

I. PURPOSE

The notice process for agricultural water user facilities at [BMC 38.310.010](#) (hereafter “ditches”) requires land developers to engage in advanced discussions with water users prior to the submittal of a development application for the subject property. This notice process is designed to reduce potential conflicts by providing a reasonable opportunity for owners of water rights to protect their property interests in ditches.

II. APPLICABILITY

This checklist must be included as a required application material for the following development application types: subdivision pre-applications; subdivision preliminary plats; site concept plans; site plans, master site plans, planned development zones.

III. DITCH NOTICE PROCESS

A. APPLICABILITY OF THE DITCH NOTICE PROCESS TO THE PROPOSED DEVELOPMENT APPLICATION	YES	NO
1. A ditch is present on-site, within 100 feet of the exterior boundaries of the proposed development or is impacted by an offsite improvement regardless of the distance to the exterior development boundary. <i>(The remainder of this checklist is not required to be completed if the answer is NO.)</i>		
2. A previous development review completed the ditch notice process at BMC 38.310.010 , the instant development application is fully in compliance with the earlier approval, and there are no additional ditch impacts proposed. <i>(The remainder of this checklist is not required to be completed if the answer is NO.)</i>		
3. The previous ditch notice process was completed for an application type for which an approval document was not issued by the City (e.g. subdivision pre-application, or site concept plan) and no new or additional ditch impacts are proposed. <i>(The remainder of this checklist is not required to be completed if the answer is YES.)</i>		
B. WATER RIGHTS RECORDS RESEARCH TO IDENTIFY PARTIES FOR NOTICE	YES	NO
1. The historic Water Resources Survey of Gallatin County shows a mapped ditch on the subject property.		
2. The historic Water Resources Survey of Gallatin County shows the subject property is within the place of use of a ditch company water right.		
3. The MT DNRC water rights query system was used to identify owners of water rights.		
4. Water rights were identified with a place of use or point of diversion on the subject property.		
5. Water rights with a downstream place of use were identified as being conveyed in the ditch on the subject property or in an offsite ditch affected by an offsite improvement associated with the proposed development.		
6. The subject property is within the place of use of any water rights owned by Farmers Canal Company, Middle Creek Ditch Company, or West Gallatin Canal Company. <i>If yes, mail the notice c/o of the President of the Board of Directors to the owner mailing address indicated on the company’s water rights abstracts.</i>		

C. DITCH NOTICE PACKAGE	YES	NO
1. A complete copy of the ditch notice package was sent to all water right ownership parties identified in Section III.B as having a water right conveyed in the ditch(es) on the subject property or conveyed in offsite ditches affected by an offsite improvement associated with the proposed development.		
2. A copy of the proposed development layout was included with the notice package.		
3. A description of any anticipated impacts to the ditch and any mitigation proposed to remedy such impacts was provided with the notice package.		
4. The notice package states that the noticed party has 45 calendar days to provide written comments back to the notifying party.		
5. There are changes to the proposed project between the subdivision pre-application or site concept plan stage and formal subdivision or plan review application that have resulted in new or additional impacts to ditches that were not previously noticed. If yes, another complete round of noticing must occur for the formal application.		
D. DEVELOPMENT APPLICATION SUBMITTAL MATERIALS	YES	NO
1. The application submittal materials describe how noticed parties were identified and contain a complete mailing address list of all noticed parties.		
2. The application submittal materials include a complete copy of the notice package sent to the noticed parties.		
3. The application submittal materials show that at least 45 calendar days have elapsed for all noticed parties to provide response.		
4. The application submittal materials provide a copy of the written responses received, and for each party that did not provide a written response, an affirmative statement that no response was received.		

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