



**APPLICATION TO
CHANGE A WATER RIGHT**

§ 85-2-302
Form No. 606 (Revised 04/2024)

For Department Use Only

FILING FEE

- \$2500/\$1500 – Without/with filing fee reduction.**
- \$400 – (The following types do not qualify for a filing fee reduction)**
 - Replacement well that exceeds 35 GPM or 10 AF per year
 - Replacement municipal well that exceeds 450 GPM
 - Replacement reservoir on the same source

INFORMATION

An application will be eligible for a filing fee reduction and expedited timelines if the applicant completes a preapplication meeting with the Department (ARM 36.12.1302(1)), which includes submitting any follow-up information identified by the Department (ARM 36.12.1302(3)(c)) and receiving either Department-completed technical analyses or Department review of applicant-submitted technical analyses (ARM 36.12.1302(4) and (5)). An application for the proposed project also must be submitted within 180 days of delivery of Department technical analyses or scientific credibility review and no element on the submitted application can be changed from the completed preapplication meeting form (ARM 36.12.1302(6)).

Application # _____ Basin _____
 Priority Date _____ Time _____ AM/PM
 Rec'd By _____
 Fee Rec'd \$ _____ Check # _____
 Deposit Receipt # _____
 Payor _____
 Refund \$ _____ Date _____

Applicant Information: Add more as necessary.

Applicant Name _____
 Mailing Address _____ City _____ State _____ Zip _____
 Phone Numbers: Home _____ Work _____ Cell _____
 Email Address _____

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Applicant Name _____
 Mailing Address _____ City _____ State _____ Zip _____
 Phone Numbers: Home _____ Work _____ Cell _____
 Email Address _____

Contact/Representative Information: Add more as necessary.

Contact/Representative is: ___ Applicant ___ Consultant ___ Attorney ___ Other
 Contact/Representative Name _____
 Mailing Address _____ City _____ State _____ Zip _____
 Phone Numbers: Home _____ Work _____ Cell _____
 Email Address _____

NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondence and a copy may be sent to the contact person.



DIRECTIONS

Answer every question and applicable follow-up questions. Use the checkboxes to denote yes (“Y”), no (“N”), or not applicable (“NA”). Questions that require items to be submitted to the Department have a submitted (“S”) checkbox, which is checked when the required item is attached to the Application. Label all submitted items with the question number for which they were submitted. Narrative responses that are larger than the space provided can be answered in an attachment. If an attachment is used, specify “see attachment” on this form, and label the attachment with the question number. Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Label units in narrative responses. Responses in the form of a table may be entered into the table provided on this form or in an attachment. Responses in the form of a table that are larger than the table provided on this form should be placed in an attachment. If an attachment is used, the table must have the exact headings found on this form, and “see attachment” must be placed on this form. For tables on this form, circle correct unit at header of column when table has unit options. For tables in attachments, label all units.

PREAPPLICATION AND TECHNICAL ANALYSIS INFORMATION

1. Y N Did you have a preapplication meeting AND complete a Form 606P Change Preapplication Meeting Form?

IF QUESTION 1 IS YES,

2. Y N Did you elect on Form 606P to have the Department conduct Technical Analysis?
3. Y N Has any element of the application changed from Form 606P or the Technical Analysis conducted as part of the preapplication process? A Technical Analysis Addendum (Form 606-TAA) is required if changes have occurred.
4. Submit the following items:
- 4.1. S Technical Analyses you would like the Department to use to conduct criteria assessment.
- 4.2. S NA Scientific Credibility Review, if applicable.
- 4.3. S NA Technical Analysis Addendum (Form 606-TAA), if applicable, per question 3.

IF QUESTION 1 IS NO,

5. S Submit the Technical Analysis Addendum (Form 606-TAA).
6. Y N Do you elect to have the Department conduct Technical Analysis?
- 6.1. S If no, submit all the required Technical Analyses. See the Technical Analysis Guide for more information.



