

SURVEYOR'S OFFICE  
**Hamilton County**

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February 8, 2013

To: Hamilton County Drainage Board

Re: Drain Classification

Under the authority of the Indiana Drainage code: IC 36-9-27-34, I hereby submit the following drains for classification:

A. DRAINS IN NEED OF RECONSTRUCTION

	ACRES	PETITIONED
1. Sand Creek Drain	6,935.28 ac	
2. Emily Vestal Drain	6,797.82 ac	
3. Jesse DeVaney Drain (Taylor Creek)	3,425.99 ac	January 4, 2000
4. Wm P. Bennett Drain	1,651.75 ac	March 10, 2004
5. Mallery-Granger Drain	974.76 ac	February 21, 1995
6. Mary Wilson Drain	821.00 ac	
7. E. Clark & S.J. Compton Drain	4,369.70 ac	
8. Wheeler & Beals Drain (Cool Creek)	4,108.00 ac	
9. E. M. Osborne Drain	409.00 ac	October 6, 2000
10. Clark & Inman Drain	440.00 ac	April 18, 2011
11. Lee Lambert Drain	655.75 ac	August 5, 2011
12. Clara Knotts Drain, Delaware & Washington St. Arm	63 Lots	September 12, 2011
13. Sara Dientz Drain		November 29, 2012

B. DRAINS IN NEED OF MAINTENANCE

1. C. Osborn & J. R. Collins Drain (Williams Creek)	3,872.81 ac	
2. Duck Creek		
3. Guy Guilky Drain		
4. Green Harris Drain		
5. Kline-Miller Drain		
6. A. Stehman Drain		
7. Little Cicero Creek		
8. Hinkle Creek		
9. W.C. VanArsdale Drain		Reconstruction turned down by Board 2/23/98
10. Herbert Billingsley Drain		Maintenance turned down by Board 3/27/06
11. James E. Driver Drain		Maintenance turned down by Board 2/22/10

ALL OTHER REGULATED DRAINS/DITCHES THAT WERE CERTIFIED TO THE AUDITOR OF HAMILTON COUNTY IN 1957, AS REGULATED DRAINS/DITCHES TO BE CLASSIFIED AS DRAINS/DITCHES IN NEED OF PERIODIC MAINTNENACE.

C. DRAINS IN NEED OF VACATION

No drain found to be in need of vacation at this time.

PETITIONS FOR NEW DRAINS

At this time the Board has been petitioned for new drains to be constructed. These petitions are as follows:

<u>Name</u>	<u>Date Petition Filed</u>	<u>Township</u>
South Arm, Mallery-Granger Drain	February 13, 1995	Noblesville (tabled 5/22/2000)
Hortonville Arm, Henry Plew Drain	June 5, 2002	Washington
Ream Creek (Orchard Park Subdivision)	January 5, 2011	Clay
Barnette Arm, Harriett Sheward Drain	March 8, 2011	White River
McGregor (Round Up Subdivision)	June 22, 2011	Delaware
Raymond Briles	August 5, 2011	Jackson
Stony Creek	November 30, 2011	Wayne
Little Cicero Creek	January 12, 2012	Jackson
Springmill Crossing	January 13, 2012	Clay
Hinesley Road, South Drive	August 27, 2012	Adams
J. M. Gustin Arm, Jonas Rogers Drain	December 14, 2012	White River

**DRAIN MAPPING PROJECT:**

During the mapping project which was completed in 2005 for the regulated drains, eight (8) new drains were discovered. These drains were not listed on the drains which were certified to the Auditor in 1957. The 1957 list has been utilized for the classification list since 1965. Utilizing the 1957 list, plus adding new drains or removing vacated drains over the years, the length of drains which had been reported previously was 1,077 miles. As a result of the mapping project the length of drain miles increased to 1,095 miles. This figure is believed to be very accurate based on the methodology which was utilized in the creation of the new mapping. This is the length reported to the Auditor in 2004 for the GASB34 reporting of Capital improvements.

