

Navigating Troubled Waters

1. **Navigable Waterways**
 - a. **What is a navigable waterway?**

 - b. **Does it matter when the stream or lake became navigable?**

 - c. **Equal Footing Doctrine**

2. **What waterways are affected?**
 - a. **Lakes**

 - b. **Streams**

3. **DNRC Considers Navigable Streams**
 - a. **Examples of navigable and non-navigable**

4. **PPL Montana, LLC v. Montana**
 - a. **PPL Montana, LLC v. Montana, 132 S.Ct. 1215 (2012)**

5. **What Exception Do I Use?**

6. **Unusual Considerations**
 - a. **Access**

 - b. **Sloughs**

 - c. **Artificially created channels**