

Water Rights

Since the birth of the territory in 1864, Montana farmers, ranchers, and legislators have grappled with the issue of water rights. Since the 1870s the doctrine of “prior appropriation” has been the guiding principle in Montana water law, “first in time, first in right.” A lack of state administration of water rights plagued the state, permitting the over-appropriation of water from streams as well as countless courtroom battles. In the 1970s the Department of Natural Resources and Conservation was designated the state agency responsible for “adjudicating” conflicting rights. The process of adjudication continues today.

Featured Collections

Montana Carey Land Act Board records, 1903-1962 (RS 32)
Finding aid available online.

The Montana Carey Land Act Board took over the land reclamation duties of the State Arid Land Grant Commission in 1903. Records consist of correspondence, minutes, irrigation project files, contracts, financial records, and printed material.

Montana State Engineer records, 1864-1964 (RS 34)
Finding aid available online.

The Montana State Engineer was responsible for developing state water projects. Records include general correspondence, outgoing correspondence, and subject files on water rights. In addition there are organizational charts and job descriptions; biennial reports; and miscellaneous articles.

Luppold Vs. Lewis, Et Al. records, 1890 (SC 1309)
Luppold vs. Lewis, et al. was heard in District Court, Meagher County, MT, between William Luppold and 35 defendants, including Len Lewis, over irrigation water rights on Luppold's ranch. Consists of a photocopy of a transcript of testimony.

Elmer "Sonny" Morigeau interview, 1989 July 31 (OH 1239)
Includes discussion of irrigation and water rights on the Flathead Reservation.

Water Resources Survey (S 333.91 M76E) *Available online.*
Historical information about water development and use, including detailed maps. Surveys completed by county.

For more resources, follow the link located at the bottom of the online version of this guide.



Missoula Power House and Dam,
June 6, 1908
Catalog Number: ST 001.419

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SUGGESTED SEARCH TERMS

Water rights	Water use
Irrigation	Irrigation laws
Water compact	Water supply
Groundwater	
Water – Law and legislation	
[Specific irrigation project]	