

APPENDIX E.3

IDNR Roster of Navigable Waterways in Indiana

NATURAL RESOURCES COMMISSION
Information Bulletin #3
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SUBJECT: Roster of Indiana Waterways Declared Navigable

I. NAVIGABILITY

Property rights relative to Indiana waterways often are determined by whether the waterway is "navigable". Both common law and statutory law make distinctions founded upon whether a river, stream, embayment, or lake is navigable.

A landmark decision in Indiana with respect to determining and applying navigability is *State v. Kivett*, 228 Ind. 629, 95 N.E.2d 148 (1950). The Indiana Supreme Court stated that the test for determining navigability is whether a waterway:

was available and susceptible for navigation according to the general rules of river transportation at the time [1816] Indiana was admitted to the Union. It does not depend on whether it is now navigable. . . . The true test seems to be the capacity of the stream, rather than the manner or extent of use. And the mere fact that the presence of sandbars or driftwood or stone, or other objects, which at times render the stream unfit for transportation, does not destroy its actual capacity and susceptibility for that use.

A modified standard for determining navigability applies to a body of water which is artificial. The test for a man-made reservoir, or a similar waterway which did not exist in 1816, is whether it is navigable in fact. *Reed v. United States*, 604 F. Supp. 1253 (1984).

The court observed in *Kivett* that "whether the waters within the State under which the lands lie are navigable or non-navigable, is a federal" question and is "determined according to the law and usage recognized and applied in the federal courts, even though" the waterway may not be "capable of use for navigation in interstate or foreign commerce." Federal decisions applied to particular issues of navigability are useful precedents, regardless of whether the decisions originated in Indiana or another state.

The primary issue in *Kivett* was ownership of the river bed from which the defendant was removing materials. If the waterway was navigable on the date of statehood, title to the bed of the river passed to the state of Indiana and could not ordinarily be conveyed incident to the adjoining riparian property.

In the absence of a contrary state boundary, the appropriate line of demarcation for a navigable waterway is the high water mark. The Indiana Water Resource, Governor's Water Resource Study Commission, State of Indiana (Indiana Department of Natural Resources, 1980), page 107. If not navigable, title to the bed of the river passes to the adjacent property owner or owners.

Ownership is not the only issue determined by whether a waterway is navigable. Public recreational and commercial usage of the surface of a river or stream often depends upon whether the water is navigable. Other legal foundations may, however, authorize public usage. A prescriptive easement may exist. A waterway may be a "public freshwater lake" subject to IC 13-2-11.1 and 310 IAC 6-2. Pursuant to IC 13-2-33, the Natural Resources Commission may, by rule, declare a waterway to be a "recreational stream".

State legislation also establishes regulatory functions which rest upon a determination of navigability. For example, a permit is typically required from the Indiana Department of Natural Resources before a person can

- (1) place, fill, or erect a permanent structure in;
- (2) remove water from; or
- (3) remove material from

a navigable waterway. IC 13-2-4-9 and 310 IAC 21. Other notable regulatory standards applicable to navigable waters include IC 4-18-13 (Lake Michigan fills), IC 13-2-18.5-5 (dedication of channels into navigable waters), IC 14-3-1-14 (general charge of Indiana navigable waters placed in DNR), and IC 14-3-1-14.5 (removal of sand and gravel from the beds of navigable waters).

II. ESTABLISHING A ROSTER

Despite the legal significance of determining whether a particular waterway is or is not navigable, a comprehensive roster of Indiana waters declared navigable has not existed. In part, this absence can be explained by the essentially judicial character of the doctrine of navigability. Since a determination of navigability is ultimately based upon a judicial finding which is both waterway and site specific, any roster is subject to criticism because it is incomplete.

In addition, legislative declarations have identified specific waters as being navigable (or "public highways"). Although most legislative declarations occurred before 1850, more recently governmental agencies have also determined questions of navigability. Notable examples include the U.S. Army Corps of Engineers, the Federal Energy Regulatory Commission, and, at the state level, the Indiana Natural Resources Commission. A determination by any of these legislative or administrative entities is subject to judicial scrutiny and modification.

Even within these limitations, a roster of waters declared navigable can be productive for efforts to regulate and manage the state's waters. With an understanding that any listing of waterways declared navigable is necessarily imperfect and subject to adjustments as new decisions are made, the roster which follows is intended to aid in the regulatory process and in a general public awareness of waterway usage.

A few explanatory remarks are appropriate to the structure of the roster. A waterway is presumed to be navigable at all points downstream from a determination of navigability. A judicial determination as to whether a particular water is or is not navigable generally supersedes a legislative or administrative decision. Unless otherwise refuted, a legislative determination of navigability is presumed to demonstrate historical usage of a waterway for navigation; and a later statutory repeal does not negate the navigability of the waterway.

A declaration of navigability or nonnavigability must be based upon a primary source. These primary sources are a declaration by a court, the legislature, or an agency with jurisdiction over navigable waters. A waterway declared by a primary source to be nonnavigable is identified in brackets. If a waterway is unlisted, no declaration of navigability or nonnavigability has been located from a primary source.

Secondary sources may be applied to determine the geographic limitations of navigability for a particular waterway. Secondary sources include courthouse records, published county histories, periodicals, newspaper articles, interviews, and similar evidence. For example, in the early 19th Century, the Indiana General Assembly sometimes identified a stream as being a "public highway" downstream from a particular mill. Secondary sources are typically applied to determine where the mill is believed to have been located.

Reported state or federal court decisions are applied in seeking to resolve legal issues of navigability which bear upon particular waters (example: where a navigable river is channelized, the new channel becomes navigable and the former channel loses its navigable character when sedimentation causes the bed to surface). Although this roster does not include citations to the authorities applied in determining navigability, these authorities can be obtained through the Indiana Natural Resources Commission.

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III. ROSTER OF INDIANA WATERS DECLARED NAVIGABLE OR NONNAVIGABLE (LISTED BY WATERWAY NAME)

Anderson River (including Middle Fork): Navigable in Spencer County from its junction with the Ohio River for 28.4 river miles to the Perry-Spencer County Line. The Middle Fork is navigable from its junction with the Anderson River for 3.3 river miles.

Armuth Ditch: See Black Creek.

Arnold Creek: Navigable in Ohio County from its junction with the Ohio River for 4.4 river miles.

Baker Creek: Navigable in Spencer County from its junction with Little Pigeon Creek 1.8 river miles.

Bald Knob Creek: Navigable in Perry County from its junction with Oil Creek for 0.5 river miles.

Banbango Creek: See Baugo Creek.

Baugo Creek: Navigable from its junction with the St. Joseph River in South Bend for 15.2 river miles to the main forks (near Wakarusa).

Bayou Creek: Navigable in Vanderburgh County from its junction with the Ohio River for 1.5 river miles.

Beanblossom Creek: Navigable in Monroe County from its junction with the West Fork of the White River for 17.7 river miles to Griffy Creek.

Bear Creek: Navigable in Perry County from its junction with the Ohio River for 1.6 river miles.

Big Blue River: Navigable from its junction with Sugar Creek (to form the Driftwood River) for 55.46 river miles to the Henry-Rush County Line.

Big Blue River: See, also, Blue River.

Big Creek: Navigable in Posey County from its junction with the Wabash River for 25.4 river miles (near Cynthiana). See, also, Little Fork of Big Creek.

Big Deer Creek: See Deer Creek.

Big Indian Creek: See Indian Creek (Morgan County).

Big Oil Creek: Navigable in Perry County from its junction with the Ohio River for 10.6 river miles.

Big Poison Creek: Navigable in Perry County from its junction with the Ohio River for 6.3 river miles.

Big Raccoon Creek: Navigable from its junction with the Wabash River for 42.35 river miles to the Parke-Putnam County Line (now Cecil M. Harden Lake). The dam for Harden Lake is located at river mile 33.7.

Big Saluda Creek: Navigable in Jefferson County from its junction with the Ohio River for 1.0 river miles.

Big Sandy Creek: See Sandy Creek.

Big Vermillion River: Navigable from its junction with the Wabash River for 10.8 river miles to the Illinois State Line. (This river is navigable to Carmargo, Illinois.)

Black Creek: Navigable from its junction with the West Fork of the White River (near Edwardsport) for 11.8 river miles (near Marco).

Blue River: Navigable from its junction with the Ohio River for 57.15 river miles to Fredricksburg.

Blue River: See, also, Big Blue River.

Bryant Creek: Navigable in Switzerland County from its junction with the Ohio River for 2.6 river miles.

Buck Creek: Navigable in Harrison County from its junction with the Ohio River for 5.8 river miles.

Buck Creek: Navigable in Perry County from its junction with the Ohio River for 0.7 river miles.

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Buck Run: Navigable in Ohio County from its junction with the Ohio River for 1.1 river miles.

Bull Creek: Navigable in Clark County from its junction with the Ohio River for 1.1 river miles.

Bull Hollow: Navigable in Perry County from its junction with Big Oil Creek for 0.7 river miles.

