STATE OF INDIANA	)	BEFORE THE INDIANA DEPARTMENT
	) SS:	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION	)	
IN THE MATTER OF:	)	
	)	
THE FORMATION OF THE	)	
	)	
BLUE RIVER REGIONAL	)	
	)	
WATER DISTRICT	)	

FINDINGS OF FACT AND RECOMMENDED ORDER
OF THE HEARING OFFICER

FINDINGS OF FACT

1. On October 29, 1998, the 1) Harrison County Commissioners, 2) Harrison County Council, 3) Milltown Town Council, 4) Crawford County Commissioners, 5) Crawford County Council and 6) Marengo Town Council petitioned the Indiana Department of Environmental Management for an Order establishing a Regional Water District to be known as the Blue River Regional Water District in Harrison County and Crawford County.

2. Said Petition complies with the provisions of IC 13-26-2 (formerly IC 13-3-2-3).

3. A public hearing was held on April 13, 1999, in the Marengo Elementary School, 177 South 2nd Street, Marengo, Indiana.

4. Notice of said hearing was given by publication in newspapers of general circulation in Harrison County and Crawford County, in the 1) Clarion News and 2) Corydon Democrat for two (2) consecutive weeks prior to said hearing. Notice was also given by mail to each eligible entity involved.

5. The proposed name of the District is the Blue River Regional Water District.

6. The office of the proposed District would be The Marengo Town Hall, 117 East Water Street, Marengo, Indiana 47140-0206.

7. The water needs of those residents now residing within such proposed District are currently being met with municipal water supplies, cisterns, or individual wells.

8. Upon formation, the District will construct water supply, treatment, pumping, transmission, storage and distribution systems for the municipal and rural supply needs.

9. Such District is needed to facilitate the need for additional water supply for its existing customers and for treatment improvements for the residents.

10. No written objections to the formation of the proposed district were received prior to the public hearing, nor were objections to the formation heard at the time of the public hearing, or within ten (10) days thereafter.

11. The residents of the proposed District currently obtain their water for drinking and other purposes from municipal water supplies, cisterns, or individual wells, which can detrimentally affect the water quality and public health of the area of the proposed district.

12. The proposed District will include the Town of Milltown, the Town of Marengo, much of Whiskey Run Township and part of Liberty Township in Crawford County, and parts of Blue River Township and Spencer Township in Harrison County.

The boundaries of the Blue River Regional Water District, located in Crawford County and Harrison County, Indiana, shall be described as follows:

Beginning at the common cornerpoint between Crawford County, Orange County, and Washington County, the boundary shall run:

Thence generally East along the County Line between Crawford County and Washington County to the common cornerpoint between Crawford County, Harrison County and Washington County, also generally being the centerline of the Blue River;

Thence meandering generally South along the County Line between Crawford County and Harrison County, also generally being the centerline of the Blue River, to the point where the County Line intersects with the East boundary of Section 11, Township 2 South, Range 2 East, said point approximately 800 feet north of the southeast corner of said section;

Thence South in Harrison County along the East boundary of Sections 11 and 14, Township 2 South, Range 2 East to the southeast corner of Section 14, Township 2 South, Range 2 East;

Thence West along the South boundary of Section 14, Township 2 South, Range 2 East to its intersection with the north right-of-way line of Frenchtown Road;

Thence generally Southeast along the north right-of-way line of Frenchtown Road to its intersection with the East boundary of Section 23, Township 2 South, Range 2 East;

Thence generally South along the East boundary of Section 23 and 22, Township 2 South, Range 2 East to the easternmost intersection of the County Line between Crawford County and Harrison County, also being generally the centerline of the Blue River;

Thence meandering generally South along the County Line between Crawford County and Harrison County, also being generally the centerline of the Blue River and the East boundary of Section 10, Township 3 South, Range 2 East, to the southeast corner of the northeast quarter of Section 10, Township 3 South, Range 2 East;

Thence in a straight line generally Northwest in Crawford County to the southwest corner of the southeast quarter of Section 4, Township 3 South, Range 2 East;

Thence generally West along the South boundary of Sections 4 and 5, Township 3 South, Range 2 East to the southwest corner of the southeast quarter, Section 5, Township 3 South, Range 2 East;

Thence generally North along the West boundaries of the southeast quarter and the northeast quarter of Section 5, Township 3 South and the West boundaries of the southeast quarters and the northeast quarters of Sections 32, 29, and 20 and the West boundary of the southeast quarter of Section 17, Township 2 South, Range 2 East to the center point of Section 17, Township 2 South, Range 2 East;

Thence in a straight line generally Southwest to the southwest corner of the southeast quarter, Section 18, Township 2 South, Range 2 East;

