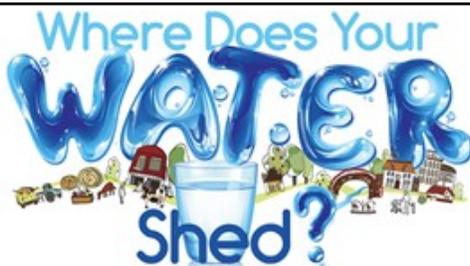


Conservation Almanac

The National Association of Conservation Districts (NACD) is celebrating the 58th year of Stewardship week April 28 – May 5, 2013. The 2013 Stewardship Week is themed, “Where does your water shed?”

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Clean water is important to everyone, “says National Association of Conservation Districts President Earl Garber.” “Watersheds come in all shapes and sizes. They cross county, state and national boundaries. Every inch of the land on planet Earth is part of a watershed. In the continental U.S., there are 2,100 watersheds; if we include Hawaii, Alaska and Puerto Rico, the count rises to 2,267. No matter where you are right now, you are in a watershed.”

Less than 1-percent of all of the water on our planet is fresh water. The average citizen in the United States uses 70 gallons of water every day; and this does not include the water it takes to manufacture the automobiles, clothing, and food we depend on each and every day. Take time to learn about your local community water supply sources, and volunteer for river, stream or beach clean-up days. You can make a difference.

To find out more about your local watershed, including an app for your computer and smart phone, visit: www.epa.gov/mywaterway.

Your drinking water depends on a watershed. The cycle of water flowing through a watershed to a body of water or groundwater helps to recycle water every day. Just think, a water molecule you drank today could have also been used by a dinosaur! Some of the natural elements found in watersheds (like wetlands) also work to provide us clean water by filtering out pollutants. Healthy watersheds and clean water are vital to a healthy you.

Join members of your community when there is a roadside, stream or river clean-up day. Each citizen can take responsibility for keeping our water bodies and our roadways clean. We would have zero litter if people would take the extra step of disposing of trash properly. Take a look at a parking lot in your community; do you see oil and litter? Where do you think it will go when it rains? It could be a nearby river or stream. Help educate your community to stop littering and to properly maintain their automobiles.

Special Points of Interest

<i>April –May 28–5 Soil & Water Stewardship Week</i>	
<i>May</i>	<i>9 Board Meeting 7:30 pm @ office</i>
<i>June</i>	<i>13 Board Meeting 7:30 pm @ office</i>
<i>June</i>	<i>21 First Day of Spring</i>
<i>July</i>	<i>4 Independence Day Holiday</i>
<i>July</i>	<i>11 Board Meeting 7:30 pm @ office</i>

We wish to thank everyone who participated in our 2013 Tree Seedling Sale and 2013 Spring Fish/Amur Sale. Both were a wonderful success! Look for our 2014 Tree Seedling Sale order form in January of 2014.

We will be conducting a Fall Amur Sale only September 24th, 2013

**TRIPLOID GRASS CARP
2013 FALL ORDER FORM**

Triploid Grass Carp (White Amur) can be successfully used to control excessive amounts of pond vegetation as an alternative to chemicals, water shade and physical harvesting. Stocking rates recommended vary – many people recommend a flat rate of 10 fish per acre of 10-12” size.

Successfully managed ponds have 30-40% of pond area vegetated for fish habitat. A POND DEVOID OF VEGETATION IS UNDESIRABLE; KEEP 30-40% of POND EDGE VEGETATED. This provides suitable area for fish to spawn and also prevents shoreline erosion. Factors involved in proper stocking include: Size of pond surface area - Percentage of pond shallower than 8” - Percentage of pond vegetated in July-August - Dominant plant species (favored species include: Naiad, Leafy Pondweed and Large Leaf Pondweed. Less favored are: Waterlily, Spatterdock, Milfoil, Cattails, Algae)

Order Deadline: FRIDAY, SEPTEMBER 20, 2013

Amur Delivery: TUESDAY, SEPTEMBER 24, 2013 10:00 a.m. to 11:00 am. Bring one 5-gallon bucket for every two Amurs ordered. Line each container with an UNSCENTED, HEAVY DUTY garbage bag, and fill containers ¾ full with water (no more, no less!) Container must have a lid. Pick up place: ASHTABULA COUNTY FAIRGROUNDS, west side parking lot. Orders must be picked up at this time as we have no place to keep them and we do not deliver. NO REFUNDS ON AMUR ORDERS NOT PICKED UP. Mark your calendars, as there will be no phone calls or post cards sent to remind you. Return order form and remittance by FRIDAY, SEPTEMBER 20th to:

Ashtabula SWCD
39 Wall Street
Jefferson, Ohio 44047-1137

Cut here

NAME _____ PHONE _____

ADDRESS _____

CTIY _____ STATE _____ ZIPCODE _____

COUNTY WHERE AMUR WILL BE STOCKED _____

_____ Triploid White Amur @ \$13.00 each = \$ _____

TOTAL \$ _____

CASH __ CHECK __ RECEIVED BY _____ DATE RECEIVED _____ RECEIPT # _____

Make checks payable to: ASHTABULA SWCD
“Your check is your receipt”

E-Mail Address _____

*optional - Provide e-mail address if you would like to receive future order forms by e-mail.

