

A permit must be obtained from the DNRC for any new or expanded use of any surface or ground water including diverting, impounding, withdrawing, or distributing it, as well as for in-stream rights. Typically, when land is sold or exchanged, title to the existing water rights is transferred from the existing appropriator to the new purchaser of the land unless specifically reserved or severed in the deed. Water rights can also be lost if there is nonuse, abandonment, or an intent to abandon. Some basins and subbasins in the State have been closed to new appropriations because they have been deemed highly appropriated. It is essential to learn, understand, and stay abreast of changes that may impact your water rights.

PERMITTING & OTHER LAWS	
ACTIVITIES REQUIRING A PERMIT	Governing Agency Information
<p>Any activity by a private person or entity that physically alters or modifies the bed or banks of a perennially flowing stream (310 Permit).</p>	<p>Conservation Districts Bureau Department of Natural Resources and Conservation 1625 Eleventh Avenue P.O. Box 201601 Helena, MT 59620-1601 406.444.6667 http://dnrc.mt.gov/permits</p> <p>Montana Association of Conservation Districts 501 North Sanders Helena, MT 59620 406.443.5711</p> <p>Flathead Conservation District 133 Interstate Lane Kalispell, MT 59901 406.752.4220 http://www.flatheadcd.org</p> <p>Lake County Conservation District 106 4th Avenue East Polson, MT 59860 406.676.2841</p>
<p>Any project by a government agency or entity including the construction of new facilities or the modification, operation, and maintenance of an existing facility that may affect the natural existing shape and form of any stream or its banks or tributaries (124 Permit).</p>	<p>Habitat Protection Bureau Fisheries Division Department of Fish, Wildlife and Parks 1420 East Sixth Avenue P.O. Box 200701 Helena, MT 59620 0701 406.444.2449 http://www.fwp.mt.gov/contact</p>
<p>New construction including, but not limited to, placement of fill, roads, bridges, culverts, transmission lines, irrigation facilities, storage of equipment or materials, and excavation; new construction, placement, or replacement of manufactured homes; and new construction, additions, or substantial improvements to residential and commercial buildings.</p>	<p>Floodplain Management Section Department of Natural Resources and Conservation 1424 Ninth Avenue P.O. Box 201601 Helena, MT 59620-1601 406.444.0860, or www.dnrc.mt.gov/wrd or your Local Floodplain Administrator</p>

PERMITTING & OTHER LAWS	
ACTIVITIES REQUIRING A PERMIT	Governing Agency Information
Any activities that will result in the discharge or placement of dredged or fill material into waters of the United States, including wetlands (404 Permit).	<p>U.S. Army Corps of Engineers 10 West 15th Street, Suite 2200 Helena, MT 59626 406.441.1375 http://www.usace.army.mil/public.html#Regulatory</p>
The construction of any structure in or over any federally listed navigable waters of the United States, the excavation from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. Navigable waters in Montana are the Missouri River from Three Forks downstream to the Montana North Dakota border, the Yellowstone River from Emigrant downstream to its confluence with the Missouri River, and the Kootenai River from the Canadian border downstream to Jennings, Montana.	
Any activity in any state water that will cause unavoidable short term violations of water quality standards. "State water" includes any body of water, irrigation system, or drainage system, either surface or underground, including wetlands, except for irrigation water where the water is used up within the irrigation system and the water is not returned to other state water. The application of an aquatic pesticide applied per the label to an irrigation ditch or canal does not require a permit provided Montana Water Quality Standards are not exceeded.	<p>Water Protection Bureau Department of Environmental Quality 1520 East Sixth Avenue P.O. Box 200901 Helena, MT 59620-0901 406.444.3080 http://deq.mt.gov</p>
The construction, placement, or modification of a structure or improvements in, over, below, or above a navigable stream. If in doubt, contact the Department of Natural Resources and Conservation Land Office with jurisdiction over the project area for a determination of the navigability of the stream. If an applicant receives a 310 permit, the following activities do not apply under this section: riprap and bank stabilization projects; temporary gravel irrigation dams; river barbs under 40 feet or 10 percent of channel width; excavations of less than 10 cubic yards of river bed load accumulation; tree and debris removal not associated with a timber sale; repair and maintenance of existing irrigation structures, and irrigation pump sites; installation and maintenance of floating irrigation pumps; boat ramps, wharves, and docks. This permit program does not apply to mining activities in navigable streams or lakes.	<p>DNRC Land Office or Special Use Management Bureau Department of Natural Resources and Conservation 1625 Eleventh Avenue P.O. Box 201601 Helena, MT 59620-1601 406.444.2074</p>
General Rule – A person must obtain a beneficial water use permit before commencing to construct new or additional diversion, withdrawal, impoundment, or distribution works for appropriation of groundwater over 35 gallons per minute or 10 acre feet per year for any surface water. This includes construction of ponds with or without a discrete inlet. Exceptions – Groundwater appropriations of 35 gallons per minute or less and 10 acre feet or less must first be appropriated and put to use before a water right is issued. Stockwater impoundments of less than 15 acre feet may be constructed first and then a form filed upon completion.	<p>Water Rights Bureau Department of Natural Resources and Conservation 1424 Ninth Avenue P.O. Box 201601 Helena, MT 59620-1601 406.444.6610 or Local DNRC Water Resources Regional Office</p>

