

Flathead Reservation Office of the Water Engineer

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Topic: Frequently Asked Questions and Updates

From: Ethan Mace, Water Engineer

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Hello from the Office of the Water Engineer. Our office works on behalf of the Flathead Reservation Water Management Board and is charged with administering water rights on the Reservation.

We have been busy staffing up and furnishing our Ronan office as we shift from interim processes towards a fully functional office as intended by the Compact. Our main projects have included:

- Helping to authorize the drilling of over 210 new small domestic wells for resident water users;
- Working to solve long-standing issues related to pending land divisions and sanitation permitting that requires resolution of water right issues;
- Working with the Montana DNRC to move forward with the processing of nearly 3,000 pending state-based registrations of existing uses, some filed with DNRC as early as the mid 1990's and others received during the 180-day filing period that ended this past March;
- Working with the Tribes to assist with their registration of Tribal water rights;
- Providing general information to callers and walk-ins regarding water rights and questions about the Compact and Ordinance.

Frequently Asked Questions

Our office receives some common questions that are asked of us, so we thought it might be useful to provide some answers here:

1. Is your office or the Board going to meter all of our wells?

Answer: No, we have no plans to meter most of the wells on the reservation. The exceptions to this rule include 1) wells used for subdivisions, 2) larger new wells that might adversely affect senior water users, and 3) wells that may be involved in a water right complaint, where adjacent water users have filed a complaint(s) and well metering can be used to help resolve the situation. We expect these situations to be limited.

2. Will your office be charging us for our water use?

Answer: No, beyond a one-time application fee for a new use, our office does not charge for the use of water in any way.

3. Is your office a Tribal office? Is your office a State office?

Answer: Our office is independent of the direct authority of both Tribal and State government, but is authorized by the laws of both governments. Our office is directed by the Flathead Water Management Board's six members. Two voting members are appointed by Montana's Governor, two voting members

are appointed by the Tribal Council, a fifth voting member is selected by the other four, and a non-voting member is appointed by the federal government. Funding for our office and Board operations comes partially from application fees and equal/matching appropriations provided by both the Tribes and the State.

4. Will your office set the fees and delivery quotas for the Flathead Indian Irrigation Project (FIIP)?

Answer: No, fees and quotas for the FIIP are set by the FIIP operator, not our office.

5. Who needs authorization to drill a well and put water to use on the Reservation

Answer: Everyone needs to get advanced authorization before drilling a new well for a new use, this includes Tribal and Non-Tribal members. If you have questions, we are happy to help.

6. What is the status of my pending or suspended state-based registration?

Answer: Back before 2013, when the provisions that govern registrations of all those pending water rights were written, no one contemplated how many new wells would be drilled between then and the eventual passage of the Compact in 2021. But rest assured, our staff is working closely with our State partners to get these important registrations of existing uses reviewed and moved forward. If your filing met the terms and conditions of the registration filing requirements, you will get your water right. In the meantime, if you need a copy or verification of your filing, our staff can get you pointed in the right direction.

7. I didn't file a registration for my existing use, what do I do now?

Answer: At this time, we don't have a process for addressing the needs of those who didn't file registrations, but the Board and our office is exploring options that will help water users get compliant.

8. When will your office start accepting applications for water uses other than Domestic Allowances?

Answer: Our office continues to release new application forms for other water right types. We are actively maintaining an ongoing list of people interested in certain appropriation types, so that we can contact them once their application form of interest is finalized.

9. Does your office have jurisdiction over water right administration off the Flathead Reservation?

Answer: No, our office only has jurisdiction over water rights on the Reservation, DNRC retains jurisdiction everywhere else.

10. How do we contact you?

Answer: We typically staff our office from 9 to 5 Monday through Thursday. We encourage calling ahead and making an appointment for better service:

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