

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



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Frequently Asked Questions: State Trust Lands and Temporary Water Rights

Can a lessee temporarily use water from a private well or developed spring on their state trust land lease?

Yes, state law (House Bill 286) provides that "a water right owner may put water from a well or developed spring with ground water development works located on private land to beneficial use on state trust land for the duration of a state land lease the water right owner holds."¹

In order to do this, a lessee should complete two forms from the Department of Natural Resources and Conservation (DNRC). The lessee must submit an *Authorization for Temporary Change in Appropriation Right Consent Form* signed by the lessee and authorized by the local DNRC area or unit office and DNRC's Agriculture & Grazing Bureau. A lessee must also file an application to Change a Water Right (*Form 606 and Form 606 Technical Analysis Addendum*) with DNRC's Water Resources Division.²

Who is listed as the owner of a water right with a temporary change authorization for use on state trust land?

Ownership will remain solely in the name of the private water right owner. Neither the State Board of Land Commissioners nor DNRC will be listed as a co-owner of a private water right for which a temporary change authorizes state trust land as a temporary place of use.

How is a temporary change different than a permanent change?

A permanent change authorizes the place of use for a water right to be changed in perpetuity. Typically, this results in the water right attaching to the new place of use.

A temporary change allows the consecutive or intermittent use of the lessee's private water right on the state trust land by temporarily adding the state trust land as an authorized place of use for the private water right for a period of up to 10 years. Under these circumstances, the water right does not attach to the state trust land. If the temporary change authorization expires, the place of use automatically reverts to the private property upon which the water right was originally used.

A temporary change can be renewed for subsequent 10-year periods. Renewal of a temporary change requires completion of an *Authorization for Temporary Change in Appropriation Right Consent Form* from your local DNRC area or unit office as well as DNRC's Agriculture & Grazing Bureau, and completion of a *Notice of Renewal (Form 626)* with DNRC's Water Resources Division.

¹ 85-2-441(1), MCA.

² 85-2-402 and 407, MCA

Where can I get started?

Connect with your local DNRC land office to start the process. For a list of land offices visit: <https://dnrc.mt.gov/TrustLand/about/field-offices>

How to Obtain Temporary Use of a Private Water Right on State Trust Land

