

**HAMILTON COUNTY DRAINAGE BOARD**

IN RE: The Obstruction of Private Drainage

Comes now \_\_\_\_\_,  
who petitions the Hamilton 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 Hamilton 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 Records 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. In 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 the Auditors Tax 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

**\$50 filing fee required.**

# 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 Hamilton County Surveyor's Office and the Hamilton County Drainage Board have a Private Drainage Petition form available to assist Hamilton County residents who wish to resolve private drainage issues through petitioning the Hamilton 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 certified 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 a description of where on the property the obstruction is located.

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

**Section 4** requires that a copy of the Auditors Tax Map be included showing location of the drain , location of obstruction, drainage shed of drain, and size of tile if a tile drain.

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.

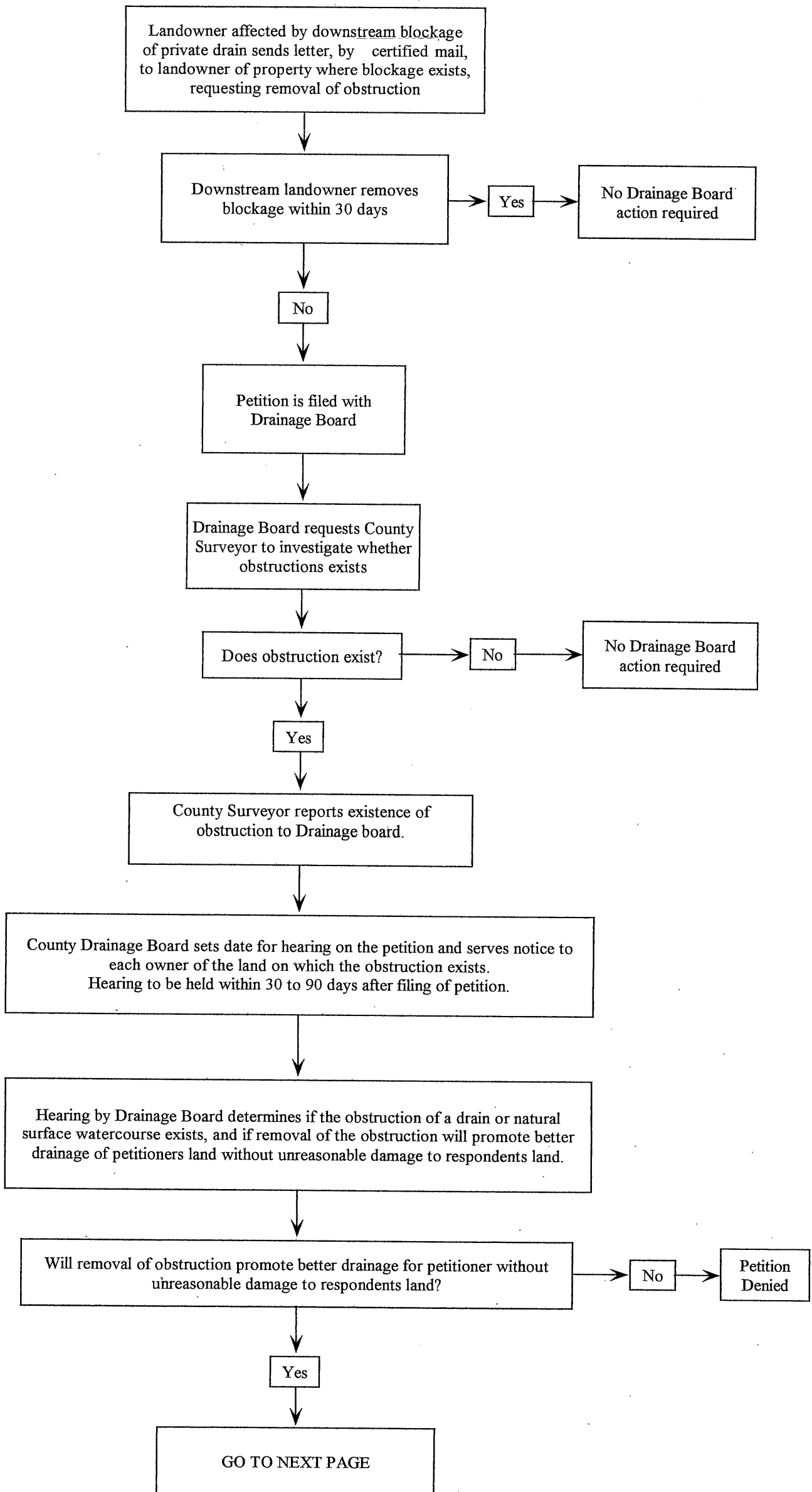
**Section 5** requires that once the drainage shed has been determined, a list of owners of all land within that watershed be submitted. In addition to the owners name this list shall also include the owners address, parcel number, and acres in the tract. This information can be obtained from the County 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.

