



## Illinois Water Supply Illinois State Water Survey



**Doctrine of riparian rights:** "Riparian rights are a form of real property, a part of land law. The rights are appurtenant to the land; that is, they are attached to it in the sense that a person who purchases or inherits riparian land automatically acquires the water right."... "Under this doctrine, the law gives equal rights to the use of water to owners of land which borders upon or touches a stream or watercourse. A riparian right to the use of water exists whether the use is made or not; hence, a riparian owner can initiate a use at any time and insist that his rights be accommodated with other uses or that a share of the water be allotted to him. The nature of the right is usufructuary - the riparian does not own the water, but owns only the right to use it on his riparian land and to have it flow to his land so that it may be used. Developed in the humid climates of England and the eastern US, riparian law seems to be based upon an unspoken premise that if rights to use are restricted to those persons that have access to the water through the ownership of the banks, and if those persons will restrict their demands on the water to reasonable uses, there will be enough for all." (Chow, 1964).

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