

Property Rights: Whose Property?

In Wisconsin we decided that a smoker's rights stop at the tip of a non-smoker's nose. The majority has pushed for it to be so. Not everyone likes it.

Where is the tip of the nose when it comes to rights in and around water? The ordinary high water mark (OHWM) sets a dividing line between the "dirt" and the water. Someone owns the dirt and the public owns the water. What are the rights of these parties? Why should there be any conflict? What does the majority want?

Wisconsin's Public Trust Doctrine states that the water rights are owned by everyone who wants to use the water. Lakes and streams belong to all of us, not just the people who own land along the shore. Regulations protect these water rights. Protections prevent activities in and on the water, and on the surrounding land, that might harm the water. Many of these guidelines and practices have been in place for years. They are accepted as part of Wisconsin's long history of conserving natural resources.

The balance between the public rights to the water and the rights of the adjoining landowners has always been somewhat flexible. That balance helps maintain the water quality. Protecting the water for all of us continues to be good for Wisconsin citizens, whether or not they own lake or river property.

Recent legislation has potential to undermine long-held assumptions about the Public Trust Doctrine and the rights of the majority. New laws rolled back rules that have long protected water quality for everyone. Each new law that erodes the Public Trust Doctrine diminishes our rights to enjoy Wisconsin's lakes and streams. Visit <http://conservationvoters.org/> to learn about these changes and what they mean for your rights and for Wisconsin. Then let your elected officials know your opinions.

One in a series of articles sponsored by the Oneida County Lakes and Rivers Association (www.oclra.org). For more information, contact Bob Martini at 715-282-5896 or email to webmaster@oclra.org. OCLRA encourages the use and distribution of this material by lake associations, their members, and other parties concerned about water quality.

Did you know...
The Public Trust Doctrine is enshrined in the Wisconsin Constitution and has been upheld by the state Supreme Court. It says all Wisconsin citizens have the right to boat, fish, hunt, ice skate, and swim on navigable waters and enjoy the waters' natural scenic beauty.

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ONEIDA COUNTY
Lakes and Rivers Association