The new drains that were added to the classification list in 2005 not on maintenance as yet are as follows:

- James E. Driver Drain (Hearing held Feb. 22, 2010, Board dismissed report)
- Herbert Billingsley Drain (Hearing held Mar. 27, 2006, Board dismissed report)
- Guy Guilkey Drain
- Green Harris Drain
- Kline-Miller Drain
- A. Stehman Drain

At this time these drains have been added to the classification list as drains which are in need of maintenance. As more data is compiled for each of these the classification could change at a later date. Whenever possible these drains should be consolidated with the drain which serves as its receiving stream.

## REGULATED DRAIN EXTENTIONS:

Along with the classification list, I also recommend that in the future the following drains be extended or established in length to the indicated receiving streams or County boundaries. This can be accomplished through the petition process as set out in IC 36-9-27-36 and 49 and IC 36-9-27-54.

These extensions or establishments can be done by utilizing IC 36-9-27-34 (b) (3) (E) and IC 36-9-27-49 (b) (2).

### Delaware Township

Loma Industrial Park, Margaret O'Brien, R.J. Crain Drain to White River  
Castetter & Randall, Shoemaker & Krause Drains to White River  
Lynwood Hills Drain to White River  
Pines & Roxbury Drain to White River

### Fall Creek Township

Thorpe Creek Drain to Geist Reservoir  
Flat Fork Creek Drain to Fall Creek

### Wayne Township

A.J. Huffman Drain to Stony Creek  
S.E. Carpenter Drain to Stony Creek  
William Locke as Stony Creek to Madison County Line  
William Locke as Stony Creek to White River  
Frank Huffman Drain to William Locke

### Noblesville Township

Schneider Peirce Drain to White River  
Mallery-Granger Drain to White River  
William Locke as Stony Creek Drain to White River  
County-McMahon Drain to White River  
George Booth, Pebble Brook, Beals & Cox, Ellis Barker, Bliss Johnson, Mill Creek Drains as Sly Run Drain to Cicero Creek.

### Jackson Township

M.E. Scherer Drain to Little Cicero Creek  
Ed Waltz/Bear Slide Creek Drain to Morse Reservoir  
J.H. Leap Drain to Morse Reservoir  
Whisler & Brenner & H.A. McMullen Drains to Big Cicero Creek  
Marion Blanton, Ed Waltz, & Bear Slide Drains to Morse Reservoir as Blear Slide  
Raymond Briles Drain to Isaac Jones Drain  
Symonds Ditch to Morse Reservoir  
Wilson-Nagle Drain to Big Cicero Creek  
Jesse DeVaney Drain to Little Cicero Creek  
Raquet & Ehman Drain to Little Cicero Creek  
William Baker/Baker Jones Drains to Hinkle Creek  
Jacob Yansel Drain to Hinkle Creek  
Sylvester Gwinn Drain to Jesse DeVaney Drain

White River Township

Frank Shaw Drain to Duck Creek  
Guy Guilkey, Shyrook, Kepner & Cornthwaite Drains to White River  
Hill & Webb and Rebecca Webb Drains to White River  
Harriet Sheward Drain to White River  
George Keck Drain to Bear Creek  
Rebecca Roberts Drain to White River  
Sarah Dentz Drain to Duck Creek  
Lincoln Smith Drain to White River  
Bear Creek Drain to Duck Creek  
Clara Gintert Drain to White River  
Burkhardt Drain to White River  
Henry Gunn Drain to Pipe Creek  
Vincent Case Drain to White River  
Lambertson Drain to Duck Creek

Adams Township

Symonds Ditch to Morse Reservoir  
Jay Ditch to Symonds Ditch

Washington Township

Stuart Rawlings Drain to Little Eagle Creek  
Oak Park Drain to Mary Wilson Drain  
Little Eagle Creek to Boone County Line  
Bear Creek to Little Eagle Creek  
Wheeler & Beals Drain (Cool Creek) to White River  
William Knight Drain to Cool Creek  
Oak Manor Drain to Cool Creek  
Oak Woods Drain to Cool Creek  
Harmon Clark & H.G. Kempton Drains to Cool Creek.

