



# New Process for Exempt Wells

The Montana Department of Natural Resources and Conservation (DNRC) administers the water right application process for Montana's waters. A recorded water right is required for the majority of water uses. To obtain a new water right, a landowner must either submit an application to DNRC for a beneficial water use permit or satisfy an exception to the permitting process and receive a groundwater certificate, commonly known as an "exempt well."

## New Process

Beginning Jan. 1, 2026, water users who intend to develop water use through a permit exception must file a Notice of Intent with DNRC before using water from an exempt well. This provides an opportunity to know whether land developers and water users qualify for the permit exception before investment in infrastructure is made.

## Already Using Water?

Landowners must still file a Notice of Intent. DNRC cannot process a Notice of Completion of Groundwater Development—the form submitted once the water is put to use—without an authorized Notice of Intent.

## How to Submit

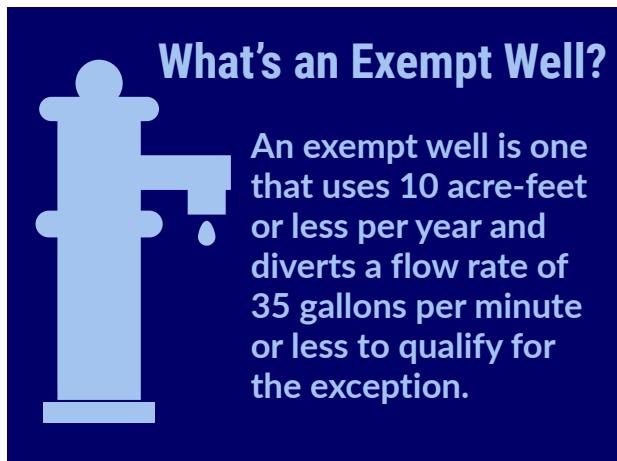
Fill out a 602I Notice of Intent to Appropriate Groundwater to provide information about the proposed point of diversion, place of use, and how you intend to divert and use the water. Download the form from the [DNRC website](#) or visit the DNRC water resources regional office for a hard copy form. Staff can answer questions about water right applications and exceptions to the permitting process.

The form fee is \$400. This funding supports DNRC's ability to process forms efficiently so they can be used in the subdivision review process and real estate transactions. Forms should be returned to your DNRC water resources regional office. For regional office locations, visit: <https://dnrc.mt.gov/Water-Resources/Water-Resources-Regional-Offices>.

## Check for Water Right Records

View water right records on the [DNRC Water Rights Query System](#).

Search by name, address, geocode, or browse the map to the parcel and click to view associated DNRC filings. A Notice of Intent to Appropriate Groundwater will appear as an Intent to Appropriate version on a Groundwater Certificate record. The status of the record may be listed as any of the following: NOI Pending, NOI Authorized, Terminated, Denied, or Expired. Use the available search fields or filter the search results to find records.





## Next Steps

When a water user submits a correct and complete Notice of Intent (NOI), DNRC will review and authorize or deny the NOI within 10 business days.

- If the proposed water use is eligible, DNRC will authorize the NOI and the water user will have five years to complete the project, put the water to use, and file a Notice of Completion.
- If the proposed water use is not eligible, the NOI will be denied, and the water user will be notified and directed to the water right permit process.
- If authorized, the water user will need to file a Notice of Completion once they've put the water to use.

## FREQUENTLY ASKED QUESTIONS

### Why the New Process?

The Notice of Intent requirement is a result of the passage of House Bill 681 by the 2025 Legislature. Prior to House Bill 681, water users did not have a statutory process for determining whether or not they qualified to use the permit exception prior to the water being put to use.

### What Happens if the Notice of Intent is Denied?

If the Notice of Intent is denied, that means the proposed water use is not eligible for a permit exemption (an exempt well).

This typically occurs when the groundwater development is part of a combined appropriation and the 10-acre-feet maximum has already been met or exceeded. If the well is part of a combined appropriation with other wells (or groundwater uses), the cumulative diversions from the entire combined appropriation cannot exceed 10 acre-feet per year. In this case, the proposed water use must be approved through the permitting process.

Contact your [DNRC water resources regional office](#) for assistance.

## Learn More

To learn more about exempt wells in Montana visit <https://dnrc.mt.gov/Water-Resources/Water-Rights/Understanding-Water-Rights/Exempt-Well-Updates>