

A Western River Case Study

Research Inquiry

A corporate client hired SHRA in 2013 to assess the navigability of several stretches of a significant western river in order to determine the ownership of the river's beds and banks. Using the U.S. Supreme Court's 2012 Montana PPL decision as a framework for historical analysis, SHRA assessed the broad-based historic use of the river as well as whether the river had any natural divisions that may have supported different levels of historical navigation or segments along which differing conclusions regarding navigability might be reached.

Methodology

Using accepted historical methods, including detailed archival research, SHRA considered all historic uses of the river, and searched not only for official reports or documents, but for anecdotal information or observations of the river at or around the time of statehood. As such, we visited national, state, and local archives to retrieve maps and documentation of the river's historic status. The team determined that a thematically and chronologically organized narrative, complete with historic photos and GIS mapping were appropriate to present our findings.

Research Conclusion

Through intensive research, Dr. Jennifer Stevens opined in an expert report that all efforts to boat this river and to improve its navigability were unsuccessful, and that the river was non-navigable. Local residents and regional businesses ultimately constructed roads and railroads that paralleled the river as the only viable means to transport goods and humans along the waterway's corridor. Because there is no pending litigation, there was no trial outcome.

Repositories and Collections Consulted

- U.S. National Archives:
 - U.S. Bureau of Indian Affairs
 - U.S. Army Corp of Engineers
 - U.S. Geological Survey
 - U.S. Post Office
 - U.S. General Land Office
- Fur Traders Records and Journals
- Idaho State Archives:
 - County Records
 - State and Local Photographs
 - Historic Newspapers and Maps

Deliverables

- Narrative Report with Historic Photographs
- Detailed and Engaging Timeline
- GIS Maps of Historic Sketches of the River



Contact Jennifer Stevens, Ph.D., for references
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