



ADMINISTRATIVE RULES OF MONTANA



36.16.107 CORRECT AND COMPLETE

- (1) The department will, upon request, assist the applicant by responding to questions regarding the interpretation and requirements of these rules. The department may review draft applications prior to final submittal. The department shall provide access to and assistance in the interpretation of water rights records, water availability information, or other needed data maintained by the department.
- (2) The department shall determine if an application is correct and complete within 180 days after an application has been submitted along with the required application fee. A water reservation application will be deemed correct and complete if a permit applicant's information, required to be submitted by ARM 36.16.104, 36.16.105, 36.16.105A, 36.16.105B, 36.16.105C, and 36.16.106, conforms to the standard of substantial credible information and all the necessary parts of the application form requiring the information, including any required addendums, have been filled in with the required information. A determination that an application is correct and complete is in no way a judgment on the part of the department on the merits of the reservation proposal. The department must notify the applicant in writing of any deficiencies.
 - (a) The department shall determine whether an application for a water reservation is correct and complete by reviewing:
 - (i) information that is publicly available within its expertise; and
 - (ii) that information which is submitted in the application.
 - (b) If the department determines the application does not contain the information required in ARM 36.16.104 through 36.16.106, the applicant will be notified in one deficiency letter of any defects and the administrative rule(s) not met will be identified in the letter.
 - (c) If all of the requested information in the deficiency letter is not postmarked or submitted within 120 days of the date of the deficiency letter, the water reservation application will be terminated and the application fee will not be refunded.
- (3) An application deemed correct and complete can advance to the next stage of the application process.
 - (a) An application deemed correct and complete does not entitle an applicant to a water reservation.
 - (b) Providing correct and complete information is not the same as meeting the statutory requirements.

- (4) As provided by 85-2-316(3), MCA, a correct and complete application for reservation of water will be processed in accordance with 85-2-307 through 85-2-309, MCA. Public notice of the application and a public hearing on objections to the application, if any, are required.
- (5) After an application has been found correct and complete, the department shall prepare an environmental impact statement, if required, in accordance with 75-2-101 through 75-2-207, MCA.

Authorizing statute(s): 85-2-113, MCA

Implementing statute(s): 85-2-316, 85-2-331, 85-2-605, MCA

History: NEW, Eff. 3/7/76; AMD, 1986 MAR p. 1584, Eff. 9/26/86; AMD, 1988 MAR p. 2396, Eff. 11/11/88; AMD, 1994 MAR p. 1297, Eff. 5/13/94; AMD, 2015 MAR p. 1909, Eff. 10/30/15; AMD, 2019 MAR p. 1865, Eff. 10/19/19.