

ANATOMY OF A WATER CALL

WORDS MATTER

For many western Montana water basins, the claims in the proposed Flathead Water Compact say:

The owner of this water right shall be entitled to make a call to enforce this water right only against junior users the purpose of whose rights is irrigation and whose source of supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater connected to surface sources in Basin "76x" and whose flow rate is greater than 100 gallons per minute.

DOES THIS LANGUAGE IN THE COMPACT GUARANTEE THAT IF YOUR WATER RIGHT IS LESS THAN 100 GALLONS PER MINUTE AND IS NOT USED FOR IRRIGATION, YOUR WATER WILL BE PROTECTED AS THE COMPACT COMMISSION HAS EXPLAINED TO THE PUBLIC?

The answer is NO.

HOW MANY WATER CLAIMS COULD BE CALLED?

The answer depends on who is making the call. Theoretically a relatively small number of claims will likely be "called by the U.S. / Tribes.

However when they do make a call, it's possible that a large number of junior surface or groundwater claims in the impacted source (for any use or amount) could in turn be called by SENIOR water rights holders whose water IS CALLED by the U.S./CSKT according to the terms of the compact. In other words a "domino" effect is created. Theoretically, just one call by the U.S./CSKT on a stream could set in motion a chain reaction of dozens or more calls on water, and these claims could be for any use, including municipalities, businesses, or even private wells, depending upon their priority dates.