Common Questions Corner

The Soil and Water Conservation District frequently receives questions concerning drainage as to what is legal. This is a complicated question as Ohio has adopted several doctrines which at times are contrary to one another. Attorney, Paul L. Wright has a fact sheet attempting to explain Ohio Water Rights. The following is an excerpt from the fact sheet. The full Fact Sheet can be seen at his web site:

<http://www.wright-law.net/resources/articles-fact-sheets/water-water-rights-in-ohio/>

Drainage Laws

The right to remove excess water is economically more important to many Ohio landowners than the right to use water, especially in the spring and during other periods of heavy rainfall. Ohio drainage law applies to both surface drainage and to tile installed in the ground. Landowners should acquaint themselves with Ohio's drainage laws since when a dispute arises concerning drainage, the only ways to get the matter settled are through negotiation, a statutory change or a court suit. There are three basic doctrines for determining legal rights and responsibilities when disposing of excess water. These doctrines are the common enemy rule, the civil law rule and the reasonable use rule.

The Common Enemy Doctrine and the Civil Law Rule

Ohio courts have adopted two opposing doctrines in resolving disputes concerning the disposal of excess water. The first is the common enemy doctrine which gives a landowner the unqualified right to dispose of water as he/she sees fit without regard to the consequences to adjoining landowners. Contrarily, the civil law rule requires the lower landowner to accept the natural water flow, but prevents the upper landowner from doing anything to change the natural drainage and, thus, increase the burden on the lower landowner. The states which neighbor Ohio have chosen to apply one doctrine or the other. Ohio, however, uses both doctrines; the civil law rule has been applied to rural areas while the common enemy doctrine has been adopted for urban areas. It seemed logical in the past that the common enemy doctrine (unqualified right) should govern urban areas since it is reasonable to expect the residents of a city to change the natural drainage. Due to the great amount of building, grading and construction which has occurred in recent years, courts have adopted modifications and exceptions to both rules to reach just results regardless of which rule is applied.

Reasonable Use Doctrine

The problems encountered with civil and common enemy doctrines have left the courts to apply a new rule which provides flexibility and practicality to drainage law; this is called the "reasonable use" doctrine. The reasonable use doctrine states that a landowner is not unqualifiedly privileged to deal with surface water as he/she sees fit, nor is he/she absolutely prohibited from interfering with the natural flow of surface waters to the detriment of others. A possessor of land is legally privileged to make a reasonable use of his/her land even though the flow of water is altered, thereby causing harm to others. Liability is incurred only when the harmful interference with the flow of the surface water is unreasonable.

The reasonableness of the use is determined by weighing the gravity of the harm against the utility of the upper landowner's conduct. Several factors go into this balance.

A. The gravity of harm involves:

The extent and character of the locality, and the burden on the person harmed of avoiding the harm.

B. The utility of conduct includes:

The social value attached to the conduct, the suitability of the conduct to the nature of the locality, and the practicality of avoiding the invasion of the other landowner. Stated more simply, the reasonableness of the use in a case must be determined as a question of fact under all of the attendant circumstances. It is apparent that the outcome resulting from this balance of harm and utility may not be clear in every case, thus, it seems that the reasonable use doctrine has added fairness as well as uncertainty to drainage law.

Ashtabula Soil & Water Conservation District

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Board of Supervisors Web Page www.ashtabulaswcd.org

Dr. Paul Mechling - Chairman
Wendell Obernyer -Vice Chairman
Ron Smoker - Secretary
Robert Wilson - Treasurer/Fiscal Agent
Robin Boggs - Member

Hours of Operation: Monday thru Thursday 8:00am—4:30 pm

Associate Supervisor

Dan Decker

District Staff

Nathan Paskey-District Manager/Technician
Jim Welker-District Technician/Education Coordinator

WETLAND RESERVE PROGRAM SIGN-UP PERIOD

The Natural Resources Conservation Service (NRCS) office in Orwell is currently accepting applications for the Wetlands Reserve Program (WRP), which was re-authorized as part of The Taxpayer Relief Act of 2012. WRP is a voluntary conservation program that offers landowners the means and opportunity to restore, protect, and enhance wetlands through the purchase of conservation easements and restoration agreements. Lands enrolled into the program must be privately owned, and previously used for farming, pasture, or timber production. Landowners have the option of entering into a permanent, or 30 year easement. The costs associated with restoring these wetland areas back to their natural state are also available. Landowners retain ownership of the property and may continue to utilize it for quiet recreational purposes. Subsurface mineral rights (Gas & Oil) are also retained by the landowner as long as no surface disturbance occurs within the easement boundary. Anyone interested in this program should contact NRCS @ 440-437-5888 office before May 17th to fill out an application. NRCS is an equal opportunity provider and employer.

