

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF WARREN     )

BEFORE THE DRAINAGE BOARD  
WARREN COUNTY, INDIANA

IN RE: THE PETITION OF  
JAMES RICHARD SALTS

No. 98-04

### ORDER

This matter came to be heard on the 6<sup>th</sup> day of April, 1998, upon the petition of James Richard Salts filed on or about May 19, 1997.

That such petition had been set for hearing as provided by statute and the petitioner had requested two extensions of time which were granted.

That petitioner had requested an additional extension of time for the hearing set for April 6, 1998, which extension of time was denied and the hearing was held.

That notice of the hearings was provided to respondent, Jack Salts, but that said Jack Salts failed to appear.

Evidence was submitted in the form of pictures and statements by the petitioner and the Drainage Board takes notice of the fact that immediately prior to the time of such pictures there had been rain of well over one inch.

The undersigned Drainage Board having heard the evidence and reviewed the photographs, finds that they are unable to conclude that the burm placed along the edge of respondent's property prevents or significantly impedes the flow of water from a natural surface watercourse, all as defined in IC 36-9-27.4-1 *et seq.*

The Board finds that the burden of proof is on the petitioner to prove each and every allegation required for a finding in his favor and that the petitioner has failed to carry his burden of proof.

The Board does conclude that the petition should be and hereby is denied.

WARREN COUNTY DRAINAGE BOARD

By Randall H Brenner