



# OBJECTION TO APPLICATION

## FILING FEE: \$25.00

Use this form when objecting to an application for a water use permit, change authorization or forest service water reservation.

Use one form for each application to which you are objecting. Individual water right owners must file separate objections.

**THIS FORM MUST BE RECEIVED OR POSTMARKED ON OR BEFORE THE DEADLINE SPECIFIED IN THE PUBLIC NOTICE.**

**Submit form and filing fee to:**

Montana Department of Natural Resources and Conservation  
1424 9th Avenue, PO Box 201601, Helena, MT 59620-1601

### FOR DEPARTMENT USE ONLY

Postmarked Date \_\_\_\_\_  
 Date Received \_\_\_\_\_  
 Rec'd By \_\_\_\_\_  
 Fee Rec'd \_\_\_\_\_  
 Check No. \_\_\_\_\_  
 Refund \_\_\_\_\_

Permit     Change     Water Reservation  
 Temporary Lease

Obj # \_\_\_\_\_  
 Reviewed by \_\_\_\_\_  
 Date \_\_\_\_\_

**1. NAME OF OBJECTOR** \_\_\_\_\_

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

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

Home Phone \_\_\_\_\_ Other Phone \_\_\_\_\_

**2. TO WHAT APPLICATION ARE YOU OBJECTING?** Number \_\_\_\_\_

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

**3. HOW DO YOU HAVE STANDING TO FILE THIS OBJECTION?** - A person has standing if his or her property, water rights, or interests would be adversely affected by the proposed appropriation. Explain your interest and how it would be adversely affected.

\_\_\_\_\_  
\_\_\_\_\_

**4. WILL YOUR WATER RIGHT BE AFFECTED?** If so, provide the water right number.

(W) Statement of Claim No. \_\_\_\_\_

(P) Permit to Appropriate Water No. \_\_\_\_\_

(C) Certificate of Water Right No. \_\_\_\_\_

(D) Powder River Final Decree No. \_\_\_\_\_

(M/R) Reservation of Water No. \_\_\_\_\_

(E) Exempt Water Right No. \_\_\_\_\_

(F) Non-recorded Exempt Right (For a filing not on record with the DNRC, complete the information below).

Type of Use     Stock         Domestic    Date of First Use \_\_\_\_\_

Groundwater (For example, well or developed spring)

Instream Surface water Source \_\_\_\_\_

Amount Used    Flow Rate \_\_\_\_\_ Gallons Per Minute        Volume \_\_\_\_\_ Acre-Feet

Point of Diversion \_\_\_\_ 1/4 \_\_\_\_ 1/4 \_\_\_\_ 1/4 Section \_\_\_\_, Twp \_\_\_\_  N  S, Rge \_\_\_\_  E  W

County \_\_\_\_\_

Lot/Tract \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Name \_\_\_\_\_

**5. WHY ARE YOU FILING AN OBJECTION?**

Statute requires that an objector provide facts that explain how or why one or more of the application criteria cannot be met. If facts are not supplied, the objection cannot be deemed valid.

If an Administrative Hearing is held on the application you will be limited to only those criteria on which you specifically file an objection and to those objections that are deemed valid. For further information, see the Administrative Rules pertaining to filing a water right objection. (ARM 36.12.117)

Be sure to fill out only the portion applicable to the type of application to which you are objecting.

**COMPLETE INFORMATION FOR ONLY A) OR B), NOT BOTH, IF OBJECTING TO A PERMIT OR CHANGE APPLICATION. ATTACH A SEPARATE SHEET AND PROVIDE THE FOLLOWING INFORMATION:**

1. The application number, applicant name, and your name.
2. The corresponding numbers shown below to clearly indicate on which criteria you are objecting.
3. For each criterion on which you are objecting, provide facts explaining why you do not believe the criterion can be met.

**A) OBJECTION TO PERMIT APPLICATION** – For each box that is checked, provide facts explaining why one or more of the criteria in § 85-2-311, MCA, cannot be met.

