

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION



BRIAN SCHWEITZER, GOVERNOR

1625 ELEVENTH AVENUE


STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-2074
FAX: (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

DATE: September 30, 2009

TO: Representative Chas Vincent, Chairman Environmental Quality Council

FROM: Mary Sexton, DNRC Director 

RE: EQC Request for Dates Navigable Rivers Were Surveyed

Attached, you will find a list that represents the rivers, legal descriptions, and dates when they were originally surveyed by the General Land Office (GLO). Every river in the state of Montana is subject to the survey requirements for the original federal government surveys, before and after statehood. You will note in the information provided that the dates for a particular Township and Range may vary. The timing and completion of surveys depended on budget constraints, time, availability of the surveyors, unfavorable conditions and other variables. The Montana GLO/Bureau of Land Management survey dates range from 1867 forward.

The map referenced at committee and subsequent narrative was developed in accordance with the definition of "navigable river" in Section 2 of SB 507, as amended in conference committee. Our current information on historic documentation of commercial use formed the first filter for waterways included on the map and list. The red lines on the map indicated the waterways with evidence that have been judicially determined to be navigable. The blue areas on the map show locations that have historic evidence of commercial use and that have been meandered by the GLO. The attached list represents only the blue areas without the red line overtop. The Department will be drafting rules to implement SB 507 this winter. When a draft is available, we will forward to you and Senator Hamlett.

Cc: Todd Everett
Senator Hamlett

**GLO/BLM Meandered Waterways with Historic Evidence of Commercial Use Without Judicial Determination
of Navigability on DNRC SB507 waterway map, Sept. 30, 2009 ed.**

30Sept09 Page 1					** = View Looking Downstream	** = View Looking Downstream
River	TwN	Dir	Rng	Dir	**Left Bank Meandered	**Right Bank Meandered
Big Hole	1	N	10	W	Oct. 19-20, 1916	Oct. 19-20, 1916
Big Hole	1	S	10	W	Sept. 8-18, 1916	Sept. 8-18, 1916
Bitterroot	2	N	21	W	July 3-5, 1890	July 3-5, 1890
Bitterroot	3	N	21	W	May 29 - June 10, 1890	May 29 - June 10, 1890
Bitterroot	4	N	21	W	June 27-July 20, 1889	June 27 - July 20, 1889
Boulder	2	S	13	E	Sept. 17-18, 1890	
Boulder	2	S	13	E		Nov 8-12, 1892
Boulder	2	S	14	E	Sept. 15, 1890	
Boulder	2	S	14	E		Aug. 25, 1898
Boulder	1	S	14	E	July 30 -Aug. 31, 1886	
Boulder	1	S	14	E		Aug. 31-Sept.1, 1898
Boulder	1	N	14	E	July 25-29, 1886	
Boulder	1	N	14	E		Aug 13-16, 1898
Clearwater	17	N	15	W	Oct. 12-13, 1896	Oct. 12-13, 1896
Clearwater	16	N	15	W	Oct 13 to Nov 4, 1890	Oct 13 to Nov 4, 1890
Flathead Main	31	N	19	W	July 11-15, 1903	July 11-15, 1903
Flathead Main	30	N	19	W	April 7-9, 1904	April 7-9, 1904
Flathead Main	30	N	20	W	Feb. 3-28, 1891	Feb. 3-28, 1891
Flathead Main	30	N	20	W	Sept. 14, 1902	Sept. 14, 1902
Flathead Main	30	N	21	W	Feb. 3-28, 1891	
Flathead Main	30	N	21	W		July 7-24, 1892
Flathead Main	29	N	21	W	Aug. 28 to Sept. 19, 1892	Aug. 28 to Sept. 19, 1892
Flathead Main	28	N	21	W	Jan. 11-31, 1891	Jan. 11-31, 1891
Flathead Main	28	N	21	W	July 30 to Aug. 22, 1892	July 30 to Aug. 22, 1892
Flathead Main	28	N	20	W	Nov. 20 to 26, 1872	Nov. 20 to 26, 1872
Flathead Main	27	N	20	W		Nov. 28 to Dec. 2, 1872
Flathead Main	27	N	20	W	Nov. 13 to Dec. 10, 1890	Nov. 13 to Dec. 10, 1890
Flathead Main	26	N	20	W	Aug. 7, 1902	Aug. 7, 1902
Flathead Main	18	N	24	W	July 20, 1904	July 20, 1904
Flathead Main	18	N	25	W	Oct. 11-17, 1894	Oct. 11-17, 1894
Flathead Main	19	N	25	W	Oct. 1-10, 1894	Oct. 1-10, 1894
Flathead Middle Fk	31	N	17	W	July 13, 1926 to Sept. 21, 1927	July 13, 1926 to Sept. 21, 1927
Flathead Middle Fk	32	N	19	W	Aug. 26-28, 1902	Aug. 26-28, 1902
Flathead Middle Fk	31	N	19	W	July 11-15, 1903	July 11-15, 1903
Flathead N. Fk	34	N	20	W	June 8-23, 1892	June 8-23, 1892

