



**APPLICATION FOR BENEFICIAL WATER USE PERMIT OR
APPLICATION TO CHANGE A WATER RIGHT
MITIGATION ADDENDUM**

§§ 85-2-420, 85-2-362, 85-2-402, 85-2-311, MCA

Answer every applicable question and use the prompts to craft a plan for mitigation, aquifer recharge, or marketing for mitigation/aquifer recharge. Use the checkboxes to denote yes ("Y") or no ("N"). 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. Label all attachments and submitted items with the question number. Label all units in tables and narrative responses.

In some cases, the information required to correctly and completely answer the questions on this form will not be available until technical analyses are completed. It is highly recommended all technical analyses required for the project are completed before filling out this form.

1. How many applications will you need to file with the Department for this project? Applications include Application for Beneficial Water Use Permit (Form 600) and Application to Change a Water Right (Form 606). _____

1.a. Y N Will you need to file more than one application with the Department for this project?

If yes,

1.a.i. Y N You are only required to answer the remaining questions on Form 600/606-MIT one time per project. The Department cannot begin criteria assessment for any application required for the project until you have submitted a completed Form 600/606-MIT, including answers to the remaining questions. Will you answer the remaining questions on a Form 600/606-MIT submitted with another application?

1.a.ii. If yes, briefly explain, then this form is complete.

1.a.iii. If no, move on to question 2.



2. Which of the following scenarios best describes the proposed project? Check all that apply and answer the questions specific to each scenario; then answer question 6 and 7.
- Identified need for mitigation/aquifer recharge water AND change application(s) to supply the mitigation/aquifer recharge water:** Mitigation or aquifer recharge water is required to meet the criteria of issuance for a project, which is either in the preapplication meeting stage or has a pending Application for Beneficial Water Use or Application to Change a Water Right, and is proposed to be made available through a change in purpose of one or more water rights to mitigation or aquifer recharge. Answer question 3.
 - Identified need for mitigation/aquifer recharge water AND water contract(s) to supply the mitigation/aquifer recharge water:** Mitigation and aquifer recharge water is required to meet the criteria of issuance for a project, which is either in the preapplication meeting stage or has a pending Application for Beneficial Water Use or Application to Change a Water Right, and is proposed to be made available through one or more contracts for water, such as from water with a marketing for mitigation purpose. Answer questions 3 and 4.
 - Marketing for mitigation/aquifer recharge:** Water right(s) being changed to a marketing for mitigation or marketing for aquifer recharge purpose that will be sold or leased to other entities. Answer question 5.
3. Will the proposed diversion and/or net depletions to surface water occur in an open or closed basin? Answer question 3.a for open basins or question 3.b for closed basins.
- Open** **Closed**

If an open basin:

- 3.a. Submit an aquifer recharge or mitigation plan with sufficient detail to explain why the plan is adequate to offset the net depletions of the proposed new appropriation in an amount greater than the difference between the amount of water physically available and legal demands, on a monthly timestep. The plan must include:
- 3.a.i. description of the method by which water will be made available for aquifer recharge or mitigation purpose(s);
 - 3.a.ii. the amount, timing, and location of mitigation water delivery and/or net accretions to the depleted source;
 - 3.a.iii. comparison of the elements of 3.a.ii to the amount, timing, and location of the net depletions of the proposed new appropriation.



If a closed basin:

- 3.b.** If the hydrogeologic report conducted pursuant to § 85-2-361, MCA, predicts a net depletion of surface water, submit an aquifer recharge or mitigation plan. Per § 85-2-362, MCA, the plan must include:
- 3.b.i.** where and how the water in the plan will be put to beneficial use;
 - 3.b.ii.** when and where, generally, water for aquifer recharge or mitigation will be required;
 - 3.b.iii.** the amount of water that is required for aquifer recharge or mitigation;
 - 3.b.iv.** how the proposed project or beneficial use for which the aquifer recharge or mitigation plan is required will be operated;
 - 3.b.v.** evidence that an application for a change in appropriation right, if necessary, has been submitted;
 - 3.b.vi.** evidence of water availability;
 - 3.b.vii.** evidence of how the aquifer recharge or mitigation plan will offset the required amount of net depletion of surface water in a manner that will offset an adverse effect on a prior appropriator; and
 - 3.b.viii.** evidence that the appropriate water quality permits have been granted pursuant to Title 75, chapter 5, as required by § 75-5-410, MCA, and § 85-2-364, MCA.
 - 3.b.ix.** In addition to 3.b.i through 3.b.viii, an aquifer recharge plan must include a description of the process by which water will be reintroduced to the aquifer.
- 4.** Describe details about the contract(s) for water and submit a copy of the contract(s). In doing so, be sure to address the following sub-questions:
- 4.a.** Is the contract a lease or sale?
 - 4.a.i.** If a lease, what is the duration of the contract and what is the process to renew the lease?
 - 4.b.** Does the contract water have a marketing for mitigation or marketing for aquifer recharge purpose? If yes,
 - 4.b.i.** What are the water right numbers with a marketing for mitigation or marketing for aquifer recharge purpose?
 - 4.b.ii.** What is the change authorization number that authorized the marketing for mitigation purpose?
 - 4.b.iii.** What is the mitigation reach identified in the change authorization?
- 5.** Submit a marketing for mitigation/aquifer recharge plan that addresses the following:
- 5.a.** Describe your ability to measure and operate all existing diversions to adjust flow rate as water is sold or leased.
 - 5.b.** How will you cease diversions for the existing beneficial use of the water right(s) as water is sold or leased for the purpose of marketing for mitigation/ aquifer recharge?
 - 5.c.** Describe the need for mitigation water within the proposed place of use of the new appropriation.

6. How do the priority dates of the water rights proposed for change to mitigation, aquifer recharge, and/or marketing for mitigation/aquifer recharge purpose(s) compare to other water rights on the source?

7. Y N Do you have measurement records or Water Commissioner records that show the reliability of the water rights proposed for change to mitigation, aquifer recharge, and/or marketing for mitigation/aquifer recharge? If yes, submit them to the Department.

