Water Concepts in Michigan

Disclaimer
Water Law is both State Statute and Common Law (Case Law)

- I do not make either
- I am not an attorney
- I am not a judge
- I do not make DEQ policy

Riparian / Littoral

- River vs. Lake
- Land touches water
- Four rights - dockage, access, domestic uses, accretions.

Public Rights in Water

- Superior
- Use, not ownership
- Must gain legal access
- Inland vs. Great Lakes

Public Trust Doctrine

- Protection
- Not ownership - trust title
- Cant relinquish

Riparian Doctrine

- Reasonable use
- No harm
- Cant separate land/ water
Western Water Law
- First in time
- Severable from land
- Must use... but

Thread of Stream
- Surface center
- Deepest center
- Or center of navigation channel
- Thread?
- Thalweg

Public Stream
- Ruled so by Circuit Court
- Public vs navigable
- Size, history, current use

Public Lake
- Ruled so by Circuit Court
- Access- state land/ Co road
- Public stream access ??
- > 2 owners
- Part 301 controlled if >5ac

Promenade Walkway
- Easement or fee?
- Road
- Park

Fishing Rights
- A public right
- Also boating, swimming
- Not permanent moorage
- Reasonable uses
Fowling Rights
- Not a public right
- But....

Accretion and Reliction
- Gain by Accumulation or Water Receding
- Gradual
- Changes boundaries
- Opposite: Erosion
  Inundation

Bottomlands
- Flooded or Submerged
- Opposite is uplands
- Wetland
- Floodplain
- Bottom

Pie Method
- Riparian Interest
- Area Apportionment

River Method
- Riparian Interest
- Area Apportionment

Riparian?
- Road
Riparian?

The End