



ADMINISTRATIVE RULES OF MONTANA



36.12.103 FORM AND SPECIAL FEES

- (1) A filing fee, if required, shall be paid at the time the permit, change, notice of completion, extension of time request, temporary change renewal, ownership update, or petition application (hereafter singularly or collectively referred to as application) is filed with the department.
 - (a) The department will not process any application without the proper filing fee.
 - (b) Failure to submit the proper filing fee within 30 days after notice shall result in a determination that the application is not correct and complete and it shall be terminated.
- (2) The department will assess the following filing fees:
 - (a) For an Application for Beneficial Water Use Permit, Form No. 600, filed pursuant to 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344, MCA, or in an administratively closed basin pursuant to 85-2-319, 85-2-321, or 85-2-322, MCA, or a controlled groundwater area pursuant to 85-2-506, MCA, or filed under a compact pursuant to Title 85, chapter 20, MCA, for all surface water, or a groundwater appropriation of greater than 35 gallons per minute, there shall be a fee of \$2900. If the application meets the requirements for a preapplication meeting under ARM 36.12.1302, the fee shall be \$1600;
 - (b) For an Application for Beneficial Water Use Permit, Form No. 600, filed pursuant to 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344, MCA, or in an administratively closed basin pursuant to 85-2-319, 85-2-321, or 85-2-322, MCA, or a controlled groundwater area pursuant to 85-2-506, MCA, or filed under a compact pursuant to Title 85, chapter 20, MCA, for a groundwater appropriation of 35 gallons per minute or less, there shall be a fee of \$400;
 - (c) For an Application for Beneficial Water Use Permit, Form No. 600, not filed pursuant to 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344, MCA, nor in an administratively closed basin pursuant to 85-2-319, 85-2-321, or 85-2-322, MCA, nor a controlled groundwater area pursuant to 85-2-506, MCA, nor filed under a compact pursuant to Title 85, chapter 20, MCA, for all surface water, or a groundwater appropriation of greater than 35 gallons per minute there shall be a fee of \$2500. If the application meets the requirements for a preapplication meeting under ARM 36.12.1302, the fee shall be \$1200;
 - (d) \$500 for Form No. 600P, Permit Preapplication Meeting. This fee will be credited to the filing fee of Form No. 600 for preapplication meetings that meet the requirements of ARM 36.12.1302;
 - (e) \$250 for a Notice of Completion of Groundwater Development, Form No. 602;
 - (f) \$250 for a Request for Extension for Authorized Notice of Intent to Appropriate Groundwater, Form No. 602E;

- (g) \$400 for a Notice of Intent to Appropriate Groundwater, Form No. 602I;
- (h) \$250 for an Application for Provisional Permit for Completed Stockwater Pit or Reservoir, Form No. 605, filed for a pit or reservoir with a maximum capacity less than 15 acre-feet;
- (i) \$2500 for an Application to Change a Water Right, Form No. 606, except for an application that meets the requirements for a preapplication meeting under ARM 36.12.1302, where there shall be a \$1500 fee;
- (j) \$500 for Form No. 606P, Change Preapplication Meeting. This fee will be credited to the filing fee of Form No. 606 for preapplication meetings that meet the requirements of ARM 36.12.1302;
- (k) \$400 for an Application to Change a Water Right, Form No. 606, if the change application concerns a replacement well greater than 200 feet from the original well, or replacement reservoir located on the same source;
- (l) \$400 for an Application for Extension of Time, Form No. 607;
- (m) \$100, plus \$20 for each water right or authorized notice of intent to appropriate groundwater transferred after the first water right, for a Water Right Ownership Update, Form No. 608. The total amount shall not exceed \$600. No fee is required for removing a deceased person from a record of ownership;
- (n) \$50 for an Objection to Application, Form No. 611;
- (o) \$400 for an Application to Renew a Temporary Water Right Change, Form No. 626;
- (p) \$3000 for a Controlled Groundwater Area Petition, Form No. 630. The petitioner shall also pay:
 - (i) publication costs of the proposed rules in the Montana Administrative Register;
 - (ii) photocopy and postage costs for copying and mailing the Administrative Rule Proposal Notice and appointment of the hearing examiner to all land owners and water right owners located within the proposed boundaries and other persons as required by 85-2-319, MCA;
 - (iii) photocopy and postage costs for copying and mailing the Notice of Adoption and other documents as needed;
 - (iv) newspaper publication of the Notice of Rulemaking Hearing;
 - (v) actual rental costs for the hearing location and required sound equipment as determined by the hearing examiner; and
 - (vi) other costs of holding the hearing, conducting investigations or studies, and making records pursuant to 85-2-319, MCA, except the cost of salaries of the department personnel;
- (q) \$3000 for a Petition for Closure of a Highly Appropriated Basin, Form No. 631. The petitioner shall also pay:
 - (i) publication costs of the proposed rules in the Montana Administrative Register;
 - (ii) photocopy and postage costs for copying and mailing the Administrative Rule Proposal Notice and appointment of the hearing examiner to all land owners and water right

owners located within the proposed boundaries and other persons as required by 85-2-319, MCA;

