



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MONTANA STATE SUPPLEMENT
MANUAL TRANSMITTAL SHEET

Release	7-11
Date	11/14/86

Subject

7250 - WATER RIGHTS

1. Explanation of Material Transmitted: This release provides policy and procedural guidance for obtaining and protecting Bureau water rights in Montana, North Dakota, and South Dakota.
2. Reports Required: None
3. Material Superseded: Manual pages superseded by this release are listed under "Remove" below. No other directives are superseded.
4. Filing Instructions: File as directed below.

REMOVE

Entire Supplement 7250
(Rel. 7- 5)
(Rel. 7- 8)
(Rel. 7-10)

(Total: 23 sheets)

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Supplement 7250

(Total: 23 sheets)

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4. Application for Provisional Permit for Completed Stockwater Pit or Reservoir (Form No. 605 N9/81)
5. Notice of Completion of Ground-Water Development (Form No. 602 R1/82)
6. Application for Change of Appropriation Water Right (Form 606 R11/79)
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8. Objection to Application
9. Instructions for Application for a Water Right - South Dakota

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.01 Purpose. To supplement the Bureau Water Rights (7250) Manual with guidance for obtaining and protecting the water rights of the Bureau in Montana and North and South Dakota.

.02 Objective. To provide an orderly system to secure and protect the existing and foreseeable water uses of the Bureau.

.03 Authority. (See BLM Manual)

.04 Responsibility.

A. Director. (See BLM Manual)

B. Deputy State Director for Lands and Renewable Resources. (See BLM Manual)

C. Service Center Director. (See BLM Manual)

D. The State Director, through the Deputy State Director, Division of Lands and Renewable Resources, is responsible for:

1-6. See BLM Manual.

7. Ensuring high professional standards, quality control, and Statewide consistency in the program.

8. Providing evidence and technical expertise for court proceedings.

E. The District Managers are responsible for:

1-5. See BLM Manual.

6. Defining, obtaining, and protecting the Bureau's water rights in accordance with State Office guidance and applicable State and Federal laws.

7. Appointing a District Water Rights Coordinator.

8. Processing any application that is for the use of water on public land and following all necessary procedures for a right-of-way, lease, permit, easement, or other instrument as the Secretary deems appropriate for the use of occupancy and/or development of the public lands.

.05 Definition. (See Glossary of Terms in BLM Manual)

.06 Policy.

It is the policy of the Bureau in Montana and North and South Dakota that:

A. The Bureau will obtain water rights for those quantities and uses of water necessary to implement present and planned Bureau programs and projects. Bureau protests of claims by other entities will be based solely on the protection of Bureau water uses.

B. The Bureau will apply to the state for water rights and comply with state law on all surface and groundwater sources unless the land or water is reserved by Act of Congress or Executive Order.

C. The Bureau will acquire, according to state law, water rights needed for Bureau programs or projects located in acquired lands. Public Water Reserves do not exist on acquired lands.

D. Reserved water rights asserted by the Bureau shall be limited to the uses and quantities necessary to accomplish the purposes for which the lands have been withdrawn. The Bureau will work closely with the state on all reserved water right claims.

E. Private individuals may appropriate unappropriated water on public lands and use reserved water (when within the purposes of the reservation) for private use off the public land. Regulation will be consistent with multiple-use management and conditioned to protect Federal resources and Bureau programs.

F. The Bureau will not charge a fee for the use of water originating on or under the public lands irrespective of whether the water in question is reserved, unreserved, unappropriated, or if the applicant is the holder of a state appropriative water right. There are provisions to charge fair market value for use of land that is needed for a right-of-way, and fees may be charged for the use of Bureau facilities to provide water. The one specific exception to this policy is under the authority of the Oil and Gas Conversion Act of June 16, 1934, 30 U.S.C. 229a, where water may be sold at a "reasonable cost."

G. The Bureau will file separately for each use associated with a water development. Procedures to quantify use will be in accordance with the Montana Water Use Inventory Manual.

H. The Bureau will include in land use planning efforts, the status of and need for water rights with particular detail occurring during activity planning.

I. The Bureau will make instream flow reservations in accordance with the Montana Water Use Act for future uses of water on nonreserved public lands.

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.1 Types of Water Rights..11 State Water Rights.

A. Appropriative Water Rights. The States of Montana, North Dakota, and South Dakota, as with other western states, operate under appropriative water law which recognizes a priority system for the diversion and beneficial use of the state's waters. In this priority system, the first water user has the first right to the water of that source. All subsequent water users acquire rights subservient and of lower priority than any prior appropriator. Important elements of appropriative water laws are: (1) the water must be physically diverted; (2) the water must be put to beneficial use. In Montana, water rights are property rights appurtenant to the land.

B. Riparian Water Rights. South Dakota recognizes both riparian and appropriative water rights. A riparian right may be asserted by riparian landowners. Such a right does allow for use of the water, but not to the detriment of other riparian owners.

C. Other State Water Rights. (See BLM Manual)

D. Reservations of Waters. In Montana, the State or Federal Government or agency thereof, may apply to the Board of Natural Resources and Conservation to reserve waters for existing or future beneficial uses, or to maintain a minimum flow, for as long a time as the board designates. See Section 89-890, Chapter 8, Montana Water Law, for more information. The Bureau will actively participate in this reservation process, identifying both consumptive and instream needs for Bureau programs. State Director Guidance identifies the necessary planning criteria where instream flow issues exist.

.12 Federal Reserved Water Rights. There are several types of withdrawals administered by the Bureau, and the water quantities necessary to fulfill the purpose of the withdrawal are reserved by the Federal Government. The Bureau in Montana may not always claim a reserved right in cases where state law adequately protects the water source.

A. Description. (See BLM Manual)

B. Use of Federal Reserved Waters by Individuals. (See BLM Manual)

C. Public Water Reserve No. 107. Executive Order of April 17, 1926, withdrew and reserved all important springs and waterholes on public lands for the purpose of providing water for public use. Solicitor's Opinion No. M-36914, dated June 15, 1979, provides additional information on description and legal status. PWR 107 does not apply on land acquired after April 17, 1926, or to springs or waterholes coming into existence after October 21, 1976.

D. Converted Oil and Gas Wells. Nonproducing oil and gas wells under the authority of the Act of June 16, 1934, 48 Stat. 977; 30 U.S.C. 229a, are reserved. The sections of the June 16, 1934, Act which pertained to oil and gas well conversions were repealed by FLPMA. An oil and gas well conversion completed after 1976 would not qualify for a reserved right claim. However, wells that are identified as having been converted prior to the passage of FLPMA will have a priority date which is the date that the Bureau purchased the drilling company's interest in the well, and title to the well casing was vested in the name of the United States.

E. Wild and Scenic Rivers. Unappropriated waters necessary to fulfill the purpose of the Wild and Scenic Rivers Act are reserved. Priority dates are established as the date the particular segment of the stream is formally designated by Congress as a National Wild and Scenic River. There is one wild and scenic river in Montana administered by the Bureau and it is located on the Missouri River between Fort Benton and Robinson Bridge.

F. Mineral Hot Springs. All hot springs or springs with curative properties existing on vacant, unappropriated, and unreserved public lands were withdrawn by Executive Order 5389, dated July 7, 1930. This order authorized the lease of those springs for public purposes under the Act of March 3, 1925 (43 Stat. 1133). Consequently, the priority date for all such mineral, medicinal, and related springs is the date Executive Order 5389 was issued; i.e., July 7, 1930. It should be noted that FLPMA did not repeal the Act of March 3, 1925, the authorizing statute for Executive Order 5389.

G. Wilderness Area. Congressionally designated wilderness areas under Bureau administration may contain reserved water for the purpose of recreational, scenic, scientific, educational, conservational, and historic use.

H. Wild Horse Range. The Pryor Mountain Wild Horse Range was created September 9, 1968, by order of the Secretary of the Interior. In the order, the Secretary stated that the area is to be administered primarily for the protection and management of wild horses, wildlife, watershed, recreation, archeological, and scenic values. Water sources used by wild horses are reserved as of September 9, 1968.

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.2 Legal and Administrative Processes. (See BLM Manual)

BLM Manual Supplement
State Office — Montana
Supersedes Rel. 7-5

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.3 Water Rights in Montana. BLM in Montana has many varied water uses in connection with resource management and production on public land. Continuous uses include livestock watering, wildlife habitat maintenance, water spreader irrigation, and recreation. Occasional uses are also important, such as oil and gas exploration and development, road construction, and fire suppression. Montana State Law allows for and encourages protection of all these water uses. It is the policy of BLM in Montana to cooperate with the State Government to the greatest extent possible under the umbrella of State law to protect all water uses identified for public land management purposes. Water rights in Montana can best be understood by dividing them in two separate time periods, pre-July 1, 1973, and post July 1, 1973.