Flathead N. Fk	32	N	20	W	Aug. 15-17, 1902	Aug. 15-17, 1902
GLO/BLM Meandered Waterways with Historic Evidence of Commercial Use Without Judicial Determination of Navigability on DNRC SB507 waterway map, Sept. 30, 2009 ed.						
30Sept09 Page 2					** = View Looking Downstream	** = View Looking Downstream
River	Twn	Dir	Rng	Dir	**Left Bank Meandered	**Right Bank Meandered
Flathead N. Fk	31	N	20	W	July 20, 1903	July 20, 1903
Flathead N. Fk	31	N	19	W	July 11-15, 1903	July 11-15, 1903
Flathead S. Fk	30	N	19	W	April 7-9, 1904	April 7-9, 1904
Flathead S. Fk	30	N	19	W	July 6 - Sept. 18, 1940	July 6 - Sept. 18, 1940
Flathead S. Fk	30	N	20	W	Sept. 14, 1902	Sept. 14, 1902
Marias	25	N	9	E	Sept. 1-12, 1891	Sept. 1-12, 1891
Marias	25	N	10	E	Sept. 17- Oct. 2, 1891	Sept. 17- Oct. 2, 1891
Milk	27	N	41	E	Aug. 17-26, 1891	Aug. 17-26, 1891
Milk	27	N	42	E	Aug. 26 -Sept. 5, 1891	Aug. 26 -Sept. 5, 1891
Milk	27	N	42	E	May 1-5, 1906	
Milk	28	N	39	E	Oct. 6-19, 1891	Oct. 6-19, 1891
Milk	28	N	40	E	Sept. 23 - Oct. 6, 1891	Sept. 23 - Oct. 6, 1891
Milk	28	N	41	E	Sept. 7-22, 1891	Sept. 7-22, 1891
Stillwater (Flthd Trib)	33	N	24	W	Aug. 17-26, 1892	Aug. 17-26, 1892
Stillwater (Flthd Trib)	32	N	24	W	Sept. 12-25, 1931	Sept. 12-25, 1931
Sun	20	N	3	W	Aug. 6-16, 1906	Aug. 6-16, 1906
Sun	20	N	2	W	Aug. 17 - Sept. 10, 1906	Aug. 17 - Sept. 10, 1906
Sun	21	N	1	W	Aug. 27 - Sept. 4, 1906	Aug. 27 - Sept. 4, 1906
Sun	21	N	2	W	Aug. 18, 1906	Aug. 18, 1906
Sun	20	N	3	E	Oct. 18-31, 1871	Oct. 18-31, 1871
Swan River	25	N	18	W	Sept. 16-22, 1917	
Swan River	25	N	18	W		Sept. 17-18, 1917
Swan River	25	N	18	W		July 18-23, 1921
Swan River	25	N	18	W	Sept. 1-6, 1921	
Swan River	25	N	18	W		Aug. 29-31, 1921
Swan River	25	N	18	W	Sept. 7-11, 1921	
Swan River	25	N	18	W	June 28, 1935 - June 11, 1937	June 28, 1935 - June 11, 1937
Swan	26	N	19	W	Oct. 17 - Nov 2, 1892	Oct. 17 - Nov 2, 1892
Swan	27	N	19	W	Sept. 28 - Nov. 12, 1892	Sept. 28 - Nov. 12, 1892
Teton	24	N	8	E	May 9-17, 1876	
Teton	24	N	8	E		May 18-19, 1883
Tongue	2	S	44	E		Oct. 25, 1905
Tongue	2	S	44	E	Sept. 22, 1917 - Oct. 8, 1917	
Tongue	2	S	44	E	Oct. 3, 1928 - June 10, 1929	
Tongue	1	S	44	E	July 27- Aug. 2, 1887	July 27- Aug. 2, 1887
Tongue	1	N	44	E	Aug. 2-6, 1887	Aug. 2-6, 1887

Tongue	1	N	45	E	Aug. 6-10, 1887	Aug. 6-10, 1887
--------	---	---	----	---	-----------------	-----------------

