

BOONE COUNTY DRAINAGE BOARD

IN RE: The Obstruction of Private Drainage

Comes now _____, who petitions the Boone County Drainage Board, per IC 36-9-27.4, for removal of drainage obstruction(s). Petitioner, in support of the petition, advised the Board that:

1. Petitioner is the owner of tract _____ per the records of the Boone County Auditor and that said tract is upstream of a drainage obstruction within a private tile drain or a defined natural surface water channel, causing an adverse effect on petitioners tract.

2. An obstruction to drainage exists on the downstream tract owned by _____ which is listed on the Auditors Record as tract number _____ and whose address is shown as _____. Said obstruction is caused by _____ and is located _____.

3. The petitioner has requested in writing & sent return receipt requested to the above named downstream owner, to remove the obstruction and at this time the obstruction has not been removed. In support of this there is attached a copy of the letter requesting the removal of the obstruction with the original return receipt. It has been thirty (30) or more days since the receipt of the letter by the above downstream owner.

4. Petitioner has submitted a copy of an Aerial Map showing location of drain; location of obstruction; drainage shed of drain; and size of drain if tiled.

5. Petitioner has submitted a list of owners within the drainage shed of the private tile or natural stream showing names of owners; owners address; parcel number; and acres in tract. All of this information is per the Auditors Record. Also included is the estimated acres benefited by the drain for each tract listed.

6. Petitioner believes that the obstruction was: (Mark One)
_____ Caused intentionally by the downstream owner
_____ Not caused intentionally by the downstream owner

Signed

Signed

Printed

Printed

Phone Number(s)

Address

INSTRUCTIONS FOR FILING OBSTRUCTION OF PRIVATE DRAIN PETITION

The 1996 Indiana State Legislature provided some relief for property owners that are adversely affected due to downstream blockage(s) in a private drain or unregulated natural surface watercourse.

This new legislation is Indiana Code 36-9-27.4, effective July 1, 1996. Included in Indiana Code 36-9-27.4 is a process in which a landowner may petition the drainage board of the county in which an obstruction allegedly exists, to remove or authorize, or order, the removal of the obstruction.

The Boone County Surveyor's Office and the Boone County Drainage Board have a Private Drainage Petition form available to assist Boone County residents who wish to resolve private drainage issues through petitioning the Boone County Drainage Board.

The following information is provided to explain and guide residents through the petitioning process.

Before the Drainage Board can be petitioned the affected landowner must first request, in writing, via registered mail, that the owner of the land where the obstruction exists remove the obstruction.

If after 30 days the obstruction has not been removed, the affected landowner may petition the Drainage Board.

To complete the private drain petition the petitioner must include all required information in the spaces provided on the petition form.

Section 1 – the petitioner must provide the parcel number of the affected property. This information can be obtained at the County Auditor's Office.

Section 2 – requires the landowners name, parcel number, and mailing address of the property on which the obstruction exists. This information may also be obtained at the County Auditor's Office. In addition, a brief description of the nature of the blockage is requested as well as description of where on the property the obstruction is located.

Section 3 – is requesting a copy of the letter sent via registered mail to the downstream landowner. The original return receipt must also be submitted with the petition.

Section 4 – requires that a copy of an Aerial Map be included showing location of the drain, location of obstruction, drainage shed of drain, and size of tile if a tile drain. Aerial map can be obtained in the County Surveyor’s Office.

The drainage shed refers to the area of land that is benefited, or area of land that flows surface water into the drain. The County Surveyor’s Office or the Natural Resources Conservation Service may be able to assist the petitioner in determining the drainage shed if necessary.

Section 5 – requires that once the drainage shed has been determined, a list of owners of all land within that watershed be submitted. In addition to the owners name this list shall also include the owners address, parcel number, and acres in the tract. This information can be obtained from the County Auditor’s Office. Also required is the estimated acres of each tract that is benefited by the drain.

Section 6 – is to help define the nature of the obstruction and to determine if the petitioner believes that the obstruction was or was not created intentionally.

The petition must be signed by the petitioner(s).