.31 Pre-July 1, 1973. On April 19, 1979, the Montana State legislature passed Senate Bill No. 76 establishing a Statewide general adjudication of water rights. All water right claims prior to July 1, 1973, are included in the adjudication. By April 1982, the Bureau had submitted to the Department of Natural Resources and Conservation (DNRC) all Bureau claims. The process of adjudication may take several years. Bureau involvement will require the filing of amendments to the Bureau's original claims, expert testimony, preparation of supporting documentation, and review of preliminary decrees. The MSO (930) will coordinate all aspects of the Statewide adjudication with assistance from the District Offices.

All water uses and water right claims for the general adjudication are contained in the Water Use Inventory System maintained by MSO (930). A detailed description of the system is found in the Water Use Inventory Manual.

.32 Post July 1, 1973. All Bureau claims prior to July 1, 1973, have been filed for adjudication. For new water projects, the Bureau must apply to the State for a permit.

Montana water law, Section 89-880, states "...a person may not appropriate water or commence construction of a diversion, impoundment, withdrawal, or distribution works therefore, except by applying for and receiving a permit from the department (DNR)."

To comply with state law for state appropriative water rights, and to provide a systematic method of assessing water needs, uses, and availability, the Bureau will use the following procedures:

A. Water Development Project Plannings.

A current assessment of water use and availability must be completed as a part of activity planning or project planning. This assessment determines the legal and physical availability of water, and is required for all proposed water developments that are Bureau funded, cooperatively funded, or privately funded, such as those built under a Section 4 permit. Findings and recommendations must be documented and become a part of the activity plan or project file. Keep in mind that these findings and recommendations may be needed for support of Bureau claims in later proceedings.

1. The Resource Areas are responsible for preparing documentation with assistance, as needed, from the District Office. The following items must be considered in preparation of this assessment:

a. Review existing inventory information available from the planning system concerning physical and legal water availability. Consider both surface and groundwater sources.

b. Assess upstream and downstream water uses to determine whether potential developments may interfere with or be limited by existing water appropriations within the affected watershed. Each situation will be unique and require the exercise of judgment as to the scope of assessment.

c. Recommend the types of sources (wells, reservoirs, springs, etc.), their locations, available water quantity and quality if known, and seasonal variability.

d. Consultation with neighboring water users is strongly recommended in an effort to prevent subsequent misunderstandings and conflict. Such consultation should be documented. Consider the use of affidavits signed by neighboring water users confirming that the project will not interfere with their existing uses.

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B. Bureau Procedures for Compliance Montana Permitting System.

The procedures described below are specific to Montana's rules and regulations governing water rights. Illustration 1 identifies the various Montana State forms used to secure water rights. Additional information can be found in "Water Development Projects and Wells, How to Apply for a Water Use Permit," DNRC, September 1978, Circular 1192. Responsible field office personnel must become familiar with the various water rights forms and assure that they are completed properly and accurately.

Copies of all forms and permits submitted or received by the responsible field office must be sent to MSO (930) for entry into the Water Use Inventory System.

Since the information entered upon the Water Permit Application forms is also entered into the Water Use Inventory System, it is essential that the procedures used to quantify water uses on the forms be in accordance with the Water Use Inventory. Refer to MSO Manual 7211 for these procedures. Of particular concern is the quantification of livestock and wildlife use.

1. Resource Area personnel will complete water development project plans and determine the type and location of the water source. Upon approval, Area Offices will prepare a Job Documentation Report (JDR) and complete the appropriate water permit forms for all developments planned for the ensuing fiscal year. Maintenance of water projects (with a valid water right or certificate) will not require any permission from the State unless there is a significant change in use or location. If there is a significant change, use Form 606 prior to maintenance.

2. The District or Area Office will submit an application to the local DNRC field offices. (Area Managers have signatory authority for water applications.) A copy of the application (Form 600, Illustration 2) must also be sent to MSO (930).

DNRC should contact the responsible Bureau field office directly regarding inquiries, objections, and other correspondence.

Upon receipt of a permit, construction may begin.

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3. The appropriate Notice of Completion Form 617, 605, or 602 (Illustrations 3, 4, and 5) must be submitted by the responsible field office within 60 days after completion of the projects. Copies will be sent to MSO (930).

If stockwater is the only use, the impoundment is less than 15 acre-feet, and the appropriation is less than 30 acre-feet, Form 605 may be used for obtaining a permit. Caution must be exercised in using Form 605 as it is submitted after construction, and valid objections by other water users could result in the removal or modification in the reservoir.

The Memorandum of Understanding with the Bureau of Reclamation in the Milk River drainage may restrict or prohibit the use of Form 605 (check current MOU).

4. Spring developments and wells of less than 100 gpm of beneficial use, outside of groundwater controlled areas, need only the submission of Form 602. If the development is a well, Form 603 must also be filed by the water well driller within 60 days after completion.

5. See Paperwork Management, Section .32F, for water rights filing guidance.

C. Changes and Transfers. If there are any significant changes in water use, whether under a valid existing water right, a permit, or a certificate, Form 606 "Application for Change of Appropriation Water Right" (Illustration 6) will need to be filed with the State. Such changes include alterations in the purpose for which the water is used, or in the location of use, diversion, or storage. An application must be filed and an "Authorization to Change" must be issued by the State before the change is made. The District or Area Office will submit Form 606 to DNRC. A copy of the form will be sent to MSO (930) for updating the Water Use Inventory. Water right ownership may be transferred using Form 608 "Water Right Transfer Certificate" (Illustration 7). A water right for purposes of transfer means a right to use water as documented by a claim to an existing right, a permit, or a certificate of water right. In cases where real property is transferred, all water right transfers must be noted on the realty transfer certificate upon recording the deed. Form 608 will then be completed and filed with the county clerk and recorder. A filing fee must be paid at the time of recordation. Copies of Form 608 must be forwarded to MSO (930) to update water right records.

D. Handling of Water Use Application Objections.

1. Objections to BLM project applications:

a. DNRC will notify the local Bureau field office of objections.

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b. The Area Manager will attempt to reach an agreement with the affected party. Any discussions with the affected parties should be documented and relayed to the District Office and DNRC.

c. The Area Manager will request assistance from the District Manager as needed. The District Manager will notify the MSO (930) if the objection has not been satisfied by negotiation and a formal hearing is likely, or if Congressional inquiries are involved. The State Director will decide whether to pursue the water right through litigation. MSO will arrange for legal assistance and advise the District as necessary.

2. BLM objections to water developments:

a. DNRC should notify the local Bureau office of all water use applications that may affect the public lands administered by BLM. The MSO (930) will forward any notifications from DNRC to the responsible field office.

b. District or Resource Areas will review the notices for possible conflict with Bureau programs. If a conflict does appear to exist, a staff report will be made by the District or Area hydrologist. The report will assess the water supply in the watershed, taking into account existing water rights. Conflicts with any existing Bureau water rights should be quantified as to time, amount, and location.

c. If the Area Manager decides that the BLM would be adversely affected, the Area Manager will:

(1) Advise the District Manager that an objection should be considered. The District will file Form 611 "Objection to Application" (Illustration 8), with DNRC.

(2) Attempt to resolve the conflict through negotiation, with DNRC coordinating negotiations.

(3) If the negotiations fail and the objection is to be pursued, the District Manager will send to the MSO (930) a copy of the objection (Form 611) and the hydrologist's report.

(4) The State Director will contact the Field Solicitor's Office and decide the course of action.

E. Filing Fees. Filing fees are those fees charged by the state to process an application, claim, or amendment. A blanket purchase order with the appropriate state agency will be maintained in the State Office, and all filing fees will be paid through this purchase order. Form 608, however, requires direct payment to the county and is not covered by the blanket purchase order.

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F. Paperwork Management. Water rights paperwork will be filed under subject function code 7250 and will be maintained in general and permanent files. The Water Use Inventory System consists of an automated storage system and supporting paperwork independent of central files.

All correspondence material is kept in 7250 central files, while specific water right documents, adjudication information, and other documents of a permanent nature will be kept in the project files.

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.4 Water Rights in North Dakota. North Dakota has been operating on a prior appropriation doctrine of water rights since 1963. Section 61-04-02 of the North Dakota Century Code provides that water permits must be secured from the State Engineer before commencing construction or taking water for beneficial use. No permit is required for reservoirs under 12.5 acre-feet in volume with the dam structure less than 20 feet high which will be used for livestock purposes.

.41 Water Development Project Planning. (See .32A)

.42 Bureau Procedures for Compliance with North Dakota Permitting System.

