



OBJECTION TO APPLICATION
85-2-308, 85-2-428 and 85-2-429, MCA
Form No. 611 (Revised 01/2026)

FILING FEE

\$50

INSTRUCTIONS

Use this form to object to the following types of applications or notices:

- Application for Beneficial Water Use Permit (Form 600), under 85-2-308, MCA
- Application to Change a Water Right (Form 606), under 85-2-308, MCA
- Temporary Lease of Appropriation Right (Form 650), under 85-2-428, MCA
- Notice of Change in Appropriation Right for a Replacement Point of Diversion (Form 644), under 85-2-429, MCA
- Notice of Change in Appropriation Right for Stock Tanks (Form 656), under 85-2-429, MCA
- Notice of Change in Appropriation Right for Municipal Use (Form 657), under 85-2-429, MCA
- Forest Service Water Reservation Application for Instream Flow (Form 638), under 85-2-308, MCA

For Department Use Only

Date Received _____

Received By _____

Fee Rec'd \$ _____ Check # _____

Receipt # _____

Payor _____

Refund \$ _____

Objection # _____

Reviewed By _____

Date _____

Use one form for each application to which you are objecting. Individual water right owners must file separate objections. **This form and the \$50 filing fee must be received on or before the deadline specified in the public notice.**

Submit form and filing fee to:

Montana Department of Natural Resources and Conservation (DNRC) Water Rights Bureau
1424 9th Avenue, PO Box 201601, Helena, MT 59620-1601

Electronic submissions may be sent to: DNRCWATERRIGHTSCOMMENTOBJECTION@MT.GOV

If you submit the form electronically, mail the \$50 filing fee to the address above or pay by phone at (406) 444-6610 by the deadline specified.

IMPORTANT INFORMATION

State law requires that an objector provide facts that explain the basis of their objection. If facts are not supplied, the objection cannot be deemed valid. Additional requirements for specific application types are detailed in statute and below.

If an Administrative Hearing is held on the application, you will be limited to only those criteria on which you specifically file an objection and to those objections that are deemed valid. For further information, see the Administrative Rules pertaining to filing a water right objection, ARM 36.12.117.

1. Name of Objector _____

Mailing Address _____

City _____ State _____ Zip _____

Home Phone _____ Other Phone _____

Email _____

Preferred means of communication: Physical Mail Email



2. To what application or notice are you objecting? Application Number _____

Applicant Name _____

Application Type:

- Application for Beneficial Water Use Permit (Form 600), under 85-2-308, MCA
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- Notice of Change in Appropriation Right for a Replacement Point of Diversion (Form 644), under 85-2-429, MCA
- Notice of Change in Appropriation Right for Stock Tanks (Form 656), under 85-2-429, MCA
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- Forest Service Water Reservation Application for Instream Flow (Form 638), under 85-2-308, MCA

3. How do you have standing to file this objection? - A person has standing if their property, water rights, or interests would be adversely affected by the proposed appropriation. Explain your interest and how it would be adversely affected.

4. Will your water right be affected? If so, provide the water right number.

(W) Statement of Claim No. _____

(P) Permit to Appropriate Water No. _____

(C) Certificate of Water Right No. _____

(D) Powder River Final Decree No. _____

(M/R) Reservation of Water No. _____

(E) Exempt Notice No. _____

(F) Non-recorded Exempt Right (For a filing not on record with the DNRC, complete the information below). Type of Use: Stock Domestic Date of First Use _____

Groundwater (For example, well or developed spring)

Instream Surface water Source _____

Amount Used _____ Gallons Per Minute _____ Volume _____ Acre Feet _____

Point of Diversion _____ 1/4 _____ 1/4 _____ 1/4 Section ___, Twp ___, N S, Rge ___, E W

County _____

Lot/Tract _____ Block _____ Subdivision Name _____

5. Why are you filing an objection? In the appropriate section below for the application or notice type to which you are objecting, select the check box(es) to indicate the basis of your objection. Attach a separate sheet and provide the following information:

- The application number, applicant name, and your name.
- The corresponding number(s) for the check box(es) you select below.
- For each check box you select, provide facts explaining the basis of your objection.

Section A: Objection to Permit Application (Form 600), under 85-2-308, MCA

For applications received on or after January 1, 2024, you may object only to those issues on which a public comment was received (85-2-308(1)(b), MCA). Refer to the Preliminary Determination for information about the issues on which the Department received a public comment.

