



ADMINISTRATIVE RULES OF MONTANA



36.12.812 CHANGE VERIFICATION

- (1) The department will conduct a comparative analysis of the information provided in the project completion notice, all relevant information within its possession, and the change authorization to verify whether the appropriation was completed in substantial accordance with the change authorization. The department will evaluate:
 - (a) those elements of the underlying water right authorized for change;
 - (b) terms, conditions, restrictions, and limitations of the change authorization;
 - (c) whether the elements and conditions of the change are in substantial accordance with the final decree pursuant to 85-2-402(9)(a), MCA; and
 - (d) if applicable, whether the elements of a change authorization for a permit are in substantial accordance with reduction, modification, or revocation of the permit pursuant to 85-2-313, 85-2-314, and 85-2-315, MCA.
- (2) The department will use the water use standards applied at the time the change was authorized to determine if the elements of the completed appropriation are in substantial accordance with the authorization.
- (3) The department will evaluate whether the following information identified in the project completion notice is in substantial accordance with the change authorization:
 - (a) for a change in point of diversion, the flow rate, which may not exceed the authorized amount, and the point of diversion, which may not be completed outside the legal land description authorized unless the department determines:
 - (i) the point of diversion marked on the project completion map and the map included in the change authorization file are the same; and
 - (ii) the legal description in the project completion notice is correct based on improved mapping of the township, range, section, and 1/4 section;
 - (b) for a change in place of use, the place of use, which may not be completed outside the legal land description authorized unless the department determines:
 - (i) the point of diversion marked on the project completion map and the map included in the change authorization file are the same; and
 - (ii) the legal description in the project completion notice is correct based on improved mapping of the township, range, section, and 1/4 section;
 - (c) for a change in the purpose of use, the completed purpose of use matches the authorized purpose.

- (i) The consumptive use volume for the completed use may not exceed the historical consumptive use volume, if any, determined by the change authorization.
 - (ii) For a change in purpose to water marketing, the volume of the water marketing purpose will be limited to the maximum annual use proven by the appropriator.
 - (d) for a change in place of storage or addition of storage, the completed place of storage, which includes:
 - (i) the storage capacity, which may not exceed the authorized amount;
 - (ii) the surface area, which may not exceed the authorized amount;
 - (iii) the consumptive use volume, if previously assigned by the department, which may not exceed the authorized amount; and
 - (iv) the place of storage location, which may not be completed outside the legal land description authorized; and
 - (e) for any type of authorized change, if applicable, the description explaining compliance or deviation from terms, conditions, or restrictions.
- (4) The department shall document its findings of substantial accordance on a verification abstract.

Authorizing statute(s): 85-2-113, 85-2-402, MCA

Implementing statute(s): 85-2-312, 85-2-314, 85-2-315, 85-2-402, MCA

History: NEW, 2025 MAR, Notice No. 2025-157, Eff. 10/1/25.