



## APPLICATION TO CHANGE AN EXISTING NON-IRRIGATION WATER RIGHT

### FILING FEE

**\$900.00** To change a point of diversion, place of use, purpose of use, or place of storage.

**\$200.00** *(The following types do not qualify for a filing fee reduction)*

- Replacement well that exceeds 35 GPM or 10 AF per year
- Replacement municipal well that exceeds 450 GPM
- Replacement reservoir on the same source

*\*Make checks payable to DNRC.*

### FILING FEE REDUCTION

If you attend a pre-application meeting with DNRC staff and your application is submitted within 6 months of the meeting date, the filing fee will be reduced by \$200.00. The time period may be extended if measurements or an aquifer test is required.

Use this application to change the point of diversion, place of use, purpose of use, and/or place of storage of an existing non-irrigation water right. Attach additional sheets if necessary. Attachments must be labeled as shown in the sections below.

### ADDENDUMS THAT MAY BE NEEDED

- |                        |                    |                    |
|------------------------|--------------------|--------------------|
| • Water Marketing      | • Purpose          | • Salvage Water    |
| • Historical Water Use | • Place of Storage | • Temporary Change |
| • Instream Flow        |                    |                    |

### FOR DEPARTMENT USE ONLY

Application # \_\_\_\_\_ Basin \_\_\_\_\_

Date Received \_\_\_\_\_

Time \_\_\_\_\_ AM / PM

Rec'd By \_\_\_\_\_

Fee Rec'd \$ \_\_\_\_\_ Check # \_\_\_\_\_

Deposit Receipt # \_\_\_\_\_

Payor \_\_\_\_\_

Refund \$ \_\_\_\_\_ Date \_\_\_\_\_

Applicant Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Numbers: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

Email Address \_\_\_\_\_

Contact Person:  Contact is Applicant  Contact is Consultant  Contact is Attorney  Contact is Other

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 will receive all correspondence and a copy may be sent to the contact person.*

### CHANGE APPLICATION INFORMATION

A water right owner who wants to make a change to an existing water right must submit an application to the DNRC. The proposed change cannot create an adverse affect to other existing users who hold water rights that may have an earlier (senior) or later (junior) priority date than the Applicant's. If the application for change is granted, the Applicant's water right will retain its priority date.

A water right is valid if water was actually put to use historically. The water right is limited to the extent of that historical use. A water right cannot exist if it was never used, even if the water right is described on paper.

The information provided to the questions below is required for the Department to begin processing the application. The Department may require additional information during the processing of the application. For any questions, please contact a Water Resources Division Regional Office.

**NIR.1 APPLICATION DETAILS - ARM 36.12.1901**

**NIR.1.A** Check what element(s) of the water right(s) you are you proposing to change.

- Point of Diversion   
  Place of Use   
  Purpose of Use (complete a *Change in Purpose* addendum)   
  Place of Storage (complete a *Change in Storage* addendum)

**NIR.1.B** Provide the following information for the water right(s) you are proposing to change.

Water Right No. & Basin	Current Flow Rate			What is the Flow Rate needed for the project?		
	Flow Rate	CFS	GPM	Flow Rate	CFS	GPM
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

**NIR.1.C Point(s) of Diversion:** If the change involves the Point(s) of Diversion describe the proposed location of the new diversion(s) to the nearest 10 acres. Include additional Points of Diversion on a separate sheet.

**POD #1** \_\_\_ 1/4 \_\_\_ 1/4 \_\_\_ 1/4 Sec \_\_\_ Twp \_\_\_ N/S Rge \_\_\_ E/W County \_\_\_\_\_  
 Lot \_\_\_ Block \_\_\_ Tract No. \_\_\_ Subdivision Name \_\_\_\_\_  
 Government Lot \_\_\_ Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

**POD #2** \_\_\_ 1/4 \_\_\_ 1/4 \_\_\_ 1/4 Sec \_\_\_ Twp \_\_\_ N/S Rge \_\_\_ E/W County \_\_\_\_\_  
 Lot \_\_\_ Block \_\_\_ Tract No. \_\_\_ Subdivision Name \_\_\_\_\_  
 Government Lot \_\_\_ Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

**NIR.1.D Place of Use:** If the change involves the Place(s) of Use provide the following:

GEOCODE(S) of the place of use (17 digits) \_\_\_\_\_

If there are multiple places of use, list the geocode for each parcel on an attached sheet. The geocodes can be found at the County Clerk and Recorders Office or by visiting <http://gis.mt.gov>.

