



Frequently Asked Missouri Water Resources Questions

Water Resources Center fact sheet

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How much surface water or groundwater can I take?

There are no state laws, regulations or policies that specify the quantity of water that any diverter may use. Missouri is a riparian water law state, and all landowners touching or lying above water sources have a right to a reasonable use of those water resources. Recent case law has established the reasonable use criteria that the State Supreme Court has been following. Reasonable use requires that other users and landowners not be overly adversely impacted. In 2000, the Department of Natural Resources published *A Summary of Missouri Water Laws* which gives more information. To purchase a copy, call (573) 368-2175, or use this link at www.dnr.mo.gov/env/wrc/Water_Res_Rpts.htm.

Why does Missouri not have a state water allocation?

Two reasons 1) because Missouri became a state in 1821 and, 2) except for times of drought, water typically isn't a scarce resource.

In the early 1800s all states followed riparian water law doctrine. In Missouri, riparian water use and quantity laws were and are, with a few exceptions, case laws enforced by the judicial system. Historically, Missouri's water supplies have been able to meet the quantity demands placed on them. The doctrine of prior appropriation, also known as the "Colorado Doctrine," is the statutorily enforced state allocation of water resources where demand exceeds supply. The legal doctrine of prior appropriation did not evolve for another 50 years after Missouri's statehood -- in the 1870s and 80s.

In Missouri and most other eastern states water conflicts historically centered around the protection of private property from too much water, while generally in the west it was about who gets to use how much of the scarce water supply. In the arid western states water allotment is a method to equitably distribute this scarce resource. Some eastern states do have water quantity problems, typically not because of too little supply but rather because of increasing and competing demands. For a more detailed discussion please refer to W.R. 51-A *Summary of Missouri Water Laws*.

Follow this link to the Missouri Drought Plan (Revised 2002) – www.dnr.mo.gov/env/wrc/docs/WR69.pdf. You will find a 1995 Drought Plan on the Web at www.dnr.mo.gov/env/wrc/docs/WR44.pdf.

Do people have floating access to Missouri streams and lakes?

There is no state statutory right to access streams or lakes. The federal interstate commerce law has been interpreted by Missouri courts to allow public use of navigable streams. Missouri case law says that one's right to float on a stream does not allow one to trespass on private

property. Access to a stream must be from public property or with permission from the landowner. In Missouri on navigable streams, the landowner generally owns to the low water edge

The U.S. Army Corps of Engineers has its basis of determining navigable streams, and local counties have also made their own interpretation. Missouri trespass laws can be severe, so asking permission of a landowner to enter the property is always required. The Department of Natural Resources has published *A Summary of Missouri Water Laws*, a state water plan publication that addresses this question. Call the Water Resources Center at (573) 368-2175, or use the Web at www.dnr.mo.gov/env/wrc/Water_Res_Rpts.htm.

How may I obtain groundwater level data?

The Water Resources Center at (573) 368-2175 can advise you on groundwater availability and casing depth requirements for public and community wells. The Web connection is www.dnr.mo.gov/env/wrc/welltypes.htm.

Current Missouri groundwater levels can be obtained at this link:
www.dnr.mo.gov/env/wrc/groundwater/gwnetwork.htm

Current U.S. groundwater levels can also be obtained at this link to the U.S. Geological Survey at <http://nwis.waterdata.usgs.gov/mo/nwis/current/?type=gw>

The Wellhead Protection Section at (573) 368-2171 can help you with private water wells and connect you with a certified driller in your area. The Web connection is www.dnr.mo.gov/env/wpp/wellhd/index.html.

How do major water users register in Missouri?

Missouri has a water use registration that is required for all surface and groundwater users that have the capacity to pump or divert 70 gallons or more per minute. Major water users can register online at www.dnr.mo.gov/env/wrc/wrpMWUInfo.htm. More information can be obtained from the Web at www.dnr.mo.gov/env/wrc/waterusestatutes.htm or call (573) 368-2175.

What if my property includes wetlands?

Some wetlands are regulated by the federal government. There are no state laws that are not tied back specifically to federal laws. If the wetland is in a farmed area, then the U.S. Department of Agriculture has jurisdiction. If the wetland is near a stream with a defined bed and banks, then the U.S. Army, Corps of Engineers, may have jurisdiction. The Water Resources Center is located on the Web at www.dnr.mo.gov/env/wrc/wrphp.htm.

Where can I find water level and flooding information?

The Water Resources Center has an established statewide water level network with near real time data. It can be accessed on the Web at www.dnr.mo.gov/env/wrc/groundwater/gwnetwork.htm. Missouri Water Resources Center also cooperates with the U.S. Geological Survey. Stream flows and additional water conditions reports can be found at www.dnr.mo.gov/env/wrc/droughtupdate.htm. The National Weather Service is the responsible reporting agency for flood forecasting and the up-to-date Web site is www.riverwatch.noaa.gov/.