



**APPLICATION FOR CHANGE
OF A WATER RIGHT
REASONABLE USE ADDENDUM**
§§ 85-2-402(2); 85-2-402(4); 85-2-402(5) MCA

This addendum must be completed and the required information attached to a change application if the application is to change the purpose of use or place of use of an appropriation of 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second.

On a separate attachment, please provide information to answer specific questions. Attachments must be labeled as shown in the sections below (i.e. **RUA. 2**). Attach all supporting documentation used to verify information included in attachments.

Section 85-2-402(4), MCA, provides the department may not approve a change in purpose of use or place of use for a diversion that results in 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water unless the applicant proves by a preponderance of evidence that the following criteria are met.

Section 85-2-402(5), MCA, provides the department may not approve a change in purpose of use or place of use for a diversion that results in 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water being consumed unless the applicant proves by clear and convincing evidence that the following criteria are met.

Section 1. Criteria for Issuance of Authorization to Change § 85-2-402(2) MCA

- RUA. 1.** Attach evidence to prove the proposed use will not adversely affect the water rights of other persons or other planned uses or developments for which a permit has been issued or for which water has been reserved.
- RUA. 2.** Attach a description of the proposed means of diversion, construction, and operation of the diversion works you intend to use and describe what evidence you have to prove the proposed means of diversion, construction and operation are adequate. *(This question does not apply to Change Applications for instream flows § 85-2-402(2)(b)) MCA.*
- RUA. 3.** Attach evidence to prove the proposed change is a beneficial use of water.
- RUA. 4.** Do you have possessory interest or the written consent of the person with possessory interest in the proposed place of use? *(This question does not apply to Change Applications for instream flow § 85-2-402(2)(b)) MCA.*

Yes

No Note: Attach a copy of the written consent when applicable.

Section 2. Criteria for Issuance of Authorization to Change § 85-2-402(4) or (5) MCA

- RUA. 5.** Attach an analysis and description of the existing demands of the state water supply as well as projected demands of water for future beneficial purposes including municipal water supplies, irrigation systems, and minimum stream flows for the protection of existing water rights and aquatic life?
- RUA. 6.** Attach evidence of the benefits to the applicant and the state.
- RUA. 7.** Attach an analysis and description of the effects on quantity and quality of water for existing uses in the source of supply.
- RUA. 8.** Attach an analysis and description of the availability and feasibility of using low-quantity water (meaning not potable for human consumption) for the purpose for which application has been made.
- RUA. 9.** Attach an analysis and description of the effects on private property rights by any creation of or contribution to saline seep.
- RUA. 10.** Attach an analysis and description of any probable significant adverse environmental impacts of the proposed use of water and outline the appropriate mitigation measures of any expected adverse effects. Adverse environmental impacts should be concluded through a thoughtful environmental assessment of the proposed water use as determined by the Department pursuant to Title 75, chapter 1, or Title 75, chapter 20.

NOTICE

§ 85-2-402 (4) MCA The department may not approve a change in purpose of use or place of use of an appropriation of 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water unless the appropriator proves by a preponderance of evidence that:

- (a) the criteria in subsection (2) are met; and
- (b) the proposed change in appropriation right is a reasonable use. A finding of reasonable use must be based on a consideration of:
 - (i) the existing demands on the state water supply, as well as projected demands for water for future beneficial purposes, including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life;
 - (ii) the benefits to the applicant and the state;
 - (iii) the effects on the quantity and quality of water for existing uses in the source of supply;
 - (iv) the availability and feasibility of using low-quality water for the purpose for which application has been made;
 - (v) the effects on private property rights by any creation of or contribution to saline seep; and
 - (vi) the probable significant adverse environmental impacts of the proposed use of water as determined by the department pursuant to Title 75, chapter 1, or Title 75, chapter 20.

§ 85-2-402 (5) MCA The department may not approve a change in purpose of use or place of use for a diversion that results in 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water being consumed unless:

- (a) the applicant proves by clear and convincing evidence and the department finds that the criteria in subsections (2) and (4) are met; and
- (b) for the withdrawal and transportation of appropriated water for out-of-state use, the department then petitions the legislature and the legislature affirms the decision of the department after one or more public hearings