OWNERSHIP TRANSFER TEMPLATE LETTERS

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## Instructions

The ownership transfer template letters were developed for your use and may be edited to suit individual authorizations as needed.

Suggestions:

* Copy and paste appropriate template letter to a Conservation District letterhead document (if available)
* Update each bolded field in document
* Apply wet signature or digital signature to document
* Keep a copy for the Conservation District file
* Send all correspondence in CD file to DNRC when submitting ownership transfer documents

# Ownership Update - Requested by Authorization Holder or Receiving Entity

**Date**

**Name**

**Address**

**Address**

RE: **Reserved Water Use Authorization Number**

Dear **Requestor,**

The **Conservation District Name** has received a request for an ownership transfer for **Reserved Water Use Authorization Number**.

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. Landowners who were interested in developing water for agricultural use applied for and were issued an authorization granting the right to use a portion of the district’s reserved water, but received no right, title, ownership, control, or interest in the water reservation.

A conservation district reserved water use authorization stays with the land; and used for authorized purposes only. With an ownership change of land associated with the authorization, either Authorization Holder or the person receiving the interest fills out either Form 109 Notice of Transfer of Reserved Water Use Authorization if the receiving entity acquires 100 percent interest OR Form 109A Portioned Transfer Addendum for *each receiving entity* not acquiring 100 percent in the transfer. Warranty deeds that document the transfer must be included with either form.

All completed transfer documents are submitted with a check in the amount of **$DOLLAR** payable to the **Conservation District Name** to cover the administrative processing costs.

Please note that all attributes of the original authorization remain and cannot be changed simply with an ownership update. *Additionally, if this purpose is no longer the intended use, the conservation district reserves the right to revoke the authorization.*

Once the transfer documents have been received and reviewed at an upcoming Conservation District monthly board meeting, changes will be submitted to DNRC for ownership update(s) and an Abstract will be mailed to the new owner. New authorization holders are required to monitor water use and submit an annual report to the Conservation District.

Please contact the Conservation District if you have further questions.

Sincerely,

**CD Staff Member Name**

**Conservation District Name**

**Phone number**

**Attachment:** CD Water Reservation Authorization and Ownership Updates Datasheet

# Ownership Update Request - Initiated by Conservation District

**Date**

**Name**

**Address**

**Address**

RE: **Reserved Water Use Authorization Number**

Dear **Name,**

We have been informed that you had recently purchased property in **COUNTY** that holds a Reserved Water Use Authorization with the **Conservation District Name.**

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. Landowners who were interested in developing water for agricultural use applied for and were issued an authorization granting the right to use a portion of the district’s reserved water, but received no right, title, ownership, control, or interest in the water reservation.

**Authorization Holder Name or Company** acquired a portion of the Conservation District Reserved Water for irrigation development in **YEAR** and this water use authorization stays with the land; and used for authorized purposes only.

With an ownership change of land associated with the authorization, the Authorization Holder or the person receiving the interest fills out either Form 109 Notice of Transfer of Reserved Water Use Authorization if the receiving entity acquires 100 percent interest OR Form 109A Portioned Transfer Addendum for *each receiving entity* not acquiring 100 percent in the transfer. Warranty deeds that document the transfer must be included with either form.

All completed transfer documents are submitted with a check in the amount of **$DOLLAR** payable to the **Conservation District Name** to cover the administrative processing costs.

Please note that all attributes of the original Authorization remain and cannot be changed simply with an ownership update. *Additionally, if this purpose is no longer the intended use, the Conservation District reserves the right to revoke the Authorization.*

Once the transfer documents have been received and reviewed at an upcoming Conservation District monthly board meeting, changes will be submitted to DNRC for ownership update(s) and an Abstract will be mailed to the new owner. New authorization holders are required to monitor water use and submit an annual report to the Conservation District.

Please contact the Conservation District if you have further questions.

