What is the OHWM?

The OHWM is the point on the bank or shore where the water is present often enough so that the lake or stream bed begins to look different from the upland. Specifically, the OHWM is:

The point on the bank or shore up to which the water, by its presence, wave action or flow, leaves a distinct mark on the shore or bank.

The mark may be indicated by erosion, destruction of, or change in vegetation or other easily recognizable characteristics.

How is the OHWM found?

If you are a landowner planning to build near or change your shoreline, you might need to know the location of the OHWM. You may request that Wisconsin DNR field staff locate the OHWM on your property through on-site studies of physical and biological conditions at the shoreline.

The principal indicator is the change from water plants to land plants. In the area where the plants change, the investigator may also use other indicators such as: change in soil type, ridges, other erosion marks, and water stains on rocks, soil, trees or structures. If none of these indicators are available in the immediate location, the elevation of the OHWM may be found at another spot and transferred to your property.

What Does the OHWM Mean to You as a Citizen?

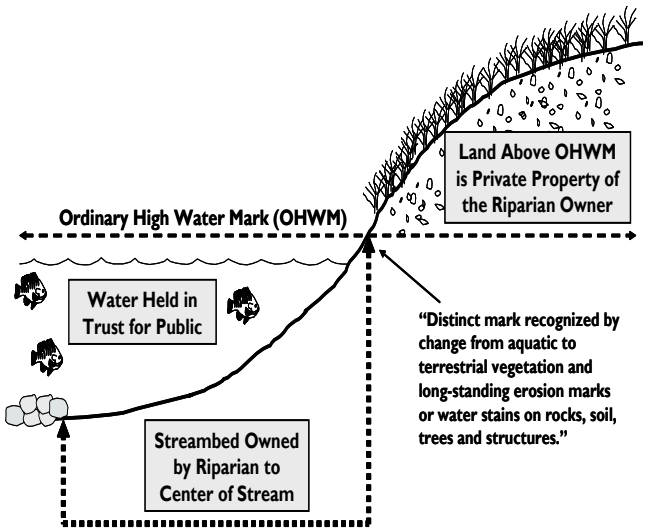
As long as you keep your feet wet, you may walk along the shore, swim or boat in any navigable lake or stream. You need not worry about the location of the OHWM as long as you stay in the water.

However, when water levels are below the OHWM, waterfront property owners can prevent you from walking on the exposed bed of the waterway.

