

BEFORE THE STREAM POLLUTION CONTROL BOARD
OF THE STATE OF INDIANA

IN THE MATTER OF THE)
PATOKA LAKE REGIONAL)
WATER AND SEWER DISTRICT)

PETITION FOR ORGANIZATION OF A
REGIONAL WATER AND SEWER DISTRICT

The Board of County Commissioners of Crawford County, Indiana having been authorized by the County Council of said County; the Board of County commissioners of Dubois County, Indiana having been authorized by the County Council of said County; and the Board of County Commissioners of Orange County, Indiana having been authorized by the County Council of said County, hereby jointly petition the Stream Pollution Control Board of the State of Indiana for an order establishing a regional water and sewer district in said counties, and in support thereof, allege and say as follows:

1. Name. Said regional water and sewer district shall be known as “The Patoka Lake Regional Water and Sewer District.”

2. Principal Office. The principal office of said regional water and sewer district shall be located in French Lick, Indiana 47432.

3. Need. Construction of the dam will create the Patoka Lake reservoir, which reservoir will be situated within Crawford, Dubois and Orange Counties, Indiana. The dam site is located on the Patoka River approximately eleven (11) miles east of Jasper, Indiana and the dam is presently under construction. This lake is being formed through drainage from the watershed area of the headwaters of Patoka River. The area surrounding said lake and in said watershed area is rural and agricultural in character. The only incorporated area in said Patoka Lake Regional Water and Sewer District is the northern portion of the Town of Birdseye, Indiana. The total population of the Town of Birdseye is 404, according the 1970 Census.

a. All sewage in said area is now treated through individual septic tanks. However, the general area of the watershed has an exceptionally low population density, even for a rural area. The existing situation of almost completely undeveloped lands in the Patoka Lake area, therefore, offers the participating counties a unique opportunity to guide urban development in the future to prevent pollution of the reservoir. This extends not only to avoiding health hazards, but also to carrying out a planned, balanced pattern of future urban development and open space. The Town of Birdseye currently has under construction a waste water treatment

facility. Effluent from the treatment plant at Birdseye, Indiana will flow southward to the Anderson River drainage basin.

b. Certain small water utilities now serve portions of the proposed district area. Although small portions of the proposed district jurisdiction are now served by public water utilities, in view of the proposed Patoka Lake development, there is a need for an overall organization to guarantee a water supply to residents which is safe and reliable with respect to quality, quantity and availability.

c. Although the petitioners assume there is some bonded indebtedness incurred by the water utilities which serve limited portions of the proposed district area, such indebtedness is believed to be quite small and a limited factor in carrying out the proposed purpose of the district.

4. Territory. The territory to be included in the District will include parts of Crawford, Dubois, and Orange Counties as follows:

All of Patoka Township in Crawford County, Indiana.

The following sections of land in Johnson Township, Crawford County: 25, 26, 27.

The following fractional sections of land in Sterling Township, Crawford County: north ½ sections 34, 35, 36.

Section 33 Liberty Township in Crawford County.

All of Columbia Township in Dubois County, Indiana except for Sections: 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 28, 29, 30.

All of Hall Township in Dubois County, except Sections: 4, 5, 6, 7, 8, 9, 10, 19, 30, 31, 32.

The following sections and fractional sections of land in Jefferson Township in Dubois County: 13, 14, 23, 24 and that part of 25 and 26 lying north of State Route 64.

The following sections and fractional sections of land in the Southeast corner of Harbison Township in Dubois County: 1, 2, 35, 36 and the north ½ of sections 11 and 12.

The following fractional sections of land in Marion Township in Dubois County: 12 (south ½), 13 (north ½).

The following sections and fractional sections of land in French Lick Township, Orange County, Indiana: 19, 20, 21 and the south ½ of Section 18.

All of Jackson Township in Orange County, except for Sections: 25, 26, 27.

All of Greenfield Township in Orange County, except for Sections 28, 29, 30, 31, 32.

All of South East Township in Orange County, except for Sections: 5, 6, 7, 8, 17, 18, 19, 20, 24, 25, 26, 29, 30 in the Southeast corner, Section 32 in the Northeast corner and Section 28 in the North Township Line.

The following section and fractional sections of land in Stampers Creek Township in Orange County: 25, 26, 30 and the South ½ of Sections 23, 24.

5. Financing Plan. The petitioners propose that the plan for financing on this project will be directed through two sources:

a. The proposed water and sewer facilities development inside the legal boundaries of the public lands surrounding the Patoka Lake (see exhibit map) will be financed by monies allocated from the State of Indiana

by and through the Department of Natural Resources and the Congress of the United States by and through the United States Army Corps of Engineers.

b. The proposed development outside the legal boundaries of said public lands but lying inside the legal boundaries of the Regional Water and Sewer District will be financed through Environmental Protection Agency and the State of Indiana monies, which will account for 75% and 10% of the total cost respectively, if available at the time of construction. The remaining 15% would be financed by bonded indebtedness by the legal governing body of the Regional Water and Sewer District or a Farmers Home Administration Loan if available at the time of construction.

