

OHIO DRAINAGE LAWS

Ohio laws governing water rights and drainage are complex since they have been determined by case law which is constantly evolving. Serious disputes between landowners are 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 course. This includes ponding water behind a dam for personal use or making improvements to protect structures.

A landowner is generally required to accept the water that flows onto his/her property in a natural water course as 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 his/her downstream neighbor at the same point the water left the property prior to any development of the site.

Put more simply, water should enter and leave your property where it did prior to any construction 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 which has any authority to issue orders or otherwise resolve conflicts over water rights of drainage problems between neighbors living within unincorporated rural areas. However, in Medina County, if the drainage issue involves an existing stormwater permit or county project, or lies within a county road right-of-way or subdivision street, the Medina County Engineers Office may be able to provide some assistance.

Extract from AGDEX817, "Water Rights in Ohio", Paul;L ,et al , a bulletin available through your local OSU Extension Office.