

# PRE-1973 STOCK 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 stock uses on the Flathead Reservation.

Use this form for stock 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 stock 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. **NUMBER AND TYPE OF LIVESTOCK SERVED:**    \_\_\_\_\_ Beef Cattle    \_\_\_\_\_ Dairy Cows    \_\_\_\_\_ Horses

\_\_\_\_\_ Sheep    \_\_\_\_\_ Goats    \_\_\_\_\_ Pigs    \_\_\_\_\_ Other  
# \_\_\_\_\_ Type \_\_\_\_\_    # \_\_\_\_\_ Type \_\_\_\_\_    # \_\_\_\_\_ Type \_\_\_\_\_  
# \_\_\_\_\_ Type \_\_\_\_\_    # \_\_\_\_\_ Type \_\_\_\_\_    # \_\_\_\_\_ Type \_\_\_\_\_

6. **PLACE OF USE:** Same as Point of Diversion?    Yes    No    If yes, proceed to #7.

\_\_\_\_ 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 \_\_\_\_\_  
\_\_\_\_ 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 \_\_\_\_\_  
\_\_\_\_ 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 \_\_\_\_\_

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 not, 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 (§ 1-1-110(10) of the Ordinance).

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

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

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner 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

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**Instructions for Stock 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 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. Indicate the historic (pre-July 1, 1973) types and number of livestock in the proper spaces. Females and their offspring

should be counted as one animal unit. Count weaned animals individually.

6. The “place of use” is where the stock drink the water. This could be the location of a stock tank or groundwater pit. In cases where livestock drink directly from a stream, river, natural lake or undeveloped spring, the place of use would be identical to the point of diversion, i.e. the entire length of the stream, river, natural lake or spring where the water is accessible to livestock. Please don't forget to attach a map (per question 12) showing the point of diversion and place of use clearly.
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. However, since actual measurement was rarely made by the original appropriators, these figures are sometimes inaccurate. If you are claiming a groundwater pit, you do not need to identify a flow rate. **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. An animal unit (AU) is the measurement of livestock numbers. A cow and calf pair is one animal unit. Weaned animals are counted as one unit each. To calculate stock use volume, use the following equation:  $\text{Number of AU's} \times 30 \text{ Gallons Per Day} \times \text{Days Per Year} \div 325,851 = \text{AF/Period of Use}$ . Animal units can be calculated using the conversions found on DNRC Form 615.
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 stock 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 stock 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 Stock 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., “instream”). This should be the location of the well, developed spring, or stream reach where water is diverted or drunk from the source.
  - Place of storage, if any (e.g., a tank).
  - Place of water use.
  - 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.