Clay Township

Albert Shaw Drain to Boone County Line  
Long Branch (J.W. Brendel) Drain to Boone County Line  
Brandywine Drain to Crooked Creek  
Timber Heights Drain to Carmel Creek  
Fertig/Hawkins Drain as Carmel Creek Drains to Marion County Line  
Home Place/Ream Creek Drain to Marion County Line  
Richard Moffitt Drain to Carmel Creek  
Hunters Creek Village Drain to Cool Creek  
Hunters Creek South & Bentley Oaks Drains to Cool Creek  
Spring Mill Run Drain to Williams Creek  
Thomas Hussey Drain to Williams Creek  
Osborn-Collins as Williams Creek to Marion County Line  
Clay Creek Drain to Williams Creek  
Crossfields Drain to Clay Creek Drain  
Asher Drain to Williams Creek  
Clay Springs Drain to Williams Creek  
John Osborn Drain to Spring Mill Run Drain

I believe that as the Stormwater Phase II Program progresses in Hamilton County that the above extension will become important. Doing so will allow the Drainage Board better control of the stream not only hydraulically but more importantly in regards to water quality.

**DRAINAGE SHEDS:**

I recommend the Board continue the creation of larger drainage sheds. By the identification of the main receiving stream and the inclusion of a single rate schedule which blankets the entire drainage shed, main and the various smaller drains which enter into it, will have long range benefits. These are as follows:

1. Reduce the number of funds to be managed. At this time the Board has 351 drain funds for maintenance. As an example, when the Mud Creek/Sand Creek basin was created, 23 smaller funds were included within the drain.
2. Reduce the need for the creation of future funds.
3. Eliminate the problem of the smaller sheds, which cannot generate enough funds for maintenance, of being in the red and having to borrow from GDIF.
4. Reduce the number of multiple assessments on single tracts. This became very important when the drain billing was combined on the individual property tax bill.
5. Perhaps if the number of funds are reduced and become more manageable from an accounting perspective, the Treasurer would add interest to the maintenance funds. Doing so should eliminate a complaint from the landowners that have been heard by the Board and myself many times in the past. This would also help the funds financially and provide better service to the landowners within the drainage sheds. However, this could be negated if the Board were to be able to utilize the General Drain Improvement Fund interest for Phase II Funding.

In the future the Board may wish to collect on the maintenance funds until the fund reaches eight (8) times the annual assessment instead of four (4) times the annual assessment which is currently done. This is allowed under IC 36-9-27-43. This will increase the available balance in the drain funds. The Board would then be able to utilize maintenance funds to partially pay for reconstruction projects. Under IC 36-9-27-45.5, the Board may transfer up to 75% of a maintenance fund to pay for reconstruction projects. This could reduce, or eliminate, the assessments for future reconstructions.

**IC 36-9-27-43**

**OMMISSION OF ANNUAL ASSESSMENT:**

- a. If in any year a maintenance fund established under Section 44 of this chapter has an unencumbered balance equal to or greater than four (4) times the estimated annual cost of periodically maintaining the drain for which the fund was established, the annual assessment for the maintenance of that drain may be omitted for that year.
- b. The County Drainage Board may collect the drain assessment even though the unencumbered balance of the maintenance fund is equal to or greater than four (4) times the estimated annual cost of periodic maintenance of the drain for which the fund was established if the Drainage Board does the following.
  1. Conducts a public hearing in accordance with Section 40 of this chapter.
  2. At the public hearing estimates what the unencumbered balance of the maintenance fund would be, as a multiple of the estimated annual cost of periodic maintenance of the drain, after the collection of the total amount that the Board intends to collect in assessments. However, the annual assessment for the maintenance of the drain shall be omitted if, according to the estimate of the Board, the collection of the intended total amount of assessments would increase the unencumbered balance of the maintenance fund to equal or exceed eight (8) times the estimated annual cost of periodic maintenance of the drain for which the fund was established.