Thence generally North along the West boundaries of the southeast quarter and the northeast quarter of Section 18, Township 2 South, Range 2 East to the northwest corner of the northeast corner of said section;

Thence generally West along the northern boundary of Section 18, Township 2 South, Range 2 East to the northwest corner of said section;

Thence generally North along the West boundary of Section 7, Township 2 South, Range 2 East t the corporate boundary of the civil Township of Marengo;

Thence generally West along the southern corporate boundary of the north along the western corporate boundary of the civil Town of Marengo to the southern right-of-way boundary of State Road 54;

Thence generally Southwest along the southern right-of-way line of State Road 64 to the East boundary of Section 2, Township 2 South, Range 1 East;

Thence in a straight line generally North-Northwest to the northwest corner of the northeast quarter of the southeast quarter of Section 2, Township 2 South, Range 1 East;

Thence generally West along the North boundaries of the southeast quarters and the southwest quarters of Sections 2 and 3, Township 2 South, Range 1 East to the western boundary of Section 3 Township 2 South, Range 1 East;

Thence generally South along the East boundary of Section 4, Township 2 South, Range 1 East to the southwest corner of Section 4, Township 2 South, Range 1 East;

Thence generally West along the South boundary of Section 4, Township 2 South, Range 1 East to the southwest corner of Section 4, Township 2 South, Range 1 East;

Thence generally North along the West boundary of Section 4, Township 2 South, Range 1 East and the West boundary of Section 33, Township 1 South, Range 1 East to the County Line between Crawford County and Orange County; and

Thence generally East then generally North along the County Line between Crawford County and Orange County to the Point of Beginning.

13. There currently is no outstanding indebtedness in the proposed District. However, any indebtedness from the Milltown Water Utility and/or the Marengo Water Utility will be assumed by the District. All assets and liabilities will be conveyed to the District without compensation.

14. The proposed district shall be governed by a Board of Trustees of five (5) members. The

Petitioners recommend that the proposed District's Board of Trustees be comprised of five (5) persons selected by appointment by the Harrison County Commissioners and the Crawford County Commissioners for staggered four (4) year terms. The constitution of Board Members should be represented by two (2) appointments residing in Milltown and two (2) residing in Marengo, and one (1) residing in Crawford County outside Milltown and Marengo. The initial board of Trustees shall have the following terms:

One Member - Initial term of Two (2) Years (Milltown in Harrison County to be appointed by the Harrison County Commissioners)

One Member - Initial term of Two (2) Years (Marengo in Crawford County to be appointed by the Crawford County Commissioners

One Member - Initial term of Three (3) Years (At Large in Crawford County to be appointed by the Crawford County Commissioners)

One Member - Initial Term of Four (4) Years (Milltown in Crawford County to be appointed by the Crawford County Commissioners)

One Member - Initial Term of Four (4) Years (Marengo in Crawford County to be appointed by the Crawford County Commissioners)

15. The initial project being planned for the District includes the construction and operation with an annual cost of $188,000. The estimated construction cost is $1,654,700. The average monthly per household user fee for water services is projected to be no more than $21.00.

16. Funding for the project being planned would be financed with USDA Rural Development Funding. The proposed District will attempt to secure other grants and low interest funding from the Department of Commerce's Community Focus Fund Program, Indiana Department of Environmental Management's Drinking Water Revolving Loan Fund, and the Build Indiana Fund.

17. The anticipated sources of funds to provide for the operating and maintenance costs of the District will be from user fees to the residents and businesses.

18. The District appears capable of accomplishing the purposes for which it was formed, in an economically feasible manner.

RECOMMENDED ORDER

The Hearing Officer recommends the following:

1. That a Regional Water District, to be known as the Blue River Regional Water District, be organized as an independent political entity of the State of Indiana as a body corporate and politic.

2. That the purpose to be accomplished by said District is to provide water inside the district.

3. That the District shall include a part of Harrison County and Crawford County, Indiana. The proposed District will include the Town of Milltown, the Town of Marengo, much of Whiskey Run Township and part of Liberty Township in Crawford County, and parts of Blue River Township and Spencer Township in Harrison County.