A. District personnel will complete water development project plans and determine the type and location of the water source. Once approved, the District Office will prepare JDRs and complete the State water permit application forms.

B. The District will submit the forms to the North Dakota (ND) State Engineer and copies to MSO (930). The District Office will work with the ND State Engineer regarding inquiries and objections or other correspondence. Conditional permits will be held by the District with copies sent by the District to MSO (930).

C. The District is responsible for obtaining State Engineer inspection following completion of the projects physical development. The Perfected Water Permit will be held by the District, with copies sent by the District to MSO (930).

.43 Changes and Transfers. If there are any significant changes in water use, the District Office will submit the appropriate paperwork to the ND State Engineer with copies sent to MSO (930).

.44 Handling of Water Use Application Objections.

A. Objections to BLM Project Applications.

1. The State Engineer will notify the District Manager of objections.

2. The District Managers will attempt to reach an agreement with the affected party. Any discussions with the affected parties should be documented and relayed to the State Engineer.

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3. The District Manager will notify MSO (930) if the objection is not resolved by negotiation and a formal hearing is likely, or if Congressional inquiries are involved. The State Director will decide whether to pursue the water right. MSO will arrange for legal assistance and advise the district as necessary.

B. BLM Objections to Water Development.

1. The district office should contact the State Engineer so that the district will be notified of and review all water permit applications that may affect public lands administered by the Bureau.

2. If a conflict with Bureau programs appears to exist, a staff report will be made by the District hydrologist. The report will assess the water supply in the watershed, taking into account existing water permits. Conflicts to Bureau programs should be quantified as to time, amount, and location.

3. If the District Manager decides that an objection should be considered, the district will file the objection with the State Engineer. The district will attempt to negotiate a resolution.

4. If the District Manager decides to pursue the objection, copies of all paperwork will be sent to MSO (930). The MSO will contact the Field Solicitor's Office and will decide whether or not to pursue the objection.

.45 Filing Fees. (See .32E)

.46 Paperwork Management. (See .32F)

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.5 Water Rights in South Dakota. South Dakota recognizes both riparian and appropriation water right doctrines. In situations where the Bureau wishes to divert or impound water for consumptive use, applications must be submitted to the State to appropriate water. Illustration 9 provides the instructions for applying for water rights. The basic forms used are: Form 2, "Application for Permit to Appropriate Water"; Form 2A, used if the diversion is from a well, dugout, or water storage dam; and "Location Notice - Dry Draw" for livestock reservoirs located in ephemeral channels.

.51 Water Development Project Planning. (See .32A)

.52 Bureau Procedures for Compliance with South Dakota Permitting System

A. Area personnel will complete water development project plans and determine the type and location of the water source, with assistance from the District office as needed. Once approved, the Area Office will prepare JDRs and complete the State water permit application forms.

B. The District or Area Office will submit an application to the Department of Water and Natural Resources. The responsible field office will work directly with the Department of Water and Natural Resources (DWRN) regarding inquiries, objections, and other correspondence.

C. Copies of all applications, permits, and water rights must be sent to MSO (930) for entry into the Water Use Inventory.

.53 Changes and Transfers.

If there are any significant changes in water use, the Area Office will submit the appropriate paperwork to the Department of Water and Natural Resources and send copies to MSO (930).

.54 Handling of Water Use Application Objections.

A. Objection to BLM Project Applications.

1. DWRN should notify the Area Manager of objections.

2. The Area Manager will attempt to reach an agreement with the affected party. Any discussions will be documented. The Area Manager will notify the District Manager for assistance as needed.

3. The District Manager will notify MSO (930) if the objection is not resolved by negotiation and a formal hearing is likely, or if Congressional inquiries are involved. The State Director will decide whether to pursue the water right. The MSO (930) will arrange for legal assistance and advise the district as necessary.

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B. BLM Objections to Water Developments.

1. The Area Office should contact the DWR so that the Area can be notified and review all water permit applications that may affect public lands administered by the Bureau.

2. If a conflict with Bureau programs appears to exist, a staff report will be made by the Area or District hydrologist. The report will assess the water supply in the watershed taking into account existing water permits. Conflicts to Bureau programs should be quantified as to time, amount, and location.

3. If the Area Manager decides that the BLM would be adversely affected, the Area Manager will:

a. Advise the District Manager that an objection should be considered. The District will file the appropriate forms.

b. Attempt to resolve the conflict through negotiation.

c. If the negotiations fail and the objection is to be pursued, the District Manager will send to the MSO (930) a copy of the objection and the hydrologist's report.

d. The State Director will contact the Field Solicitor's Office and decide the course of action.

.55 Filing Fees. (See .32E)

.56 Paperwork Management. (See .32F)

.57 Adjudication. A general adjudication was initiated in March 1980 for the entire Missouri River Basin excluding the James, Vermillion, and Big Sioux Sub-Basins. The Bureau has collected water use data and will participate in the adjudication process.

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.6 Non-Bureau Water Uses on Public Lands. Private individuals may appropriate unappropriated water on public lands and use reserved water when within the purpose of the reservation (reserved waters cannot be appropriated). Private appropriations and use of water for non-Bureau activities must be consistent with Bureau multiple-use management plans. Control and regulation of access to and transportation of water is found under 501(a) FLPMA. Fees charged for water use are discussed under Section .06 Policy.

.61 An applicant must file for a right-of-way grant on proposals to construct a reservoir, canal, ditch, flume, lateral, pipe, tunnel, or other facility or system for the impoundment, storage, transportation, or distribution of water on the public lands. Before the land use application can be approved, a land report and environmental assessment must first be prepared by the realty specialist. When the Bureau receives a request for land use authorization associated with water use, the water rights coordinator and hydrologist will, at a minimum, provide the following information:

- A. Feasibility of the proposal in terms of water availability and use.
- B. Effect of the proposal on existing Bureau water rights or planned water uses.
- C. Effect of the proposal on private water rights.
- D. Modifications possible to minimize adverse effects on Bureau programs.

.62 Once the grant has been issued by the authorized officer, the water project is plotted on the MTP and thereon identified with the serial number. It should be pointed out that a right-of-way grant may be issued for the actual construction, operation, maintenance, or termination of a water project or for access to the project site.

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.7 Additional Water Rights Policies on Public Lands in Montana, North and South Dakota.

.71 Water Rights Associated With Range Improvements. For range improvements already in existence, Bureau policy allows for a joint BLM/permittee or lessee water right for facilities that were built with contributed funds under a cooperative agreement and a permittee or lessee held water right for facilities that were built under a range improvement (Section 4) permit where no Federal funds were provided.

A. Where an existing range improvement, located entirely on public land, is already covered by a cooperative agreement or a range improvement permit, and where the grazing permittee/lessee is either a joint holder of a water right with BLM or exclusive holder of a water right, a new agreement must be signed which contains a statement of intent to relinquish to the BLM any right to the water upon loss of grazing preference. A sample statement of relinquishment follows:

Attachment to: Range Improvement Permit Number _____

The grazing permittee or lessee hereby agrees to relinquish to the United States all rights, title, and interest in Montana Beneficial Water User Permit No. _____ (number to be inserted after DNRC action on application) or Water Claim Nos. _____ issued for the water facility constructed pursuant to this Range Improvement Permit in the event that the permittee should, for any reason whatsoever, lose grazing preference in whole in the _____ Allotment. The permittee or lessee agrees to execute the necessary State transfer forms to relinquish the above water interests to the United States.

Name of Permittee or Lessee

Address

Witness

NOTE: Water associated with the facility is for livestock watering and the Bureau intends to keep the water at that facility for livestock watering in the future.

B. The reasons for the relinquishment statement should be clearly stated to the permittee or lessee. Note that the water associated with the facility is for livestock watering and the Bureau intends to keep the water at that facility for livestock watering in the future.

C. The range improvement permit, Form 4120-7 (April 1984), does not have a space for special conditions such as the relinquishment statement. An attachment will have to be referenced.

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D. The following situations may be encountered for which necessary action is needed:

1. Case 1.

a. Situation. No cooperative agreement or range improvement permit exists for a water improvement (presumably built in trespass). The water right for that improvement has been decreed to the permittee/lessee by the water court.

b. Action. Secure a cooperative agreement on the improvement which:

(1) Authorizes the improvement on public land (4120.3-1(b)).

(2) Assigns maintenance responsibility to the user (Form 4120-6, Paragraph 4).

(3) Has a statement to relinquish the water right upon loss of the grazing preference (4120.3-1(e)).

c. Attempt to secure a coheld water right by use of the water right ownership transfer provisions of State water law (ref. 7250 Montana State Supplement).

d. Failure to consummate the agreement which contains provisions (1), (2), and (3), as a minimum, will result in an adverse action taken under the authority of 43 CFR 4140.1.