*As added by Acts 1981, P.L. 309, Sec.101. Amended by P.L.276-2001, Sec.13.*

**IC 36-9-27-45.5**

**EXCESS DRAINAGE MAINTENANCE FUND BALANCE; TRANSFER OF FUNDS:**

- a. This section applies when a county surveyor advises the drainage board that in the county surveyor's opinion a maintenance fund has a balance in excess of the amount reasonably needed in that fund for maintenance work in the foreseeable future.
- b. The board may transfer an amount up to a maximum of seventy-five percent (75%) of the money in the maintenance fund to a reconstruction fund that covers the same watershed as the maintenance fund from which the money is transferred.

*As added by P.L.154-1993, Sec.6.*

**ASSESSMENT INCREASES:**

In 2005 the Board began increasing maintenance assessments for drains throughout the county to a standard set of rates. The rates are as follows:

1. Maintenance assessment for roads and streets set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts set at a minimum of \$2.00 per acre with a \$15.00 minimum per tract.
3. Maintenance assessment for non-platted residential tracts be set at a minimum of \$2.00 per acre with a \$15.00 minimum per tract.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at a minimum of \$10.00 per acre with a \$75.00 minimum per tract.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by a city or town) set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum per tract.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at a minimum of \$65.00 per lot/minimum. Common areas within the regulated drain subdivision shall be set at a minimum of \$10.00 per acre with a \$65.00 minimum per tract.

I recommend the Board continue this process until all rates are adjusted to the above levels. At sometime in the future rates should be increased. This increase can be at a given time period such as every 2, 5 or 10 years so as to keep up with the increasing costs of materials. This can be done at given percentages such as 5, 10 or 15% on a regular basis. The Board could also utilize IC 36-9-27-42 whereby the Board can increase the maintenance assessment for a drain up to 25% without hearing. A listing of the current drain assessments with balances are included in this report.

IC 36-9-27-42

**INCREASES AND DECREASES IN ASSESSMENTS FOR PERIODIC MAINTENANCE OF DRAINS;  
PROCEDURE:**

- a. The board may at any time increase or decrease the amount annually assessed for periodic maintenance of a regulated drain if the board finds that the county surveyor's estimate of the cost of maintaining the drain was insufficient or excessive.
- b. The board may decrease the amount annually assessed without notice to the affected owners if the percentage of benefit assigned to all tracts of land affected is not changed from that originally determined by the board.
- c. The board may increase the amount annually assessed once without notice to the affected owners if:
  1. the percentage of benefit assigned to all tracts of land affected is not changed from that originally determined by the board; and
  2. the increase does not exceed twenty-five percent (25%) of the amount initially established.
- d. If the board:
  1. finds that the percentage of benefit assigned to any particular tract or tracts of land should be increased due to a change in land use or for any other reason; or
  2. proposes an increase or decrease that would affect all of the lands assessed for the maintenance of the drain and that is not exempted from the giving of notice under subsection (b) or (c); the board shall mail a notice to the owner or owners of the land. The notice must state the proposed change in the assessment, and specify a date, time, and place, not less than ten (10) days after the notice is mailed, when the board will hear objections to the change. An owner may file written objections to the proposed change on or before the date of the hearing. At the hearing, the board shall consider all objections and evidence filed and shall enter an order as justice may require. The board shall mail a copy of its order to the owner or owners affected. If an owner does not request judicial review of the order under section 106 of this chapter within twenty (20) days after his receipt of the copy of the order, the order becomes conclusive.
- e. A joint board that includes three (3) or more counties in a drainage basin that exceeds one hundred thousand (100,000) acres shall publish notice in accordance with IC 5-3-1 instead of mailing notice to the owner or owners of land as required by subsection (d).

*As added by Acts 1981, P.L.309, SEC.101. Amended by Acts 1981, P.L.317, SEC.25; P.L.370-1983, SEC.2.*

**CLEARING/FILTER STRIPS**

As the balances in the maintenance funds increase, the Board should consider clearing contracts for clearing drains which have not been reconstructed and thus not under a vegetation control (spray) program. I recommend that these be done by individual contract by drain rather than being done by work order to the maintenance contractor. I believe that this will give the Board better control of prices if done in this manner.

