

Project Summary

Rocky Mountains Cooperative Ecosystem Studies Unit

Project Title: Research on History of West Side Ditch Water Rights at Grant-Kohrs Ranch NHS

Type of Project: Technical Assistance

Discipline: Social Science

Funding Agency: National Park Service

Other Partners/Cooperators: University of Montana

Effective Dates: 9/1/2007- 4/1/2012

Funding Amount: \$20,000

Investigators and Agency Representative:

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Investigator: Elizabeth Kronk, Assistant Professor of Law, The University of Montana, Law 155, Missoula, MT 59812-6552, 406.243.6781, elizabeth.kronk@umontana.edu

Project Abstract: By virtue of the park's creation, Grant-Kohrs Ranch NHS owns shares of the West Side Ditch Co., the corporation that oversees water use on the West Side Ditch. The park owns 100 shares (of 700 initially issued) in the ditch's water. These shares were transferred, as part of the property's ownership, from Conrad Kohrs to Conrad Warren to, eventually, the National Park Service. Since 1866, some of these shares have been retired so the total is a lesser amount. Grant-Kohrs Ranch NHS pays an annual maintenance fee that is prorated by the number of shares it owns, and is the third largest shareholder in the company. Grant-Kohrs Ranch NHS is also the last in order on the ditch to receive irrigation water.

A recent lawsuit against the West Side Ditch Co. raises issues regarding NPS accountability. The Department of Interior Solicitor questions whether or not the park can participate in this corporation and be held liable when not specifically named in the lawsuit as the National Park Service, Grant-Kohrs Ranch National Historic Site or the Federal Government. As such, the National Park Service will work cooperatively with the University of Montana Law School to prepare a comprehensive analysis of the establishing documents and subsequent chain of ownership, including company changes over the years, to determine a National Park Service position.

Outcomes with Completion Dates: Final scope of work and schedule will be determined during the first year of the projects. Tasks will include:

1. Compilation of NPS documents on West Side Ditch Water Rights at the Grant-Kohrs Ranch
2. Report on the history of West Side Ditch Water Rights at Grant-Kohrs Ranch
3. Explore clinical or other opportunities in which law students can develop a legal interpretation/opinion on the status of the National Park Service within the West Side Ditch Co. under the supervision of a licensed attorney, and provide any other ongoing advice or questions related to the project.

Keywords: water rights, legal research, Grant-Kohrs Ranch NHS, The University of Montana

For Administrative Use Only:

Date Annual Report Received:

Date Final Report Received:

Publications, etc. on file: