

Missouri Water Laws

Missouri has looked at water laws on a case-by-case basis for many years. During that time two basic rules come to the forefront for Missouri regulations, the Riparian Rights law and the Reasonable Use law.

Riparian Rights Law

These are the legal rights of owners of land bordering on a river or other body of water. A "riparian owner" is a person who owns land that runs into a river or lake. Riparian rights are not ownership rights but rights of access to the water such as for drinking water, bathing, irrigation, etc. The riparian law states that landowners along a stream, creek, river or lake shall have equal rights to use and enjoyment of that water.

State laws vary but most riparian rights laws may include the right to build a wharf outwards to a navigable depth or to take emergency measures to prevent flooding. A riparian owner may not dam and channel the water away from its natural course where a downstream landowner is denied the rights to the water.

Reasonable Use Law

The reasonable use law states that the owner has the right to use the water for the beneficial enjoyment of the land as long as it doesn't deprive adjoining landowners of water necessary for the beneficial enjoyment of their land. The reasonable use law

Just as with watercourse water, there is a split among jurisdictions, The majority rule is to allow each property owner "reasonable use" of the surface water or ground water beneath his or her property. Essentially, this means that the owner can use the property to whatever extent is reasonably necessary for the use and enjoyment of that property.

Registration of water use

Missouri does require anyone using over 70 gallons per minute or 100,000 gallons per day, from any combination of withdraws (wells, surfaced water pumps or diversions) RSMo 256.400 moga.mo.gov/mostatutes/stathtml/25600004001.HTML to register their water use.

Bottom Line

The topic of riparian rights is not one that can be clearly summarized. The underlying emphasis is to allow landowners surrounding the waterbody the ability to have reasonable use from the waterbody. Missouri law does not give the riparian owner the ability to sell water rights to an adjoining property owner who does not have land that connects directly with the waterbody.