2. Case 2.

a. Situation. A cooperative agreement has been signed for the water facility and the water right was granted exclusively to the permittee. Maintenance may or may not be with the permittee/lessee under the terms of the existing agreement.

b. Action.

(1) Replace the existing cooperative agreement with a new agreement to include a statement to relinquish the water right upon loss of grazing preference. Maintenance is assigned by Paragraph 4 of the agreement.

(2) Attempt to secure a coheld water right by use of the water right ownership transfer provisions of State water law (ref. 7250 Montana State Supplement).

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(3) If the grazing permittee/lessee refuses to sign the revised cooperative agreement to include the relinquishment statement and assignment of maintenance to the permittee/lessee, adverse action may be taken under the authority of 43 CFR 4140.1, and/or the relinquishment statement may be added as a special condition to the grazing lease/permit upon renewal.

3. Case 3.

a. Situation. A new water development is being planned on public lands. Water facilities constructed after 1973 are not subject to the present water rights adjudication, but instead fall under the State water use permit system.

b. Action.

(1) Where the facility is entirely federally-funded, the water right (permit) will be secured by BLM prior to construction (except water wells), and a maintenance agreement will be obtained.

(2) If the facility is cost-shared or constructed under a Range Improvement Permit, the water right may, if the permittee so desires, include the grazing permittee/lessee as a coholder. The water right (permit) will be secured before construction (except water wells) as will the maintenance agreement. The agreement will contain a statement of water relinquishment as described previously.

(3) Water facilities built by a user without permit or agreement will be subject to adverse action under authority 43 CFR 4140.1.

c. There will be no authorization made for new water facilities without a BLM or BLM/user coheld water right. The cooperative agreement or range improvement permit will contain a stipulation reflecting this policy.

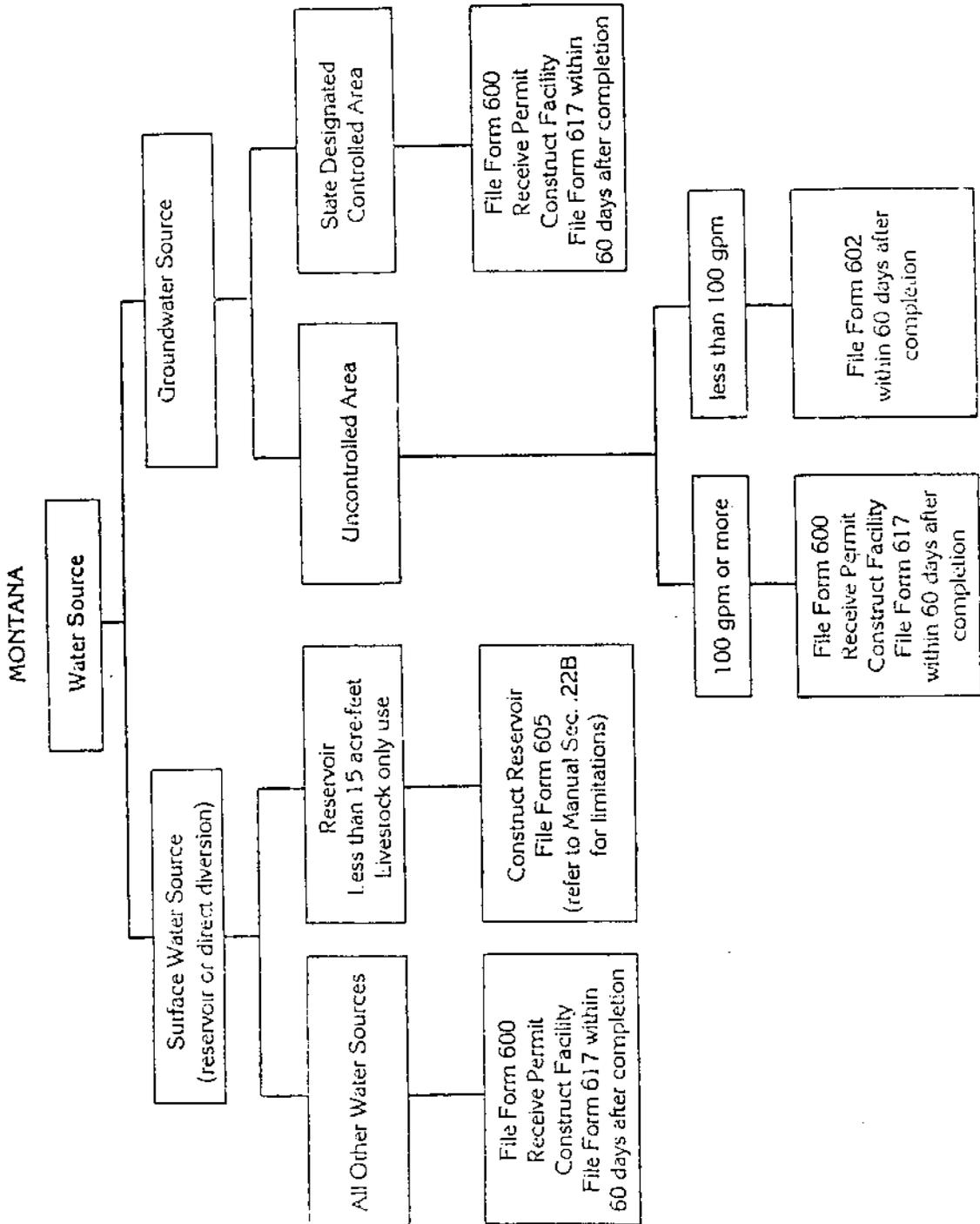
.72 Public Water Reserves and Land Exchanges or Sale. It is not acceptable to conduct exchanges or sales which leave public lands which were formerly served by a Public Water Reserve (PWR) without an adequate water supply which is legally protected. Any spring or pothole lake on public lands (excluding LU lands) under consideration for sale or exchange must be assessed as to PWR status. PWRs were created under Executive Order of April 17, 1926, and have been the subject at several solicitor's opinions. The water source will be first checked against those in the Montana Water Use Inventory (931) to determine if the source has already been identified as a PWR. If the source is not in the inventory, a determination as to PWR status will be made with input from the staff hydrologists and range conservationist. Lands which contain PWRs must have the PWR withdrawal revoked by the Secretary of the Interior prior to completion of the land sale or exchange.

7250 - Water Rights

Water Right Forms for the State of Montana
(Effective March 12, 1984)

- Form 600 Application for Beneficial Water Use Permit (for groundwater of more than 100 gpm and all surface water uses except livestock reservoirs less than 15 acre-feet): A permit must be received prior to construction.
- Form 602 Notice of Completion of Groundwater Development: For springs with a maximum beneficial use is less than 100 gallons per minute and water wells outside the boundaries of a controlled area. Notice must be filed within 60 days after completion. In the case of wells, the driller must file Form 603 in addition to Form 602.
- Form 603 Well Log Report: Filed within 60 days by the driller after a well is completed.
- Form 605 Application for Provisional Permit for Completed Stockwater Pit or Reservoir: (Maximum capacity of the pit or reservoir must be less than 15 acre-feet.) Stockwater use only. This form must be filed within 60 days after completion.
- Form 606 Application for Change of Appropriation Water Right: Used to record changes in use or location. Authorization must be received prior to change.
- Form 607 Application for Extension of Time: Used after receiving a permit for beneficial use if there is a delay in construction.
- Form 608 Water Right Transfer Certificate: Used to transfer ownership.
- Form 609 Application to Sever or Sell Appropriation Water Right.
- Form 610 Application for Reservation of Water.
- Form 611 Objection to Application.
- Form 614 Statement of Conditional Agreement.
- Form 617 Notice of Completion of Permitted Water Development.
- Form 618 Notice of Completion of Change of Appropriation Water Rights.
- Form 630 Petition to the Board of Natural Resources and Conservation for Controlled Groundwater Area.

Water Rights Forms for the State of Montana
(Effective April 16, 1982)



BLM Manual Supplement
State Office — Montana
Supersedes Rel. 7-8

Rel. 7-11
11/14/86

Application for Beneficial Water Use Permit

<p>Form No. 600 R4/82</p> <p style="text-align: center;">APPLICATION FOR BENEFICIAL WATER USE PERMIT (for groundwater of 100 gpm or more, and all surface water)</p> <p style="text-align: center;">INSTRUCTIONS</p> <p>Use one application for each source of supply or each development. Check all appropriate boxes and fill in each blank. If in your case any question is not applicable, enter NA (not applicable). If more space is needed, attach additional sheets.</p> <p>A map must accompany this application as instructed under item 12.</p> <p>Complete the application and submit it with the appropriate filing fee to the Water Rights Bureau field office nearest you. Their locations are listed on the last page. The form will be returned if any of the pertinent information is incomplete.</p>	<p style="text-align: center;">FOR DEPARTMENT USE ONLY</p> <p>Application No. _____</p> <p>Date Rec'd. _____, 19____</p> <p>Time _____ am/pm</p> <p>Rec'd. By _____</p> <p>Fee Rec'd. _____</p> <p>Check No. _____</p> <p>Transmittal No. _____</p> <p>Refund _____</p>
--	---

(Please type or print in ink)

1. **NAME OF APPLICANT** U.S. of America, Dept. of Interior, BLM
Mailing Address 421 S. Westcott
City or Town Amherst **State** MT **Zip** 59008
Home Phone 242-4191 **Other Phone** 242-4242

2. **Source of Water Supply:** Check and/or complete one source below.
- Well
 - Lake Name _____ Tributary to _____
 - Stream Name _____ Unnamed Source
Tributary to _____
 - Spring Name, if any _____
Tributary to _____
 - Closed Basin (A closed basin results when water drains into a depression, lake, etc. from which water escapes only by evaporation.)

3. **Point of Diversion** (Describe the location down to the nearest 10 acres):
NE 1/4 NE 1/4 NE 1/4 Section 3, Township 4 NS, Range 8 EW, Yellowstone County
(and when applicable)
 Government Lot _____, or Lot _____, Block _____, Subdivision Name _____

Additional Point of Diversion: (Also use Item 13, Remarks, for additional points of diversion):
NE 1/4 NE 1/4 NE 1/4 Section 3, Township 4 NS, Range 8 EW, Yellowstone County
(and when applicable)
 Government Lot _____, or Lot _____, Block _____, Subdivision Name _____



artcraft printers

BLM Manual Supplement
 State Office — Montana
 Supersedes Rel. 7-5

Rel. 7-11
 11/14/86

Application for Beneficial Water Use Permit

The water will be discharged to same source, if not consumed.

Yes No If no, explain and give the complete land description at the point of discharge.

1/4 1/4 1/4 Section Township N/S, Range E/W County (and when applicable) Government Lot or Lot Block Subdivision Name

4. Means of Diversion

Pump Well: Depth (in feet)

10 gpm Rated Capacity (gpm, ghp, cfs) Developed Spring

2 Horsepower Dikes

106 Lift (in feet)

Headgate/Ditch or Pipeline

If other, describe:

5. Reservoir (impoundment by dam or pit). See formulas below for computing volume.

- a. Capacity of existing (old) reservoir acre-feet.
b. Capacity of proposed (new) reservoir or enlarged reservoir acre-feet.
c. Would a permanent drainage device be installed? Yes No
d. Reservoir will be located off-stream (away from source) Yes No
If yes, give location: 1/4 1/4 1/4 Section Township N/S, Range E/W County

Total volume of pit Compute as follows:

Surface area x maximum depth x 0.5 = acre-feet.
acres feet volume

Total volume of reservoir Compute as follows:

Surface area x 0.4 x maximum depth in feet at dam = acre feet.
acres volume

6. Period of Appropriation: 10/1 to 9/30 inclusive each year.
(month/day) (month/day)

(The period during the year when the water will be diverted, impounded or withdrawn from the source of supply.)

7. Description of Proposed Beneficial Uses:

Stock: Estimated maximum number and type of livestock 200 cattle

Domestic: Number of families to be supplied

Other (Describe)

Irrigation

a. Method of Irrigation

Sprinkler Spreader Dike Border Dike

Contour Ditch Other (Describe)

7250 Water Rights

Application for Beneficial Water Use Permit

- b. Type of crops to be grown: _____
- c. Number of irrigations per season: _____
- d. If the purpose of this appropriation is to provide additional water to lands which are already irrigated, then the acreage that receives the additional water is considered **supplemental**. If this application involves supplemental irrigation indicate the basis of the **existing water** right that is being supplemented.
 Claim No. _____ Permit No. _____ Certificate No. _____
 Other _____

8. Place of Use

Irrigation: List the acreages to be irrigated and their location by legal land description. Also indicate in the extreme right-hand column the number of acres to be receiving additional water with an "S" for supplemental, and the acres to be irrigated for the first time with an "N" for new.

County	Subdivision Name	New (N) or Supplemental (S)		
_____ Acres, Lot _____	Block _____	1/4	1/4	1/4 Section _____ T _____ N/S, R _____ EW _____
_____ Acres, Lot _____	Block _____	1/4	1/4	1/4 Section _____ T _____ N/S, R _____ EW _____
_____ Acres, Lot _____	Block _____	1/4	1/4	1/4 Section _____ T _____ N/S, R _____ EW _____
_____ Acres, Lot _____	Block _____	1/4	1/4	1/4 Section _____ T _____ N/S, R _____ EW _____
_____ Acres, Lot _____	Block _____	1/4	1/4	1/4 Section _____ T _____ N/S, R _____ EW _____
_____ Acres, Lot _____	Block _____	1/4	1/4	1/4 Section _____ T _____ N/S, R _____ EW _____
_____ Acres, Lot _____	Block _____	1/4	1/4	1/4 Section _____ T _____ N/S, R _____ EW _____
_____ Acres, Lot _____	Block _____	1/4	1/4	1/4 Section _____ T _____ N/S, R _____ EW _____
_____ Acres, Lot _____	Block _____	1/4	1/4	1/4 Section _____ T _____ N/S, R _____ EW _____

Nonirrigation: If the place of use of the water will be the same as point of diversion (Item 3), check . If not, give the location of use:

_____ 1/4 _____ 1/4 _____ 1/4 Section _____, Township _____ N/S, Range _____ EW, _____ County, (and when applicable)
Government Lot _____ or Lot _____, Block _____, Subdivision Name _____

9. Amount of water, use to which it will be applied (irrigation, stock, domestic, other) and period of use:

cfs
 _____ 8 _____ gpm up to _____ 3 _____ for livestock use from 10/1 to 9/3
acre-feet (mo./day) (mo./day)

cfs
 _____ gpm up to _____ for _____ use from _____ to _____
acre-feet (mo./day) (mo./day)

cfs
 _____ gpm up to _____ for _____ use from _____ to _____
acre-feet (mo./day) (mo./day)

Total amount requested _____ cfs gpm up to _____ acre-feet per year.

10. Proposed Construction:

What is the amount of time needed to complete the development after permit is received? (Note: Construction should not begin until permit is received.)
6 months

11. Ownership:

- a. Property owner at the point of diversion US Gov. BLM
- b. Property owner at the place of use US Gov. BLM
- c. If you are not the owner at (a) or (b) above, it is your responsibility to obtain the necessary easements and right-of-way. If state or federal lands are involved, contact the appropriate agency since the water right may need to be applied for by them.

Application for Beneficial Water Use Permit

12. Location Map:

A map showing the following items must accompany this application. Failure to supply an accurate map constitutes an incomplete application and the application will be returned for completion. An ASCS aerial photo or USGS topographic map may be used.

Items to be shown on the map:

- a. Township and range numbers
- b. Section corners and number.
- c. Point of diversion
- d. Location of conveyance ditch, pipeline etc.
- e. Place of use (irrigated acres: new and supplemental, location of stock tanks)
- f. Applicant's signature or name of person preparing map

13. Remarks: Provide any additional information that would help in explaining the proposed appropriation.

14. The applicant certifies that the statements appearing here are to the best of his/her knowledge true and correct.

Alfred Zigmare
Signature

7/8/84
Date

Signature

Date

SUBMIT THE COMPLETED APPLICATION AND PROPER FILING FEE TO THE APPROPRIATE FIELD OFFICE NEAREST YOU. FIELD OFFICES ARE LOCATED IN: HELENA, MISSOULA, KALISPELL, HAVRE, GLASGOW, MILES CITY, BILLINGS, LEWISTOWN AND BOZEMAN. (Check your local telephone directory for addresses and telephone numbers.)

FEE SCHEDULE	
A) Fee charge based on the following rate schedule: For consumptive uses:	
0 - less than 25 acre-feet per year	\$ 50
25 - less than 100 acre-feet per year	\$100
100 - less than 500 acre-feet per year	\$150
500 - less than 1,000 acre-feet per year	\$200
1,000 - or more acre-feet per year	\$250
B) For Applications for non-consumptive uses: Fee charge based on following rate schedule:	
0 - less than 1,000 acre-feet per year	\$ 50
1,000 - less than 10,000 acre-feet per year	\$100
10,000 - or more acre-feet per year	\$200
For any Application with a combination of consumptive and non-consumptive uses the rate schedule shown in (A) above shall apply.	
C) For any request for an Interim Permit to drill and test only; there shall be a fee of \$10.00 in addition to the rate schedules shown in (A) or (B) above.	