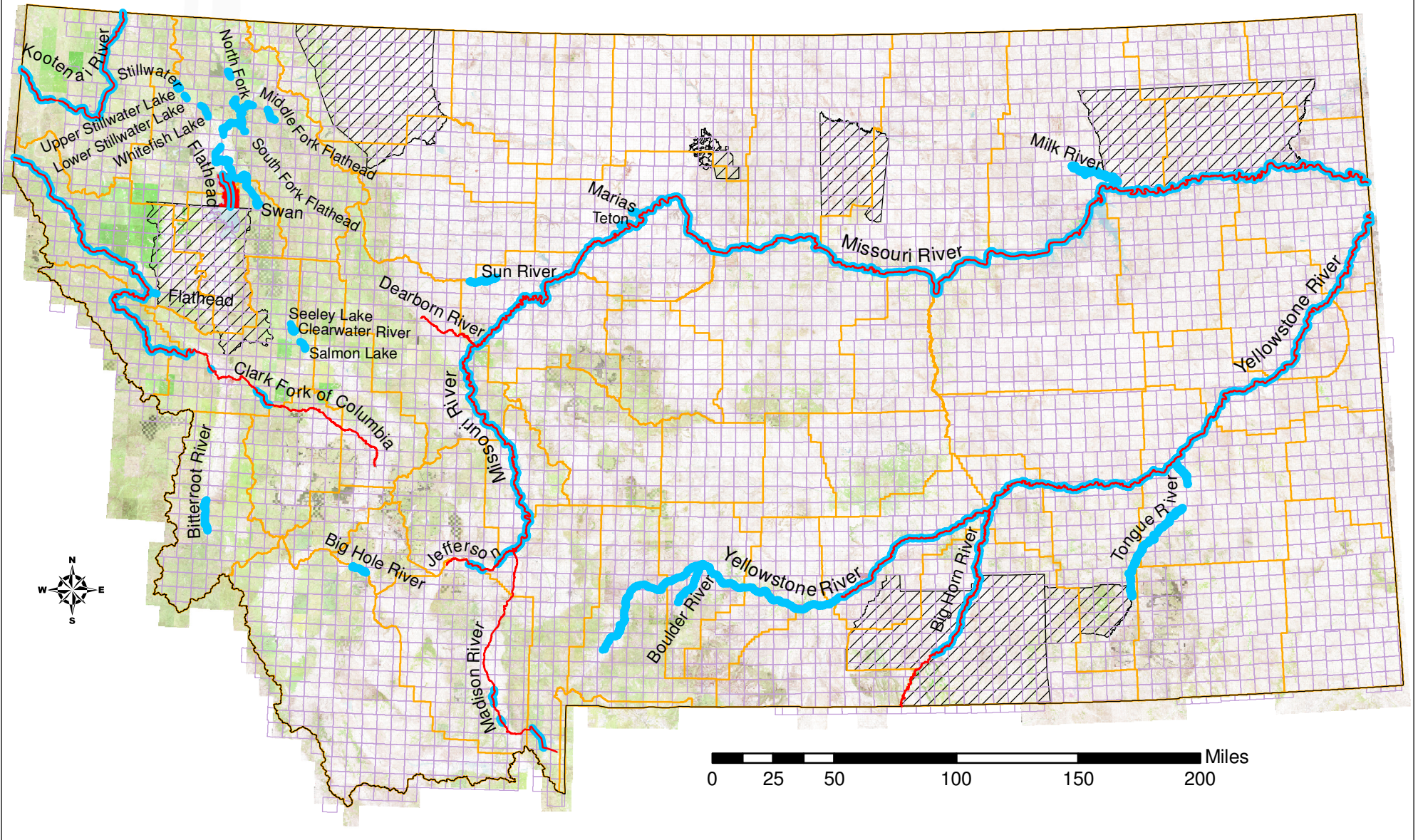
GLO/BLM Meandered Waterways with Historic Evidence of Commercial Use Without Judicial Determination of Navigability on DNRC SB507 waterway map, Sept. 30, 2009 ed.

