



CD Water Reservation Authorization and Ownership Change Fact Sheet

A water reservation is a water right authorized by the State of Montana to conservation districts to be used for agricultural irrigation and some stock purposes. Water reservations were authorized in 1978 for fourteen Yellowstone River Basin, 1992 for ten Upper Missouri River Basin, and 1994 for eleven Lower and Little Missouri River Basin conservation districts. Some conservation districts have reservations in more than one basin. Conservation districts are not allowed to process applications or grant authorizations in closed basins.

Each of these water reservations are held in the name of the conservation district. Landowners interested in developing water for agricultural use can apply at their local conservation district. If approved, the conservation district issues an authorization granting the right to use a portion of the district's reserved water. The authorization holder receives no right, title, ownership, control, or interest in the water reservation.

Authorizations are legal documents and subject to conservation district rules, the Department of Natural Resources and Conservation (DNRC) order, and Montana state law. It contains conditions, restrictions, and limitations and a conservation district may terminate a reserved water use authorization if terms are not followed.

Authorization requirements include:

1. Project work must be completed on or before date specified and/or request an extension from the conservation district.
2. A method of water use measurement is required. Records of the flow rate and volume of water diverted at the conclusion of the period of use is needed when submitting an annual water use report to the conservation district

Ownership transfer:

A conservation district reserved water use authorization stays with the land; and used for authorized purposes only. *If this purpose is no longer the intended use, the conservation district reserves the right to revoke the authorization.*

With an ownership change of all or any portion of land associated with the authorization, the person receiving the interest fills out a notice of transfer form, secure signatures, and include instruments of transfer such as warranty deeds that document the transfer. All completed transfer documents are submitted to the conservation district. Once the transfer documents have been reviewed, the conservation district will submit changes to DNRC to update.

After the ownership is updated, the conservation district will mail an abstract to the new owner. Please note that all attributes of the original authorization remain and cannot be changed simply with an ownership update. New authorization holders are required to monitor water use and submit an annual report to the conservation district.

If other changes to the reserved water use authorization are necessary for a new operation, a change application must be submitted to and approved by the conservation district. Fees may apply with change applications.

Contact your local conservation district for more information on reserved water reservations.