

Ohio Drainage Laws

Below is a brief summary of landowner drainage rights. You'll find, after reading, that there are presently no clear answers to many of the drainage problems that you may encounter throughout the year.

However, with a friendly and cooperative spirit by all parties involved, a fair and functional solution can be made.

Ohio laws governing water rights and drainage are complex since they have evolved by case law, which is always changing. Serious disputes between landowners are most often settled in court on a case-by-case basis.

The laws are not easily summarized. However, most people who work in the area of drainage or water management would agree that the following principles apply to landowners.

- ❑ A landowner is entitled to the reasonable use of the water that flows across his/her land, as long as the water is returned to its natural water course. This includes ponding water behind a dam for personal use or making drainage improvements to protect structures.
- ❑ A landowner is generally required to accept the water that flows onto his/her property in a natural watercourse, so long as no additional water from another watershed has been added to such flow.
- ❑ A landowner is generally obligated to outlet a natural water course onto their downstream neighbor at the same point the water left the property prior to any development of the site and at the same rate of flow prior to any development.
- ❑ More simply, water should enter and leave your property where it did prior to any construction activities and at the same rate as before any improvement activities. Changing the flow of water in a manner that causes damage to an upstream or downstream neighbor may result in legal liabilities for those damages.
- ❑ At this time, there is no government agency that has authority to issue orders or otherwise resolve conflicts over water rights or drainage problems between neighbors. The exception may be the few cities that have drainage or stormwater ordinances.

The City of Wooster has a stormwater ordinance but it does not give such authority to resolve all types of drainage problems between private property landowners. However, the City tries to mediate such problems when asked. You can contact the City Engineering Division at 330-263-5251. Where there is no amicable solution, the parties are each left to seek legal counsel on what can be done.

Also, the Wayne County Soil and Water Conservation District can assist landowners who voluntarily wish to correct drainage problems on their own property. You can contact this office at 330-287-5376 for assistance.

(The above points is a brief summary of AGDEX817, "Water Rights in Ohio", Wright, Paul; L, etal., a bulletin available through your local OSU Extension Office.)