**LEGAL LAND DESCRIPTION:** Enter acres if Lawn & Garden. Include additional Places of Use on a separate sheet.

\_\_\_\_\_ Acres \_\_\_ Lot \_\_\_ Block \_\_\_ 1/4 \_\_\_ 1/4 \_\_\_ 1/4 Sec \_\_\_ Twp \_\_\_ N/S Rge \_\_\_ E/W  
 \_\_\_\_\_ Acres \_\_\_ Lot \_\_\_ Block \_\_\_ 1/4 \_\_\_ 1/4 \_\_\_ 1/4 Sec \_\_\_ Twp \_\_\_ N/S Rge \_\_\_ E/W  
 \_\_\_\_\_ Acres \_\_\_ Lot \_\_\_ Block \_\_\_ 1/4 \_\_\_ 1/4 \_\_\_ 1/4 Sec \_\_\_ Twp \_\_\_ N/S Rge \_\_\_ E/W  
 \_\_\_\_\_ Acres \_\_\_ Lot \_\_\_ Block \_\_\_ 1/4 \_\_\_ 1/4 \_\_\_ 1/4 Sec \_\_\_ Twp \_\_\_ N/S Rge \_\_\_ E/W  
 \_\_\_\_\_ Acres \_\_\_ Lot \_\_\_ Block \_\_\_ 1/4 \_\_\_ 1/4 \_\_\_ 1/4 Sec \_\_\_ Twp \_\_\_ N/S Rge \_\_\_ E/W

**NIR.1.E**  Attach a narrative explaining specific details of the requested change(s) to the water right and why it is being requested. Please label attachment **NIR.1.E Application Details**.

**NIR.1.F** Yes  No  Are you proposing to change all of the historic water right(s) associated with the place of use? If no, attach an explanation of why not. Please label attachment **NIR.1.F Application Details**.

**NIR.1.G** Identify the water rights used on the place of use that are not included in this application.

<i>Water Right No. &amp; Basin</i>	<i>Priority Date</i>	<i>Water Right No. &amp; Basin</i>	<i>Priority Date</i>

**NIR.2 MAP – ARM 36.12.111**

Maps depicting the historic and proposed water system are required. Aerial photos may be available from the DNRC, NRIS, NRCS, USGS, and on the Internet and may be available from the 1940s up until today.

**NIR.2.A**  Note the section corners, township, range, and add a north arrow to the map for all maps submitted.

**NIR.2.B**  Historic Use - for each water right being changed, provide a map depicting the historic point(s) of diversion, means of conveyance, place of use, and place of storage. Be sure to identify the water right number on each map.

**NIR.2.C**  Historic Use - if you measure water near the historical point of diversion or place of use, please identify where the measurement occurs.

**NIR.2.D**  Proposed Use - provide a map which clearly identifies the proposed point(s) of diversion, place of use, and place of storage. For partial changes, the map should reflect the entire water right including the proposed change and the remaining historic use.

**NIR.3 HISTORIC USE - ARM 36.12.1902**

For the questions below, describe the historic use of the water right or the current use if a change authorization was previously granted on the water right. The description of the historic use depends on the type of water right being changed. Historic use for a Statement of Claim or for an exempt non-filed right must be described as it was used prior to July 1, 1973. Historic use for provisional permits and certificates of water right must be described as was used at the filing date of the completion notice.

The historic consumptive use is the amount of water that was diverted from the source minus the amount of water that returns to a water source.

The Department will calculate the diverted volume and the consumptive volume.

Complete the following information for each water right being changed.

**NIR.3.A**  Attach a description of how the system operated from the point of diversion through the place of use. Include a description of wastewater collection and treatment used, if any. Please label attachment **NIR.3.A Historic Use**.

**NIR.3.B**  Attach a description of the uses (i.e. domestic, stock, irrigation of parks, industrial, commercial, etc.) and provide a narrative detailing the approximate amount of water associated with those uses. Please label attachment **NIR.3.B Historic Use**.

**NIR.3.C** What has been used to convey the water to the place of use?  
 Conveyance (ditch/pipeline) \_\_\_\_\_ Size \_\_\_\_\_ Length \_\_\_\_\_  
 Conveyance (ditch/pipeline) \_\_\_\_\_ Size \_\_\_\_\_ Length \_\_\_\_\_

**NIR.3.D** What is your diversion method type and capacity?  
 Diversion \_\_\_\_\_ Capacity \_\_\_\_\_ GPM/CFS

**NIR.3.E** How did you determine the capacity? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**NIR.3.F** How often do you divert water? \_\_\_\_\_

**NIR.3.G** What is the duration of each diversion? Days/year \_\_\_\_\_ Hours/day \_\_\_\_\_

**NIR.3.H** If wastewater is discharged, what amount of water is discharged? \_\_\_\_\_ GPM/CFS

**NIR.3.I** Yes  No  Do you measure water near the existing point of diversion or near/at your place of use? If yes, what type of measuring device do you use? \_\_\_\_\_

**NIR.3.J** Yes  No  Do you have water commissioner, water measurement records available, or other documents that support the amount of water you have historically diverted or used? If yes, please submit that information and label attachment **NIR.3.J Historic Use**.