   The boundaries of the Blue River Regional Water District, located in Crawford County and Harrison County, Indiana, shall be described as follows:

   Beginning at the common cornerpoint between Crawford County, Orange County, and Washington County, the boundary shall run:

   Thence generally East along the County Line between Crawford County and Washington County to the common cornerpoint between Crawford County, Harrison County and Washington County, also generally being the centerline of the Blue River;

   Thence meandering generally South along the County Line between Crawford County and Harrison County, also generally being the centerline of the Blue River, to the point where the County Line intersects with the East boundary of Section 11, Township 2 South, Range 2 East, said point approximately 800 feet north of the southeast corner of said section;

   Thence South in Harrison County along the East boundary of Sections 11 and 14, Township 2 South, Range 2 East to the southeast corner of Section 14, Township 2 South, Range 2 East;

   Thence West along the South boundary of Section 14, Township 2 South, Range 2 East to its intersection with the north right-of-way line of Frenchtown Road;

   Thence generally Southeast along the north right-of-way line of Frenchtown Road to its intersection with the East boundary of Section 23, Township 2 South, Range 2 East;

Thence generally South along the East boundary of Section 23 and 22, Township 2 South, Range 2 East to the easternmost intersection of the County Line between Crawford County and Harrison County, also being generally the centerline of the Blue River;

Thence meandering generally South along the County Line between Crawford County and Harrison County, also being generally the centerline of the Blue River and the East boundary of Section 10, Township 3 South, Range 2 East, to the southeast corner of the northeast quarter of Section 10, Township 3 South, Range 2 East;

Thence in a straight line generally Northwest in Crawford County to the southwest corner of the southeast quarter of Section 4, Township 3 South, Range 2 East;

Thence generally West along the South boundary of Sections 4 and 5, Township 3 South, Range 2 East to the southwest corner of the southeast quarter, Section 5, Township 3 South, Range 2 East;

Thence generally North along the West boundaries of the southeast quarter and the northeast quarter of Section 5, Township 3 South and the West boundaries of the southeast quarters and the northeast quarters of Sections 32, 29, and 20 and the West boundary of the southeast quarter of Section 17, Township 2 South, Range 2 East to the center point of Section 17, Township 2 South, Range 2 East;

Thence in a straight line generally Southwest to the southwest corner of the southeast quarter, Section 18, Township 2 South, Range 2 East;

Thence generally North along the West boundaries of the southeast quarter and the northeast quarter of Section 18, Township 2 South, Range 2 East to the northwest corner of the northeast corner of said section;

Thence generally West along the northern boundary of Section 18, Township 2 South, Range 2 East to the northwest corner of said section;

Thence generally North along the West boundary of Section 7, Township 2 South, Range 2 East t the corporate boundary of the civil Township of Marengo;

Thence generally West along the southern corporate boundary of the north along the western corporate boundary of the civil Town of Marengo to the southern right-of-way boundary of State Road 54;

Thence generally Southwest along the southern right-of-way line of State Road 64

to the East boundary of Section 2, Township 2 South, Range 1 East;

Thence in a straight line generally North-Northwest to the northwest corner of the northeast quarter of the southeast quarter of Section 2, Township 2 South, Range 1 East;

Thence generally West along the North boundaries of the southeast quarters and the southwest quarters of Sections 2 and 3, Township 2 South, Range 1 East to the western boundary of Section 3 Township 2 South, Range 1 East;

Thence generally South along the East boundary of Section 4, Township 2 South, Range 1 East to the southwest corner of Section 4, Township 2 South, Range 1 East;

Thence generally West along the South boundary of Section 4, Township 2 South, Range 1 East to the southwest corner of Section 4, Township 2 South, Range 1 East;

Thence generally North along the West boundary of Section 4, Township 2 South, Range 1 East and the West boundary of Section 33, Township 1 South, Range 1 East to the County Line between Crawford County and Orange County; and

Thence generally East then generally North along the County Line between Crawford County and Orange County to the Point of Beginning.

4. The proposed district shall be governed by a Board of Trustees of five (5) members. The proposed District's Board of Trustees shall be comprised of five (5) persons selected by appointment by the Harrison County Commissioners and the Crawford County Commissioners for staggered four (4) year terms. The constitution of Board Members should be represented by two (2) appointments residing in Milltown and two (2) residing in Marengo, and one (1) residing in Crawford County outside Milltown and Marengo. The initial board of Trustees shall have the following terms:

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One Member - Initial term of Three (3) Years (At Large in Crawford County to be appointed by the Crawford County Commissioners)

One Member - Initial Term of Four (4) Years (Milltown in Crawford County to be appointed by the Crawford County Commissioners)

One Member - Initial Term of Four (4) Years (Marengo in Crawford County to be appointed by the Crawford County Commissioners).

5. That the Board of Trustees provide sufficient bond for all officers, trustees or employees who have any power to disburse funds of the District.

6. That within nine (9) months from the date of this order, the District shall file with the Commissioner of the Indiana Department of Environmental Management, a detailed plan for the construction and operation of the District's facilities.

Dated: 7/7/99 Hearing Officer: Lynne Newlon