



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

February 12, 2026

Jonathan W. Davis, Esq.
Attorney, Beaverdam Drainage District
P.O. Box 29
Indianola, Mississippi 38751

Re: Private Improvements to a Ditch Owned and Maintained by a Drainage District

Dear Mr. Davis:

The Office of the Attorney General has received your request for an official opinion.

Background

The Beaverdam Drainage District (the “District”) is a drainage district organized pursuant to Mississippi Code Annotated Sections 51-29-1, *et seq.* A private landowner of an adjoining property seeks to modify a drainage ditch owned and maintained by the drainage district.

Question Presented

May a drainage district, organized pursuant to Sections 51-29-1, *et seq.*, allow a private adjoining landowner to modify a drainage ditch owned and maintained by the drainage district?

Brief Response

No, a private landowner may not modify a drainage ditch owned and maintained by the drainage district.

Applicable Law and Discussion

The Mississippi Supreme Court has opined that drainage districts organized pursuant to Sections 51-29-1, *et seq.*, “have no power not given to them by the statutes.” *Beaver Dam Drainage Dist. v. McClain*, 133 So. 2d 615, 617 (Miss. 1961). However, the court has also said that such a district shall have “exclusive control over the maintenance of the drainage canal.” *Id.* at 619. As such,

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absent a statutory grant of authority, only a drainage district may make improvements to or modify a ditch owned by that district.

The relevant code sections that address the authority to make modifications state that drainage districts are responsible for improvements within their districts. Section 51-29-59, which contemplates construction contract requirements, provides that a district's Board of Commissioners shall have "control of the construction of the improvements in their districts." Miss. Code Ann. § 51-29-59. This includes the broad authority to construct ditches or do work beyond the district's borders "to secure the object of the improvement." Miss. Code Ann. § 51-29-77.

Further, if a district seeks to make modifications to its property, it must follow the statutory procedures for improvement established in Section 51-29-19, and all purchases and contracts must be made in accordance with Section 31-7-13. Accordingly, all improvement contracts are subject to the competitive bidding requirements set forth in that statute. Section 51-29-73 does provide that a private landowner "may build ditches to drain his lands into the public ditches," but it does not authorize a private landowner to make improvements to a district's drainage ditches. As such, only the District may improve or modify its drainage ditches and must follow the statutory processes for doing so.

Therefore, it is the opinion of this office that a private landowner may not make modifications to a drainage ditch owned and maintained by a drainage district organized pursuant to Sections 51-29-1, *et seq.*

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Misty W. Monroe*

Misty W. Monroe
Assistant Attorney General