- (iii) photocopy and postage costs for copying and mailing the Notice of Adoption and other documents as needed;
 - (iv) newspaper publication of the Notice of Rulemaking Hearing;
 - (v) actual rental costs for the hearing location and required sound equipment as determined by the hearing examiner; and
 - (vi) other costs of holding the hearing, conducting investigations or studies, and making records pursuant to 85-2-319, MCA, except the cost of salaries of the department personnel;
- (r) \$400 for a Notice of Change in Appropriation Right for a Replacement Well, Form No. 634;
 - (s) \$400 for a Notice of Change in Appropriation Right for Redundant Water Supply Well Construction, Form No. 635;
 - (t) \$1000 for a Reinstatement Request, Form No. 637;
 - (u) \$1600 for a Water Reservation Application for Instream Flow, Form No. 638. The applicant shall also pay:
 - (i) photocopy and postage costs for copying and mailing the appointment of the hearing examiner and notice of hearing;
 - (ii) photocopy and postage costs for copying and mailing the hearing examiner's proposal for decision, final order, and other orders as needed;
 - (iii) newspaper publication of the notice of hearing and orders as required by statute and the hearing examiner; and
 - (iv) actual rental costs for the hearing location and required sound equipment as determined by the hearing examiner;
 - (v) \$150 for each divided water right on Form No. 641, DNRC Ownership Update, Divided Interest;
 - (w) \$150 for each exempted water right on Form No. 642, DNRC Ownership Update, Split and Sever of a Water Right;
 - (x) \$50 for each severed water right for Form No. 643, DNRC Ownership Update, Severed Water Right;
 - (y) \$400 for Form No. 644, Notice of Change in Appropriation Right for a Replacement Point of Diversion;
 - (z) \$400 for Form No. 645, Permit Registration for Groundwater Use Within the National Park Service Compact Area;
 - (aa) \$400 for Form No. 646, Geothermal Heating/Cooling Notice of Completion;
 - (bb) \$125 for Form No. 647, Notice of Completion of Emergency Fire Protection Development;
 - (cc) \$400 for Form No. 650, Temporary Lease of Appropriation Right;

- (dd) \$800 for Form No. 651, Petition to Modify a Permit or Change Authorization;
 - (ee) \$1500 for Form No. 652, Petition for Stream Depletion Zone;
 - (ff) \$400 for Form No. 656, Notice of Change in Appropriation Right for Stock Tanks;
 - (gg) \$400 for Form No. 657, Notice of Change in Appropriation Right for Municipal Use; and
 - (hh) \$250 for Form No. 658, Petition for Reduction, Modification, or Revocation of a Provisional Permit.
- (3) There shall be no fees charged for filing the following forms:
- (a) Form No. 617, Project Completion Notice of Permitted Water Development;
 - (b) Form No. 618, Project Completion Notice for Change of a Water Right;
 - (c) Form No. 625, Correction to a Water Right;
 - (d) Form No. 633, Aquifer Test Data Form;
 - (e) Form No. 636, Petition to Subordinate a State Water Reservation;
 - (f) Form No. 640, Certification of Water Right Ownership Update;
 - (g) Form No. 653, Variance Request;
 - (h) Form No. 654, Public Comment on a Draft Preliminary Determination;
 - (i) Form No. 655, Application Amendment Form;
 - (j) Form No. 659, Response to Petition for Reduction, Modification, or Revocation of a Provisional Permit; and
 - (k) Form No. 670, Consent to Approval of Application.
- (4) The department will charge special service fees not to exceed reasonable amounts, including, but not limited to the following:
- (a) costs associated with contracting for professional hearings officer services;
 - (b) costs for computer data reports; and
 - (c) reasonable public information access fees including copies, blueprints or tracings, audio copies of a hearing, and other requests as per department public information policy.

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

Implementing statute(s): 85-2-113, 85-2-302, 85-2-306, 85-2-307, 85-2-311, 85-2-312, 85-2-314, 85-2-402, 85-2-426, 85-2-428, 85-2-429, 85-2-436, 85-20-401, MCA

History: NEW, Eff. 7/5/73; AMD, Eff. 2/4/75; AMD, 1982 MAR p. 702, Eff. 4/16/82; AMD, 1984 MAR p. 882, Eff. 6/1/84; AMD, 1985 MAR p. 1242, Eff. 8/30/85; AMD, 1987 MAR p. 1560, Eff. 9/11/87; AMD, 1991 MAR p.

1009, Eff. 6/28/91; AMD, 1992 MAR p. 1615, Eff. 7/31/92; AMD, 1993 MAR p. 1335A, Eff. 6/25/93; AMD, 1996 MAR p. 2430, Eff. 9/20/96; AMD, 1997 MAR p. 2084, Eff. 11/18/97; AMD, 2000 MAR p. 636, Eff. 2/25/00; AMD, 2003 MAR p. 1535, Eff. 7/18/03; AMD, 2008 MAR p. 326, Eff. 2/15/08; AMD, 2008 MAR p. 1820, Eff. 8/29/08; AMD, 2011 MAR p. 2043, Eff. 10/1/11; AMD, 2012 MAR p. 2071, Eff. 10/12/12; AMD, 2013 MAR p. 1344, Eff. 7/26/13; AMD, 2023 MAR p. 1872, Eff. 1/1/24; AMD, 2025 MAR, Notice No. 2025-157, Eff. 10/1/25.