APPLICATION ADDENDA AND REVIEW

- 7. S NA If the proposed change is on a non-filed water project, then submit the Non-Filed Water Project Addendum (Form 606/634-NFWPA) if you have not already submitted it with the Preapplication Meeting Form (606P). The project must meet the requirements of the addendum.
- 8. S NA If the project involves an appropriation that is greater than 5.5 CFS and 4,000 acre-feet, then submit a Reasonable Use Addendum (Form 606-B).
- 9. S NA If the project involves out-of-state water use, then submit the Out-of-State Use Addendum (Form 600/606-OSA).
- 10. S NA If the proposed purposes include marketing or selling water, then submit the Water Marketing Purpose Addendum (Form 600/606-WMA).
- 11. S NA If the proposed purpose includes instream flow, then submit Change to Instream Flow Addendum (Form 606-IFA).
- 12. S NA If the proposed purposes include mitigation or aquifer recharge, then submit a Mitigation Purpose Addendum (Form 606/606-MIT).
- 13. S NA If the project is in designated sage grouse habitat, then submit a review letter from the Montana Sage Grouse Habitat Conservation Program (<https://sagegrouse.mt.gov>).
- 14. Y N NA You must provide a written notice of the application to each owner of an appropriation right sharing the point of diversion or means of conveyance (e.g., canal, ditch, flume, pipeline, or constructed waterway). Have you sent this notice to all applicable parties? Your application cannot be deemed correct and complete until you have sent this notice pursuant to §85-2-302(4)(c), MCA.

APPLICATION DETAILS

15. How many change applications will be needed for this project? Refer to ARM 36.12.1305 for more information. _____

16. Fill out the table below.

Water Right No. Proposed for Change	Current Flow Rate (GPM or CFS)	Flow Rate Needed for Project (GPM or CFS)



17. Identify the water right elements proposed for change, with a checkmark, for each water right proposed for change.

Water Right No.						
Point of Diversion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Place of Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Purpose of Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Place of Storage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. **S** Submit a historical use map created on an aerial photograph or topographic map that shows the following: section corners, township and range, a north arrow, all historical points of diversion (POD) labeled with a unique POD ID letter, all historical places of use (POU), all historical conveyance structures, all historical places of storage, and historical place of use for all overlapping water rights.

19. **S** Submit a proposed use map created on an aerial photograph or topographic map that shows the following: section corners, township and range, a north arrow, all proposed points of diversion labeled with a unique POD ID number, all proposed places of use, all proposed conveyance structures, all proposed places of storage, and place of use for all overlapping water rights.

20. **Y** **N** Does the proposed change involve a change in point of diversion?

IF YES,

20.1. Is the source for the new POD(s) surface water or groundwater? _____

20.2. What is the source name for the new POD(s)? _____

20.3. What is the means of diversion for all new POD(s)? Means of diversion for surface water includes headgate, pump, dam, and others. Means of diversion for groundwater includes well, developed spring, pit pond, and others.

20.4. Describe the proposed location for all new points of diversion to the nearest 10 acres. Label POD # with the same POD ID number assigned for the proposed use map (question 19).

POD #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot



21. Y N Does the proposed change involve a change in place of use?

IF YES,

21.1. What are the geocodes of the proposed place of use?

-	-
-	-
-	-
-	-
-	-

21.2. Describe the legal land description of the proposed place of use, and if the water rights being changed will have an irrigation or lawn and garden purpose, list the number of irrigated acres.

Acres	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County

22. Y N Did all owners of the historical place of use for the water rights being changed sign this application? If ownership cannot be established for the entirety of the water rights being changed, a Form 641 or Form 642 must be received and processed by the Department prior to application submittal. The follow-up questions for question 22 help to establish whether a split is required before application submittal in the case all owners of the historical place of use did not sign the application.

IF NO,

22.1. List all water rights proposed for change for which you do not own the entire historical place of use.

22.2. Y N Are the water rights listed in question 22.1 severed from the historical place of use?

22.2.1. Y N NA Do you own the entirety of the severed water rights proposed for change?

22.3. Y N Are you filing on behalf of another entity?

22.3.1. If yes, explain.



23. Y N Do you meet one of the exceptions to possessory interest requirements, pursuant to ARM 36.12.1802? Exceptions include cases of an instream flow application, or where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use.