Notice of Completion of Water Development

Form No. 617 R4/80 Permit No. _____

NOTICE OF COMPLETION OF WATER DEVELOPMENT

This form must be filed by the permit holder on all completed water developments.

The diversion and distribution works for this appropriation must have been completed and water applied to beneficial use on or before _____ 19____, as specified in the permit or within any authorized extension of time. This Notice of Completion of Water Development, Form 617, shall be filed on or before _____ 19____.

(Please type or print in ink)

(I) (We) U.S. of America, Dept. of Interior, BLM
 Address 440 S. Wescott St.
 City Watermost State MT Zip 52017
 Home Phone No. 414-2201 Other Phone No. 414-2220

Attest that the water development has been completed and water put to beneficial use. If the development was not fully developed as specified within the terms, conditions, orders, and limitations of Permit No. _____, give details of the appropriation as actually developed.

Signature: *Alfred Biyanette* Date: 10/9/84
 Signature: _____ Date: _____
 Signature: _____ Date: _____

Subscribed and sworn before me, this 9th day of October 19 84

[Signature]
 Notary Public for the State of Montana

Residing at 480 Wescott
 My Commission expires 10/3/85

Send completed form to:
MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION ***DNR***
 32 SOUTH EWING HELENA, MONTANA 59601 449-3834

NO FILING FEE REQUIRED

BLM Manual Supplement
State Office — Montana
Supersedes Rel. 7-5

Rel. 7-11
11/14/85

Application for Provisional Permit for Completed
Stockwater Pit or Reservoir

<p>Form No. 605 N9/81</p> <p>APPLICATION FOR PROVISIONAL PERMIT FOR COMPLETED STOCKWATER PIT OR RESERVOIR</p> <p>(maximum capacity of the pit or reservoir must be less than 15 acre-feet)</p>	<p>FOR DEPARTMENT USE ONLY</p> <p>Application No. _____</p> <p>Date Received _____, 19 _____</p> <p>Time _____ a.m./p.m.</p> <p>Transmittal No. _____</p> <p>Fee Received \$ _____</p> <p>Received By _____</p>
<p align="center">INSTRUCTIONS</p> <p>Pursuant to Section 85-2-306(3), MCA, this form may only be used to apply for a Provisional Permit for a stockwatering pit or reservoir completed after October 1, 1981 and only when the following criteria are met:</p> <p>(1) Maximum capacity is less than 15 acre-feet; (2) located on a non-perennial flowing stream; and (3) constructed on and accessible to a parcel of land that is 40 acres or larger and owned or under the control of the applicant. (A perennial flowing stream means one which historically has flowed continuously at all seasons of the year, during dry as well as wet years.) This form must be filed within 60 days after constructing the stockwatering pit or reservoir.</p>	
<p align="center">(Please type or print)</p> <p>1. NAME OF APPLICANT <u>U.S. of America, Dept. of Interior, BLM</u></p> <p>Mailing address <u>101 S. Adams</u></p> <p>City or Town <u>Belvear</u>, State <u>MT</u> Zip <u>54110</u></p> <p>Home Phone <u>411-4111</u> Other Phone <u>411-4112</u></p> <p>2. SOURCE OF WATER SUPPLY <u>Red Creek</u> <small>(stream name)</small></p> <p>a tributary of <u>Blue Creek</u> <small>(stream name)</small></p> <p>3. LOCATION OF PIT OR RESERVOIR (Describe the location to the nearest 10 acres):</p> <p><u>SW</u> $\frac{1}{4}$ <u>NW</u> $\frac{1}{4}$ <u>SW</u> $\frac{1}{4}$, or Government Lot _____</p> <p>of Section <u>21</u>, Township <u>8 N</u>, Range <u>6 E</u> <u>Blueridge</u> County</p> <p>4. TOTAL VOLUME OF COMPLETED PIT OR RESERVOIR DEVELOPMENT = <u>10</u> acre-feet.</p> <p>(a) Compute total volume of pit: surface area <u>4</u> acres, x maximum depth <u>5</u> feet, x 0.5, = <u>10</u> acre-feet.</p> <p>(b) Compute total volume of reservoir: surface area _____ acres, x 0.4, x maximum water depth in feet at the dam, = _____ acre-feet.</p> <p>5. PERIOD OF USE: <input type="checkbox"/> January 1 to December 31</p> <p><input type="checkbox"/> Other (specify) _____ to _____</p> <p align="center"><small>month/day month/day</small></p> <p>Note: The maximum appropriation of water per year must be less than 15 acre-feet to qualify using this form. If 15 acre-feet or more, Form No. 600 must be used.</p>	
<p align="center">MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION</p> <p align="center">WATER RESOURCES DIVISION 32 SOUTH EWING HELENA, MONTANA 59620</p> <p align="right">DNRC</p>	

Application for Provisional Permit for Completed Stockwater Pit or Reservoir

6. PLACE OF USE:
 Will the water be used at the same location as given for the pit or reservoir? (see item 3)
 Yes _____ No _____ If no, give the location:
 _____ 1/4 _____ 1/4 _____ 1/4, or Government Lot _____
 of Section _____, Township _____ N/S, Range _____ E/W, _____ County

7. OWNERSHIP:
 (a) Number of acres owned where pit or reservoir is located 640
 (b) If you are not the owner of the property at the point of diversion or place of use, it is your responsibility to obtain the necessary easements and right-of-way. If State or Federal lands are involved, contact the appropriate agency since the water right may be applied for by them.

8. THE MAP:
 A map showing the following must accompany this application. Failure to supply an accurate map constitutes an incomplete application and the application will be returned for completion. A copy of an A.S.C.S. aerial photo or a copy of a U.S.G.S. topographic map is sufficient. (Please use dark pencil or pen when writing on the map.)
 (a) Township and Range No. s _____
 (b) Section Numbers and Corners _____
 (c) Pit or Reservoir Location _____
 (d) Other Place of Use (such as location of any stock tanks) _____
 (e) Applicant's Signature or Person preparing the Map _____

9. REMARKS: Provide any additional information that would help in explaining the completed pit or reservoir:

10. THE APPLICANT CERTIFIES THAT THE STATEMENTS APPEARING HEREIN ARE TO THE BEST OF HIS/HER KNOWLEDGE TRUE AND CORRECT.
 _____ (signature) / _____ (date)
 _____ (signature) / _____ (date)

SUBMIT THE COMPLETE APPLICATION FORM AND PROPER FILING FEE TO THE APPROPRIATE FIELD OFFICE NEAREST YOU. FIELD OFFICES ARE LOCATED IN: HELENA, MISSOULA, GLASGOW, BOZEMAN, HAVRE, BILLINGS, KALISPELL, LEWISTOWN, AND MILES CITY. (Check your local telephone directory for addresses and telephone numbers.)

NOTE: Upon receipt of a correct and complete application form and proper filing fee, a Provisional Permit will be issued. The date of priority of the issued Permit will be the date the application form was received by the Department, and is junior to all other prior existing water rights in the source of supply. If other water users are being adversely affected by the pit or reservoir, the Department may, after a hearing, revoke the permit or require the Permittee to modify the pit or reservoir, and may further condition the permit to protect prior water users.

