

MONTANA’S LANDOWNERS: MANAGEMENT IMPLICATIONS OF MONTANA’S CHANGING DEMOGRAPHICS FOR WATER RIGHTS

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Water rights, long recognized as a property right in Montana, are among the least understood of all property rights. It’s not like a chunk of land—it’s a “use right.” A viable water right doesn’t exist simply as a statement on a certificate. If it is not put to a beneficial use, it can be lost. For over 100 years, it was widely believed that water had to be diverted to establish a water right. Water left in stream was a waste. Over the past four decades, Montana’s changing demographic—a gradual shift to a less rural population--first enabled the passage of instream flow legislation in the 1960s and 1970s and then again in the 1980s and 1990s when the legislature authorized leasing. So the first management implication is that we now have some tools. The changing demographic doesn’t always understand the limitations of those tools, but we have tools nonetheless. The other changing demographic is the influx of a new species onto traditional ranch lands—the amenity buyer. Always well-heeled, often well-intentioned, they can occasionally cause more problems than they can solve. On the other hand, the newcomers bring with them a different perspective that can enhance watershed restoration in ways not previously possible. The greatest challenge, will be educating both the traditional landowner and newcomer alike in the limitations of their water rights, while showing them the possibilities of creative change to those rights.