

APPLICATION TO CHANGE A WATER RIGHT

To apply to change the point of diversion, place of use, purpose of use, or place of storage of a water right.
 To apply for replacement wells when the use exceeds 35 gpm or 10 acre-feet of water or a municipal well that exceeds 450 gpm.
 To apply to move or add stock tanks to an existing delivery system.
 To apply for a replacement reservoir on the same source.

FOR DEPARTMENT USE ONLY

Application No. _____ Basin _____
 Date Received _____
 Time _____ AM / PM
 Rec'd by _____
 Fee Rec'd \$ _____ Check # _____
 Check No. _____
 Refund \$ _____ Date _____

FILING FEE

\$700.00 To change a point of diversion, place of use, purpose of use, or place of storage

\$200.00 Replacement well that exceeds 35 gpm or 10 ac-ft per year
 Replacement municipal well that exceeds 450 gpm
 Replacement reservoir on the same source
 To move or add stock tanks to an existing system

1. Applicant Name: _____
 Mailing Address: _____ City _____ State _____ Zip _____
 Phone Numbers: Home _____ Work _____ Cell _____
 Email Address: _____

2. Contact Person: Check, if same as applicant Check, if contact is an attorney
 Contact Name: _____
 Mailing Address: _____ City _____ State _____ Zip _____
 Phone Numbers: Home _____ Work _____ Cell _____
 Email Address: _____

NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondence and a copy may be sent to the contact person.

3. Project Completion: _____ Years - Estimate how long it will take to complete the change, if the application is granted, to the point that water can be used according to the change. Information must be included in the application materials that justify the requested time. The justification must include information that would lead a person unfamiliar with the project to conclude the period requested is reasonable and needed to complete the change and put the changed water right(s) to use.

4. Affidavit – All undivided interest owners must sign as applicants.

I affirm the information provided for this application is to the best of my knowledge true and correct. I also affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

Applicant Signature: _____ Date _____
 _____ Date _____

Subscribed and sworn before me this _____ day of _____, 20_____

Notary's Signature _____

(Typed, Stamped, or Printed Name of Notary) _____

Notary for the State of _____
 Residing at _____
 My commission expires _____

SEAL

TYPE OF PROPOSED CHANGE – Complete only the section for the type of change being proposed.

5.A. Change in Point of Diversion

- 5.B. Yes No Will the existing point of diversion still be used?
 5.C. Yes No Is there a source change? If yes, new source _____
 5.D. Yes No Is there a means of diversion change? If yes, new diversion means _____
 5.E. Yes No Is this is a change for a replacement well? Old well depth _____ New well depth _____
 The new well is located approximately _____ (feet) _____ (direction) of the new well.

5.F. Location of the proposed point of diversion.

5.F.1 _____ 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. _____
 Street or Road Address, including City, State & Zip Code of the Development _____

5.F.2 _____ 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. _____
 Street or Road Address, including City, State & Zip Code of the Development _____

6.A. Change in Place of Use

Geocode: The geocode is a 17 digit number. If there are multiple places of use, list the geocode for each parcel. The geocodes can be found at the County Clerk and Records Office or by visiting <http://gis.mt.gov/>.

6.B. Describe the proposed place of use. For irrigation, identify those acres below.

_____ Acres _____ 1/4 _____ 1/4 _____ 1/4 Section _____ Twp _____ N / S Rge _____ E / W Geocode _____
 Lot _____ Block _____ Tract No. _____ Subdivision Name _____

_____ Acres _____ 1/4 _____ 1/4 _____ 1/4 Section _____ Twp _____ N / S Rge _____ E / W Geocode _____
 Lot _____ Block _____ Tract No. _____ Subdivision Name _____

_____ Acres _____ 1/4 _____ 1/4 _____ 1/4 Section _____ Twp _____ N / S Rge _____ E / W Geocode _____
 Lot _____ Block _____ Tract No. _____ Subdivision Name _____

6.C. Yes No Will acres be taken out of irrigation? If yes, identify those acres below.

_____ Acres _____ 1/4 _____ 1/4 _____ 1/4 Section _____ Twp _____ N / S Rge _____ E / W Geocode _____

_____ Acres _____ 1/4 _____ 1/4 _____ 1/4 Section _____ Twp _____ N / S Rge _____ E / W Geocode _____

_____ Acres _____ 1/4 _____ 1/4 _____ 1/4 Section _____ Twp _____ N / S Rge _____ E / W Geocode _____

_____ Acres _____ 1/4 _____ 1/4 _____ 1/4 Section _____ Twp _____ N / S Rge _____ E / W Geocode _____

7.A. Change in Purpose of Use

7.B. Yes No Is this a temporary change? If yes, complete A – F below and attach the *Temporary Change Addendum*

7.C. Proposed New Purpose

<input type="checkbox"/> Commercial/Industrial/Institutional	Flow Rate _____	GPM/CFS	Volume _____	Period of Use _____
<input type="checkbox"/> Domestic/Multiple Domestic	Flow Rate _____	GPM/CFS	Volume _____	Period of Use _____
<input type="checkbox"/> Fishery	Flow Rate _____	GPM/CFS	Volume _____	Period of Use _____
<input type="checkbox"/> Geothermal	Flow Rate _____	GPM/CFS	Volume _____	Period of Use _____
<input type="checkbox"/> Instream Fishery	Flow Rate _____	GPM/CFS	Volume _____	Period of Use _____
<input type="checkbox"/> Irrigation	Flow Rate _____	GPM/CFS	Volume _____	Period of Use _____
<input type="checkbox"/> Mitigation	Flow Rate _____	GPM/CFS	Volume _____	Period of Use _____
<input type="checkbox"/> Wetland	Flow Rate _____	GPM/CFS	Volume _____	Period of Use _____
<input type="checkbox"/> Wildlife Habitat	Flow Rate _____	GPM/CFS	Volume _____	Period of Use _____

8.A. Change in Place of Storage

8.B. Yes No Is this change to add a storage reservoir? If yes, identify the reservoir location.

8.B.1 _____ 1/4 _____ 1/4 _____ 1/4 Section _____ Twp _____ N / S Rge _____ E / W County _____

8.C Identify the capacity

DAM: surface area _____ acres X maximum depth _____ feet X 0.4 = _____ capacity in ac-ft
 PIT: surface area _____ acres X maximum depth _____ feet X 0.5 = _____ capacity in ac-ft

CHANGE APPLICATION INFORMATION

On a separate attachment provide the following information. Attachments must be labeled as shown in the sections below. (ie: Application Description A.1.) If a section is not applicable, label the section as Not Applicable or NA. Conclusions, calculations, references, data, and assumptions used must be included in the application materials.

The applicable addendums must be attached. Check if one or more of the following are included.

- Temporary Change Addendum Complete A – G below and attach the addendum
- Stock Tank Addendum Complete Application Sections 1 – 6 above and the Stock Tank Addendum

Section A. Attachments must make specific reference to the section item shown.

APPLICATION DESCRIPTION – ARM 36.12.1901

- A.1. Provide a brief narrative explaining the general nature of the requested change(s) to the water right and why it is being requested.
- A.2. Document information about previous changes that have been made to each water right and explain the purpose of those changes. Include whether the previous authorized changes have been completed.
- A.3. Submit a current DNRC generated water right abstract of each water right being changed and note the proposed changes on each abstract. Each abstract should reflect how each water right element, including flow rate, volume, point of diversion, place of use, purpose, reservoir, etc., would appear if the change application was granted. DNRC generated water right abstracts can be obtained via email to the DNRC at the following Web address: waterabstract@mt.gov, or contact the regional office serving your area.

Section B. Attachments must make specific reference to the section item shown.

HISTORIC USE – ARM 36.12.1902

- B.1. Attach a DNRC abstract of each water right proposed to be changed. Each abstract must include the following:

Water Right Number	Source Name	Purpose
Priority Date	Point of Diversion	Period of Use
Maximum Flow Rate	Means of Diversion	Place of Use
Maximum Volume	Period of Diversion	Place of Storage
- B.2. For each abstract included in B.1 above, attach a document to the abstract and provide the following information.
 - B.2.b. Identify whether the water right has been included in a historic decree, a court case, or an administrative hearing. If the water right has been included in a Water Court decree identify whether objections were received to the claim, the substance of those objections, and whether a master's report has been written.
 - B.2.c. Identify the maximum volume of water stored in a reservoir and the number of times the reservoir fills during most years.
 - B.2.d. Explain why the historic use information can be considered reasonable and typical of the purpose for which the water was used. For example, explain how the type and extent of irrigation are reasonable and typical for the use and time in history.
 - B.2.e. If the historic water right being changed is for irrigation, provide the following:
 - B.2.e.i. explain whether aerial photos show irrigation at the time the photo was taken.
 - B.2.e.ii. explain whether aerial photos show uniform or patchy water application across the place of use.
 - B.2.e.iii. explain whether a topographic map supports that the claimed place of use was feasible for irrigation.
 - B.2.e.iv. compare the historic acres irrigated under each water right to the acres identified as irrigated in the Water Resources Survey (WRS), if available for the place of use. Document whether the WRS supports or does not support the historic irrigation. If the WRS does not support the historic irrigation, explain why.

- B.2.f.** Identify the historic flow rate diverted from each point of diversion and explain how the amount was determined.
- B.2.g.** Describe the flow rate capacity of the historic diversion means and explain how the capacity was determined.
- B.2.h.** Identify the combined total flow rate of water diverted into a ditch and the combined flow rate of the water rights using the ditch.
- B.2.i.** Describe the historic diverted volume and explain how that amount was determined.
- B.2.j.** Describe the historic diversion schedule and operation pattern and document how this information was obtained.
- B.2.k.** Identify the historic consumptive volume.
- B.2.l.** Was the draft Department methodology proposed in rule used to determine the historic consumptive volume of each water right.
 - Yes** Go to section C.
 - No** Provide the following information to corroborate the consumptive use volume asserted:
 - B.2.l.i.** provide a copy of the Montana Cadastral Mapping, Acreage Type Classification & Valuation information. Explain whether the Grade & Description confirms probable irrigation on the place of use;
 - B.2.l.ii.** provide water use records, commissioner's records, crop production records, ranch operation log books, power consumption records for pumps, Water Resource Survey field notes, or other records to support the consumptive volume. Legal affidavits may be submitted by owners, workers, lessees, or others familiar with the pre-July 1, 1973 operations. Affidavits must include the affiant's name, an explanation of why the affiant has knowledge of the historic use, a description of what the affiant knows about the use, and the notarized signature of the affiant;
 - B.2.l.iii.** explain whether stream flows have been sufficient to supply the historic flow rate diverted, the conveyance requirements, and the irrigation needs throughout the historic period of diversion. If available, provide actual or gaging station flow records or ground water data to support the conclusion;
 - B.2.l.vi.** identify the months water was typically available for this diversion throughout the historic period of diversion;
 - B.2.l.v.** calculate the historic efficiency including diversion, conveyance, and overall system efficiencies;
 - B.2.l.vi.** explain the diversion works and conveyance facilities and document whether the historic works were capable of delivering water to all parts of the system or irrigation field;
 - B.2.l.vii.** explain whether irrigation generally occurred every year and provide documentation to confirm how this information is known;
 - B.2.l.viii.** explain whether the soils have crop production limitations and whether the soil characteristics are conducive to the crop production asserted in the application;
 - B.2.l.ix.** explain whether historic place of use was naturally sub-irrigated;
 - B.2.l.x.** If water has been used from a state or federal water project to supplement the historic place of use, explain when that contract water was used and why contract water was needed; and
 - B.2.l.xi.** explain any improvements to the place of use or infrastructure such as field leveling, contour ditches, border dikes or conversion to sprinklers that would account for the consumptive use amount represented.

Section C. Attachments must make specific reference to the section item shown.

Supplemental Water Rights

When two or more water rights have overlapping places of use, the water rights are considered supplemental. If a water right to be changed has supplemental water rights, an applicant must include those water rights in the change application or must explain how each of the supplemental water rights have been used historically and how each one of the supplemental water rights will be used if the proposed change application is granted.

Provide the following information for supplemental water rights that are not being included in this change application.

- C.1. Explain how all of the supplemental water rights, those being proposed for change and those not being proposed for change have been collectively operated historically.
- C.2. Explain why all of the supplemental water rights are not being changed in this application.
- C.3. Attach a DNRC abstract of each supplemental water right that is not be proposed for change. Each abstract must include the following:

Water Right Number	Source Name	Purpose
Priority Date	Point of Diversion	Period of Use
Maximum Flow Rate	Means of Diversion	Place of Use
Maximum Volume	Period of Diversion	Place of Storage
- C.4. For each abstract included in C.3 above, attach a document to the abstract and provide the following information.
- C.5. Identify the historic flow rate diverted from each point of diversion and explain how the amount was determined.
- C.6. Identify the historic diverted volume from each point of diversion and explain how the amount was determined.
- C.7. Explain how each water right has been diverted and historically operated.
- C.8. Explain how these water rights will be used if the change application is granted.
- C.9. If water will continue to be used at the historic place of use, the applicant must explain how the continued use will not increase the combined maximum diverted flow rate, the diverted volume, and the historic consumptive volume.

Section D. Attachments must make specific reference to the section item shown.

MAP – ARM 36.12.111

- D.1. For each water right being changed, provide a map depicting the historic point of diversion, means of conveyance, place of use, and place of storage.
- D.2. For change applications to irrigation water rights, in addition to the maps required under C.1., provide the following maps:
 - D.2.a a dated aerial photograph that depicts the historic irrigated acres
 - D.2.b a copy of the Water Resources Survey map, if available, for the land affected by the change and which identifies the historic irrigated acres
- D.3. If supplemental water rights are being changed, also provide one map depicting all of the historic points of diversion, means of conveyance, and places of use. Label each point of diversion with the water right number.
- D.4. Provide a map which clearly identifies the proposed point of diversion, place of use, and place of storage.

Note: Aerial photos may be available from the DNRC, NRIS, NRCS, USGS, and on the Internet and may be available from the 1950s up until today.

Section E. Attachments must make specific reference to the section item shown.

ADVERSE EFFECT – ARM, 36.12.1903

- E.1. Provide abstracts or an Existing Legal Demands index of existing of water rights which may be affected by the changes the applicant is proposing.
- E.2. Describe and document the effects to other water rights using the existing or proposed point of diversion.
- E.3. Identify the most recent year the water right was used and if the period of non-use exceeds 10

consecutive years, explain why the water right was not used. Explain why a resumption of use will not adversely affect other water users.

- E.4. Describe and document the effects to other ditch users.
- E.5. Describe how and when unconsumed water returns to ground or surface water and explain how the returned flow volume was calculated. (Return flow is that part of a diverted flow which is applied to a beneficial use and is not consumed and returns underground to its original source or another source of water, and to which other water users are entitled to a continuation of, as part of their water right. Return flow is not wastewater.)
- E.6. Describe and document the effects of changing the historic diversion pattern including rate and timing of depletions.
- E.7. For ground water applications, explain how the changed water right will affect water levels in wells of junior and senior water rights.
- E.8. For ground water applications, explain the rate and timing of depletions from hydraulically connected surface waters, and what effect those changes will have on those water rights within the area of effect.
- E.9. Provide a comparison between the historic consumptive use of the water rights being changed and the consumptive use of the proposed project.

Section F. Attachments must make specific reference to the section item shown.

ADEQUATE DIVERSION MEANS AND OPERATION – ARM 36.12.1904

- F.1. Provide specifications of the historic system from the point of diversion to the place of use.
- F.2. Provide preliminary design plans and specifications for the proposed diversion and conveyance facilities and the equipment used to put the water to beneficial-use. Include the proposed flow rate and volume design capacity.
- F.3. Describe how the proposed water right will be operated, from point of diversion through the place of use and on through the discharge of water, if any.
- F.4. Provide the projected overall efficiency, including diversion, conveyance, and system efficiencies of the entire water right as changed.

Section G. Attachments must make specific reference to the section item shown.

BENEFICIAL USE – ARM 36.12.1801

- G.1. Explain how the water use benefits the applicant, other persons, or the public.
- G.2. Explain why the requested flow rate and volume is the amount needed to sustain each purpose.

Section H. Attachments must make specific reference to the section item shown.

SALVAGE WATER APPLICATIONS – ARM 36.12.2001

- H.1. Describe the water saving method that was implemented and explain how it is known that the water saving method will salvage at least the amount of water asserted.
- H.2. Document the volume of water that is being saved by the proposed water saving method.

Application Requirements

- Only an owner of record, as shown in the Department's water right records, can apply to change a water right, except if a change application is for a water right lease pursuant to 85-2-436, MCA, the change applicant must be the State of Montana, Department of Fish, Wildlife, and Parks.
- Multiple water rights may be changed on one application if, upon completion of a project, all of the water rights being changed accomplish a single proposed project, if not, separate applications must be filed. The applicant shall provide a chart or table of the combined water rights demonstrating how each water right both individually and cumulatively contributes to the project.
- Correct and Complete Determination
- This application must contain probable believable facts sufficient to support a reasonable legal theory upon which the department should continue to process the application.
- An application deemed correct and complete can advance to the next stage of the application process.
- Providing correct and complete information is not proving the statutory criteria. The department, with or without receipt of objections can only grant an application if the criteria for issuance of a permit or change application are met.

WATER RESOURCES OFFICES

- BILLINGS:** AIRPORT INDUSTRIAL PARK, 1371 RIMTOP DR., BILLINGS MT 59105-1978
PHONE: 406-247-4415 FAX: 406-247-4416
SERVING: Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties
- BOZEMAN:** 2273 Boot Hill Court, Suite 110, BOZEMAN MT 59715
PHONE: 406-586-3136 FAX: 406-587-9726
SERVING: Gallatin, Madison, and Park Counties
- GLASGOW:** 222 6TH STREET SOUTH, PO BOX 1269, GLASGOW MT 59230-1269
PHONE: 406-228-2561 FAX: 406-228-8706
SERVING: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties
- HAVRE:** 210 6TH AVENUE, PO BOX 1828, HAVRE MT 59501-1828
PHONE: 406-265-5516 FAX: 406-265-2225
SERVING: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties
- HELENA:** 1424 9th Ave., PO BOX 201601, HELENA MT 59620-1601
PHONE: 406-444-6999 FAX: 406-444-9317
SERVING: Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties
- KALISPELL:** 655 Timberwolf Pkwy, Suite 4 KALISPELL MT 59901-1215
PHONE: 406-752-2288 FAX: 406-752-2843
SERVING: Flathead, Lake, Lincoln, and Sanders Counties
- LEWISTOWN:** 613 NORTHEAST MAIN ST., SUITE E, LEWISTOWN MT 59457-2020
PHONE: 406-538-7459 FAX: 406-538-7089
SERVING: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties
- MISSOULA:** 1610 S 3RD ST WEST, SUITE 103, PO BOX 5004, MISSOULA MT 59806-5004
PHONE: 406-721-4284 FAX: 406-542-1496
SERVING: Granite, Mineral, Missoula, and Ravalli Counties

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION Water Resources Division - Water Rights Bureau

WEBSITE: <http://dnrc.mt.gov/wrd/>

EXISTING LEGAL DEMANDS INDEX: <http://nris.mt.gov/dnrc/waterrights/default.aspx>