7250 Water Rights

Notice of Completion of Ground-Water
Development

<p style="font-size: small;">Form No. 602 R1/82</p> <p style="text-align: center;">NOTICE OF COMPLETION OF GROUND-WATER DEVELOPMENT</p> <p style="text-align: center;">For ground-water developments with a maximum use of less than 100 gpm</p> <p style="font-size: x-small;">(Use Form 600, Application for Beneficial Water Use Permit for undeveloped springs or appropriations of 100 gpm or more.)</p>	<p style="text-align: center; font-weight: bold;">FOR DEPARTMENT USE ONLY</p> <p>Notice No. _____</p> <p>Date Received _____</p> <p>Time _____ A.M./P.M.</p> <p>Transmittal No. _____</p> <p>Fee Received \$ _____</p> <p>Received By _____</p> <p>Refund Made _____</p>
<p style="text-align: center; font-weight: bold;">IMPORTANT</p> <p style="font-size: x-small;">The right to the use of ground water is not automatic. Your priority will be determined by the date of filing this form. STATE LAW REQUIRES THAT THIS FORM BE FILED BY THE WELL OWNER WITHIN 60 DAYS AFTER THE WATER HAS BEEN PUT TO BENEFICIAL USE. Attach the proper filing fee, payable to the Department of Natural Resources and Conservation and submit to your area water rights field office as listed on the back side.</p>	
(Please type or print in ink)	
<p>1. NAME(S) <u>U.S. of America, Dept. of Interior, BLM</u></p> <p>MAILING ADDRESS <u>101 Sylmore</u></p> <p>CITY <u>Zigmont</u> STATE <u>MT</u> ZIP <u>54108</u></p> <p>HOME PHONE <u>212-2112</u> OTHER PHONE <u>212-1221</u></p> <p>2. SOURCE OF GROUND WATER SUPPLY <input type="checkbox"/> WELL <input checked="" type="checkbox"/> DEVELOPED SPRING (excavation performed)</p> <p><input type="checkbox"/> PIT <input type="checkbox"/> OTHER (describe) _____</p> <p>3. DATE WATER PUT TO BENEFICIAL USE: <u>4/8/83</u></p> <p>NAME AND ADDRESS OF WELL DRILLER OR CONTRACTOR: (If applicant or other please indicate.)</p> <p>Name <u>Mr. Bob Dig</u></p> <p>Address <u>444 South Elm</u></p> <p>Address withdrawal <u>5</u> gallons per minute (as tested by driller)</p> <p>Does this well replace an existing well? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, complete the following information pertaining to the existing (old) well.</p> <p>Depth _____ ft. G.P.M. _____ Date drilled _____</p> <p><i>If Yes, contact your area field office as you may be able to file a change in point of diversion and retain the priority date of the old well.</i></p> <p>4. POINT OF DIVERSION: (Your legal land description may be obtained from your deed, county assessor, or clerk and recorder. Complete the following and attach an aerial photo or survey map showing the location of your well or development and your place of use, if available.)</p> <p>Lot _____ Block _____ Subdivision _____</p> <p>Government Lot _____ or <u>SW</u> $\frac{1}{4}$ <u>SE</u> $\frac{1}{4}$ <u>SE</u> $\frac{1}{4}$ Section <u>34</u></p> <p>TWP. <u>6</u> N/S RGE. <u>3</u> E/W County <u>Smithine</u></p> <p>5. PLACE OF USE: (If more than one place of use, attach additional sheets. If same as the point of diversion, CHECK <input checked="" type="checkbox"/>)</p> <p>Lot _____ Block _____ Subdivision (if applicable) _____</p> <p>Government Lot _____ or $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section _____</p> <p>TWP. _____ N/S RGE. _____ E/W County _____</p>	
<p style="font-weight: bold; font-size: small;">MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION</p> <p style="font-size: x-small;">32 SOUTH EWING HELENA MONTANA 59620 448-3962</p> <div style="float: right; font-weight: bold; font-size: 2em;">DNRC</div>	

Notice of Completion of Ground-Water
Development

6. AMOUNT OF WATER, USE TO WHICH IT HAS BEEN APPLIED, AND PERIOD OF USE:

Total Rate Used: 4 gallons per minute

DOMESTIC: (house, lawn, garden) No. of families supplied _____
 from _____ to _____ inclusive, of each year
 No. of acres of lawn/garden irrigated _____
 from _____ to _____ inclusive, of each year

STOCK: Approximate maximum number and type of livestock: 23
 from 1/31 to 10/30 inclusive, of each year

IRRIGATION: Total No. of acres irrigated _____
 Type of crop _____
 from _____ to _____ inclusive, of each year

OTHER: Describe _____
 Amount of water used _____ Gal/day
 from _____ to _____ inclusive, of each year

7. REMARKS: (Use this space for additional information, if needed, to describe development.)

8. THE APPROPRIATOR CERTIFIES THAT THE STATEMENTS APPEARING HEREIN ARE TO THE BEST OF HIS/HER KNOWLEDGE TRUE AND CORRECT.

signature date

signature date

SUBMIT THE COMPLETED FORM AND PROPER FILING FEE TO THE APPROPRIATE WATER RIGHTS BUREAU FIELD OFFICE, SERVING THE COUNTY IN WHICH THE DEVELOPMENT LIES, AS LISTED BELOW.

Montana Water Rights Bureau Area Field Offices

<p>HELENA 32 South Ewing Helena, Montana 59620 Phone: 449-3634 Serving: Deer Lodge, Powell, Lewis and Clark, Broadwater, Silver Bow, Jefferson and Beaverhead Counties.</p>	<p>BOZEMAN Bozeman Professional Building 20 East Olive, Suite 1-0 Bozeman, Montana 59715 Phone: 586-3138 Serving: Gallatin, Park and Madison Counties.</p>	<p>KALISPELL 3220 Highway 93 South P.O. Box 860 Kalispell, Montana 59901 Phone: 755-9288 Serving: Flathead, Lake, Lincoln and Sanders Counties.</p>
<p>MISSOULA 2101 Bow Street P.O. Box 5004 Missoula, Montana 59806 Phone: 721-4284 Serving: Missoula, Granite, Ravalli, and Mineral Counties.</p>	<p>HAVRE Old Highway 2 P.O. Box 1828 Havre, Montana 59501 Phone: 285-5516 Serving: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton and Toole Counties.</p>	<p>LEWISTOWN 613 NE Main Street P.O. Box 438 Lewistown, Montana 59457 Phone: 538-7459 Serving: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum and Wheatland Counties.</p>
<p>GLASGOW 110 5th Street South, Room 106 P.O. Box 894 Glasgow, Montana 59230 Phone: 228-2561 Serving: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan and Valley Counties.</p>	<p>BILLINGS 1537 Avenue D, Suite 121 Billings, Montana 59101 Phone: 248-6540 Serving: Big Horn, Carbon, Stillwater, Treasure, Yellowstone and Sweet Grass Counties.</p>	<p>MILES CITY 5 North Prairie P.O. Box 276 Miles City, Montana 59301 Phone: 232-6359 Serving: Carter, Custer, Fallon, Powder River, Prairie, Rosebud and Wibaux Counties.</p>

7250 - Water Rights

Application For Change of Appropriation Water Right

5. TYPE OF CHANGE PROPOSED. Complete ONLY the type of change you are proposing. Multiple changes of the same water right may be requested on the same form.

A. Change in POINT OF DIVERSION

1.) Location of proposed point of diversion

_____ Section _____ Township _____ N/S. Range _____ E/W _____ County _____
(and when applicable)
 Government Lot _____ or Lot _____ Block _____ Subdivision Name _____

_____ Section _____ Township _____ N/S. Range _____ E/W _____ County _____
(and when applicable)
 Government Lot _____ or Lot _____ Block _____ Subdivision Name _____

2.) Is the new point of diversion: _____ in addition to the old point of diversion
 or _____ replacing the old point of diversion

3.) Source of water if changed _____

4.) Means of diversion if changed _____

5.) If a well is involved indicate the depth of: old well _____ ft. and new/proposed well _____ ft.

B. Change in PLACE OF USE

1.) Describe the location where you propose to use the water right. For irrigation show the number of acres for each description. Use additional sheets if necessary.

County _____ Subdivision Name _____

_____ Acres.	_____ Lot _____	_____ Block _____	_____ 1/4 _____ 1/4 _____ 1/4 Section _____	T _____ N/S _____	R _____ E/W _____
_____ Acres.	_____ Lot _____	_____ Block _____	_____ 1/4 _____ 1/4 _____ 1/4 Section _____	T _____ N/S _____	R _____ E/W _____
_____ Acres.	_____ Lot _____	_____ Block _____	_____ 1/4 _____ 1/4 _____ 1/4 Section _____	T _____ N/S _____	R _____ E/W _____
_____ Acres.	_____ Lot _____	_____ Block _____	_____ 1/4 _____ 1/4 _____ 1/4 Section _____	T _____ N/S _____	R _____ E/W _____
_____ Total acres					

2.) If some acres will be taken out of irrigation, identify those acres by location which will no longer be irrigated by this water right.

_____ Acres.	_____ Lot _____	_____ Block _____	_____ 1/4 _____ 1/4 _____ 1/4 Section _____	T _____ N/S _____	R _____ E/W _____
_____ Acres.	_____ Lot _____	_____ Block _____	_____ 1/4 _____ 1/4 _____ 1/4 Section _____	T _____ N/S _____	R _____ E/W _____
_____ Acres.	_____ Lot _____	_____ Block _____	_____ 1/4 _____ 1/4 _____ 1/4 Section _____	T _____ N/S _____	R _____ E/W _____
_____ Acres.	_____ Lot _____	_____ Block _____	_____ 1/4 _____ 1/4 _____ 1/4 Section _____	T _____ N/S _____	R _____ E/W _____
_____ Total acres					

C. Change in PURPOSE OF USE

Proposed Use(s): _____ cfs

Use _____ Rate _____ gpm Volume _____ acre-feet

Period of Use _____ to _____

Use _____ cfs

Use _____ Rate _____ gpm Volume _____ acre-feet

Period of Use _____ to _____

D. Change in PLACE OF STORAGE

1.) Location of Proposed Place of Storage

_____ Section _____ Township _____ N/S. Range _____ E/W _____ County _____

2.) Period of Storage: _____ to _____

3.) Capacity of Proposed Storage Facility: _____ acre-feet

7250 - Water Rights

Objection to Application

Form No. 811 R1161 Application No. _____
For Department Use

OBJECTION TO APPLICATION

NOTE:
This objection must be received by the Department on or before the deadline specified in the public notice.
(Please type or print in ink. If more space is needed, attach additional sheets.)

