



# Water Right Application Process

## For Permit and Change Applications

Updated July 2022

Pre-App

### Pre-Application Review

- Meet with DNRC to discuss proposed project
- Pre-Application Meeting Form will be completed during meeting

Application Process

### 1. Submit Complete Application - Application Criteria is:

- Pay Fee
- DNRC will post Notice of Receipt on their website within **10 days**

### 2. Correct & Complete Review

- Determination of C&C is made by DNRC within **180 days** of application receipt
- Review determines if all the information is adequate to begin evaluation
- Proposed project clearly identified, understandable & contains minimum required information
- Personal stream flow measurements if ungaged stream
- Field Inspection by DNRC staff, if necessary
- DNRC may informally meet anytime with Applicant during this stage to discuss application
- Application can be amended at this time
- Independent resources compiled by DNRC staff (e.g. Stream gaging records, water right records, etc.)
- Technical report completed by DNRC staff
- A hydrogeologic evaluation form provided by the Applicant, if necessary
- A mitigation plan provided by the Applicant, if necessary

### 5. Correct & Complete

- DNRC deems application as correct & complete
- C&C letter & technical report is sent to the Applicant w/ **15-day** deadline for the applicant to contact the DNRC to request a meeting
- If meeting requested, Applicant may request extension in writing, up to **60 days**, to submit additional information or amend application; waiver of **120-day** decision timeline must be signed by Applicant & included with extension request.
- Complete MEPA document

### 6. Preliminary Determination (PD) is Prepared by DNRC & DNRC Meets with Applicant

- PD is drafted to grant, deny or grant with modifications – it is reviewed internally for consistency in policy & law
- PD is sent denying or *\*granting with modifications* to Applicant w/**15-day** deadline for the Applicant to contact the DNRC to request a meeting; others who have standing may attend
- If meeting requested, Applicant may request extension in writing, up to **60 days**, to prove that the criteria have been met; waiver of **120-day** decision timeline must be signed

### 7. DNRC Issues Preliminary Determination to Grant

- Must be within **120 days** of Correct & Complete Review unless waiver signed

### 10. Public Notice

- Current format is issued w/ PD decision statement
- Objection Deadline – **45 days**

### 11. No Valid Objection Received

- DNRC issues Final Order adopting PD within **30 days** of objection deadline
- The permit is issued exactly as shown in PD

Public Notice

NO

YES

### 3. Not Correct & Complete to Process

- DNRC sends standard deficiency letter
- A **120-day** deadline is included for Applicant to make application adequate
- DNRC staff will review for adequacy after deficiency response received & either move to steps 4 or 5
- If a mitigation plan is required, but was not included with the application & will not be ready within **120 days** then the applicant may withdraw the application & submit a new application with a mitigation plan within **2 years** without paying a new permit application fee
- There is no refund beyond this point

NO

### 4. Not Adequate Deficiency Response - TERMINATE

- DNRC will terminate if NO response within **120 days**
- DNRC will terminate if response doesn't resolve all deficiencies
- DNRC sends termination letter

NO

### 8. Preliminary Determination to Deny/Grant with Modifications - Hearing Scheduled

- Hearing date is set within **45 days** of PD date - Notice of Hearing is sent by DNRC
- Decision within **90 days** of close of record

VALID

NOT VALID

### 9. Appeal to District Court

- If court reverses the DNRC decision, then application goes to public notice

### 13. Deny/Grant

- DNRC issues Final Order
- **30-day** appeal deadline to District Court

### 16. Appeal to District Court

- The Applicant, Objector, or DNRC can appeal to District Court

### 12. Objections Received - Hearing Scheduled

- DNRC reviews objection for validity
- If not valid objection, go to Step 11
- If valid objection, DNRC schedules hearing
- DNRC will send objection letters with HE assigned & Notice of Hearing date
- Hearing must be within **90 days** of objection deadline
- Request for additional **90 days** with good cause or agreement of Applicant & all Objectors
- FO must be issued within **90 days** of close of record

### 14. Applicant/Objector Withdraws the Objection as Part of a Stipulation with Conditions - Order Issued to Grant

- HE dismisses hearing and issues Final Order to grant w/ or wo/ stipulated conditions as needed to satisfy the criteria within **30 days** of stipulation receipt - May include private agreement condition
- DNRC will only review the portions of the stipulation that relate to the criteria

### 15. Objection Withdrawn - Order Issued to Grant

- HE issue Final Order granting application within **30 days** of receipt of withdrawal

-- Optional  
GW Ground Water  
C&C Correct & Complete  
MEPA MT Environmental Policy Act  
PD Preliminary Determination

FO Final Order  
HE Hearings Examiner

Days mentioned are calendar days.

*\*Grant with modifications* - The application is being granted to some level other than requested. This does not mean that conditions have been added. This is the same as granting in part and denying in part.