- 1. Physical Availability – Provide facts showing why water cannot be considered physically available.
- 2. Legal Availability – Provide facts showing why the water cannot be considered legally available.
- 3. Adverse Effect – Provide facts showing how this proposed use will adversely affect your water right.
- 4. Diversion Works – Provide facts showing why the construction of the project may not be adequate.
- 5. Beneficial Use – Provide facts showing why the use (purpose) or flow rate and volume may not be considered beneficial.
- 6. Possessory Interest – Provide facts showing the applicant does not have possessory interest in the place of use.
- 7. Water Quality – Provide substantial credible information (85-2-311(2), MCA) to show the criteria cannot be met:
 - a. Water Quality Issue 85-2-311(1)(f), MCA
 - b. Effect on effluent limitations of discharge permit holder 85-2-311(1)(h), MCA

Only DEQ or local water quality district may object to:

- c. Effect on classification of water 75-5-301(1) and 85-2-311(1)(g), MCA
- 8. Reasonable Use – (only for applications for an appropriation of 4,000 or more acre-feet of water a year and 5.5 cubic feet per second of water) Provide facts showing why the proposed appropriation is not a reasonable use based on consideration of 85-2-311(3)(b), MCA.

Section B: Objection to Change Application (Form 606), under 85-2-308, MCA

For applications received on or after January 1, 2024, you may object only to those issues on which a public comment was received (85-2-308(1)(b), MCA). Refer to the Preliminary Determination for information about the issues on which the Department received a public comment.

- 1. Adverse Effect - Provide facts showing how this proposed change will adversely affect your water right or interest or how the historic use of the water right proposed for change is different than described in the application.
- 2. Diversion Works - Provide facts showing why the construction of the project may not be adequate.
- 3. Beneficial Use - Provide facts showing why the use (purpose) or the flow rate and volume may not be considered beneficial.
- 4. Possessory Interest - Provide facts showing the applicant does not have possessory interest in the place of use.
- 5. Water Quality – Provide substantial credible information (85-2-402(3), MCA) to show the criteria cannot be met:
 - a. Water Quality Issue 85-2-402(2)(f), MCA
 - b. Effect on effluent limitations of discharge permit holder 85-2-402(2)(g), MCA
- 6. Reasonable Use – (only for applications to change a purpose of use or place of use of an appropriation of 4,000 or more acre-feet of water a year and 5.5 cubic feet per second of water) Provide facts showing why the proposed change is not a reasonable use based on consideration of 85-2-402(4)(b), MCA.

Section C: Objection to Temporary Lease (Form 650), under 85-2-428, MCA

- 1. Adverse Effect: Provide facts indicating that your property, water rights, or interests would be adversely affected by the lease of the appropriation right.

Section D: Objection to Notice of Change in Appropriation Right for Replacement Point of Diversion (Form 644), Stock Tanks (Form 656), or Municipal Use (Form 657), under 85-2-429, MCA

- 1. Adverse Effect - Provide facts showing how the change in appropriation right will adversely affect your water right or interest.
- 2. Applicable Criteria are Not Met - Provide facts showing how the change in appropriation right does not satisfy the applicable criteria set forth in 85-2-429(3), (4), or (5), MCA.
 - i. For a Notice of Change in Appropriation Right for Replacement Point of Diversion, refer to 85-2-429(3), MCA.
 - ii. For a Notice of Change in Appropriation Right for Stock Tanks, refer to 85-2-429(5), MCA.
 - iii. For a Notice of Change in Appropriation Right for Municipal Use, refer to 85-2-429(4), MCA.

Section E: Objection to Forest Service Water Reservation Application for Instream Flow (Form 638), under 85-2-308, MCA

For each criterion on which you are objecting, provide facts indicating that one of the applicable objector proofs set forth in 85-20-1401, Article VI, sec. B.3(a) or (b), MCA, is met. The facts provided must specifically describe why or how one of the objector proofs are met.

- (A) The amount of water under the wetted perimeter methodology or other methodology was not accurately measured or calculated;
- (B) The wetted perimeter methodology or other methodology could not suitably be applied to the stream reach applied for;
- (C) There is not an existing population of the fish species set forth in 85-20-1401 Art. VI sec. B.1(a)(iii)(B), MCA, identified in the application in the stream reach applied for; or
- (D) There is a proposed or projected water development project: that is feasible; reliably projected to be commenced within 10 years or within 10 years after a basin closure is removed; in which the objector has or can reasonably obtain a possessory interest (or consent) in the property where the water is to be impounded, stored, transported and put to beneficial use; for which the amount of water needed for the project is reasonable; for which water is not reasonably available from any other water source; for which the water would be unavailable if the proposed reservation was granted; that would not be feasible with water either in a lesser amount or at a different location if the reservation was granted; and that serves a significant public need.

6. Are you represented by counsel? YES NO

Name _____

Mailing Address _____

City _____ State _____ Zip _____ Phone _____

Email: _____

7. Person preparing this form, if different from objector:

Name _____

Mailing Address _____

City _____ State _____ Zip _____ Phone _____

Email: _____

8. Objector's Signature - Only an objector whose signature appears below will be allowed to participate in an administrative hearing. (See ARM 36.12.117(5)) If you are represented by counsel, counsel may sign.

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

