



OBJECTION TO APPLICATION

§85-2-308, MCA
Form No. 611 (Revised 01/2024)

FILING FEE
\$50

INSTRUCTIONS

Use this form when objecting to an application for a water use permit, change authorization, or forest service water reservation.

Use one form for each application to which you are objecting. Individual water right owners must file separate objections.

This form must be received or postmarked 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

For Department Use Only

Postmarked Date _____
Date Received _____
Received By _____
Fee Rec'd \$ _____ Check # _____
Receipt # _____
Payor _____
Refund \$ _____

Objection # _____
Reviewed By _____
Date _____

1. Name of Objector _____
Mailing Address _____
City _____ State _____ Zip _____
Home Phone _____ Other Phone _____
Email: _____

2. To what application are you objecting? Application Number _____
Applicant Name _____

3. How do you have standing to file this objection? - A person has standing if his or her 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 Flow Rate _____ 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?

Statute requires that an objector provide facts that explain how or why one or more of the application criteria cannot be met. If facts are not supplied, the objection cannot be deemed valid.

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.

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.

Complete section A, B, or C below for the type of application to which you are filing an objection.

Sections A and B: Complete information for only Section A (objections to a permit application) OR Section B (objections to a change application). Attach a separate sheet and provide the following information:

1. The application number, applicant name, and your name.
2. The corresponding numbers shown below to clearly indicate on which criteria you are objecting.
3. For each criterion on which you are objecting, provide facts explaining why you do not believe the criterion can be met.

A) Objection to Permit Application – For each box that is checked, provide facts explaining why one or more of the criteria in § 85-2-311, MCA, cannot be met.

- 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)
 - b. Effect on effluent limitations of discharge permit holder 85-2-311(1)(h)

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)
- 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.

B) Objection to a Change Application (*change authorization or replacement point of diversion application*)

For each box that is checked, provide facts explaining why one or more of the criteria in § 85-2-402, MCA, cannot be met.

- 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)
 - b. Effect on effluent limitations of discharge permit holder 85-2-402(2)(g)
- 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: Complete information if you are objecting to a Forest Service Reservation Application. Attach a separate sheet and provide the following information:

1. The application number, applicant name, and your name.
2. The corresponding letters shown below to clearly indicate on which criteria you are objecting.



3. 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 _____

