

PRE-1973 DOMESTIC USE REGISTRATION OF PREVIOUSLY UNRECORDED EXISTING USES ON THE FLATHEAD RESERVATION

Section 2-1-106(1) of the CSKT-MT Compact Unitary Administration and Management Ordinance (Ordinance), § 85-20-1902, MCA, allows for the registration of previously unrecorded domestic uses on the Flathead Reservation.

Use this form for domestic uses that:

- 1) were developed before 1973;
- 2) were exempt from the claim filing requirements pursuant to § 85-2-222, MCA;
- 3) have not previously been filed for in the Montana general adjudication (Water Use Act, Title 85, chapter 2, MCA); and
- 4) are not part of the CSKT Tribal Water Right set forth in Article III of the Compact (§ 85-20-1901, MCA).

Check all appropriate boxes and fill in each blank. If more space is needed, attach properly labeled additional information.

Registration forms and fees are to be sent to DNRC for the benefit of the Flathead Water Management Board (FWMB).

Filing Fee: \$130

Make checks payable to: "DNRC for the benefit of FWMB"

FOR ADMINISTRATIVE USE ONLY

Registration # _____ Basin _____

Time _____ AM / PM

Rec'd By _____

Fee Rec'd \$ _____ Check # _____

Deposit Receipt # _____

Payor _____

Refund \$ _____ Date _____

Mail forms & checks to either:

Kalispell Regional Office
655 Timberwolf Parkway, Ste 4
Kalispell, MT 59901-1215

Missoula Regional Office
2705 Spurgin Road, Bldg. C
PO Box 5004
Missoula, MT 59806-5004

ATTENTION:

THIS FORM MUST BE FILED NO LATER THAN 3/16/2022.

Only file this form for domestic uses which were not required to be filed, pursuant to § 85-2-222, MCA, and were not filed on as claims in the Montana General Stream Adjudication for a pre- July 1, 1973 use of water arising under state law.

1. WATER RIGHT OWNER INFORMATION:

NAME(S) _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

WORK PHONE _____ HOME PHONE _____ CELL PHONE _____

EMAIL _____

2. **SOURCE OF WATER:** Choose only one:
 Developed Spring Undeveloped Spring Well Stream Lake

Name of Source (if applicable) _____ Tributary of _____

3. **SOURCE TYPE:** Groundwater Surface Water

4. **POINT 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. ____ Geocode _____
Street or Road Address, including City, State & Zip Code of the Development _____

MEANS OF DIVERSION:

- Pump Pipeline Instream Spring box
 Other, please explain: _____

5. **PLACE OF USE:** Same as Point of Diversion? Yes No If yes, proceed to #6.

____ 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. ____ Geocode _____
Street or Road Address, including City, State & Zip Code of the Development _____

6. **NUMBER OF PERSONS SERVED:** (use one form per household) _____
NUMBER OF ACRES OF LAWN AND GARDEN IRRIGATION: (cannot exceed 5 acres) _____ acres

7. **FLOW RATE USED:** _____ gallons per minute miner's inches cubic feet per second

8. **VOLUME:** _____ acre-feet per year

9. **PERIOD OF USE:** Year-round use? Yes No If no, from _____ to _____, inclusive each year.

10. **PERIOD OF DIVERSION:** Same as Period of Use. If no, from _____ to _____, inclusive each year.

11. **TYPE OF HISTORIC RIGHT:** Decreed Filed Appropriation Use **Date of first use:** _____

Attach copies of the decree, record of filing, or proof of use right.

12. **ATTACH:** Copies of aerial photos, USGS topographic maps, or other documents necessary to show point of diversion and place of use.

13. AFFIDAVIT OF OWNERSHIP OR WRITTEN CONSENT

I have possessory interest in the property where the water has been 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 has been put to beneficial use, diverted, conveyed, impounded, stored, transported, withdrawn, used, and distributed pursuant to § 1-1-110(10), 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** _____

Applicant Signature _____ **Date:** _____

Printed Name** _____

Applicant Signature _____ **Date:** _____

FOR MORE INFORMATION OR HELP, CONTACT ONE OF THE FOLLOWING WATER RESOURCES REGIONAL OFFICES:

Kalispell

655 Timberwolf Parkway, Suite 4
Kalispell, MT 59901-1215
Phone: 406-752-2288 Fax: 406-752-2843
Serving: Flathead, Lake, Lincoln, and Sanders Counties