It has been the practice by the Board to establish filter strips along the open drains which are reconstructed. These are done on the side of the drain which is cleared for the project and are usually 20 feet in width. This provides a year round access for inspection, vegetation control and maintenance without damaging crops. I recommend that when the drains are cleared as discussed above, that a filter strip be established on the cleared side of the open ditch. In order to make the filter strip a part of the drain I suggest that the Board hold reconstruction hearings for this purpose. By doing so the drains specifications would be changed and the filter strips would become a part of those specifications for the future.

## **DRAINS IN RIGHT OF WAY:**

Recently it has come to the forefront that when the regulated drain parallels the roadway that problems are beginning. This is particularly true in urbanizing areas. The following areas should be considered for reconstruction in the future. This could be done by developers as development occurs or thru the regular reconstruction process.

### **ADAMS TOWNSHIP**

1. Thomas Pierce # 255— approximately 1,300 feet east of Jerkwater Road on 281st Street
2. J M Endicott # 266 --- approximately 1,300 feet east of Ditch Road on 296th Street
3. J M Endicott # 266 --- approximately 630 feet south of 296<sup>th</sup> Street on Six Points Road
4. Mary Parks # 287 --- east and west of Dunbar Road along the south side of 276th Street
5. George Symonds # 283 --- approximately 520 feet south of 256th on west side of Six Points Road
6. Pearson Drain ---approximately 450 feet north of 236th Street on east side of Ham./ Boone Co. line
7. Pearson Drain --- approximately 2,900 feet south of 236th Street on west side of Ham. / Boone Co. line

### **JACKSON TOWNSHIP**

8. W P Bennett Drain --- approximately 200 feet east of US-31 on south side of 266th Street
9. W P Bennett Drain --- approximately 2,700 feet east of US-31 on south side of 266th Street
10. W P Bennett Drain --- approximately 2,200 feet south of 276th Street along north side of Salem Road.
11. W P Bennett Drain --- approximately 730 feet west of Salem Road along south side of 276th street
12. Hunter Snowburger Drain --- approximately 300 feet south of 296th Street along east side of DeVaney Road
13. Lewis Wright Drain --- approximately 230 feet west of Edmondson Road along south side of 296th Street
14. H A McMullen # 118 --- along Millersburg Road at 281st Street
15. Big Cicero Creek # 249 --- along west side of Crooked Creek Road north of new bridge north of 266th Street
16. Mary Nagle # 140 --- approximately 100 feet south of 231st Street along west side of Toll Gate Road
17. Charles Caylor # 204 --- approximately 1,000 feet north of 256th Street along east side of Lacy Road
18. Jonas Rogers # 84 --- approximately 3,200 feet east of ST RD 213 along the south side of 296th Street
19. F Beeson Drain --- approximately 75 feet south of 291st Street along west side of Carpenter Road
20. F Beeson Drain --- approximately 1,700 feet south of 291<sup>st</sup> Street on west side of Carpenter Road

### **WHITE RIVER TOWNSHIP**

21. Duck Creek --- approximately 600 feet west of ST RD 37 along Duck Creek Ave.
22. Duck Creek --- north and south of 276th street along Duck Creek Ave.

### **WASHINGTON TOWNSHIP**

23. Kreager Hinshaw # 108 --- approximately 1,200 feet north of 206th street on east side of Ham. / Boone Co. line
24. Cove Horney # 36 --- approximately 700 feet west of Springmill Road on south side of 193rd Street
25. Isaac Jones Drain --- approximately 900 feet east of Oak Ridge Road along north side of 206th Street
26. Wheeler & Beals Drain --- along the east side of Flippens Road at 191st Street
27. Wheeler & Beals Drain --- along Grassy Branch Road at 186th Street
28. Gardner & Johnson Drain --- approximately 1,900 feet north of ST RD 32 along the west side of Joliet Road
29. Gardner & Johnson Drain --- approximately 2,000 feet south of ST RD 32 along the east side of Joliet Road
30. Osborne Collins Drain --- approximately 1,300 feet west of Springmill Road on north side of 156th Street
31. U G Mitchner # 275 --- approximately 550 feet north of 146th Street on east side of Gray Road

