

Water Rights Considerations for Irrigation and Stockwater Systems

Owner/Operator Signature: _____ Date _____

Practice Description: _____

Practice Location: _____

Assisted by: _____ Date _____

This form is intended to provide a general awareness of water rights permits and issues commonly encountered with the implementation of irrigation and stockwater systems. The landowner needs to make informed decisions to remain compliant with state law and eligible for Natural Resources Conservation Service (NRCS) programs.

Responsibility:

The landowner is responsible for obtaining all the necessary permits, easements, and water rights for the project.

Program Risks:

The landowner is responsible for meeting NRCS program requirements. One requirement is to initiate the conservation practice within 12 months. The feasibility of meeting the 12-month requirement must be considered. Certain water right permits (e.g. Department of Natural Resources and Conservation (DNRC) Form 600 or 606) could take up to 120 days for processing and are required prior to construction.

A water right conflict may prohibit the contract from being implemented or the installed practice(s) from functioning as intended. If an alternative cannot be developed, the contract may be cancelled and potentially subject to penalties such as liquidated damages.

Montana's Basin Closures and Controlled Groundwater Areas:

Montana has authority to control or close river basins and groundwater aquifers to certain types of water appropriations because of water availability problems, water contamination problems, or a concern for protecting existing water rights. The landowner should consult with the DNRC to determine whether the proposed project is affected by special regulations.

Changing From a Surface Water Right (Stream) To a Pipeline/Tank System:

If livestock currently drink from a stream, and the landowner wants to divert water into a pipeline system, the maximum flow rate and volume will be limited to the historic livestock use. The completion of DNRC Form 600 or 606 will also be required.

Developing a Spring Near a Stream:

If livestock use does not exceed 35 gpm and the development does not directly divert surface water, the DNRC Water Rights Office may not require the landowner to submit a "groundwater-surface water connectivity study". Caution: Even if a Certificate of Water Right is granted, this does not protect the Certificate holder from outside parties contesting the spring development.

Consideration For Projects Within an Irrigation District:

Projects within the jurisdiction of an irrigation district typically do not require a water right change if the point of use does not change. However, permission from the irrigation district may be required for the proposed change.

Consideration Of Possible Adverse Impacts To Downstream Users:

Irrigation or stockwater systems may adversely impact a downstream water user, specifically if the downstream water user has a right to use the tailwater. If a project has the potential for changing the amount of tailwater currently leaving the site, the project landowner should consider filing DNRC Form 606 prior to contracting or construction.

Considerations For Stockwater Or Wildlife Ponds:

If a stockwater or wildlife pond is constructed off-stream and uses groundwater as the source, DNRC Form 602 would apply if annual water losses (consumption, evaporation, etc.) are less than 10 ac-ft. If annual water losses exceed 10 ac-ft, DNRC Form 600 would apply. If the pond is on-stream and uses surface water as the source, DNRC Form 600 would be required.

FORM #	PURPOSE	TIMELINE	EXAMPLES
600 Application of Beneficial Use (see also 600A and 600B)	For groundwater appropriations in excess of 35 gpm or 10 ac-ft per year and for all surface water appropriations.	The permit must be obtained before construction. Estimated time for review and processing is at least 210 days from time a completed application is submitted.	This could apply to large stockwater systems or irrigation wells. Applicant must have this permit before construction.
602 Notice of Completion of Groundwater Development	For groundwater developments with a maximum use of 35 gpm not to exceed 10 ac-ft per year.	The permit application is submitted after the project is completed.	This would apply to most new stockwater wells and spring developments. Since the permit is submitted after completion, there could be a risk of the permit being contested after construction.
603 Montana Well Log Report	For reporting and recording the activities of licensed Montana well drillers. Acquiring water rights is <i>not</i> accomplished by filing this form.	Completed by the driller and filed with Montana Bureau of Mines and Geology within 60 days of completing the well.	This would apply to most stockwater wells. Based on design flow, the landowner would need to submit either form 600 before construction or form 602 after completion.
605 Application for Provisional Permit for Completed Stockwater Pit or Reservoir	For stockwater pit or reservoir when the following apply: (1) capacity is less than 15 ac-ft with an annual appropriation less than 30 ac-ft; (2) located on a non-perennial stream; and (3) constructed on and accessible to a parcel of land 40 acres or larger and owned or under control of the applicant.	Permit application is filed within 60 days after construction.	This would apply to small stockwater dugouts and reservoirs. Since the permit application is submitted after completion, there could be a risk of the permit being contested after construction.
606 Application for Change of Appropriation Water Right (see also 606B, 606 ASW, or 606T)	For (1) replacement wells when use exceeds 35 gpm or 10 ac-ft; (2) applying to move or add stock tanks to an existing delivery system; and (3) applying to change the point of diversion, place of use, purpose of use, or place of storage of a water right.	The permit must be obtained before the change is made. Estimated time for review and processing is at least 210 days from time a completed application is submitted.	This would apply to an irrigation system needing a point of diversion change or place of use change. This would also be required if a purpose change (such as in-stream flow) was being made. This is required when a stock tank is moved or added to an existing delivery system because it changes the place of use. This permit is not required for adding storage tanks (see ARM

<p>613 Fee Schedule for the Appropriation of Water in Montana</p>	<p>Summary of permit filing fees.</p>	<p>NA</p>	<p>36.12.113). NA</p>
<p>617 Notice of Completion of Permitted Water Development</p>	<p>For reporting the completion of a Permit to Appropriate Water.</p>	<p>Must be filed by the applicant on or before the deadline date shown on form 600.</p>	<p>NA</p>
<p>618 Notice of Completion of Change of Appropriation Water Right</p>	<p>For reporting the completion of an Authorization to Change a Water Right.</p>	<p>Must be filed by the applicant on or before the deadline date as shown on form 606.</p>	<p>NA</p>

The DNRC website shown below should provide the necessarily information and contacts to assist with educated and informed decisions concerning water rights.

