

Who Owns the Water in Michigan Lakes?

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Who owns the waters of Michigan lakes? In general, it is collectively owned by the people of the State of Michigan.

Overall, there are two types of inland lakes in Michigan – private and public lakes. A private inland lake generally has no public access site or public properties thereon. All of the shoreline of a private lake is owned by private riparian property owners. Lots or parcels on a private lake also typically extend under the lake bottomlands to the center of the lake. See *Hall v Wantz*, 336 Mich 112 (1953); *Gregory v LaFaive*, 172 Mich App 354 (1988); and *West Michigan Dock & Market Corp v Lakeland Investment*, 210 Mich App 505 (1995).

“Who owns the waters of Michigan lakes? In general, it is collectively owned by the people of the State of Michigan.”

Public inland lakes are usually defined as lakes with either a public access site or public properties along the shore. Lots and parcels fronting on a public lake also typically extend under the lake bottomlands to the center of the lake.

Regardless of whether an inland lake in Michigan is public or private, courts have generally held that the waters of such lakes are owned collectively by the people in the State of Michigan and are generally held in trust for them. See *Bott v Natural Resources Commission*, 415 Mich 45, 71 (1982). Of course, on a private lake, members of the public and governments cannot generally access the lake, such that they cannot use the waters of an inland private lake. Such waters are typically reserved exclusively for the use of the private riparian property owners around the lake. Those riparian property owners can use the waters of the lake for recreation (i.e., boating, swimming, etc.), fishing, waterfowl hunting

and drawing reasonable amounts of water for irrigation, dwellings, and consumption. See *Thies v Howland*, 424 Mich 282 (1985); *Burt v Munger*, 314 Mich 659 (1946); *Hilt v Weber* 252 Mich 198 (1930); *Pierce v Riley*, 81 Mich App 39 (1978); *Sewers v Hacklander*, 219 Mich 143 (1922); and *Hall v Alford*, 114 Mich 165 (1897). Riparian property owners on public lakes can use lake waters for the same uses and purposes. Members of the public can use the waters of a public lake for recreation if they can lawfully access the public lake.

Generally, fish in the waters of inland lakes are also deemed to be collectively owned by the people of the State of Michigan, whether a private or public lake is involved. See MCL 324.47301; *People v Soule*, 238 Mich 130 (1927); and *Aikens v Conservation Department*, 28 Mich App 181 (1970) reversed on other grounds 387 Mich 495 (1972).

Some people believe that there must be a public access site on every inland lake in Michigan, as the people of the State of Michigan own the lake waters. That is incorrect. There is no legal requirement that every inland lake in Michigan have a public access site or property. On private lakes, although the people of the State of Michigan collectively own the lake water and fish therein, neither members of the public nor governmental units have a right to access a private lake to utilize those water resources absent a public access site or public lake frontage access property. 