1. Name of individual(s) or organization filing this objection:
 Name U.S. of America, Dept. of Interior, BLM
 Address 111 Elm
 City Miles City State MT Zip 59111 Phone 111-1121

2. Application being objected to: Application No. 38348
 Name of applicant George Rye
 Source of withdrawal (name of river, stream, reservoir, well, etc.) Long Well

3. State the basis of your objection. Indicate the facts tending to show that there are no unappropriated waters in the proposed source, and/or that the proposed means of appropriation are inadequate, and/or that the property, rights or interests of the objectors would be adversely affected by the proposed appropriation and/or state any other objections to the proposed appropriation you consider pertinent (Section 85-2-308 M.C.A.)

NOTE: The Department shall, upon receipt of Form 811 R1161, M.C.A. issue a permit if there are unappropriated waters in the source of supply, at times when the water can be put to the use proposed by the applicant, in the amount the applicant seeks to appropriate, throughout the period during which the applicant seeks to appropriate, if the rights of the prior appropriators will not be adversely affected. If the proposed means of diversion or construction are adequate, if the proposed use of water is a beneficial use, if the proposed use will not interfere or clash with other planned uses of development for which a permit has been issued prior to the water has been reserved, and if an applicant for an appropriation of 10,000 acre-feet per year or more or 15 cubic feet per second or more proves or clears and convincing evidence that the rights of prior appropriators will not be adversely affected.

Built and located on BLM and used by BLM.

4. If the objection concerns possible effects on your water right(s), complete the following: (attach additional sheets if necessary)

a. Basis of your water right(s):

Filed Appropriation: County _____ Book _____ Page _____

Decreed Right: Case No. _____ Person to whom decreed _____

Use Right: _____
Date of first use

Permit: _____
Number

Certificate: _____
Number

Attach photocopies of any pertinent documents as evidence of your water right(s).

b. Your source of water: _____
(Name of river, stream, well, spring, etc.)

Point(s) of diversion:

_____ 1/4	_____ 1/4	_____ 1/4	Section _____	Township _____	$\frac{N}{S}$	Range _____	$\frac{E}{W}$
_____ 1/4	_____ 1/4	_____ 1/4	Section _____	Township _____	$\frac{N}{S}$	Range _____	$\frac{E}{W}$

Is (are) your point(s) of diversion upstream or downstream from the applicant's proposed point of diversion?
 Upstream Downstream

Describe your type and means of diversion. Include, if applicable, horse-power rating and capacity in gallons per minute of pump, height and storage capacity of dams, size and capacity of headgates, size of canals, ditches, etc.

7250 - Water Rights
Objection to Application

c. Amount of water, use to which you have applied it, and your period of use.

Domestic: _____ cfs up to _____
(rate) gpm M I acre feet/year
 From _____ to _____ inclusive
(month-day) (month-day)

Stock: 111 sheep _____ cfs up to 10 _____
(rate) gpm M I acre feet/year
 From _____ to _____ inclusive
(month-day) (month-day)

Other: _____
(Describe industrial, municipal, etc.)
 _____ cfs up to _____
(rate) gpm M I acre feet/year
 From _____ to _____ inclusive
(month-day) (month-day)

Place of use: (Legal description for the above uses if different than your point of diversion.) _____

Irrigation: _____ cfs up to _____
(rate) gpm M I acre feet/year
 From _____ to _____ inclusive
(month-day) (month-day)

Place of Use: Enter the Section, Township and Range numbers, the number of acres irrigated in the appropriate quarter-section, total number of acres and the type of crop grown.

EXAMPLE:								
Sec.	Twp.	Rge.	NE 1/4	NW 1/4	SW 1/4	SE 1/4	Totals	Crop(s)
10	18N	3E			15	4	19	alfalfa
Total number of acres irrigated								

Method of Irrigation: Sprinkler Waterspread Graded Border
 Contour Ditch Other, specify _____

Attach map or sketch showing location of stream, your point of diversion, place of use and ditches, dams, etc.

5. Objector would agree to the issuance of the permit under the following conditions: (State any conditions, modifications or criteria which would alter your position concerning this objection.)

NOTICE: THIS OBJECTION MUST BE RECEIVED BY THE DEPARTMENT ON OR BEFORE THE DEADLINE SPECIFIED IN THE PUBLIC NOTICE.

SIGNATURE OF OBJECTOR(S) _____ DATE _____

Name and address of the individual preparing this form, if different from the objector:
 Name (type or print) _____ Phone _____
 Street or Box No. _____
 City _____ State _____ Zip _____

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
 322 SOUTH EWING HELENA, MONTANA 59620 449-3982 **DNRC**

7250 - Water Rights

Instructions for
Application for a Water Right - South Dakota

A COMPLETE Application for a Water Right includes the following items:

1. TWO completed Form 2 - Application for Permit to Appropriate Water. If the Application is for Future Use or, a change of diversion, additional diversion, change in acreage or additional acreage on an existing permit, please note on the Application. Return BOTH.

2. Map, not smaller than 8" x 11" or larger than 8 1/2" x 14" in size, showing:

a. the location of diversion point (place where water is taken from stream, well, ponds, or other water supply) in relation to a Government Section or quarter-section corner, by direction and distance;

b. if diversion is from a reservoir, the location of the high water line and lands under water, with names of owners, and stating the capacity of the reservoir at high water;

c. if diversion is from stream, the location and name of stream;

d. the location and total length of permanent ditches or pipelines;

e. lands to be irrigated with names of owners;

f. a certificate of a South Dakota licensed land surveyor or South Dakota Registered Professional Engineer who made the map (a COMPLETE AND ACCURATE map prepared by a Government employee as part of his regular Government duties will be acceptable).

3. If diversion is from a well, dugout, or water storage dams, two completed Form 2A (Supplement to Form 2). Return BOTH copies of Form 2A. Also provide plans and specifications for any storage dams. If diversion is from a well, a signed log, or logs, from the drilling company MUST accompany the application.

4. According to South Dakota Statutes, a filing fee is required for each application. The filing fees are calculated as follows:

1st 60 acres or 120 acres feet/year	= \$150.00
2nd 60 acres	= 75.00
Each additional 60 acres	= 25.00
OR	
Fees for 160 acres	= 250.00

To determine amount of fee, based upon acre-feet/year, contact the office in Pierre. The forms, signed map, and fee are to be submitted to the Water Management Board-Water Rights, Department of Water and Natural Resources, Joe Foss Building, Pierre, SD 57501, Phone Number (605) 773-3352.

7250 - Water Rights

Instructions for ,
Application for a Water Right - South Dakota

DO NOT MAIL WATER RIGHT APPLICATIONS TO BROOKINGS WITH WATER SAMPLE.

5. State Statutes require that the water quality of both groundwater and surface water must be approved for irrigation by the State Conservation Commission, Anderson Building, Pierre, SD 57501, Phone Number (605) 773-3259, before the Water Right application can be advertised for a public hearing and considered by the Water Management Board.

The applicant must send a sample of the groundwater to be used for irrigation to the Water Quality Laboratory, Water Resources Research Institute, South Dakota University, Brookings, SD 57007. The information on soils, etc., is obtained from the local Conservation District and should be sent with the water sample to Brookings on forms provided by the State Conservation Commission.

A report of the analysis will be mailed to the State Conservation Commission by the Water Quality Laboratory in Brookings. The applicant will also receive an analysis report for his records. When this information is received in the office of the State Conservation Commission and acted upon, it is sent to the Water Management Board-Water Rights, Joe Foss Building, Pierre, SD 59501, which then further processes the applicant's Water Right application.

THE CONSERVATION COMMISSION SHOULD BE CONTACTED CONCERNING SURFACE WATER QUALITY APPROVAL.

6. At the time the Permit to Appropriate Water is issued, the Board will furnish instructions as to the actions and fees required to "perfect" the acquisition of water ("perfect" means inspection of the water works after construction and the application of water to beneficial use and includes the issuance of a Certificate of Completion of Works and a Water License, these latter documents being the final action for obtaining water rights under the South Dakota State Water Laws). This final "perfection" of the water permit requires a \$50.00 inspection fee before the final papers are issued.