

## WHAT DOES IT MEAN TO YOU?

If you are a riparian the land above the OHWM is your private domain. When the water levels drop below the OHWM, the riparian property owner has exclusive use of the exposed lake or river bed. Everyone has the right to use the water to swim, boat or walk as long as they “keep their feet wet.” A waterfront property owner may prevent a member of the public from walking on the exposed bed of the waterway through non-structural means (fences and walls are not allowed, however temporary signs and verbal warnings are acceptable). Trespassing complaints are handled through the local sheriff’s department or police department.

As a member of the public you need not worry about the location of the OHWM as long as you stay in the water. If you are navigating a water body and come across an obstruction you are allowed a reasonable portage, using the shortest distance possible, to go above the OHWM around the obstruction.

Many development activities above the OHWM require county permits. Some development activities above the OHWM require DNR permits; most development projects below the OHWM require DNR permits.

If you need to know more about the OHWM, contact the DNR Water Management Specialist at [www.wisconsin.gov](http://www.wisconsin.gov).



PUBL-WZ004 08REV

## Ordinary High Water Mark (OHWM)



SHORELAND  
WETLAND  
Zoning

THE OHWM FORMS SEVERAL IMPORTANT BOUNDARIES. IN WISCONSIN, THE CITIZENS "OWN" THE BEDS OF NATURAL LAKES, WHICH ARE HELD IN TRUST FOR THEM BY THE STATE. THE OHWM IS THE DIVIDING LINE BETWEEN PUBLIC AND PRIVATE OWNERSHIP ON NATURAL LAKES. ON STREAMS, THE RIPARIAN LANDOWNER USUALLY 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.

In 1914, the Wisconsin Supreme Court heard a trespass case where a citizen had been cited for hunting in an area of flooded vegetation. The court determined that the hunter was exercising his public rights because his boat was below the OHWM and then defined the OHWM as:

The area where the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

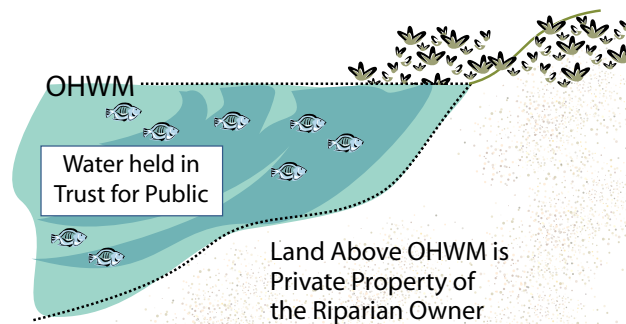
The OHWM is important to determine state and county jurisdictional areas, private vs public ownership, and where the public can navigate.

### HOW TO FIND THE OHWM:

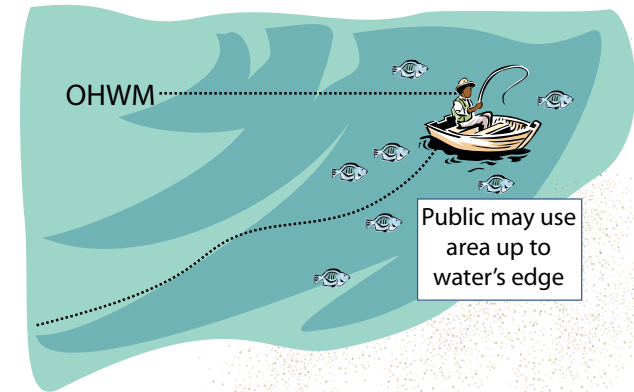
To locate the OHWM, go to your shoreline and look for obvious indicators of water. These indicators may include:

- stains on rocks or other shoreline structures
- bare dirt, marks on trees
- exposed roots running along the shore
- changes in vegetation from water plants to upland plants

### Ordinary High Water Mark (OHWM) Public may use area up to water's edge



### When the Water Level is High



There are some water bodies where the OHWM can be more difficult to locate. These may include bogs, pothole lakes, fluctuating water levels due to natural or artificial impacts, rapidly urbanizing watersheds, altered shorelines, wetland fringes and the Great Lakes. In these cases contact the local DNR water management specialist. If your OHWM is for regulatory purposes, the final determination must be made by DNR staff.

### When the Water Level is Low