Burns Ditch: Navigable as a channelization of the Little Calumet River.

Burns Waterway Harbor: Navigable as an extension of Lake Michigan for 1.3 river miles to the Little Calumet River.

Busseron Creek: Navigable from its junction with the Wabash River in Knox County for 20.96 river miles. A channelization and relocation of Busseron Creek is navigable from its junction with the Wabash River in Sullivan County (near Rogers Ditch) for 2.85 river miles to its junction with the original channel.

Busserou Creek: See Busseron Creek.

Cagles Mill Lake: See Eel River, and see Mill Creek.

Calumet River: See Grand Calumet River; also Little Calumet River.

Calumet River Canal: See Indiana Harbor Canal.

Cammie Thomas Ditch: Navigable for 7.45 river miles as a channelization of the Muscatatuck River.

Camp Creek: Navigable in Clark County from its junction with the Ohio River for 1.7 river miles.

Caney Branch: Navigable in Perry County from its junction with Big Poison Creek for 0.2 river miles.

Caney Branch: Navigable in Perry County from its junction with Little Deer Creek for 0.8 river miles.

Caney Creek: Navigable in Spencer County from its junction with the Ohio River for 2.8 river miles.

Carman's Creek: See Turman Creek.

Cecil M. Harden Lake: See Big Raccoon Creek.

Clear Creek: Navigable in Monroe County from its junction with Salt Creek for 2.55 river miles (near Harrodsburg).

Clear Creek: Navigable from its junction with Little Pigeon Creek for 2.4 river miles.

Clover Lick Creek: Navigable in Perry County from its junction with Big Oil Creek for 0.7 river miles.

Conns Creek: Navigable (although with private ownership of the creek bed) from its junction with the Flatrock River for 11.5 river miles to the Rush-Shelby County Line.

Crooked Creek: Navigable in Spencer County from its junction with the Ohio River for 7.7 river miles.

Cypress Creek (including Cypress Creek Diversion Channel): Navigable in Warrick County from its junction with the Ohio River for 6.6 river miles. (The original bed of Cypress Creek is also navigable west of Cypress Creek Diversion Channel for 1.95 river miles, except where the creek bed has emerged and is no longer inundated.)

Deer Creek: Navigable in Perry County from its junction with the Ohio River for 5.9 river miles.

Driftwood River: Navigable from its junction with the East Fork of the White River (near Columbus) 15 river miles to its junction with the Big Blue River (near Edinburgh).

Dry Run Creek: Navigable in Crawford County from its junction with the Big Blue River for 1.4 river miles.

East Calumuck River: See Little Calumet River.

East Deer Creek: Navigable in Perry County from its junction with Deer Creek for 0.6 river miles.

East Fork of the White River: Navigable from its junction with the White River 189 river miles to its junction with the Flatrock and Driftwood Rivers (near Columbus).

East Fork of the Whitewater River: Navigable from its junction with the Whitewater River for 26.25 river miles to the Union-Wayne County Line.

Eel River: Navigable from its junction with the West Fork of the White River for 51.2 river miles to its junction with Mill Creek (now within Cagles Mill Lake).

Elk Creek: Navigable in Washington County from its junction with the Cammie Thomas Ditch for 3.0 river miles.

Fanny Creek: Navigable in Perry County from its junction with the Ohio River for 0.8 river miles.

Fawn River: Navigable for 13.45 river miles within Indiana. The Fawn River has two navigable segments in Indiana, separated by segments in Michigan. Navigability commences at the Indiana-Michigan state line (near Gilmore Lake and two miles south of Sturgis, Michigan) and continues downstream.

Flat Creek: Navigable from its junction with the Patoka River for 12.0 river miles (near Otwell).

Flatrock River: Navigable from its junction with the East Fork of the White River (Columbus) 93 river miles to its uppermost point in Henry County (near Mooreland).

Fourteen Mile Creek: Navigable in Clark County from its junction with the Ohio River for 2.9 river miles.

Garrett Creek: Navigable in Spencer County from its junction with the Ohio River for 2.2 river miles.

Goose Creek: Navigable in Switzerland County from its junction with the Ohio River for 1.5 river miles.

Grand Calumet River: Navigable from the Illinois State Line (near Hammond) for 15.4 river miles to Marquette Park. (The river is also navigable in Illinois.)

Grants Creek: Navigable in Switzerland County from its junction with the Ohio River for 2.5 river miles.

Great Miami River: Navigable for 1.4 river miles in Dearborn County. (Most of this river lies within Ohio; and the Great Miami River has been determined to be navigable from its junction with the Ohio River for 117 river miles. The waterway enters Indiana at two locations.)

