M.P.M., more particularly described as follows:

Beginning at a point on the South section line of said Section 35, which
point is distant South 89°47’ East and 1241.8 feet from the South quarter
corner of said Section 35; thence North 0°1’ West 655 feet; thence South
89°47’ East 205 feet; thence South 0°01’ East 655 feet; thence North
89°47’ West 205 feet to the place of beginning, containing 3.08 acres;
EXCEPTING therefrom land along the South boundary previously
conveyed for highway uses; all as further shown by Deed Plat Exhibit
H-671, on file in the office of the Clerk and Recorder of Lake County,
Montana, hereinafter referred to as Parcel 1.

AND

RECEIVED

JUN 29
A fractional part of the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section Thirty-five (35), Township Twenty-two (22) North, Range Twenty (20) West, M.P.M., described as follows, to-wit:

Beginning at a point on the south boundary of said Section 35, which point is distant South 89°47' East and 728.8 feet from the south quarter corner of said section; thence South 89°47' East 513 feet; thence North 0°01' West 655 feet; thence North 89°47' West 486.6 feet to intersect the easterly right of way boundary of the Northern Pacific Railway; thence along said boundary South 2°45' West 656.3 feet to the place of beginning, containing 7.56 acres, but excepting therefrom a thirty-foot strip along the South boundary previously conveyed for highway purposes. See Deed Exhibit H-1224, hereinafter referred to as Parcel 2.

WHEREAS, a well, pump and appurtenant structures will be located on Parcel 1 as shown on Exhibit A attached hereto; and

WHEREAS, it is desired that the water for domestic purposes for both parcels shall be furnished by the well and water system herein described;

WHEREAS, the Schulz Estate desires a written agreement concerning said well and distribution system be established for the two parcels, and;

WHEREAS, it is desired that Parcel 1 shall own 2/3rds and Parcel 2 shall own 1/3rd of said water well:

NOW THEREFORE, pursuant to and in consideration of the mutual covenants herein contained, the parties agree as follows:

1. It is hereby established and agreed that the water produced from the well shall be shared with Parcel 1 having 2/3rd ownership and Parcel 2 having 1/3rd ownership of said water well shown on Exhibit A.

2. The expense of maintenance, repair and replacement of the water well, pump, motor, storage and housing facilities and other accessories thereto or any costs as levied by the State, Federal or County bodies shall be divided with Parcel 1 responsible for 2/3rds and Parcel 2 responsible for 1/3rd of the costs.
3. The owner of each parcel shall be individually responsible for and shall individually pay the cost and expense of constructing, installing, maintaining, replacing and repairing the underground water pipelines which shall run from said water well to their respective buildings or other terminal point. The water pipelines shall have cutoff valves at or near the water well.

4. The parcels shall use the water solely as a source of domestic water for household consumption and lawn and garden irrigation on the respective parcels, and the parcels shall not use the water from said well on or in relation to any other property or purpose other than those described above for the respective parcels.

5. The owner of Parcel 1 acknowledges that the electrical service for the water well pump is metered on Parcel 2 and as such agrees to pay a monthly fee to defray their proportionate share of the service cost to operate said water well pump. Said fee shall be paid on or before the 5th day of each month. The parties agree to review the electrical service costs from time to time and adjust the monthly fee accordingly.

6. In the event the owner of Parcel 1 sells, gifts, or otherwise conveys interest or title to Parcel 1, the subsequent owners shall be bound to the terms of this agreement. In the event the owner of Parcel 2 sells, gifts, or otherwise conveys interest or title to Parcel 2, the subsequent owners shall be bound to the terms of this agreement.

7. The owners of the parcels herein described shall have the right to do whatever is necessary and required for the enjoyment of their respective interest in and to said water system, including the right of ingress and egress to and from and over and upon the other’s parcel.

8. Easements and rights herein granted are to be and shall be so construed as to be appurtenant to the parcels described above and shall become a covenant running with the title to each of said parcels of real property herein described.

9. That from time to time as required, the owners of the parcels upon their mutual consent and agreement, may make such repairs, additions, changes, or alterations to said water well and its appurtenant equipment as shall be then found necessary, but not unilaterally by any of the parcel owners, save and except for and as related to their individual water delivery systems attached to said water well.