PERMITTING & OTHER LAWS	
ACTIVITIES REQUIRING A PERMIT	Governing Agency Information
<p>All beneficial uses, including such activities related to agriculture as irrigation and stockwater. A water reservation is granted for specific uses. Contact your local conservation district to determine whether it has been granted a water reservation and whether your proposed use is authorized under that water reservation.</p>	<p>Your local conservation district or Conservation and Resource Development Division Department of Natural Resources and Conservation 1625 Eleventh Avenue P.O. Box 201601 Helena, MT 59620-1601 406.444.6667, or</p> <p>Conservation and Resource Development Division Department of Natural Resources and Conservation 321 Main Street PO Box 276 Miles City, MT 59301 406.232.6359, or</p> <p>Conservation and Resource Development Division Department of Natural Resources and Conservation 222 6th Street South PO Box 1269 Glasgow, MT 59230 406.228.2561</p>
<ul style="list-style-type: none"> • Construction activity that will disturb one or more total acres including clearing, grading, and excavating activities. • A defined industrial activity that will discharge storm water into surface waters. • A defined mining or oil and gas activity in which storm water will come into contact with overburden, raw material, intermediate products, finished products, or waste products located on the site of such operations (including active and inactive mine sites) and discharge to surface waters. • A defined Small Municipal Separate Storm Sewer System (MS4). 	<p>Water Protection Bureau Department of Environmental Quality 1520 East Sixth Avenue P.O. Box 200901 Helena, MT 59620-0901 406.444.3080 http://www.deq.mt.gov</p>
<p>This law prohibits the following timber harvest activities within at least 50 feet of any stream, lake, or other body of water. The Department of Natural Resources and Conservation (DNRC) must approve any exceptions to these prohibited practices.</p> <ul style="list-style-type: none"> • Broadcast burning. • Operating wheeled or tracked vehicles except on established roads. • Clear cutting. • Constructing roads in the Streamside Management Zone except when necessary to cross a stream or wetland. • Handling, storing, applying, or disposing of hazardous or toxic material in a manner that pollutes streams, lakes, or wetlands or that may cause damage or injury to humans, land, animals, or plants. • Casting road material into a stream, wetland, or watercourse. • Depositing slash in streams or other water bodies. 	<p>Forestry Division DNRC 2705 Spurgin Road Missoula, MT 59801 406.542.4300 or Local DNRC Land Office www.dnrc.mt.gov/forestry/Assistance</p>

PERMITTING & OTHER LAWS	
OTHER LAWS THAT MAY APPLY	Contact
<p>Public Water Supply Watersheds</p> <p>There are no requirements for DEQ to review any activities simply due to a watershed supplying a public water supply.</p>	<p>Department of Environmental Quality 1520 East Sixth Avenue P.O. Box 200901 Helena, MT 59620-0901 406.444.2544 www.deq.mt.gov</p>
<p>Shoreline Protection and Aquatic Land Conservation Ordinance</p> <p>Applies to all private individuals and government entities proposing to work in, over, or near any stream, river, lake, or wetland on the Flathead Reservation.</p>	<p>Confederated Salish and Kootenai Tribes Shoreline Protection P.O. Box 278 Pablo, MT 59855 406.675.2700 ext. 7222 Applications online: www.cskt.org</p>
<p>County Septic System Regulations</p> <p>Apply to anyone proposing to construct, alter, extend, or operate a sewage treatment and disposal system. Conventional systems must be 100 feet from the 100 year floodplain and 6 feet from groundwater. Alternative designs that are 4 to 6 feet from groundwater must be approved.</p>	<p>County Sanitarian</p>
<p>General Mining Laws/Small Miner's Placer and Dredge Operations</p> <p>Apply to anyone operating a placer, dredge, hardrock, coal, sand, or gravel mine on private or public land.</p>	<p>Department of Environmental Quality 1520 East Sixth Avenue P.O. Box 200901 Helena, MT 59620-0901 406.444.2544 www.deq.mt.gov</p>
<p>Lakeshore Protection Act</p> <p>Applies to all private individuals and government entities proposing to do work in or near a body of water within a county's jurisdictional area.</p>	<p>County Government Offices</p>
<p>Montana Dam Safety Act</p> <p>Applies to the construction, repair, or removal of any dam that impounds 50 acre-feet or more at the normal operating pool. Construction and operation permits may be required on dams larger than 50 acre-feet.</p>	<p>Dam Safety Program Department of Natural Resources and Conservation 1424 Ninth Avenue P.O. Box 201601 Helena, MT 59620-1601 406.444.6613 www.dnrc.mt.gov/wrd/default.asp</p>
<p>Montana Pollutant Discharge Elimination System (MPDES Permit)</p> <p>Applies to all discharges to surface water or groundwater, including those related to industrial, municipal, and other commercial discharges. In addition, several general discharge permits have been developed to streamline permitting of construction dewatering, sand and gravel operations, sewage lagoons, fish farms, animal feeding operations, disinfected water, suction dredging, and placer mining projects.</p>	<p>Water Protection Bureau Department of Environmental Quality 1520 East Sixth Avenue P.O. Box 200901 Helena, MT 59620-0901 406.444.3080 www.deq.mt.gov/wqinfo/MPDES</p>
<p>Montana Water Quality Act</p> <p>Prohibits the pollution of state waters and the placement of wastes in a location where they are or may cause pollution of any state water.</p>	<p>Department of Environmental Quality 1520 Sixth Avenue P.O. Box 200901 Helena, MT 59620-0901 406.444.2544 www.deq.mt.gov</p>

PERMITTING & OTHER LAWS	
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<p>Fish Stocking Permit for Private Fish Ponds</p> <p>A permit is required to stock fish in a private pond. The permit entitles the holder to stock the pond with fish from a lawful source. Applicants must verify that stocking fish does not pose an unacceptable risk to game fish or species of special concern in adjacent waters.</p>	<p>Fisheries Division Department of Fish, Wildlife and Parks 1420 East Sixth Avenue, Box 200701 Helena, MT 59620-0701 406.444.2449 www.FISH POND APPLICATION NONCOMMERCIAL.pdf</p>
<p>Confederated Salish and Kootenai Tribes, Natural Resources Department, Division of Environmental Protection, Water Quality Program</p> <p>Ordinance 89 B prohibits pollution of all waters within the exterior of the Flathead Indian Reservation. All projects affecting reservation waters must be permitted in accordance with tribal water quality standards. All federally permitted point source discharges require certification under Section 401 of the Clean Water Act to ensure that permit conditions will maintain tribal water quality. The tribes were delegated 401 certification authority by EPA in 1995.</p>	<p>Water Quality Program Division of Environmental Protection P.O. Box 278 Pablo, MT 59855 406.675.2700 ext. 7211 Physical address: 301 Main Street Polson, MT www.cskt.org</p>
<p>National Pollutant Discharge Elimination System (NPDES) Permit</p> <p>The U.S. Environmental Protection Agency is the NPDES permitting agency for point source discharge permits within the exterior boundaries of the Flathead Indian Reservation. NPDES forms are available upon request from the tribal NPDES office.</p>	<p>EPA Compliance Officer NPDES Program EPA Region VIII, Montana Office 301 South Park, Drawer 10096 Helena, MT 59626 0096 406.441.1140</p>
<p>Permitting of stormwater discharges is also part of the NPDES program. Therefore, for all projects that may result in discharges of stormwater into reservation surface waters, a Notice of Intent and Notice of Completion must be submitted.</p>	<p>Stormwater Program EPA Region VIII 999 18th Street Denver, CO 80202-2466</p>
<p>Construction activity greater or equal to 1 acre that could potentially contribute stormwater to surface water on the Flathead Reservation requires the development of a stormwater pollution plan. The plan must be submitted to the water quality program 30 days before construction begins.</p>	<p>Water Quality Program Division of Environmental Protection P.O. Box 278 Pablo, MT 59855 406.675.2700 ext. 7211</p>
<p>Fishing and/or bird hunting, including migratory waterfowl within the exterior boundaries of the Flathead Indian Reservation</p>	<p>Division of Fish, Wildlife, Recreation, and Conservation 406 6th Avenue East Polson, MT 59680 406.675.2700 www.cskt.org Permits also available at numerous sporting good outlets</p>

Permitting information courtesy of:
Confederated Salish and Kootenai Tribes
Montana Association of Conservation Districts
Montana Department of Environmental Quality
Montana Department of Fish, Wildlife and Parks
Montana Department of Natural Resources and Conservation
U.S. Army Corps of Engineers
U.S. Environmental Protection Agency