

Drainage Questions and Answers

Ohio Laws governing water rights and drainage are very complex. Disputes between landowners are often settled in court on a case by case basis. The SWCD encourages a cooperative effort between landowners to solve these problems, for it is usually the most successful method for all parties involved. Simply put, water should enter and leave your property where it did prior to earth disturbing activities. A landowner is entitled to reasonable use of the water that flows across his/her land, as long as it is returned to its natural course. This includes ponding water behind a dam for personal use or making drainage improvements to protect structures.

As a result of the high volume of drainage questions and complaints, the District has assembled the most commonly asked questions to help clarify these water rights issues.

Q: Is my neighbor permitted to drain water from his property onto mine?

A: *Generally this is allowable as long as the water continues to follow its natural established course of flow and the reasonable use rule applies. This is explained in detail in the Ohio Drainage Laws, found in the Ohio Revised Code, chapters 6131, 6133, 6135 and 6137. Contact your SWCD for these laws.*

Q: My neighbor is sending muddy water in my direction. Is he allowed to do this?

A: *All sediment must remain on the original site from where it was generated. Theoretically only water free of sediment and contaminants may be passed off your neighbors property; however, water will always pick up some sediment along its natural meandering.*

Q: A nine acre commercial site is being developed upstream from my home, causing a large amount of runoff and sediment deposition. Is this permitted?

A: *Construction runoff from new construction sites and other related earth-moving activities may be regulated by the Geauga County Water Management and Sediment Pollution Control Regulations. Contact the Geauga SWCD if this is occurring on a commercial site that is 5 acres or more.*

Q: I bought the land that my house was built on in late summer. No one informed me that this land is wet for a large portion of the year. My basement is always flooding and smells like mold. Who is responsible for the damages?

A: *Unfortunately this is another case of "buyer beware". When you are considering buying property, it is necessary to do your homework! What many people are not aware of are underlying soil types. This is one of the most important items to research before purchasing property. One way to do this is by obtaining a soil survey from the Geauga SWCD (or from the SWCD in your county). These soil surveys are free and describe all of the soil types in an area, as well as which soils are generally suitable for septic systems, building, farming, and other uses.*

Also be aware of where your house is located- uphill or downhill. Water flows downhill, so property located in valleys and lower elevations will receive large amounts of water during a heavy rain, no matter what neighbors are doing. Doing this research can possibly save a lot of money in damage due to wet soil conditions. Utilizing the soil survey and input from water management professionals are important steps in the home buying process.

Q: Can the SWCD serve as the enforcement agency regarding drainage complaints?

A: *No- this is a common misconception. We cannot enter a landowner's property and order them to halt activity or force them to drain surface water off their land. If a landowner, either upstream or downstream, requests our technical assistance with solving drainage problems on their own property, we are happy to respond and provide as much information as our expertise allows. Unfortunately, this may require that the property owner invest their own time and money to correct problems that originate on a neighbor's land.*

* Please contact the Geauga Soil and Water Conservation District at 440-834-1122 or gswcd@geaugaswcd.com for further questions.