ADVERSE EFFECT

24. Y N Do you have evidence that the proposed use does not exceed the historical use for flow rate, consumed volume, and diverted volume?

24.1. If yes, explain.

25. Y N Are there any factors that would limit your ability to turn off your appropriation in response to a call?

25.1. If yes, explain.

26. Explain how you can control your diversion in response to a call being made.

27. Y N Are you aware of any calls that have been made on the source of supply or depleted surface water source?

27.1. If yes, explain.



28. Y N Does a water commissioner distribute water or oversee water distribution on your proposed source or any identified depleted surface water sources?

28.1. If yes, list the sources.

29. Describe your plan to ensure existing water rights will be satisfied during times of water shortage.

30. When was the last time the water rights proposed for change were appropriated and used beneficially?

IF THERE HAS BEEN A PERIOD OF NONUSE,

30.1. Why was the water right not used?

30.2. Why will a resumption of use not adversely affect other water users?

30.3. Y N Is the period of nonuse greater than 10 years?

30.4. Y N Have new water rights been authorized to use the source during the period of nonuse?



31. For point of diversion changes:

31.1. Are the proposed points of diversion upstream or downstream of the historical points of diversion?

31.2. Y N Are there intervening water rights between the historical and proposed points of diversion?

31.2.1. If yes, list the water rights.

31.3. Y N Does the proposed point of diversion allow for diverting water longer during times of shortage?

31.3.1. If yes, explain how you will prevent an expansion of use.

31.4. Y N Do other water rights share any of the proposed points of diversion?

31.4.1. If yes, describe how the proposed project will not adversely affect these water rights.

31.5. Y N Do other water rights share any conveyance ditch associated with the proposed points of diversion?

31.6. If yes, describe how the proposed project will not adversely affect these water rights.



ADEQUATE MEANS OF DIVERSION AND OPERATION

32. **S** Provide a diagram of how you will operate your system from all proposed points of diversion to all proposed places of use.

33. Describe specific information about the capacity of all proposed diversionary structures. This may include, where applicable: pump curves and total dynamic head calculations, headgate design specifications, and dike or dam height and length.

34. **Y** **N** Is the diversion capable of providing the full amount of water requested through the period of diversion?

34.1. If no, explain.

35. Describe the size and configuration of infrastructure to convey water from all proposed points of diversion to all proposed places of use. This may include, where applicable: ditch capacity and/or pipeline size and configuration.



36. Describe any losses related to the proposed conveyance.

37. Y N NA Is the proposed conveyance infrastructure capable of providing the required flow and volume, plus any conveyance losses?

37.1. If no, explain.

38. Y N Does the proposed conveyance require easements?

38.1. If yes, explain.

39. Describe specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot, the output and configuration of sprinkler heads, and pipelines within the place of use.

40. Y N Will your system be designed to discharge water from the project?

40.1. If yes, explain the way water will be discharged.



AFFIDAVIT & CERTIFICATION

Read carefully before you sign and review with legal counsel if you have any questions. All owners (or trustees) must sign the form. ***If the owner is a business or trust, include the title of the representative(s) signing the form (i.e., president, trustee, managing partner, etc.) and provide documentation that establishes the authority of the representative to sign the application.*

I affirm the information provided for this application is to the best of my knowledge true and correct. I am aware that my application for this project will not qualify for a discounted filing fee and expedited timelines if upon submittal of the application to the department, I changed any element of the proposed application from the preapplication meeting form and follow-up materials (ARM 36.12.1302(6)(a)).

I affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use, unless this application meets an exception to the possessory interest requirements in ARM 36.12.1802(1)(b).

I understand that making a false statement under oath or affirmation in this application and official proceedings throughout the examination of my application may subject me to prosecution under §45-7-202, MCA, a misdemeanor punishable by a jail term not to exceed 6 months or a fine not to exceed \$500, or both. I have read this Affidavit and understand the terms and conditions.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Applicant Signature _____ Date: _____

Printed Name _____

Title _____

Applicant Signature _____ Date: _____

Printed Name _____

Title _____

Applicant Signature _____ Date: _____

Printed Name _____

Title _____

