



CRITERIA ADDENDUM APPLICATION FOR BENEFICIAL WATER USE PERMIT FOR APPROPRIATIONS GREATER THAN 5.5 CFS AND 4,000 AF §85-2-311(3), MCA

The information requested by this Form 600-B is supplemental to the required permit application (Form 600). This addendum must be completed, and the required information attached to a change application, if the application is to change the purpose of use or place of use of an appropriation of 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second. It is the applicant's responsibility to provide credible, relevant, and factual information that meets the standard of **clear and convincing evidence** upon which the Department may rely to support the issuance of a provisional permit.

Section 85-2-311(3), MCA, provides the Department may not approve a water use permit for an appropriation of 5.5 CFS or greater and 4,000 AC-FT of water unless the applicant proves by **clear and convincing evidence** that the criteria are met for permit issuance pursuant to §85-2-311(1) and that the proposed appropriation is a reasonable use based on consideration of the elements listed in §85-2-311(3)(b) (i-vi).

MARKETING/ EXCESS APPROPRIATION: *If the water applied for is to be appropriated in excess of that which will be solely used by the applicant or if it will be marketed by the applicant to other users, a Form 600/606-WMA must also be submitted.*

OUT-OF-STATE: *For out-of-state water use, a Form 600/606-OSA must be submitted.*

It is your responsibility to obtain any necessary easement or right-of-way. If public lands are involved, such as State of Montana or BLM, contact the appropriate agency. The water right may need to be in their name.

ON A SEPARATE ATTACHMENT, PROVIDE CLEAR AND CONVINCING EVIDENCE PROVING THAT THE PROPOSED APPROPRIATION IS A REASONABLE USE BASED ON CONSIDERATION OF THE FOLLOWING (§85-2-311(3)(b), MCA):

- i. The existing demands on the State water supply as well as projected demands of water for future beneficial purposes including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life;
- ii. The benefits of the proposed use to the applicant and the State of Montana;
- iii. The effects on the quantity and quality of water for existing uses in the source of supply;
- iv. The availability and the feasibility of using low-quality water (meaning not potable for human consumption) for the purpose for which the application has been made;
- v. The effect on private property rights by any creation of or contribution to saline seep; and
- vi. The probable significant adverse environmental impacts of the proposed use of water.