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## Mitchell Slough ruling subject of Dillon talk

Dec. 8--The effects on landowners and irrigators from a 2008 Montana Supreme Court ruling in a case centered on the Mitchell Slough in the Bitterroot Valley will be the topic of a talk Wednesday evening in Dillon.

Reed Watson, with the Property and Environment Research Center in Bozeman, will be presenting the talk along with Roger Raynal, Montana Farm Bureau Water Policy Committee chair. The talk titled "Private Property Rights, Public Access and the Mitchell Slough" is part of the Dillon farm bureau chapter's annual meeting.

Watson said in a telephone interview the talk will focus on how private property rights are impacted by the ruling.

"We start with the history of stream access in Montana and then a pretty detailed description of the Mitchell Slough case itself," he said. "We cover what the implications of stream access are and how the expanded version of stream access affects their rights and how you can manage their land." Last year the state Supreme Court ruled that Mitchell Slough, which flows off of the Bitterroot River for 17 miles, is a natural stream and therefore is accessible to the public through the state's stream access law. The slough runs through, among other properties, land owned by rocker Huey Lewis and had long been at the center of the battle between public access and private property rights.

Sportsmen's groups hailed the ruling as a victory, while some free-market and agricultural groups said it trampled on private property rights and created a disincentive for landowners to make habitat improvements.

Watson said the ruling was a surprise to many landowners along the slough because they'd bought their properties with an expectation that it was private. And that's caused them to scale back on projects to improve the slough, which ultimately helped the Bitterroot River as well.

"They stopped managing it as a trout stream and are now managing it exclusively as an irrigation ditch," he said. "There is an asset that was lost because it was a trout nursery; the trout could go up and spawn in the Mitchell and then could swim back into the main channel." Watson added his group is not advocating that landowners stop doing habitat work, but said they need to be aware that such improvements could bring with it people because of the ruling.

John Youngberg of the farm bureau said some landowners are already seeing that, with some ditches running close to homes.

"They are concerned about the effects of having sportsmen literally in their front yard without their permission," he said.

The talk will be held 6:30 p.m. Wednesday, Dec. 9 at the Blacktail Station, 26 S. Montana St. in Dillon.

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