**NIR.3.K** Yes  No  Do you supplement your water usage with water from another water right? If yes, attach an explanation of that water right and how and when it is used to supplement this water right. Please label attachment **NIR.3.K Historic Use**.

**NIR.4 ADVERSE EFFECT – ARM 36.12.1903**

**NIR.4.A**  Attach an explanation of how all points of diversion will be operated in order to not exceed historical diverted flow rate? Please label attachment **NIR.4.A Adverse Effect**.

**NIR.4.B.**  Attach an explanation of what your plan is to not create an adverse effect to existing water rights, certificates, permits, and water reservations? Please label attachment **NIR.4.B Adverse Effect**.

**NIR.4.C**  Attach an explanation of when the last time water was appropriated and used beneficially to the extent identified in your water right? If there has been a period of non-use, explain why the water right was not used, and explain why a resumption of use will not adversely affect other water users. Please label attachment **NIR.4.C Adverse Effect**.

**NIR.5 ADEQUATE DIVERSION MEANS AND OPERATION – ARM 36.12.1904**

**NIR.5.A** Yes  No  Is the means of diversion a well? If yes, provide a copy of the well log. If the well log is not available, who drilled the well? \_\_\_\_\_

**NIR.5.B** Yes  No  Is another agency requiring you to measure your water use? If yes, explain. \_\_\_\_\_

**NIR.5.C** Yes  No  Do you have any plans to measure your diversion and use? If yes, attach a description of the plan and the type of measurements you will take. Please label attachment **NIR.5.C Adequate Diversion Means and Operation.**

**NIR.5.D**  For applications that propose new conveyance facilities, provide preliminary design plans and specifications for the proposed diversion and conveyance facilities and the equipment used to put the water to beneficial use.

**NIR.6 PROPOSED BENEFICIAL USE – ARM 36.12.1801**

**NIR.6.A** Flow rate, diverted volume, and consumed volume cannot increase as a result of this change. If you are maintaining the same purpose but changing or have changed the method of use, attach an explanation of the new method.

**NIR.7 GENERAL PROJECT PLAN & PROPOSED COMPLETION PERIOD**

**NIR.7.A** How many years will you need to complete this project? \_\_\_\_\_  
Why is this needed? \_\_\_\_\_  
\_\_\_\_\_

**NIR.8 CHANGE APPLICATION ADDENDUMS**

Check yes or no if any of the following addendums are applicable:

- Yes  No  **Water Marketing:** Required if you are changing your use to Water Marketing.
- Yes  No  **Historical Water Use:** Required if you do not want the Department to calculate the diverted volume and the consumptive volume using ARM 36.12.1902.
- Yes  No  **Change to Instream Flow:** Use if your proposed project includes a change to instream flow.
- Yes  No  **Change of Purpose:** Use if you're changing the purpose of the water right.
- Yes  No  **Place of Storage:** Required if you are adding or changing a storage reservoir.
- Yes  No  **Change of Salvage Water:** Use if the change application includes appropriation of water made available for use from an existing valid water right through creation of a water-saving method.
- Yes  No  **Temporary Change:** Required if the change application is to be for a temporary period of time.
- Yes  No  **Sage Grouse Habitat Project Review:** Required if the diversion and/or place of use are located within an area designated as sage grouse habitat, (<https://sagegrouse.mt.gov>).

**SECTION 9 AFFIDAVIT & CERTIFICATION.**

All undivided interest owners must sign as applicants.

Read carefully before you sign and review with legal counsel if you have any questions.

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.

I understand that making a false statement under oath or affirmation in this application and official proceedings throughout the examination of my application may subject me to prosecution under §45-7-202, MCA, a misdemeanor punishable by a jail term not to exceed 6 months or a fine not to exceed \$500, or both. I have read this Affidavit and understand the terms and conditions.

**SECTION 9 AFFIDAVIT & CERTIFICATION (Continued).**

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Printed Name (& Title for Business Representative) \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name (& Title for Business Representative) \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date: \_\_\_\_\_

**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

**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

**BOZEMAN:** 2273 BOOT HILL COURT, SUITE 110,  
BOZEMAN MT 59715  
PHONE: 406-586-3136 FAX: 406-587-9726  
SERVING: Gallatin, Madison, and Park Counties

**KALISPELL:** 655 TIMBERWOLF PARKWAY, SUITE 4,  
KALISPELL MT 59901-1215  
PHONE: 406-752-2288 FAX: 406-752-2843  
SERVING: Flathead, Lake, Lincoln, and Sanders  
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

**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

**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

**MISSOULA:** 2705 SPURGIN RD. BLDG. C, PO BOX 5004,  
MISSOULA MT 59806-5004  
PHONE: 406-721-4284 FAX: 406-542-5899  
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/divisions/water/water-rights>