Sincerely,

**CD Staff Member Name**

**Conservation District Name**

**Phone number** Attachment: CD Water Reservation Authorization and Ownership Updates Datasheet

# Ownership Updated Letter to New Owner – Sent by Conservation District

**Date**

**Name**

**Address**

**Address**

RE: **Reserved Water Use Authorization Number**

Dear **Name,**

The **Conservation District Name** has received a request for an ownership transfer for **Reserved Water Use Authorization Number** on **DATE.**

The ownership transfer documents were reviewed and approved at the Conservation District’s monthly board meeting on **DATE.**

Attached please find the updated Abstract. To maintain their Authorization, new Authorization Holders are responsible for the following:

* Use of reserved water for the purposes outlined in the Authorization
* Use of reserved water during **DATE** to **DATE** only
* Notify the Conservation District of the annual water usage by November 15 each year by submitting Form 103, Water Users Annual Status Report\*
* Submit annual fee payment to Conservation District (if applicable)
* Apply with Form 104, Change in Reserved Water Use Authorization, should there be a change in the point of diversion, place of use, method of application, or place of storage

\*Failure of the water user to submit this report for each year shall be a reason to revoke the Authorization.

If you require assistance, please contact our office.

Sincerely,

**CD Staff Member Name**

**Conservation District Name**

**Phone number**

**Attachments:** General Abstract

 CD Water Reservation Authorization and Ownership Updates Datasheet

Opportunity to Attend Board Meeting - Sent by Conservation District

**Date**

**Authorization Holder Name**

**Address**

**Address**

RE: **Reserved Water Use Authorization Number**

Dear **Authorization Holder Name,**

The **Conservation District Name** has received a request for an ownership transfer for **Reserved Water Use Authorization Number** on **DATE.**

**Authorization Holder Name or Company** acquired a portion of the conservation district reserved water for irrigation development in **YEAR**. A conservation district water use authorization is used for agricultural irrigation purposes only and are subject to conservation district rules, the Department of Natural Resources and Conservation (DNRC) order, and Montana state law.

The ownership transfer documents were reviewed, the Conservation District board invites you to attend the **DATE** Meeting to discuss this request before making a final decision. Please provide your response by **DATE** by calling the number provided below.

Sincerely,

**CD Staff Member Name**

**Conservation District Name**

**Phone number**

# Termination of Authorization Letter – Sent by Conservation District

**Date**

**Authorization Name**

**Address**

**Address**

RE: **Reserved Water Use Authorization Number**

Dear **Authorization Holder Name,**

The **Conservation District Name** voted to terminate this Reserved Water Use Authorization at their **DATE** Board Meeting.

A reserved water use authorization is intended for agricultural use only and are 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 should terms are not followed, allows the Conservation District to terminate a reserved water use authorization.

If you decide to develop an irrigation project later, you are welcome to reapply for a reserved water use with the **Conservation District Name** in the future.

Sincerely,

**CD Staff Member Name**

**Conservation District Name**

**Phone number**

# Termination Request from New Owner - Response by Conservation District

**Date**

**Authorization Name**

**Address**

**Address**

RE: **Reserved Water Use Authorization Number**

Dear **Authorization Holder Name,**

The **Conservation District Name** received your letter dated **DATE** requesting to terminate this Reserved Water Use Authorization.

In terminating this Authorization, the water allocated by **Reserved Water Use Authorization Number** reverts to the **Conservation District Name**,who has exclusive control over the reservation granted by the Board of Natural Resources. The authorized water user does not receive any right, title, ownership, control, or interest in the water reservation, only authorized use of the water. The private ownership of conveyance, measuring or delivery devices, or equipment associated with the authorized project does not limit the Conservation District’s ownership and control of the water reservation. The property owner retains project infrastructure with possessory interest or the written consent of the person with the possessory interest in the property where the water was put to beneficial use.

Further, the water user shall continue to hold harmless the **Conservation District Name** from all claims arising from the use of water granted under the Authorization issued by the Conservation District to the water user\*.

This Reserved Water Use Authorization was terminated at the **DATE** Board Meeting.

If you decide to develop an irrigation project later, you are welcome to reapply for a reserved water use with the **Conservation District Name** in the future.

Sincerely,

**CD Staff Member Name**

**Conservation District Name**

**Phone number**

\*Liability Waivers

The water user indemnifies and hold harmless the District and the supervisors against and from all claims, demands, or actions resulting from damages to property or injury to persons or other damages to third persons or entities arising out of, or resulting from the performance of the authorization or the results of the authorization. The water user shall assume all liability connected with the use of reserved water under such water use authorization.