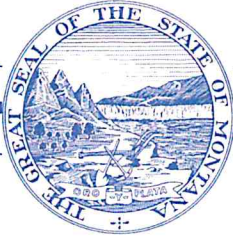


DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION



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Date: December 1, 2021

To: Montana Board of Water Well Contractors,
Well Drillers Operating on the Flathead Indian Reservation

CC: Arthur Robinson, Program Manager, Montana Board of Water Well Contractors

From: Arne Wick, Program Manager, DNRC Compact Implementation Program

Re: License and Well Drilling Standards on the Flathead Indian Reservation

The water compact between the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the United States, and the State of Montana (Compact) and the companion Unitary Administration and Management Ordinance (Ordinance) became effective on September 17, 2021. Sections 85-20-1901 (Compact) to 1902 (Ordinance), MCA, authorize the Flathead Water Management Board to administer water rights on the Flathead Indian Reservation consistent with the Ordinance provisions. Section 1-1-111 of the Ordinance clarifies important information regarding water well drilling licensing and water well standards. Importantly, well drillers must be licensed through the State and all wells drilled on the Reservation must adhere to state drilling standards, as set forth by the Montana Board of Water Well Contractors:

1-1-111. Groundwater Diversion Standards

1. Wells:

- a. Persons that drill, make, or construct Wells, including monitoring Wells, on the Reservation shall comply with Title 37 Chapter 43, MCA, and ARM 36 Chapter 21 licensing, conduct, and regulatory requirements, or any successor provisions promulgated in State law.
- b. All Well construction on the Reservation shall meet the standards set forth in ARM 36 Chapter 21, or any successor provisions promulgated in State law.

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c. Construction and operations of all Wells must comply with all applicable federal, State, Tribal, and local environmental regulations.

2. Developed Springs:

- a. All Developed Spring collection components, including but not limited to infiltration galleries, infiltration basins, and French drains, shall be installed and buried under the surface of the ground.
- b. All means of storage and conveyance, including but not limited to supply pipes, cisterns, and pump housings, shall be sealed and made impervious to water and designed in a manner that protects the source from backflow and surface contamination.
- c. Open pits, ponds, or excavations shall not be used as a means of diversion for Developed Springs.

d. Construction and operation of all Developed Springs must comply with all applicable federal, State, Tribal, and local environmental regulations.

3. Aquifer Injection and Injection Wells are not allowed except when used exclusively for Heating/Cooling Exchange Wells.

Additionally, unlike other areas of the state where ground water permit exceptions (Form 602) can be developed as a "Notice of Completion," all water users on the Flathead Indian Reservation must get pre-approval from the Office of the Engineer before drilling a well and/or developing water. The Office of the Engineer is the operational office of the Flathead Water Management Board.

At this time, the Flathead Water Management Board and the Office of the Engineer are in the process of being formed.

For additional information about water use or the CSKT-MT Compact please see DRNC's website:

<http://dnrc.mt.gov/divisions/water/water-compact-implementation-program/confederated-salish-and-kootenai-tribes-compact>