

# NOTICE OF REPLACEMENT POINT OF DIVERSION

Use this form to inform the DNRC of a surface water point of diversion (POD) that has been replaced. This form must be filed within 60 days of the completion of the replacement POD.

Attach additional sheets if needed to explain information.

**FILING FEE: \$400.00**

### FOR DEPARTMENT USE ONLY

Notice No. \_\_\_\_\_ Basin \_\_\_\_\_  
 Date Received \_\_\_\_\_ Time \_\_\_\_\_ AM / PM  
 Rec'd By \_\_\_\_\_  
 Fee Rec'd \$ \_\_\_\_\_ Check # \_\_\_\_\_  
 Deposit Receipt # \_\_\_\_\_  
 Payor \_\_\_\_\_  
 Refund \$ \_\_\_\_\_ Date \_\_\_\_\_

**1. WATER RIGHT OWNER(S)** \_\_\_\_\_

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

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

Work Phone \_\_\_\_\_ Home Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

**2. DATE REPLACEMENT OF POD COMPLETED** \_\_\_\_\_ If the date completed is longer than 60 days from the date post marked, this form cannot be filed. An Application for Change Form 606 must be filed.

**3. WATER RIGHT NUMBER (for the old POD being replaced)** \_\_\_\_\_

- a.  Attach a water right abstract of the existing water right.
- b. What type of change is being made to this water right? If more than the Point of Diversion is checked, this form cannot be used.  Point of Diversion  Place of Use  Purpose of Use  Place of storage
- c.  Yes  No  NA Is the method of irrigation changing? If yes, this form cannot be used.

**4. DIVERSION INFORMATION**

- a.  Yes  No Has the old POD been used within 10 years prior to this notice? If no, this form cannot be used. If yes, attach supporting documentation such as dated pictures, affidavits, power records, or water commissioner records.
- b.  Yes  No Are the new and old means of diversion the same? If no, explain.  
 \_\_\_\_\_  
 \_\_\_\_\_
- c.  Yes  No Are the old and new (replacement) POD on the same surface water source? If no, this form cannot be used.
- d.  Yes  No Is the new POD located as close as reasonably practicable to the old diversion? Explain.  
 \_\_\_\_\_  
 \_\_\_\_\_
- e.  Yes  No Is the old POD rendered inoperable due to natural causes or structure deterioration. Explain why it cannot be used. If the old POD can still be used, this form cannot be filed.  
 \_\_\_\_\_  
 \_\_\_\_\_

f.  Yes  No Is the old POD able to be used by you or other water right users? If yes, this form cannot be used.

g. Old diversion capacity: \_\_\_\_\_ gpm/cfs (circle one)

New diversion capacity: \_\_\_\_\_ gpm/cfs (circle one)

h. The new POD is located approximately \_\_\_\_\_ feet upstream/downstream from the old POD.  
(Circle one)

i. Identify the new POD location.

\_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Section \_\_\_\_\_ Twp \_\_\_ N / S Rge \_\_\_\_\_ E / W County \_\_\_\_\_

j. Explain why the change in point of diversion will not increase access to the amount of water that was historically available and not increase the amount of water diverted, used or consumed.

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### 5. INTERVENING WATER RIGHT HOLDERS AND WAIVERS

a.  Yes  No Are there any intervening points of diversion between the old POD and the replacement POD other than one you own? You need to also include instream flow diversions for water reservations, fisheries or mitigation. If yes, list the intervening water rights and owners. If no, go to section 6.

\_\_\_\_\_

b.  Provide a notarized waiver from all intervening water right holders listed above. Obtain waiver form from the DNRC website.

### 6. MAP – IDENTIFY THE FOLLOWING ON A MAP

Map standards pursuant to ARM 36.12.111(1) through (3) must be followed.

- a.  The new and old POD locations.
- b.  The points of diversion of intervening water rights.

### 7. SAGE GROUSE HABITAT PROJECT REVIEW

a.  Yes  No Required if the diversion is located within an area designated as sage grouse habitat.  
<https://sagegrouse.mt.gov>

### 8. AFFIDAVIT

I affirm that statements appearing here are 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.

Appropriator's Signature \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**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  
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SERVING: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

**HELENA:** 1424 9TH AVE., PO BOX 201601, HELENA MT 59620-1601  
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SERVING: Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow 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

**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:** 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>

