

## PROCEDURE TO MAKE A MUTUAL DRAIN A REGULATED DRAIN

IC 36-9-27-19

*(Quoted from Indiana Statutes)*

- 1) Any owner affected by a mutual drain may file a written request with the Joint County Drainage Board to make the mutual drain a regulated drain.
- 2) If the request may affect land in more than one county, the Joint County Drainage Board shall be established according to IC 36-9-27-14. "Affected land" means land within a watershed that is affected by the construction, reconstruction, or maintenance of a regulated drain.
- 3) The Joint County Drainage Board sets date, time, and place of hearing.
  - a) Hearing must be at least 30 days after request is filed.
- 4) Owner making request notifies owners of all affected land of the date, time, place, and purpose of hearing.
  - a) Owners must be notified in writing as least 20 days before the hearing.
- 5) Any owner may file written evidence for or against granting the request, on or before the date of the hearing.
- 6) The Joint County Drainage Board holds the hearing considering all evidence filed. If the Joint County Drainage Board finds that:
  - a) The owners of more than 50% in acreage of the affected land will benefit; and
  - b) The benefits are likely to be greater than the damages; it shall make written findings to that effect and issue an order granting the request.
- 7) The Joint County Drainage Board shall announce its findings and order before adjourning the hearing.
- 8) The announcement constitutes notice to all affected persons.
- 9) Affected owners have 20 days after the date of the notice to request judicial review.
- 10) If judicial review is not requested the findings and order are conclusive.