6. Existing Facilities. Following establishment of the proposed water and sewer district, water and sewer utilities presently having areas of franchise within the proposed water and sewer district, may be authorized by sub-agreement in accordance with the Regional Water and Sewer District Act to continue operations; provided that such utilities shall be subject to the applicable ordinance regulations of said district. Such sub-agreement may be terminated in the manner prescribed in the above cited statute; if, in the opinion of the trustees, continued operation becomes impracticable or infeasible.

7. Board of Trustees. The petitioners recommend that the manner of selection, the number and terms of the

Board of Trustees of said district be as follows:

- a. One Trustee from and representing the Department of Natural Resources will be appointed by the Governor of the State of Indiana, said appointee to serve four year terms.
- b. One Trustee will be a County Commissioner of Crawford County to be appointed by the Board of County Commissioners of said county.
- c. One Trustee will be a County Commissioner of Dubois County to be appointed by the Board of County Commissioners of said county.
- d. One Trustee will be a County Commissioner of Orange County to be appointed by the Board of County Commissioners of said county.
- e. One Trustee will be a resident freeholder of the District and Crawford County to be appointed by the County Council of Crawford County.
- f. One Trustee will be a resident freeholder of the District and Dubois County to be appointed by the County Council of Dubois County.
- g. One Trustee will be a resident freeholder of the District and Orange County to be appointed by the County Council of Orange County.

Trustees enumerated as b. through g. above shall serve four year terms with the exception that the initial terms of Trustees b. and f. shall be for one year, the initial terms of Trustees c. and e. shall be

for two years and the initial terms of Trustees d. and g. shall be for three years. Said appointments shall be made and begin within thirty (30) days of the issuance of an order by the Stream Pollution Control Board, that said District be organized.

8. Initial Funds. The petitioners propose that until receipt of revenue from the operation of said district or proceeds from the sale of revenue bonds are available, that the district will be operated, and necessary expenses incurred for legal and engineering services and other incidental expenses incident to the forming and organizing of the district will be paid, through grants received through federal or state sources.

9. Estimated Cost of Sewer Facilities. Development of the sewer and treatment plants in said district will, it is anticipated, occur in phases with the final objective being to have all sewage or effluent from the watershed flow to a sewage treatment plant. Estimated cost of the project in final form is \$2,000,000.00. Charges for hook-on fees and usage of the sewer will vary greatly depending on sources of funds and contributions by developers and the rate of development in the district. It is estimated that user charges will not exceed \$15.00 a month and hook-on fees will not exceed \$500.00 per single family dwelling. The estimated cost of operation of the sewage treatment plant would be the sum of \$20,000.00 per year.

10. Estimated Cost of Water Facilities. Development of the water distribution system and treatment facilities in said district will occur in phases with the final objective being a guaranteed supply of safe and reliable water to all residents. Estimated cost of the project in final form is the sum of \$1,500,000.00. Charges for tap-in fees and water rates will vary greatly depending on sources of funds and contributions by developers and the rate of development in the district. It is estimated that user rates will not exceed \$12.00 a month and tap-in fees will not exceed \$300.00 per single family dwelling. The estimated annual cost of operation of the water distribution system and filtration plant would be \$15,000.00.

11. Addition of Territory. At any time after the creation of the District, any political subdivision whose territory is not wholly included within the District may file an application with the District setting forth a general description of the territory it desires to have included within the District, the necessity for the inclusion of such territory within the District, that it will be conducive to the public health, safety, convenience or welfare, and that it will be practical and feasible for such territory to be included within the District. If said application is approved by a majority of the Board of Trustees of the District, the

Territory described in said application shall thereupon become part of the District.

12. Powers and Duties. Subject to the applicable Provisions of pertinent state and federal statutes:

a. The Trustees of the District be authorized to borrow money for the purposes of carrying on the duties of the district from any bank and to issue notes and securities therefore;

b. The Trustees of the District be authorized to issue revenue bonds as proved in the act for the purposes of District;

c. The Trustees of the District be authorized to contract with any user or governmental unit;

d. The District and the Trustees be given the powers to do everything necessary, proper, advisable, or convenient for the accomplishment of any of the purposes, or the attainment of any of the objects or the furtherance of any powers set forth in IC 19-3-1.1-1 through IC 19-3-1.1-20 as amended by the Acts of 1972 and 1973 of the Indiana General Assembly.

Wherefore, the petitioners pray that the Patoka Lake Regional Water and Sewer District be formed and that the relief herein prayed for be granted and all other relief appearing proper to the Stream Pollution Control Board.

Respectfully submitted this ____ day of _____, 1974.

CRAWFORD COUNTY COMMISSIONERS

W. Hammond
Commissioner

DATED: *December 2, 1974* *Bennett W. Clunie*
Commissioner

ATTEST:
Leiv. Blewett
Auditor of Crawford
County

S. J. Wright
Commissioner

DUBOIS COUNTY COMMISSIONERS

David Schull
Commissioner

DATED: 12-2-74

Cletus Lubbehusen
Commissioner

ATTEST:

Alex W. Long
Auditor of Dubois County

Hilman Derr
Commissioner

ORANGE COUNTY COMMISSIONERS

Howard R. Cockett
Commissioner

DATED: Dec 2 '74

Howard K. Gernersheim
Commissioner

ATTEST:

Robert B. Paulu
Auditor of Orange County

Sam H. Dossam
Commissioner