

Homeowner Drainage Laws (An Overview)



soil and water

CONSERVATION

DISTRICT

Ohio laws governing water rights and drainage are very complex and 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 watercourse. 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 his/her downstream neighbor at the same point the water left the property prior to any development of the site.
- In the case of a Private Drainage Easement, the property owners of the lots over which the easement exists are responsible for the maintenance of that course and must allow the flow of water through that course.
- 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 in Hamilton County which has the authority to issue orders or otherwise resolve conflicts over water rights or drainage problems between neighbors. The Hamilton County Soil and Water Conservation District can assist landowners who voluntarily wish to correct drainage problems on their own land.

For more information or assistance call the District at 772-7645.

29 Triangle Park Drive

Suite 2901

Cincinnati, Ohio

45246 3411

513-772-7645

513-772-7656 FAX