



ADMINISTRATIVE RULES OF MONTANA



36.16.114 FEES AND COSTS

- (1) As required by ARM 36.16.104, a \$1500 fee must be paid to the department when filing an application for reservation of water.
- (2) In addition to the \$1500 fee, as required by 85-2-316, MCA, the following must be paid by the applicant, excepting the cost of department personnel's salaries: department's cost of giving notice; holding the hearing; conducting investigations; and making records incurred in acting upon the application to reserve water. The applicant is also required to pay a reasonable portion of the department's costs for EIS preparation.
 - (a) An applicant shall consult with the department prior to submitting an application to develop a preliminary estimate of department costs that must be paid by the applicant pursuant to 85-2-316(3), MCA. Within 30 days of a correct and complete determination by the department, the applicant must pay the department ten percent of the preliminary estimate to prepare a scope of work for completing any EIS and any other detailed work plans required in acting upon the applications.
 - (b) After a scope of work for the EIS and any other detailed plans for acting upon the application have been completed, the department will notify applicants of the maximum cost they will be individually assessed to process their applications.
 - (i) Applicants shall be notified of the maximum cost within 90 days of the department's receipt of the final application.
 - (ii) The estimated ten percent prepayment will be included in this amount and deducted from each applicant's future obligations.
 - (iii) The terms of payment for such fees will be negotiated and set forth in a contract between each applicant and the department.
 - (iv) For applications involving the construction of diversion facilities, the costs attributable to EIS preparation shall not exceed the limits provided in 85-2-124, MCA.
 - (c) An applicant may appeal to the department to have its fees reduced.
 - (d) Any payments made to the department in excess of what is actually expended shall be remitted to the applicant.
- (3) The reservant or applicant shall be required to pay the notice costs when the department provides notice of a proposed department action on an existing water reservation by first class mail and publication in a newspaper of general circulation.

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

Implementing statute(s): 85-2-124, 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.