



ADMINISTRATIVE RULES OF MONTANA



36.12.104 ISSUANCE OF INTERIM PERMITS

- (1) Pending final approval or denial of an application for a provisional permit, the department may, in its discretion and upon proper application, issue an interim permit authorizing an applicant to begin appropriating water immediately.
 - (a) The department may issue an interim permit, unless there is substantial information available to the department that the criteria for issuing a provisional permit under [85-2-311](#), MCA, cannot be met.
 - (b) An interim permit may be issued subject to any terms and conditions the department considers necessary to protect the rights of prior appropriators. Violation of a term or condition shall automatically void an interim permit.
- (2) The issuance of an interim permit does not entitle an applicant to a provisional permit, and approval of the application for a provisional permit is subject to the procedures and criteria set out in the act.
- (3) A person may not obtain any vested right to an appropriation obtained under an interim permit by virtue of the construction of diversion works, purchase of equipment to apply water, planting of crops, or other action where the provisional permit is denied or is modified from the terms of the interim permit.

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

Implementing statute(s): 85-2-113, 85-2-311 through 85-2-314, MCA

History: NEW, Eff. 7/5/73; AMD, Eff. 2/4/75; AMD, 1987 MAR p. 1560, Eff. 9/11/87; AMD, 1993 MAR p. 1335A, Eff. 6/25/93.