30Sept09 Page 3					** = View Looking Downstream	** = View Looking Downstream
River	Twn	Dir	Rng	Dir	**Left Bank Meandered	**Right Bank Meandered
Tongue	2	N	44	E	July 11-25, 1888	July 11-25, 1888
Tongue	2	N	45	E	Aug. 11-16, 1887	Aug. 11-16, 1887
Tongue	3	N	46	E	Aug. 17-22, 1887	Aug. 17-22, 1887
Tongue	3	N	47	E	Aug. 6-14, 1888	Aug. 6-14, 1888
Tongue	4	N	47	E	Aug. 23-29, 1887	Aug. 23-29, 1887
Tongue	6	N	48	E	Oct. 20-31, 1879	Oct. 20-31, 1879
Tongue	6	N	48	E	Nov. 7, 1911 - Nov. 6, 1913	
Tongue	7	N	47	E		Nov. 30 - Dec. 5, 1878
Tongue	7	N	47	E	Nov 1-6, 1911	
Tongue	7	N	48	E		Oct. 4, 1883
Tongue	7	N	48	E	Nov. 6, 1911	
Tongue	8	N	47	E	Dec. 7-27, 1878	Dec. 7-27, 1878
Tongue	8	N	47	E	Nov. 1-4, 1911	
Yellowstone	6	S	8	E	Nov. 6, 1874	
Yellowstone	6	S	8	E		Apr. 25-27, 1885
Yellowstone	5	S	8	E	Aug. 25 - Sept. 10, 1874	
Yellowstone	5	S	8	E		Sept. 28-29, 1888
Yellowstone	5	S	9	E	Aug. 26, 1874	
Yellowstone	5	S	9	E		July 13-22, 1886
Yellowstone	4	S	9	E	Sept. 11-12, 1874	
Yellowstone	4	S	9	E		Aug. 4-10, 1886
Yellowstone	3	S	9	E	Aug. 25 - Sept. 4, 1874	
Yellowstone	3	S	9	E	July 17-30, 1886	July 17-30, 1886
Yellowstone	2	S	9	E	July 7-9, 1873	
Yellowstone	2	S	9	E		Sept. 25-27, 1888
Yellowstone	2	S	9	E		Nov. 11, 1917
Yellowstone	2	S	10	E	Aug. 15-17, 1881	
Yellowstone	2	S	10	E		June 20-21, 1884
Yellowstone	2	S	11	E	July 5-12, 1886	July 5-12, 1886
Yellowstone	2	S	12	E	June 24 - July 2, 1886	June 24 - July 2, 1886
Yellowstone	1	S	10	E	July 15,-18 1873	
Yellowstone	1	S	10	E		July 13-14, 1886
Yellowstone	1	S	11	E	Mar. 30, Apr. 2-4, 1877	
Yellowstone	1	S	11	E		Jan. 27-30, 1883
Yellowstone	1	S	12	E	April 4-7, 1877	
Yellowstone	1	S	12	E		July 15-17, 1886
Yellowstone	1	S	13	E	Apr. 9-10, 1877	
Yellowstone	1	S	13	E		July 19-25, 1886

**GLO/BLM Meandered Waterways with Historic Evidence of Commercial Use Without Judicial Determination
of Navigability on DNRC SB507 waterway map, Sept. 30, 2009 ed.**

<i>30Sept09 Page 5</i>					
LAKE	Tw	Dir	Rng	Dir	Lake Meanders
Clearwater-Seeley	17	N	15	W	Oct. 12-13, 1896
Clearwater-Seeley	16	N	15	W	Oct. 13 - Nov. 4, 1890
Salmon Lake	15	N	14	W	Oct. 22, 1896
Salmon Lake	16	N	14	W	Oct. 13 - Nov. 4, 1890
Salmon Lake	16	N	15	W	Oct. 13 - Nov. 4, 1890
Stillwater Lake (Upper)	33	N	23	W	July 8-16, 1892
Stillwater Lake (Upper)	33	N	24	W	Aug. 11-26, 1892
Stillwater Lake (Lower)	32	N	23	W	Aug. 1 -Sept. 6, 1892
Swan Lake	25	N	18	W	July 2, 1909
Swan Lake	25	N	18	W	Oct. 9, 1914
Swan Lake	25	N	18	W	Oct. 14-15, 1915
Swan Lake	25	N	18	W	Sept. 12-15, 1917
Swan Lake	25	N	18	W	Sept. 17-18, 1917
Swan Lake	25	N	18	W	Oct. 9-12, 1917
Swan Lake	25	N	18	W	Oct. 11, 1917
Swan Lake	25	N	18	W	July 18-23, 1921
Swan Lake	25	N	18	W	Aug. 29-31, 1921
Swan Lake	25	N	18	W	June 28, 1935 - June 11, 1937
Swan Lake	26	N	18	W	Nov. 3-12, 1892
Swan Lake	26	N	19	W	Oct. 17 - Nov 2, 1892
Swan Lake	26	N	19	W	Aug. 3, 1902
Swan Lake	26	N	19	W	June 13-26, 1911
Whitefish Lake	31	N	22	W	June 22 - July 30, 1892

MONTANA NAVIGABLE RIVERS AND LAKES THAT REQUIRE MT-DNRC PERMITTING PURSUANT TO SB 507



Red lines and/or polygons indicate rivers and lakes in Montana with historic evidence of commercial use that have been judicially determined as navigable. Light blue lines indicate rivers and lakes with historic evidence of commercial use that are meandered on General Land Office survey plats and considered as navigable under SB 507 (Section 2). The State of Montana owns navigable waterways pursuant to the Equal Footing Doctrine, state statutes, and abundant case law. For more information, contact Trust Land Management Division, MT DNRC at (406) 444-2074. September 30, 2009 edition.