



LEGISLATION BRIEF

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HB 114 Permit and Change Process Overhaul Representative Vinton - Bill Sponsor

Water stakeholders frequently remark that the water permit and change process through the Department of Natural Resources and Conservation (DNRC) Water Resources Division is not timely, transparent, streamlined, or consistent. A new permit can take several years to issue. Stakeholders have expressed that permitting inefficiencies increase costs and incentivize alternative avenues of water acquisition, including illegal water use. Responding to these concerns, the DNRC’s Comprehensive Water Review Stakeholder Working group recommended an overhaul to the permit and change process in this proposed legislation.

Bill Overview - This Legislation:

- Provides more timely and efficient water right permit and change application processes.
- Incentivizes a pre-application meeting to improve application quality and transparency.
- Revamps the permit and change processes to frontload necessary analyses, reducing costs to water rights applicants and the need for application adjustments later in the permitting process.
- Shortens overall process timeframes from 360 days to 105 days with a pre-application meeting, if no extension, deficiencies, or comments are filed (see table).
- Creates clear statutory timelines for each step in the application process, eliminating gaps where statutory timelines do not exist, creating more certainty for applicants.
- Allows the DNRC to consider and address public comments on decision documents prior to the hearings process. This leads to better decisions and reduces the costs for people engaged in water right permitting processes.

	Current Process (Days)	Proposed Process with pre-application (days)
Pre-Application Meeting & Technical Analysis	N/A	45
Correct & Complete	180	15
<i>Deficiency Response</i>	120	120
<i>Deficiency Response Review (black hole)</i>	*	30
Draft Preliminary Determination	120	60
<i>Applicant can request extension</i>		15
<i>Timeline Extension & Applicant Provide Information</i>	*	Max 6 months
<i>Review of New Information</i>	*	60
Public Objections (current) /Comment (new)	60	30
Preliminary Determination	N/A	30
Public Objections	N/A	30
Hearings & Final Order		
Time Once Application Filed (no extension/ no deficiencies/ no comments)	360	105
Time Once Application Filed (no extension/ no deficiencies/ public comments)		165

* No statutory timelines

Proposed Water Right Application Process For Permit And Change Applications

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The Montana Department of
**Natural Resources
& Conservation**