Harden Lake: See Big Raccoon Creek.

Harris Ditch: Navigable in Posey County from its junction with the Ohio River for 0.9 river miles to Little Pitcher Lake.

Hogan Creek (including North Fork and South Fork): (The Main Stem of) Hogan Creek is navigable in Dearborn County from the junction on the Ohio River for its entire length of 0.4 river miles. The North Fork is navigable from the junction with Hogan Creek for 4.9 river miles. The South Fork is navigable from the junction with Hogan Creek for 5.0 river miles.

Honey Creek: Navigable in Spencer County from its junction with the Ohio River for 1.8 river miles.

Houchins Ditch: See Patoka River.

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Hurricane Fork: See Little Fork of Big Creek.

Independence Creek: See Indian Creek (Harrison County).

Indian Creek: Navigable in Harrison County from its junction with the Ohio River for 4.8 river miles.

Indian Creek: Navigable in Martin County from its junction with the East Fork of the White River for 15.0 river miles to the Lawrence-Martin County Line.

Indian Creek: Navigable in Morgan County from its junction with the West Fork of the White River for 3.3 river miles (near Martinsville).

Indian Creek: Navigable in Switzerland County from its junction with the Ohio River for 4.1 river miles.

Indian Fork: Navigable in Perry County from its junction with Big Oil Creek for 1.4 river miles.

Indian-Kentuck Creek: Navigable in Jefferson County from its mouth on the Ohio River for 3.8 river miles.

Indiana Harbor: Navigable as an extension of Lake Michigan.

Indiana Harbor Canal (including Calumet River Branch and Lake George Branch): The (Main Stem of the) Indiana Harbor Canal is navigable in Lake County for 3.0 river miles from the Indiana Harbor to where it branches into the Calumet River Canal and the Lake George Canal. The Calumet River Canal is navigable in Lake County from the Indiana Harbor Canal for 1.95 river miles to the Grand Calumet River. The Lake George Canal is navigable in Lake County from the Indiana Harbor Canal for 0.85 river miles (near White Oak Avenue if extended southerly).

Iroquios River: Navigable from the Indiana-Illinois State Line for 39 river miles to the Dexter Ditch (near Parr).

Island Branch: Navigable in Ohio County from its junction with the Ohio River for 1.0 river miles.

Jackson Creek: Navigable in Spencer County from its junction with the Ohio River for 1.8 river miles.

Kankakee River: Navigable from the Indiana-Illinois State Line for 86.3 river miles to the Indiana-Michigan State Line. (This river is also navigable downstream in Illinois.)

Kelly Bayou: Navigable in Sullivan County from its downstream junction with an oxbow of the Wabash River for 5.8 river miles to its upstream junction with the Wabash River.

Kelly Hollow: Navigable in Perry County from its junction with Millstone Creek for 1.0 river miles.

Kemper Ditch: See Little Calumet River.

Kingly Creek: Navigable in Perry County from its junction with the Ohio River for 0.2 river miles.

Knob Creek: Navigable in Perry County from its junction with the Ohio River for 0.2 river miles.

Lake Drain: Navigable in Spencer County from its junction with the Ohio River for 1.6 river miles.

Lake George Canal: See Indiana Harbor Canal.

Lake Michigan: Navigable throughout Indiana.

Lancassange Creek: Navigable in Clark County from its junction with the Ohio River for 0.3 river miles.

Laughery Creek: Navigable from its junction with the Ohio River for 10.8 river miles (near Milton).

Lick Creek: Navigable in Orange County from its junction with the Lost River for 19.5 river miles to Old Spring

Mill (near Paoli).

Little Blue River: Navigable in Crawford County from its junction with the Ohio River (near Alton) for 10.6 river miles.

Little Blue River: Navigable from its junction with the Big Blue River (Shelbyville) for 25.6 river miles to its junction with Ball Run.

Little Calumet River: Navigable from the Indiana-Illinois State Line for 21.24 river miles to Burns Waterway Harbor; and navigable for an additional 17.75 river miles to its junction (as Kemper Ditch) with Interstate 94. (The river is also navigable in Illinois.)

Little Creek: See Little Fork of Big Creek.

Little Deer Creek: Navigable from its junction with Deer Creek for 3.9 river miles.

Little Fork of Big Creek: Navigable in Posey County from its junction with Big Creek for 5.1 river miles.

Little Oil Creek: Navigable from its junction with Big Oil Creek for 4.4 river miles.

Little Pigeon Creek: Navigable from its junction with the Ohio River for 15.8 river miles.