10. The rights granted in this agreement shall not be severable from the
parcels described herein, nor separately conveyed therefrom without common consent
of all the owners of the parcels, nor the waters produced from the well sold or divided,
save and except as herein provided.

11. If the quantity of water used by the respective parcels shall differ or vary
materially from that as would be measured by the 1/3rd 2/3rds allocation as provided for
herein, each parcel reserves the right to meter the water usage and adjust and apportion
the cost of producing, use, operation, and maintenance of said water well in direct ratio
to the amount of use by each of the parcels.

12. The obligations of this agreement shall be binding upon and shall inure to
the benefit of the owners of the parcels described above, their heirs, personal
representatives, and assigns.

IN WITNESS WHEREOF, the owner of the above parcels hereunto executed this
agreement the day and year first above written.

ESTATE OF RICHARD L. SCHULZ
Lake County Cause No. DP-21-70

[Signature]

MICHAEL A. BROOKS, Personal Representative
STATE OF MONTANA  

: SS.
County of Lake  

On this 29 day of June 2022, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared MICHAEL A. BROOKS, known to me to be the Personal Representative of the ESTATE of RICHARD L. SCHULZ, Lake County Cause No. DP-21-70, the estate described in and whose name is subscribed to the within instrument and acknowledged to me that he executed the same in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and date in this certificate first above written.

[Signature]

Notary Public for the State of Montana

Printed Name of Notary

Residing at: 
My commission expires:

[Notary Seal]
FORM 60DF-Part A, Authorization to Construct

Interim REVIEW AS Per Requirements of Ordinance Section 2-2-117

All corrections or changes made by Joint Reviewers will be made on a "work copy" and shall include the date and the initials of the person making the change. Use this form as a checklist and documentation that the form is considered correct and complete.

Check marks in the boxes below will identify that application is adequate.

☑ Correct Fee ($125).

Notes:

☑ Filing meets the requirements of either an Individual or Shared Domestic Allowance (wrong form filled).

Notes:  

☑ Site map meets standards and includes:

i. Well(s) and Stock Tanks, including purpose of each well;

ii. sewage facilities including septic tanks and drainfields;

iii. buildings on the site, including identification of Well connections;

iv. property lines and ownerships;

v. irrigated acres per lot or unit Well(s); and

vi. means of conveyance, water right points of diversions, and surface water features.

Notes:

☑ Proposed Well or developed spring is properly located (ownership, conveyance, etc.).

Notes: Per estate paperwork, applicant is estate executor

☑ Proposed Domestic Allowance is not used to fill or maintain a pit, pit-dam, constructed pond, or reservoir.

Notes:

☑ Proposed Flow Rate is identified and less than or equal to 35 GPM.

Notes:

☑ Proposed Maximum annual diverted volume is identified and less than or equal to 2.4 acre-feet/year.

Notes:

☑ Proposed Means of diversion is a single well or developed spring.

Notes: Well

☑ Proposed Diversion physically connected to the correct number of Home(s) and/or Business(es).

Notes: 2 proposed dwellings

☑ Proposed Means of diversion includes a Well Shaft Casing.
Any proposed stock purposes are dispensed using Stock Tanks.

The amount of proposed land to be irrigated is within the maximum allowable acreage.

Applicant identifies proposed purposes associated with the use and purposes are allowed.

Proposed shared well application includes shared well agreement.

Proposed point of diversion is correctly identified.
1. ¼½ section, section, township and range (40-acre description);
2. Lot, Block, Subdivision, ¼ section, section township and range;
3. Government Lot, ¼ section, section, township and range; or
4. Certificate of Survey No. with or without a lot number, ¼ section, section, township and range.
5. Street or Road Address:

Proposed place of use is correctly identified.
Correct and complete will be the same as POD, except that geocode must be provided as well if it is requested on the form.

Proof of possessory interest - affidavit of ownership or written consent from owner is included and signed.

Reviewer: AB Date: 6/29/2022
Reviewer: Date: 
Reviewer: Date: 
Reviewer: Date: