



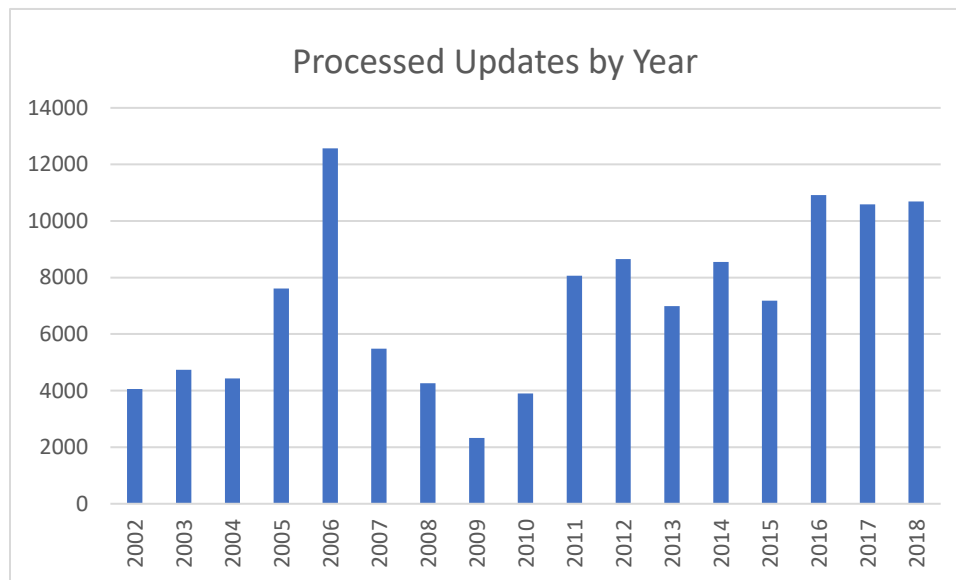
DNRC Ownership Update Numbers, Examples, and Fee Letters
Prepared for Water Policy Interim Committee
January 6, 2019

Number of Ownership Updates Processed Annually

2002	4055
2003	4739
2004	4429
2005	7610
2006 ¹	12570
2007	5487
2008	4258
2009 ²	2332
2010 ²	3898
2011	8063
2012	8649
2013	6989
2014	8553
2015	7185
2016	10917
2017	10588
2018	10689

¹Represents post HB22 ownership updates

²Represents the initial start-up of HB39 Ownership Update processing and geocoding of water rights





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REAL LIFE EXAMPLES

Partial fee due letter sent

A title company sent an ownership update form and \$50 fee to update the ownership of water right # 76G 210831-00. DNRC cross referenced the geocode of that water right and found another water right that had the same place of use / geocode. *Note the owner listed on the second water right was a past owner and the previous ownership update had not been filed.* DNRC sent a fee letter (attached) requesting the additional \$10 owed.

Full fee letter sent

A paper ownership update form was not sent to DNRC. When reviewing the monthly data sent by DOR, DNRC noticed that an ownership update should have occurred and sent a fee letter (attached). The fee letter was paid and the ownership updated correctly.

**Note that 95% of paid fee letters result in proper ownership updates. Only 5% of paid fee letters result in improper updates that are corrected once brought to DNRC attention.*

Fee letter sent, ownership at county level corrected

A paper ownership update form was not sent to DNRC. When reviewing the monthly data sent by DOR, DNRC sent a fee letter to new property owner X for 3 water rights. Property owner X called DNRC and stated that they did not own 2 of the water rights in question. Upon further investigation, it turned out the county had improperly recorded a transfer of a different geocode/parcel. The owner was able to fix this issue with the county and get land ownership straightened out thanks, in full, to the geocoding process. The fee letter was cancelled and a new fee letter was sent for the 1 water right that they actually owned.

Why legal land description errors = ownership errors

A paper ownership update form was not sent to DNRC. When reviewing the monthly data sent by DOR, DNRC sent a fee letter for 3 water rights that listed geocode 18-0498-XX-1-01-01-0000. The attorney for the new property owner called DNRC and stated that the client does not own any irrigated land in that geocode and therefore shouldn't be listed as an owner of the water right. Upon further investigation, it became apparent that the decreed place of use included land within the geocode identified, however, irrigation had never taken place on the land identified. The owner did not pay the fee letter and needs to contact the water court to get the place of use removed from the water right because DNRC cannot modify decreed places of use.