- 1. Physical Availability – Provide facts showing why water cannot be considered physically available.
- 2. Legal Availability – Provide facts showing why the water cannot be considered legally available.
- 3. Adverse Effect – Provide facts showing how this proposed use will adversely affect your water right.
- 4. Diversion Works – Provide facts showing why the construction of the project may not be adequate.
- 5. Beneficial Use – Provide facts showing why the use (purpose) or flow rate and volume may not be considered beneficial.
- 6. Possessory Interest – Provide facts showing the applicant does not have possessory interest in the place of use.
- 7. Water Quality – Provide substantial credible information to show the criteria cannot be met:
  - a. Water Quality Issue 85-2-311(1)(f)
  - b. Effect on effluent limitations of discharge permit holder 85-2-311(1)(h)

**Only DEQ or local water quality district may object to:**

- c. Effect on classification of water 75-5-301(1) and 85-2-311(1)(g)

**B) OBJECTION TO CHANGE APPLICATION** (*change authorization or replacement point of diversion application*) – For each box that is checked, provide facts explaining why one or more of the criteria in § 85-2-402, MCA, cannot be met.

- 1. Adverse Effect - Provide facts showing how this proposed change will adversely affect your water right or interest or how the historic use of the water right proposed for change is different than described in the application.
- 2. Diversion Works - Provide facts showing why the construction of the project may not be adequate.
- 3. Beneficial Use - Provide facts showing why the use (purpose) or the flow rate and volume may not be considered beneficial.
- 4. Possessory Interest - Provide facts showing the applicant does not have possessory interest in the place of use.
- 5. Water Quality – Provide substantial credible information to show the criteria cannot be met:
  - a. Water Quality Issue 85-2-402(2)(f)
  - b. Effect on effluent limitations of discharge permit holder 85-2-402(2)(g)

**COMPLETE INFORMATION IF OBJECTING TO A FOREST SERVICE WATER RESERVATION APPLICATION. ATTACH A SEPARATE SHEET AND PROVIDE THE FOLLOWING INFORMATION:**

1. The application number, applicant name, and your name.
2. The corresponding letters shown below to clearly indicate on which criteria you are objecting.
3. For each criterion on which you are objecting, provide facts indicating that one of the applicable objector proofs set forth in § 85-20-1401, Article VI, sec. B.3(a) or (b), MCA, is met. The facts provided must specifically describe why or how one of the objector proofs are met.

- (A) The amount of water under the wetted perimeter methodology or other methodology was not accurately measured or calculated;
- (B) The wetted perimeter methodology or other methodology could not suitably be applied to the stream reach applied for;
- (C) There is not an existing population of the fish species set forth in § 85-20-1401 Art. VI sec. B.1(a)(iii)(B), MCA, identified in the application in the stream reach applied for; or
- (D) There is a proposed or projected water development project: that is feasible; reliably projected to be commenced within 10 years or within 10 years after a basin closure is removed; in which the objector has or can reasonably obtain a possessory interest (or consent) in the property where the water is to be impounded, stored, transported and put to beneficial use; for which the amount of water needed for the project is reasonable; for which water is not reasonably available from any other water source; for which the water would be unavailable if the proposed reservation was granted; that would not be feasible with water either in a lesser amount or at a different location if the reservation was granted; and that serves a significant public need.

**COMPLETE INFORMATION IF OBJECTING TO AN APPLICATION FOR TEMPORARY LEASE. ATTACH A SEPARATE SHEET AND PROVIDE THE FOLLOWING INFORMATION:**

- Adverse Effect - Provide facts showing how this proposed temporary lease will adversely affect your water right, property, or interests.

**6. ARE YOU REPRESENTED BY COUNSEL? YES  NO**

Name \_\_\_\_\_

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

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

**7. PERSON PREPARING THIS FORM, if different from objector**

Name \_\_\_\_\_

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

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

**8. OBJECTOR'S SIGNATURE - Only an objector whose signature appears below will be allowed to participate in an administrative hearing. (See ARM 36.12.117(5)) If you are represented by counsel, counsel may sign.**

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION**  
**Water Resources Division - Water Rights Bureau**  
 1424 9th Avenue, PO Box 201601, Helena, MT 59620-1601 406-444-6610  
 WEBSITE: <http://dnrc.mt.gov/divisions/water/water-rights>