### **NOBLESVILLE TOWNSHIP**

32. Wheeler & Wheeler Drain # 25 --- approximately 350 feet north of Greenfield Ave. on east side of Cumberland Road
33. Schneider-Pierce # 100 --- approximately 1,700 feet west of Creek Road on north side of 206th Street



## **WAYNE TOWNSHIP**

34. Frank Huffman # 190 --- approximately 650 feet north of 211th Street on east side of Cyntheanne Road
35. John Underwood # 59 --- along the south side of 146th Street at Atlantic Road

## **CLAY TOWNSHIP**

36. Stultz & Almond # 45 --- approximately 1,200 feet west of Ditch Road on south side of 136th Street
37. Moffitt-Williamson # 177 --- along north side of 106th Street between Stratford Place and Haverstick Road

## **DELAWARE TOWNSHIP**

38. R J Craig # 38 --- approximately 1,000 feet east of Hague Road on south side of 106th Street

## **FALL CREEK TOWNSHIP**

39. Sand Creek Drain – approximately 300 feet west of Marilyn Road on north side of 136th Street
40. John Underwood # 59 – approximately 1,400 feet east of Cyntheanne Road on north side of 136th street
41. Thorpe Creek --- North and south of 136th Street west of Atlantic Road

## **STREAM GAUGES:**

On June 23, 2004 I submitted a report to the Board regarding a letter sent by the U.S.G.S. Water Resources Division on October 17, 2003. After seeking input from representatives of Carmel, Noblesville, Cicero, Westfield, Fishers, and consultants Christopher Burke and Clark-Dietz about future stream gauges, it was determined that a prioritized list would be needed to set up an order of when new or reactivated gauges could come online.

The existing stream gauges are as follows:

1. Logan Street over White River in Noblesville
2. S. R. 37 over Stony Creek near Noblesville
3. Atlantic Avenue over Fall Creek near Geist Reservoir
4. Pleasant Road Bridge over Big Cicero Creek near Arcadia (installation 2004)
5. 146<sup>th</sup> Street over White River (installed 2006)
6. 96<sup>th</sup> Street over Williams Creek (installed 2007)
7. 196<sup>th</sup> Street over Locke Drain east of Noblesville (installed 2008)
8. Atlantic Road over Stony Creek (installed 2008)
9. Cumberland Road over Mud Creek (Installed 2012)

Below is a prioritized list of proposed gauges or abandoned gauges that could be reactivated to benefit Hamilton County. The gauge is either Proposed or Abandoned and the Priority ranking is High, Medium or Low.

### **Mud Creek/Sand Creek**

1. Greenfield Avenue crossing (Proposed-Low)
2. 116<sup>th</sup> Street over Sand Creek (Proposed-High)

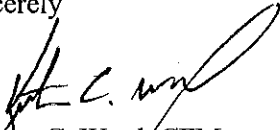
### **Other Gauges**

1. 96<sup>th</sup> Street over White River (Proposed-High)
2. Strawtown Road over White River (Abandoned-Medium)
3. 266<sup>th</sup> Street over Little Cicero Creek (Abandoned-Low)
4. Hazel Dell Parkway over Cool Creek (Proposed-Medium)
5. S R 32 over Cool Creek near Anna Kendall Drain (Proposed-Medium)
6. Atlantic Road over Pipe Creek (Proposed-High)
7. 296<sup>th</sup> Street over Duck Creek (Proposed-Medium)
8. S R 38 over Cicero Creek (Abandoned-Low)
9. White River between Claire and Madison County Line (Proposed-High).

Some of the above gauge locations would be ideal sites for both stream and potential water quality gauge monitoring. Gauges 2 and 3 would be excellent locations if funding is available for water quality monitoring. If these gauges can be equipped with water quality monitoring instruments, the cost can be justified under Phase II. Funding for the gauges could be provided through drain maintenance funds for Mud Creek/Sand Creek And Cool Creek.

I recommend the Board approve this Drain Classification List for 2013 as submitted.

Sincerely

A handwritten signature in black ink, appearing to read 'K. C. Ward', written over a horizontal line.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll