



**MONTANA  
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FEDERATION**

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August 8, 2025

Department of Natural Resources and Conservation (DNRC)

Attn: Jamie Price, Rules Coordinator

1539 Eleventh Ave.

Helena, MT 59601

Subject: Comments on Proposed Amendments and New Rules Pertaining to Water Right Permitting

Dear Mr. Price:

The Montana Farm Bureau Federation is the state's largest general agricultural organization, representing nearly 20,000 member families across Montana. Our members raise a diverse array of crops and livestock on both private and public lands and often serve as frontline advocates for responsible natural resource management. We appreciate the opportunity to provide comments and offer the perspective of irrigators across the state on the proposed rules implementing legislation from the 2025 session.

We commend the Department's efforts to clarify and implement these changes. We appreciate the inclusion of definitions for "aquifer" and "aquifer system," particularly the recognition of both vertical and horizontal connectivity. Additionally, we support the increased clarity around domestic use standards, which now more accurately reflect household size and its impact on water use.

Regarding the objection process, we are pleased that a formal procedure is in place, allowing water users to protect themselves from adverse impacts. In Section 8, Subsection (f), we recommend the Department provide examples or further explanation of what constitutes "probable, believable facts sufficient to support a reasonable legal theory." While this may be clear to Department staff, it is not easily understood by lay water users who may need to defend their rights. A standardized objection template or guidance document would be extremely helpful in ensuring complete and valid submissions while also helping to prevent objections that are not valid that may bog down the system.

We also appreciate the flexibility outlined in Section 16, which allows for individual agreements while maintaining protections for water rights. This is a commendable approach.

With respect to **New Rule 1**, we question the necessity of requiring separate public comments for each water right application. Could commenters instead indicate which rights their comments

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pertain to within a single submission? Repeating the same comment multiple times is burdensome and frustrating. We do, however, appreciate the provision allowing co-owners to submit joint comments.

In **New Rule 2**, we support the streamlined process for handling multiple changes simultaneously. However, we have concerns about Section 8. As written, it seems there is not a time limit for inspections of completed appropriations. We recommend establishing a 30-day deadline for inspections, with an option to extend in cases of weather-related delays. Protecting private property rights and controlling access is a priority for our members. While we understand, the Department's intent is likely not allowing indefinite access for inspections. The way this currently reads it does allow for that and continuing down that path could erode trust between landowners and the Department, which is not a desired outcome. Thank you for considering our suggestion to correct this.

We have no specific feedback on **New Rules 3 through 6** and appreciate the clarity provided in those sections.

Regarding **New Rule 7**, we commend the Department's work in creating a temporary change process that safeguards other water users. We do have a few suggestions:

- In Section 2, Subsection (c), we recommend including fuel receipts as acceptable evidence of use, in addition to power bills. Many irrigation pumps operate on diesel or propane and are not connected to electricity.
- We also suggest defining the time-period used to calculate historic water use. A five-year period, as referenced in Section 2, would be appropriate and consistent.
- Finally, we thank the Department for its commitment to notifying all water right owners, as outlined in Section 6.

Thank you again for the opportunity to comment.

Sincerely,

Scott Kulbeck  
Executive Vice President

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