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DRAINAGE HEARING

At the hearing the Board will determine whether an obstruction does exist, whether the removal will better drain the land, whether the removal will damage any of the respondents' land, and whether the blockage was intentional.

The Board will determine who is responsible for the damage and may allocate the expenses in any way that is deemed appropriate.

APPEALING THE DECISION

Any party in disagreement with the decisions of the Board may file an action in the Circuit or Superior Court of the county in which the obstruction exists in order to have the order of the Board changed.



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FOR INFORMATION CONTACT:

COUNTY	SWCD / SURVEYOR
BOONE	765 482-6355 / 483-4444
BROWN	812 988-2211 / 988-5500
HAMILTON	317 773-1432 / 776-8495
HANCOCK	317 462-2283 / 462-1150
HENDRICKS	317 745-2555 / 745-9237
JOHNSON	317 736-9540 / 736-3716
MARION	317 780-1765 / *
MONROE	812 334-4325 / 349-2570
MORGAN	765 342-5594 / 342-1064
SHELBY	317 392-1394 / 392-6481

* The process may differ in Marion county. Contact the permits division of Indianapolis @ 317-327-4219.

INFORMATION FROM INDIANA
CODE 36-9-27.4-21
"REMOVAL OF OBSTRUCTIONS IN
MUTUAL DRAINS AND NATURAL
SURFACE WATERCOURSES"

DEVELOPED BY HOOSIER HEARTLAND
RESOURCE CONSERVATION AND
DEVELOPMENT COUNCIL INC. IN
COOPERATION WITH INDIANA FARM
BUREAU INC.

ALL PROGRAMS AND SERVICES ARE OFFERED
ON A NONDISCRIMINATORY BASIS, WITHOUT
REGARD TO RACE, COLOR, NATIONAL ORIGIN,
RELIGION, SEX, AGE, MARITAL STATUS, OR
HANDICAP.

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OPEN DITCH OR TILE DRAIN BLOCKED ON A NEIGHBOR'S PROPERTY?



HOW TO LEGALLY REMOVE A DOWNSTREAM OBSTRUCTION IN YOUR TILE OR OPEN DRAIN

*TEXT AND IDEAS FROM INDIANA FARM
BUREAU HANDBOOK "ENVIRONMENTAL
LAWS AND REGULATIONS"*

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SOLVE THE PROBLEM AS NEIGHBORS

As with any problem, the first step is to work with your neighbor and try to resolve the problem. Talk it over, work together. You may not enter a neighbor's property to fix a problem without their permission. Personnel from **NRCS, DNR, SWCD or Surveyors Office** can advise and provide assistance. If this fails you may want to utilize the law.

PURPOSE OF THE LAW

A law was recently passed, "REMOVAL OF OBSTRUCTIONS IN MUTUAL DRAINS AND NATURAL WATERCOURSES", (CODE 36-9-27.4-21) that provides landowners damaged by drainage obstructions, to seek relief without going to court.

FIRST STEP

Your first step is to contact the County Surveyor's Office. They can guide you through the legal process and provide information about local filing fees and the petitioning process. Proof that you have contacted the owner of land where the obstruction is located may be required by the Surveyor.

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PETITIONING PROCESS

The damaged landowner must file a petition with the **County Drainage Board**.

The PETITION must include:

- A general description of the land owned by the Petitioner.
- A general explanation of the need for the removal of the obstruction.
- A general description of the site of the obstruction.
- A request for the Board to remove, or to authorize, or to order the removal of the obstruction.

The Board may require a filing fee of an amount reasonably necessary to pay expenses of the Board in processing the petition.



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PRELIMINARY INVESTIGATION

Upon receiving a petition, the County Surveyor will investigate the problem to determine if an obstruction exists. The Surveyor will submit a report of his/her investigation to the Board. If an obstruction is found to exist, the Board will set a hearing date for the petition and notify each landowner involved. The hearing will be held between thirty and ninety days after the filing of the petition.

INVESTIGATORS HAVE LEGAL ACCESS TO YOUR PROPERTY

When investigating the complaint, the Board, County Surveyor and authorized representatives thereof, have right of entry on the properties limited to 75 ft. on either side of the watercourse or drain. The investigator must first give oral or written notice of his/her entry to the landowners

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