The same is true here. Even assuming arguendo that "legal demands" include something beyond water rights, DEQ may determine an activity that exceeds the depletion threshold is nonsignificant, or an activity that qualifies as nonsignificant must nonetheless be reviewed for degradation. 17.30.715(2) and (3), ARM. Ultimately, DEQ is delegated with the discretion to determine whether an activity is nonsignificant activity or causes degradation. *Save Our Cabinets*, at 1252-53; *CFC v. DEQ*, 2008 MT 407, ¶¶27 and 34-39, 347 Mont. 197, 197 P.3d 482(this Court defers to DEQ's interpretations of its own regulations). The rule upon which Appellees' argument is premised does not prohibit activities that reduce baseflows by more than 10%; does not protect 90% of ORW flows from appropriation; and, does not quantify flows protected from degradation as a legal demand. *Appellees' Br.* 21, 29.

Appellees ask the Court to ignore the fact that the WQA's degradation protections apply equally to all high-quality waters because that issue was not addressed by the district court. *Appellees' Br.* 30. To the contrary, the district court's failure to consider the effects of rewriting the MWUA to include nondegradation as a legal demand is precisely the issue before this Court.

Appellees' assertion that treating degradation protections for high-quality waters as a legal demand under the MWUA imposes no novel burden on DNRC and may be necessary to implement the nondegradation provisions of the WQA

If DEQ determines that RC Resources' activities are nonsignificant for any reason the WQA provides administrative and judicial remedies. *Infra* II(C)

Similar to *Montana Power Co. v. Montana Public Service Commission*, DNRC's issuance of RC Resources' provisional permit does not impair Appellees' constitutional interests. 2001 MT 102, ¶¶32, 36-38, 305 Mont. 260, 26 P.3d 91. The injury Appellees complain of only occurs *if* DEQ determines §75-5-317(2)(s), MCA, exempts RC Resources' activities from degradation review. This speculative constitutional claim is not ripe for review to nip a potential injury in the bud, even if the Court determined it is very likely to occur. *Id*.

Even though issuance of the provisional permit *could* change the status quo waiting until DEQ determines the applicability of §75-5-317(2)(s), MCA, will not cause irremediable adverse consequences. *Qwest v. Department of Public Service Regulation*, 2007 MT 350, ¶¶19-24, 31-32, 340 Mont. 309, 174 P.3d 496. Conversely, addressing Appellees' constitutional arguments now inappropriately interferes with DEQ's application of the law to RC Resources' regulated activities. *Id.*, ¶24. Finally, there is no factual basis upon which this Court could evaluate whether DEQ's application of §75-5-317(2)(s), MCA, impairs Appellees' constitutional interests. *Id*., ¶25; *Appellees' Br.* 54.

For these reasons Appellees' constitutional challenge is not ripe for review.