



WPIC Water Bills update

January 12, 2026

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Water Resources Division

Administrator

Water Rights Bills from 2025 Session

- SB 178, SB 190, HB 432, HB 441, HB 580 (effective 10/1/2025)
- HB 681 (effective 1/1/2026)



SB 178: Temporary Lease of a Water Right

Effective October 1, 2025

Provides flexibility to meet growing water needs while ensuring notice and objection for potentially affected water users

- Allows for the temporary leasing of water rights in Montana
- Water can be leased for up to 40 days per year, and up to 5 years during any consecutive 10-year period
- The lessor cannot use any water at the “retired” place of use in any year that the water is leased
- DNRC must approve or deny the application within 30 days of receipt
- DNRC Form 650

SB 190: Consent to Approval of Application

Effective October 1, 2025

- AKA “Waiver of Adverse Effect”
- Applies to permit & change process
- Reinstates a provision allowing water owners to remove their water right from consideration by DNRC for adverse effect
- Previous provision was terminated in 2023 due to a sunset provision
- DNRC Form 670

HB 432: Exceptions to the Change Process

Effective October 1, 2025

1. Simplifies **replacement wells** by changing flow rate/volume limitations to proximity (200ft)
 - more meaningful for ensuring no adverse effect
2. Creates **process for adding place of use** for municipalities and county water/sewer districts
 - Can't increase permitted flow rate or volume, addition limited to annexed areas within the boundaries of the land use plan/growth policy
3. Creates **exception for adding stock tanks** to stockwater rights
 - Can't exceed the historical flow rate, volume, or number of stock

HB 441: Align Provisional Rights with Final Decree

Effective October 1, 2025

Provides certainty, finality, and due process for both adjudicated water rights holders and provisional permit holders after the conclusion of the statewide water adjudication

- Defines a clear process for pre-1973 adjudicated water right holders to petition DNRC to reduce, modify, or revoke a provisional permit based on the final decree
- Ensures that DNRC verification of changes considers findings of the final decree
- Creates a process for issuing certificates of water right for provisional permits and change authorizations
- While effective October 1, no required action from DNRC until January 31, 2026

HB 441: Update

Mailing of Notices

- 17 total basins have a Final Decree issued as of 1/6/2026
 - Three sets of notices will be sent in January for these basins
 - January 16, January 23, January 30
- Future notices will be sent within 60 days of Water Court issuance of Final Decree
- DNRC website has been updated with a live map showing basin status
 - Includes Water Court decree status for basin
 - Includes petition process status (open, active, complete)
- Decree documents and petition notice documents will also be posted on website

HB 580: Clarify Water Right Abandonment

Effective October 1, 2025

Provides protection from claims of water right abandonment for participants in a drought management plan who stop or reduce their water diversions during drought conditions

Such voluntary conservation actions cannot be the basis for a claim of water rights abandonment



HB 681: Agency Coordination Bill

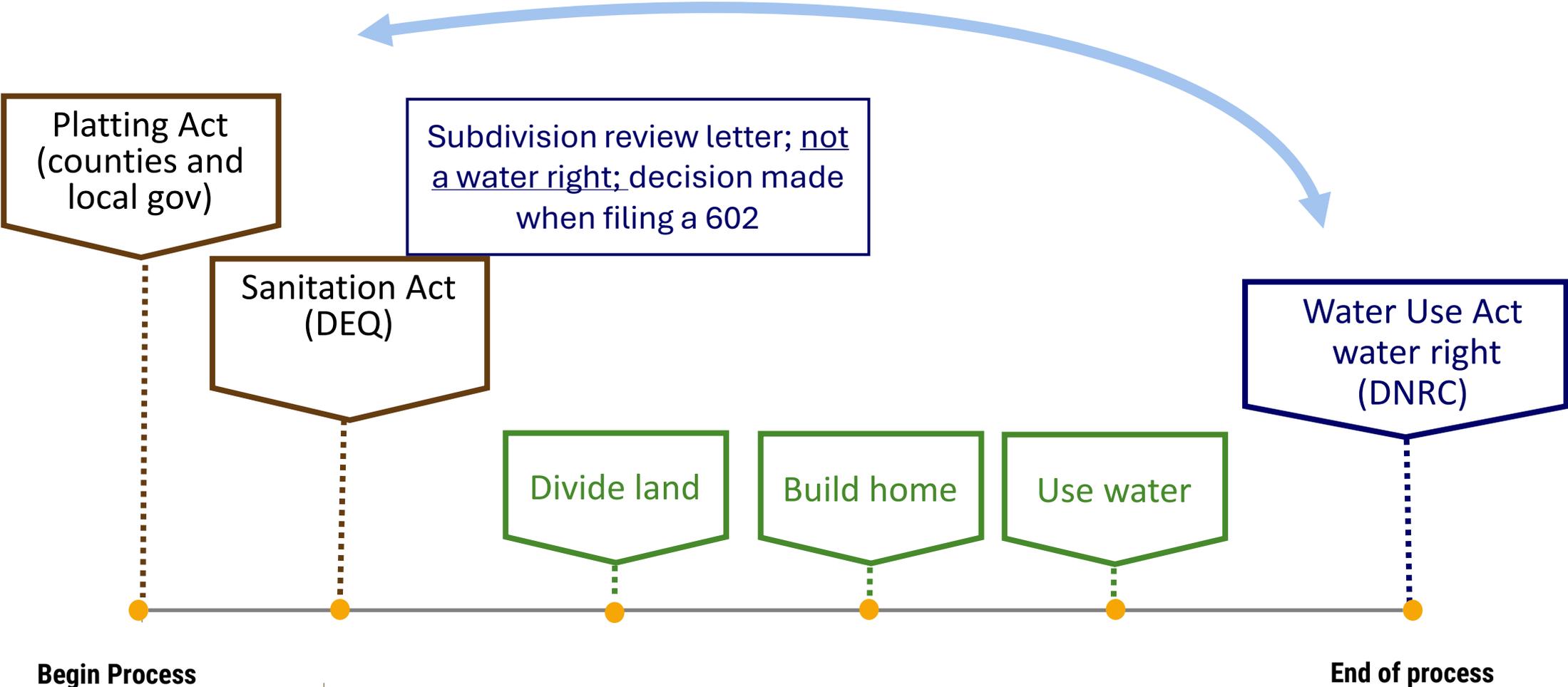
Effective January 1, 2026

- **Bill Intent**

- Provide for concurrent processing timelines of DNRC water rights applications and county subdivision applications
 - Allows for local reviewing authority to have certainty on water rights when approving subdivisions
 - If water right permit is being applied for, technical analyses by DNRC can be used to determine water physical availability
- Provide authority for local reviewing authority to condition subdivisions on approval from DNRC to appropriate water
- Provide certainty to individuals planning to use groundwater under exceptions to the permitting process prior to investing time and resources into a project.

Recall challenge:

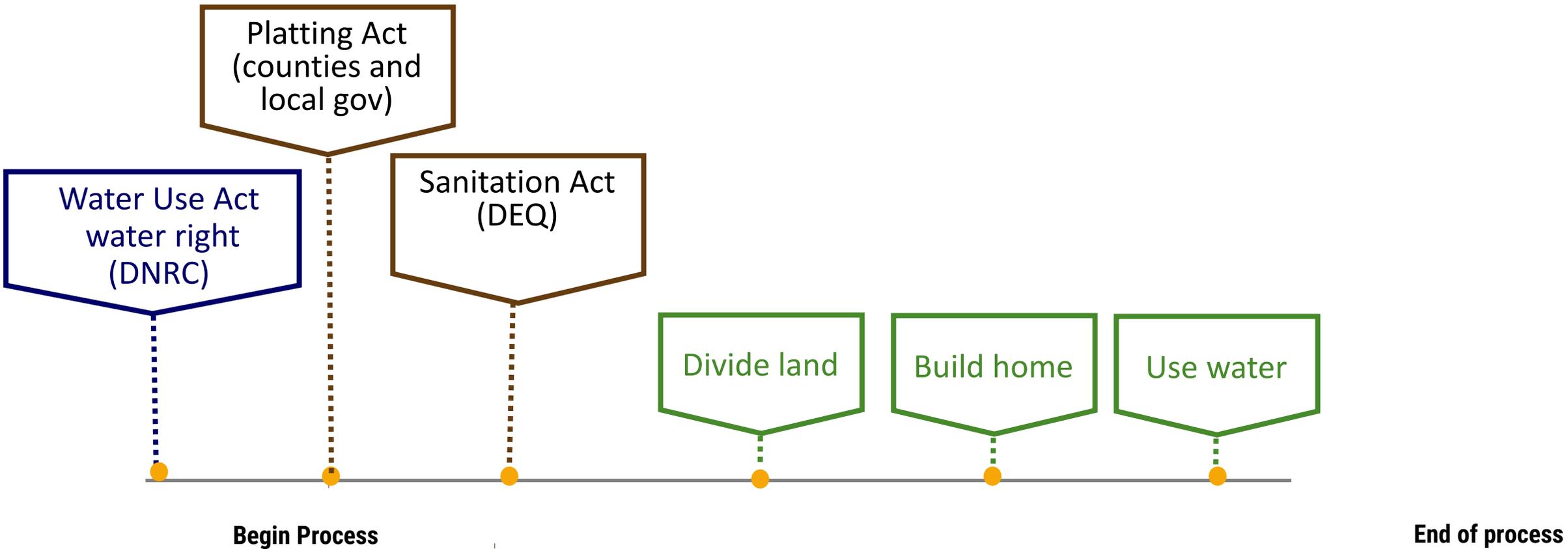
Historic disconnect between Platting, Sanitation, Water Use Act



HB 681 solution:

Historic disconnect between Platting, Sanitation, Water Use Act

HB 681 (2025)



Statutory Changes to Permit Exception

AKA “Exempt Wells”

- Introduces Notice of Intent (NOI) for use of exempt wells
 - Water user files NOI before using water
 - Changes timing of DNRC evaluation of qualifications
- An authorized NOI is not a water right until project completion notice received and certificate issued by DNRC.
 - Does assure that if a project is completed in timely fashion as authorized, user will get a water right.
- Does not affect other permit exceptions (Fire training, geothermal)

Notice of Intent to Appropriate Groundwater

Overview of the Process- effective 1/1/2026

- Step 1: Notice of Intent
 - Prior to putting water to use, one must have an authorized NOI.
 - Water user can wait to drill their well until an NOI is authorized (though this is not required).
 - A filer will submit a Form 6021 detailing the planned water use.
 - If filing meets permit exception criteria, DNRC will authorize NOI
 - Extensions
 - Unless extended, a Notice of Completion of Groundwater Development must be filed within 5 years of authorization.
 - One extension may be granted for an additional 5 years to complete water use.

Notice of Intent to Appropriate Groundwater

Overview of the Process- effective 1/1/2026

- Step 2: Groundwater Certificate
 - After putting water to use, water users submit Notice of Completion (Form 602).
 - Form 602s must be filed in 'substantial accordance' with authorized NOIs.
 - Can't expand use
 - If completed in substantial accordance, DNRC issues Groundwater Certificate
 - If water use is not completed and filed upon by the completion deadline, NOI expired.

Notice of Intent to Appropriate Groundwater

FAQs

- When is combined appropriation evaluated?
 - DNRC will evaluate combined appropriations during Notice of Intent processing (before the water is used) instead of during Notice of Completion processing.
- Is combined appropriation evaluation changing?
 - No.
- When does a well need to be drilled?
 - **A filer can submit a Form 602I before or after drilling a well.** DNRC does not regulate when wells are drilled, rather we regulate water use.

DNRC Implementation

How can you find information on Notices of Intent?

- Water Rights Query System (WRQS), find NOI:
 - NOIs will be searchable
 - Searching by water right type (Groundwater Certificate) and water right status (Authorized NOI and/ or Pending NOI), OR
 - Searching by water right type (Groundwater Certificate) and filtering by version type (Intent to Appropriate).
 - <https://gis.dnrc.mt.gov/apps/WRQS/>
- Water Mapper
 - NOIs visible/distinct from issued Groundwater Certificates (by water right version type and/or status)
 - <https://arcg.is/0T54ya>

Questions ?

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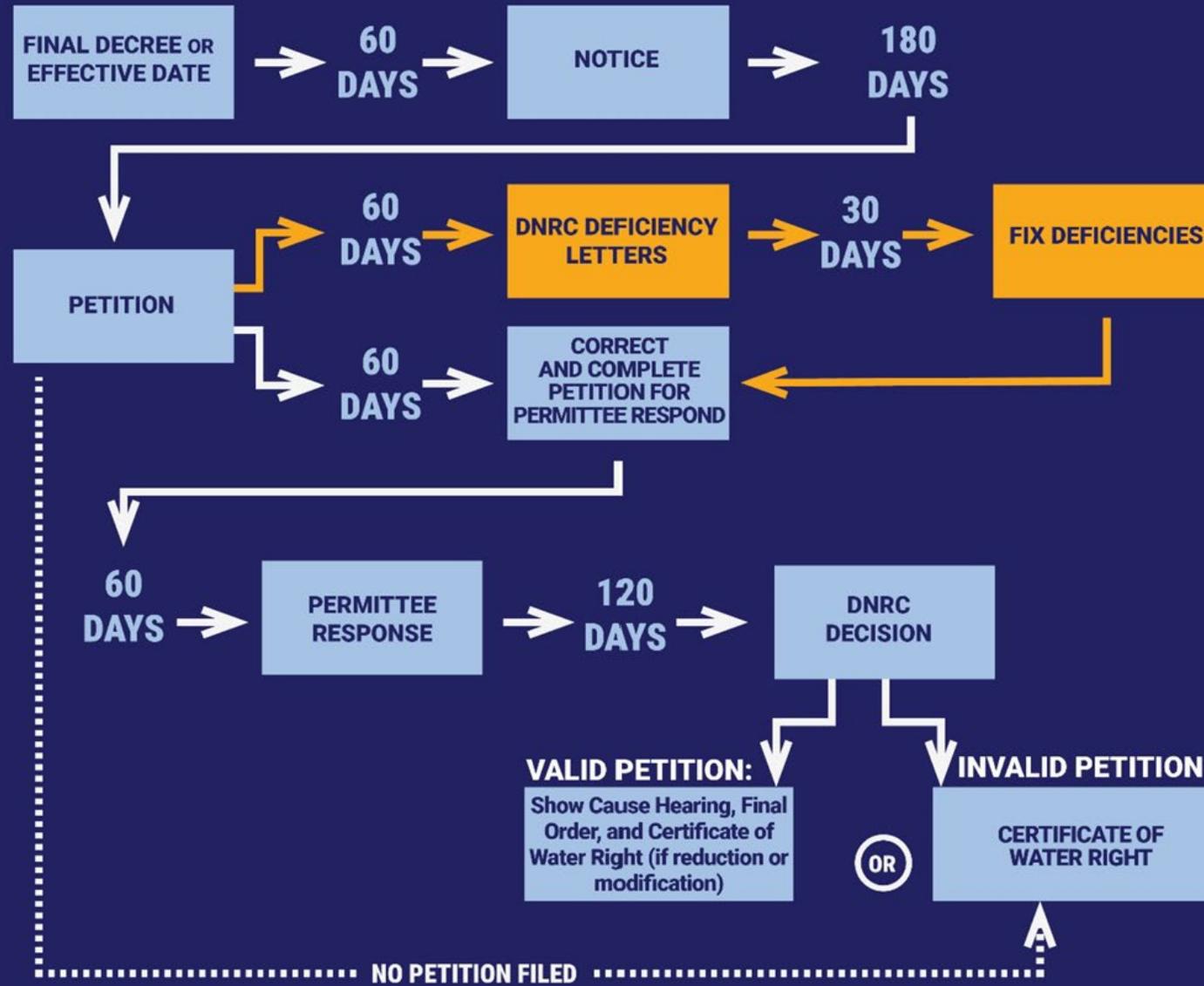
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PROVISIONAL PERMITS





CHANGES