Why we need maps in the file

In a post decree case from the water court, the acres on a water right were increased from 385.14 acres to 391.93 acres. There is no map in the file. As part of the water court case 3 owners of the water right were removed and 4 new owners were added. No notes were added and no reasoning behind the update is available in the DNRC file. DNRC cannot properly geocode the water right in question because the updated information is not available.



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Ownership Update Fee Letter Statement

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 Program; ADJ

State of Montana
Department of Natural Resources and Conservation
 (This invoice generated by DNRC)



December 23, 2019

Ownership Update Number: [REDACTED]



WATER RIGHT OWNERSHIP UPDATE FEE STATEMENT

Amount Due: \$ 10.00

You submitted an Ownership Update Form (608) to the Department on December 13, 2019. The water rights listed below appear to require ownership update based upon this form and Department of Revenue property ownership records. The filing fee for updating ownership on water rights is \$50 for the first water right and \$10 for each additional water right with up to a maximum of \$300 per transaction.



Our records show that only a portion of the update processing fee has been paid \$ 50.00. Please submit the remainder of the processing fee. You must return the payment coupon below along with your payment in order for the payment to be properly credited. Please respond within 30 days of receipt of this letter. The Water Right Ownership Update will be processed upon receipt of the processing fee. If we do not hear from you within 30 days, no change of ownership to the water right record will be made nor will a refund of the original payment be issued.

To view copies of water right abstracts, go to <http://wrqs.dnrc.mt.gov>. If you don't have internet access, feel you received this fee letter in error, or have any other questions, please contact:

DNRC HELENA WATER RESOURCES REGIONAL OFFICE 406-444-6999

YOU MUST RETURN THE COUPON BELOW WITH YOUR PAYMENT OR THE PAYMENT WILL NOT BE CREDITED AND THE OWNERSHIP UPDATE WILL NOT BE PROCESSED.

<p>Water Right Ownership Update Payment Coupon</p> <p>Make checks payable to MT DNRC MAIL TO: DNRC / PO Box 201601 // Helena MT 59620-1601</p> <p>Fee Letter Date: December 23, 2019 HELENA REGIONAL OFFICE</p> <p>[REDACTED]</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black;">Ownership Fee Due:</td> <td style="text-align: right;">\$ 60.00</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Amount Paid:</td> <td style="text-align: right;">\$ 50.00</td> </tr> <tr> <td>Amount Due:</td> <td style="text-align: right;">\$ 10.00</td> </tr> <tr> <td>Amount Enclosed:</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Ownership Update Number:</td> <td style="text-align: right;">[REDACTED]</td> </tr> </table> <p>Has your address changed?</p> <p>_____</p>	Ownership Fee Due:	\$ 60.00	Amount Paid:	\$ 50.00	Amount Due:	\$ 10.00	Amount Enclosed:	_____	Ownership Update Number:	[REDACTED]
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September 27, 2019

Ownership Update Number:

WATER RIGHT OWNERSHIP UPDATE FEE STATEMENT

Amount Due: \$ 200.00

This Statement is being mailed to only the first listed grantee/buyer on behalf of any additional grantees/buyers.

The Department of Revenue has reported the filing of a deed on May 20, 2015 listing you as the property owner to which the water rights listed in the table are appurtenant. At closing, a Water Right Ownership Update fee must be sent to DNRC [§ 85-2-424 & § 85-2-426 Montana Code Annotated (MCA)]. The filing fee for updating ownership on water rights is \$50 for the first water right and \$10 for each additional water right with a maximum of \$300 per transaction. Our records show the update processing fee for these water right(s) has not been paid. Please submit the processing fee for the following water rights:



You must return the payment coupon below along with your payment in order for the payment to be properly credited. Please respond within 30 days of receipt of this letter. The Water Right Ownership Update will be processed upon receipt of the processing fee. If we do not hear from you within 30 days, no change of ownership to the water right record will be made.

To view copies of water right abstracts, go to <http://wrqs.dnrc.mt.gov>. If you don't have internet access, feel you received this fee letter in error, or have any other questions, please contact:

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Water Right Ownership Update Payment Coupon Make checks payable to MT DNRC MAIL TO: DNRC / PO Box 201601 / Helena MT 59620-1601 Fee Letter Date: September 27, 2019 HELENA REGIONAL OFFICE 	Amount Due: \$ 200.00 Amount Enclosed: _____ Ownership Update Number:
 	Has your address changed? _____ _____