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## MASSEY LAW OFFICES, LLC

Curtis Building - Suite 502 · 915 Main Street P.O. Box 3526 · Evansville, IN 47734-3526

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## Via Certified Mail – Return Receipt

January 26, 2018

Indiana Department of Natural Resources 402 W. Washington Street, Room W160A Indianapolis, IN 46204

RE: Pigeon Creek

Our Client: Joint Warrick County-Vanderburgh County Drainage Board

Dear Sir:

I am legal counsel for the Joint Warrick County-Vanderburgh County Drainage Board (the "Joint Drainage Board").

It is my understanding that Pigeon Creek is a navigable waterway from its junction with the Ohio River to approximately Diamond Avenue in Evansville, Indiana. This is about 5.9 miles. However, back in 1991, the Board of Commissioners of Vanderburgh County passed a Resolution also declaring Pigeon Creek navigable from its mouth at the Ohio River in downtown Evansville to its first crossing over the Vanderburgh/Warrick County line. The length of which is approximately 12.9 miles.

During one of the recent Joint Drainage Board meetings it was requested that the DNR declare Pigeon Creek a navigable waterway from where the destination ends now in the vicinity of Diamond Avenue in Evansville, Vanderburgh County through Warrick County to the Ohio River.

For your information, the Joint Drainage Board has been working with State Representative Ron Bacon on issues relating to Pigeon Creek in Warrick and Vanderburgh counties and I would ask that you contact State Representative Ron Bacon should you desire to further discuss this matter.

If you have any questions, please do not hesitate to contact me.

Thank you.

Very Truly Yours,

MASSEY LAW OFFICES, LLC

Joseph H. Harrison, Jr.

JHJ/HMZ

Cc: Marlon Weisheit, Commissioner, Warrick County Bruce Ungethiem, Commissioner, Vanderburgh County Hon. Ron Bacon, State Representative

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## MASSEY LAW OFFICES, LLC

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Via Certified Mail - Return Receipt

January 26, 2018

Indiana Department of Transportation 100 N. Senate Avenue, Room IGCN755 Indianapolis, IN 46204

RE: Pigeon Creek

Our Client: Joint Warrick County-Vanderburgh County Drainage Board

Dear Sir,

I am legal counsel for the Joint Warrick County-Vanderburgh County Drainage Board (the "Joint Drainage Board").

During one of the recent Joint Drainage Board meetings it was requested that INDOT consider an alternate route for the flow of Pigeon Creek in its plans for the proposed I-69 bridge over the Ohio River into Henderson, Kentucky. Pigeon Creek floods quite frequently in Warrick and Vanderburgh counties and an alternate route for the flow of Pigeon Creek as a part of the proposed I-69 bridge might be very beneficial to the residents of Vanderburgh and Warrick counties.

For your information, the Joint Drainage Board has been working with State Representative Ron Bacon on issues relating to Pigeon Creek in Warrick and Vanderburgh counties and I would ask that you contact State Representative Ron Bacon should you desire to further discuss this matter.

If you have any questions, please do not hesitate to contact me.

Thank you.

Very Truly Yours,

MASSEX LAW OFFICES, LLC .

Joseph H. Harrison, Jr.

JHJ/HMZ

Cc: Marlon Weisheit, Commissioner, Warrick County Bruce Ungethiem, Commissioner, Vanderburgh County Hon. Ron Bacon, State Representative