

WATER RIGHTS GLOSSARY OF TERMS

ACRE-FOOT – a measurement of water. The amount of water that will cover an acre of land (slightly smaller than a football field) at a depth of one foot, or 325,851 gallons.

APPURTENANT TO PLACE OF USE - a water right which is attached to the land it serves. When the land served is sold, the water right is automatically included in the sale, unless specifically exempted in the deed.

BASIN – the drainage area of a river or lake, also known as a ‘watershed’

BENEFICIAL USE - use of water for one or more of the recognized purposes including but not limited to, domestic, municipal, irrigation, hydropower generation, industrial, commercial, recreation, fish propagation, and stockwatering; it is the basis, measure and limit of a water right.

CALLI – the right of a senior water rights holder to “call” for his water. Junior water rights holders must pass the water on to the senior holder and not divert until the right is satisfied. Administered by the Division of Water Resources.

CONSUMPTIVE USE – that portion of a water right totally consumed by a crop or other vegetation.

CUBIC FEET PER SECOND (CFS) – a rate of flow for water per unit of time. Water flowing at 1cfs will deliver 448.8 gallons per minute.

DIVERSION – Removing water from its natural course or location by means of a water structure such as ditch, pipeline, flume, reservoir, bypass, well or other device.

DUTY OF WATER - quantity of water required to satisfy the irrigation water requirements in a given area; commonly based on irrigation requirements of alfalfa.

ET (Evapotranspiration) – the process by which water is transmitted as a vapor to the atmosphere as the result of transpiration by plants.

FEDERAL RESERVED WATER RIGHTS DOCTRINE - legal rule that states when the federal government reserves public lands for a particular purpose, such as a national park, forest or Indian reservation, it also reserves sufficient water to accomplish that purpose, sometimes called the Winters Doctrine.

INSTREAM FLOW – water flowing in a natural stream bed; water required for maintaining stream flow or for fish.

MINER’S INCH - a common unit in western states of measure of water flow equaling the amount of water that flows through a given size hole (inch) at different pressures, generally equaling 1.5 cu. ft. (0.04 m³) per minute. It is equivalent to 0.025 cfs (1/40th of a cubic foot per second) in Montana. 1 miners inch is equal to 40 cfs

NON-CONSUMPTIVE USE - where water is not consumed during the course of a beneficial use, such as fish or hydroelectric power generation.

PRIORITY – the ranking of a water right in relation to all other water rights drawing on the same stream system. Priority is determined by the year in which the application for the water right was filed.

QUANTIFICATION—determination of the quantity of water required for a specific purpose or use.

PRIOR APPROPRIATION – the water law doctrine that confers priority to use water from natural streams based upon when the water rights were acquired. Also referred to as “First in time, first in right”.

STORAGE - water artificially impounded in surface or underground reservoirs for future use; water naturally detained in a drainage basin.

TRIBUTARY GROUNDWATER – all subsurface water hydraulically connected to a surface stream, the pumping of which would have a measurable effect on the surface stream

WATER RIGHT – a property right to the use of a portion of the public’s surface or tributary groundwater resource obtained under applicable legal procedures.

WINTERS DOCTRINE - U.S. Supreme Court 1908 decision that established the doctrine of federal reserved water rights