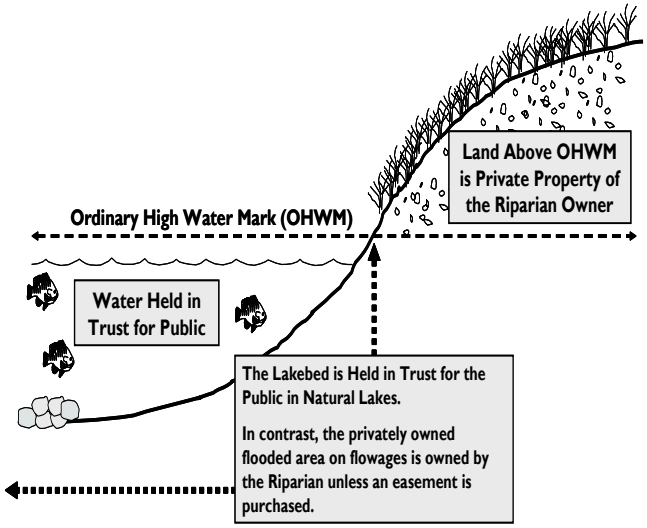
YOUR RIGHTS IN RELATION TO THE OHWM

Ownership & Use

In Streams

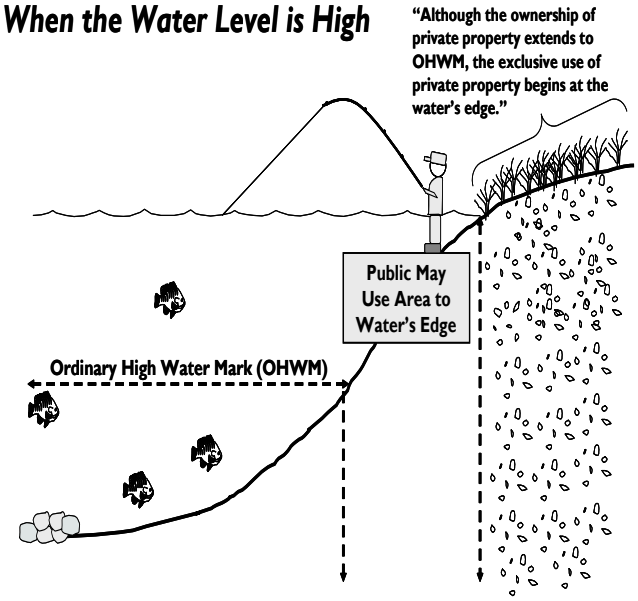


In Lakes

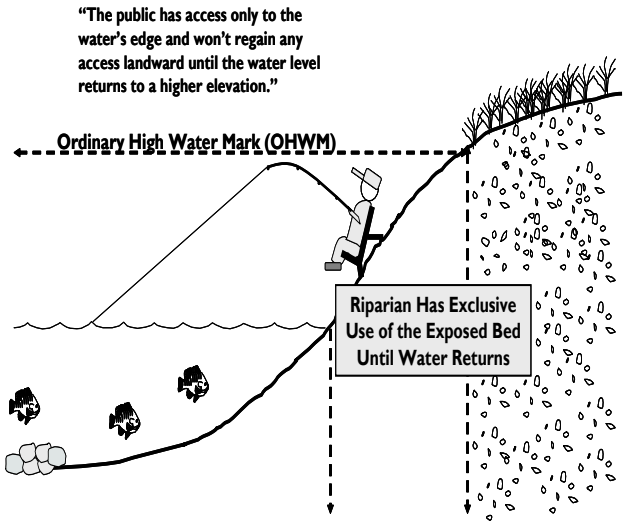


When Water Levels Change

When the Water Level is High



When the Water Level is Low



What Does the OHWM Mean to You as a Waterfront Property Owner?

Riparian is the often-used legal term for waterfront property owner.

As a riparian, the land above the OHWM is your private domain. To protect public waters, you may need to get a permit for any structure or activity to be placed or conducted near the shoreline. Check with your area water management specialist (see web site) and local zoning office (in courthouse or municipal building) before beginning any work.

When the water level is below the OHWM you have the exclusive right to use the exposed bed of the waterway in front of your property until the water returns. The public may swim, boat or walk in the water along the shore. You may prevent people from walking on the exposed bed of the waterway by nonstructural means (i.e., fences or walls are not allowed).

Natural processes, such as erosion or deposition, can affect the location of the OHWM. Sometimes, shoreline land area is increased by the natural deposit of materials on the shore or bank. You gain title to all naturally deposited new dry land. You do not gain title to new land areas deposited as a result of your own actions such as filling in the water.

Do you need to know more about OHWM?

If you have questions on your water rights or if need to find the OHWM on your property, contact your area water management specialist, as listed on our web site.

http://dnr.wi.gov/org/water/fhp/waterway/index.htm

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Public or Private? II

The Ordinary High Water Mark

Under the constitution, lakes and streams belong to all citizens. The OHWM establishes the boundary between public lake bed and private land The riparian (waterfront) landowner owns the land above the OHWM. The citizens of Wisconsin own the beds of natural lakes, which are held in trust for them by the state. On streams, the riparian landowner owns the bed to the center of the stream, but the public has the right to use the water for activities such as canoeing and fishing.

The Wisconsin Department of Natural Resources (WDNR) and the U.S. Army Corps of Engineers have the authority to require permits or plan approvals for activities in public waters below the OHWM and in some instances above the OHWM where the activity might affect the waterway. ***Local zoning ordinances usually require structures to be set back from the water, measuring from the OHWM.***