



ADMINISTRATIVE RULES OF MONTANA



36.12.107 FILING FEE REFUNDS

- (1) An applicant may be entitled to a refund if the applicant withdraws an application prior to a correct and complete application or a deadline set by the department.
- (2) If it is determined that mitigation is required for an Application for Beneficial Water Use Permit and the applicant does not have a mitigation plan the applicant may withdraw the application prior to the department's issuance of a Preliminary Determination Decision.
 - (a) No refund will be authorized.
 - (b) If the permit application is resubmitted with a mitigation plan within two years of the withdrawal of the original application, the original application fee amount will be applied to the new application fee amount.
- (3) No refund will be authorized upon termination of an application due to an applicant's failure to provide additional information necessary to make an application correct and complete within the deadlines provided by the department.
- (4) No refund will be authorized once the department has sent the applicant a deficiency letter.
- (5) If a deficiency letter is not sent, no refund will be authorized once the public notice of the application has been initiated.
- (6) If an applicant inadvertently files the wrong form, the applicant may apply the fee paid to the fee required for the correct form, pay the difference due, or be entitled to a refund if overpayment is made.
- (7) If a water right application is withdrawn within 30 days after the objection deadline, the Objection to Application filing fee will be refunded.
- (8) A refund of the Objection to Application filing fee will not be authorized if a person objecting to a proposed application under 85-2-308, MCA, does not correct the deficiencies identified in the Objection Deficiency Notice by the deadline specified in the notice.
- (9) With the exception of (6), a refund of the Objection to Application filing fee will not be authorized.

Authorizing statute(s): 85-2-113, 85-2-302, MCA

Implementing statute(s): 85-2-113, 85-2-302, MCA

History: NEW, 2003 MAR p. 1535, Eff. 7/18/03; AMD, 2008 MAR p. 567, Eff. 3/28/08; AMD, 2012 MAR p. 2071, Eff. 10/12/12; AMD, 2018 MAR p. 451, Eff. 2/24/18.