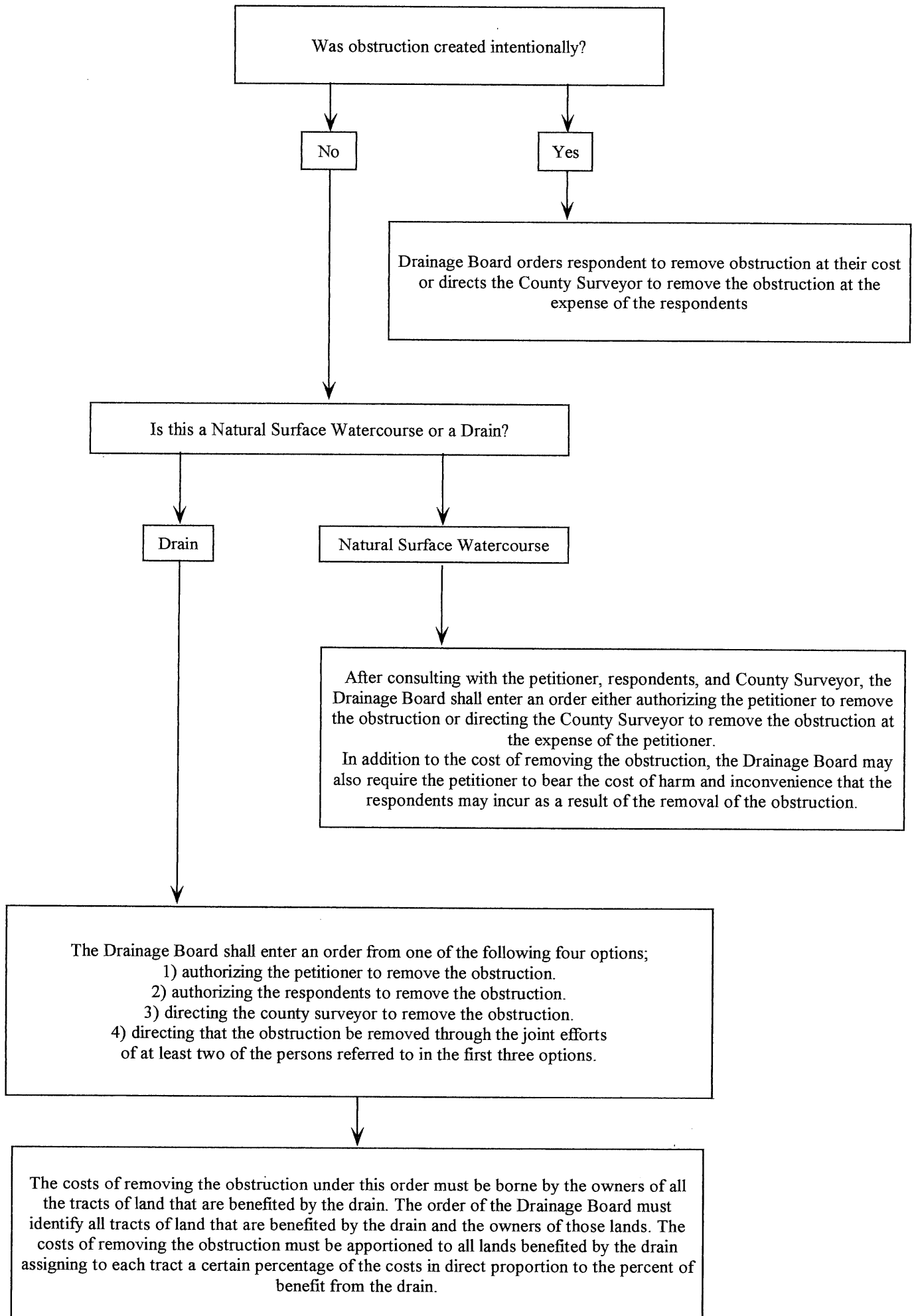
The petition must be signed by the petitioner(s).

A filing fee of \$50 is required, check or money order, made payable to the Hamilton County Treasurer.

# PRIVATE DRAIN PETITION PROCESS



## PRIVATE DRAIN PETITION PROCESS - CONTINUED



### NOTE

This flowchart is provided for general information. It is not intended as a legal opinion on specific issues and should not be used to solve individual problems. If legal advice or other expert assistance is required, the services of a competent professional should be sought.