Missoula

2705 Spurgin Road, Bldg. C
P.O. Box 5004
Missoula, MT 59806-5004
Phone: 406-721-4284 Fax: 406-542-5899
Serving: Granite, Mineral, Missoula, and Ravalli Counties

Instructions for Domestic Registration Form 222F

1. Enter the complete names of the people to be listed as water right owner(s), their mailing address, and phone numbers. This will generally match property ownership (names on deeds). If there are more than two owners, please include an attachment with additional owners (and their contact information) listed.
2. Check the water source (or name, if applicable) for your existing water right. No more than one of these can be selected per form.
3. Select the water source type between surface (i.e., an undeveloped spring, stream, or lake) and groundwater (developed spring or well).
4. Enter the land description for the location of the diversion. Describe the location to the nearest 10 acres (that is, to the ¼ ¼ ¼ level). Legal land descriptions, subdivisions, geocodes, and certificate of survey information may be obtained from the tax statements, county records, or from the Montana Cadastral system at: <http://svc.mt.gov/msl/mtcadastral/>
5. Enter the legal description information for where the water right was actually put to use. In many cases, this will be the same legal description and geocode as the point of diversion. If so, answer yes and skip this section, but don't forget to attach a map (per question 12) showing the point of diversion and place of use clearly. Please note that for lawn and garden use, do not include the house footprint, driveway, graveled areas.
6. List the number of people that were historically served by this development when this water was first put to use. If lawn and garden use is relevant, list the number of acres of lawn and/or garden that have been historically served (no more than 5 can be claimed).
7. This is the rate at which water is removed from the source for use. Water flow measurements can be expressed in three ways: gallons per minute (GPM), cubic feet per second (CFS), and Montana miners inches (MI). Actual flow

measurement is always best. **Measure flow rate by** timing how many seconds it takes to fill a 5-gallon bucket. After determining the number of seconds it takes to fill the bucket, use the following formula to estimate your flow rate: $300 \div \text{number of seconds} = \text{flow rate in GPM}$.

8. Please calculate the annual volume consumed with this water right. The yearly volume of water you use for domestic purposes can be estimated using the following standard: A typical family of five uses 1.5 acre-feet/year. A typical 0.25 acre of lawn & garden uses 0.63 acre-foot/year. Total Volume under this standard: 2.13 acre-foot/year.
9. This is the period of time each year the water is used. Indicate the earliest month and day and the latest month and day the water has historically been used for domestic use. For example, if the water is needed during the entire year, check "year round use."
10. This is the period of time each year the water is diverted from the source. Indicate the earliest month and day and the latest month and day the water has historically been diverted for domestic use during any year.
11. Check one type of historical right and priority date. The types of rights are:
 - "Decreed" (or Adjudicated) right: water rights that have been reviewed and recognized by a court proceeding. These rights are on file at the County Clerk of Court's office. **Note: you must attach a copy of the portion of the decree describing this right to claim this type of historical right.**
 - "Filed" Appropriation right: water rights recorded on a "notice of Appropriation" filed in the County Clerk and Recorder's office. This filing may have been done by any landowner. **Note: you must attach a copy of the record of filing made in the County Clerk and Recorder's office to select this type of historical right.**
 - "Use" right: water rights developed by use; no record of the water right was ever made in the county courthouse. A use right to surface water could have been legally established any time before July 1, 1973 on un-adjudicated streams. A use right to groundwater could have been legally established before January 1, 1962. If a well or spring was developed after January 1, 1962 (and before July 1, 1973) and was not recorded in the county courthouse, please obtain an Application for a Domestic Allowance form from the Flathead Water Management Board. **Note: you must attach substantiation documents for when this use began and the volume historically used in the form of water measurement records, a notarized statement of someone who knows when the use began (affidavit), or some similar attachment establishing a date and amount of first use.**
12. The map must clearly show (with labels) the following:
 - Point of diversion with brief description of the means of diversion (e.g., a well). This should be the location of the well, developed spring, or bucket that is used to pull water from the source.
 - Place of storage, if any (e.g., a tank).
 - Place of water use (house, lawn, garden, and/or shelterbelt).
 - Any other items that can be labeled which would further describe or identify the water right.
 - Indicate clearly the sections, township and range associated with the areas of your map.
 - Print the owner's name and address.
13. For this form to be complete, it must be signed by all owners.