



Petition for Reduction, Modification, or Revocation of a Provisional Permit

85-2-313, MCA

Form No. 658 (Revised 01/2026)

FILING FEE

\$250

WHEN TO USE THIS FORM

Use this form to petition for the reduction, modification, or revocation of a provisional permit. Use one form for each provisional permit. Water right co-owners may file petitions together or separately. To submit this form, you must meet the following requirements: be an owner of record of an active pre-1973 water right that is included in the final decree for which this opportunity to petition was noticed. **This form MUST BE RECEIVED by The Montana Department of Natural Resources and Conservation (DNRC) ON OR BEFORE THE DEADLINE specified in the Notice of Final Decree and Opportunity to Petition for the Reduction, Modification, or Revocation of a Provisional Permit.**

Submit form to:

Montana Department of Natural Resources and Conservation Water Rights Bureau
PO Box 201601, Helena, MT 59620-1601

1. Petitioner information:

Name(s) _____

Mailing Address _____

City _____ State _____ ZIP _____

Phone Number _____ Email _____

Note: If there are additional petitioners, attach the contact information labeled as Attachment #1.

Contact Person: Petitioner Consultant Attorney Other _____

Contact Name _____

Mailing Address _____

City _____ State _____ ZIP _____

Phone Number _____ Email _____

Note: If a contact person is identified as an attorney, all communications will be sent only to the attorney unless the attorney provides written instruction to the contrary. Unless the contact person is an attorney, the water right owner will receive all correspondence, and a copy may be sent to the contact person.

For Department Use Only

Petition # _____ Basin _____
Received By _____ Time _____
Fee Received \$ _____ Check # _____
Deposit Receipt # _____
Payor _____
Refund \$ _____ Date/Time _____



2. Identify how you meet the requirements to file this petition:

- a. Name of final decree basin for which you received public notice.

- b. Water right number(s) adjudicated in the final decree this petition seeks to protect. **Note:** You must be an owner of record for each water right listed.

3. Identify the provisional permit this petition seeks to reduce, modify, or revoke:

CRITERIA ASSESSMENT

Note: You must prove by a preponderance of the evidence all three criteria are satisfied pursuant to 85-2-313(3)(d), MCA.

4. Provide all facts and arguments that establish that reduction, modification, or revocation of the provisional permit is necessary to protect your existing water right(s) determined in the final decree (85-2-313(3)(d)(i), MCA).

Note: Include information about the relationship and proximity of the provisional permit to your existing water right(s). Create a map labeling the points of diversion and places of use for your existing water right(s) and the provisional permit. Include information about any previous attempts you have made to engage with the provisional permit, such as by objecting to the provisional permit's issuance or by making call. *Attach all facts and information in response to this question, including the map, labeled as Attachment #4.*

5. Provide all facts and arguments that establish that based on the findings of the final decree, water could not be considered legally available at the time of issuance of the provisional permit (85-2-313(3)(d)(iii), MCA).

Note: Explain the specific findings of the final decree that you assert establish that water was not legally available at the time of issuance of the provisional permit, based on the legal availability analysis found in the provisional permit application file. If you assert that the legal availability analysis in the provisional permit file is insufficient for assessing this criterion, include facts and arguments sufficient to assess legal availability at the time of the issuance of the provisional permit. *Attach all facts and information in response to this question, labeled as Attachment #5.*

6. Provide all facts and arguments that establish that the provisional permit would have been denied or modified if the final decree had been available to DNRC (85-2-313(3)(d)(ii), MCA).

Note: If you propose for DNRC to take a specific action (reduction, modification, or revocation), explain what that action is and why the action is necessary to protect your existing water right(s). *Attach all facts and information in response to this question, labeled as Attachment #6.*



Signature(s): Only a petitioner whose signature appears below will be allowed to participate in the petition process and will receive communications. If you are represented by counsel, counsel may sign.

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF MONTANA THAT THE FOREGOING IS TRUE AND CORRECT.

Petitioner Signature _____ Date _____

Printed Name _____

Petitioner Signature _____ Date _____

Printed Name _____



CERTIFICATE OF SERVICE

You are required to send a copy of this petition by first-class mail to all owners of record of the provisional permit that petition seeks to reduce, modify, or revoke.

I hereby certify that I served true and accurate copies of the foregoing petition to all owners of record of provisional permit number _____ by depositing said copies into the U.S. mail, postage prepaid, addressed to the following:

Name(s) _____

Mailing Address _____

City _____ State _____ ZIP _____

Name(s) _____

Mailing Address _____

City _____ State _____ ZIP _____

Name(s) _____

Mailing Address _____

City _____ State _____ ZIP _____

Name(s) _____

Mailing Address _____

City _____ State _____ ZIP _____

Name(s) _____

Mailing Address _____

City _____ State _____ ZIP _____

Name(s) _____

Mailing Address _____

City _____ State _____ ZIP _____

Note: If there are additional owners, attach the water right owner information labeled as Attachment #7.

Signature _____ Date _____

Printed Name _____