Little Pitcher Lake: Navigable in Posey County as an extension of Harris Ditch.

Little Raccoon Creek: Navigable in Parke County from its junction with Big Raccoon Creek for 5.3 river miles (Nevins Covered Bridge).

Little River: Navigable from its junction with the Wabash River 20.2 river miles to Ellison Road (near Fort Wayne).

Little Sandy Creek: Navigable in Spencer County from its junction with the Ohio River for 2.0 river miles.

Little Wabash River: See Little River.

Locust Creek: Navigable in Vanderburgh County from its junction with Pigeon Creek for 1.5 river miles.

Log Lick Creek: Navigable in Switzerland County from its junction with the Ohio River for 2.3 river miles.

Lost River: Navigable from its junction with the East Fork of the White River for 48.87 river miles (near Orangeville).

McFadden Creek: Navigable in Posey County from its junction with the Ohio River for 2.3 river miles.

Marble Powers Ditch: See Kankakee River.

Maumee River: Navigable from the Indiana-Ohio State Line 27.05 river miles to the Hosey Dam, Fort Wayne. (The river is also navigable in Ohio; and the river may be alternatively described as navigable to total river mile 134.9. The Indiana-Ohio State Line is located at total river mile 107.85.)

Mill Creek: Navigable from its junction with the Eel River (now Cagles Mill Lake) for 32.45 river miles to the Hendricks-Morgan County Line. See, also, Mill Creek Ditch.

Mill Creek: Navigable in Crawford County from its junction with the Little Blue River for 1.4 river miles.

Mill Creek Ditch: Navigable from its junction with Mill Creek upstream for 1.35 river miles to the Hendricks-Morgan County Line.

Millstone Creek: Navigable in Perry County from its junction with the Ohio River for 1.4 river miles.

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Mississinewa River: Navigable from its junction with the Wabash River for 109.75 river miles to the Indiana-Ohio State Line.

Monroe Lake: See Salt Creek.

Mosquito Creek: Navigable in Harrison County from its junction with the Ohio River for 2.8 river miles.

Mud Creek: Navigable from its junction with Mill Creek (near Little Point) for 5.6 river miles to Tudor Road (near Hazelwood).

Muscatatuck River: Navigable from its junction with the East Fork of the White River for 24.25 river miles to the main forks. See, also, Vernon Fork of Muscatatuck River and South Fork of Muscatatuck River.

Neglie Creek: Navigable in Perry County from its junction with Little Deer Creek for 0.5 river miles.

North Fork of Muscatatuck River: See Vernon Fork of Muscatatuck River.

Ohio River: Navigable throughout the state (from total river mile 491.34 to total river mile 848.0).

Oil Creek: See Big Oil Creek.

Patoka River: Navigable from its junction with the Wabash River for 146.6 river miles (within Greenfield Township, Orange County).

Pickamink River: See Iroquois River.

Pigeon Creek: Navigable from its junction with the Ohio River for 5.9 river miles.

Plum Creek: Navigable in Switzerland County from its junction with the Ohio River for 2.9 river miles.

Poison Creek: See Big Poison Creek.

Potato Run: Navigable in Harrison County from its junction with the Ohio River for 0.4 river miles.

Raccoon Creek: See Big Raccoon Creek.

Rock River: See Sugar Creek.

Rider Ditch: Navigable in Jackson County as a channelization of the Vernon Fork of the Muscatatuck River.

St. Joseph River: Navigable throughout Indiana (Elkhart and St. Joseph Counties) for 39.57 river miles. The river enters Indiana from Michigan and returns to Michigan. (The river is also navigable downstream in Michigan; and the river may be alternatively described as navigable from total river mile 49.93 to total river mile 89.5.)

Salt Creek: Navigable from its junction with the East Fork of the White River for 63.6 river miles to the upstream boundary of Monroe Lake along the North Fork.

Sample Run: Navigable in Perry County from its junction with the Ohio River for 0.2 river miles.

Sand Creek: Navigable in Switzerland County from its junction with Bryant Creek for 0.9 river miles.

Sand Run: See Sand Creek.

Sandy Creek: Navigable in Spencer County from its junction with the Ohio River for 2.6 river miles.

Silver Creek: Navigable in Clark County from its junction with the Ohio River for 3.0 river miles.

Smart Ditch: Navigable in Jackson County as a channelization of the Muscatatuck River (and the Vernon Fork of

the Muscatatuck River).

South Fork of Big Creek: See Little Fork of Big Creek.

South Fork of Muscatatuck River: Navigable from its junction with the Muscatatuck River 28.1 river miles to its junction with Graham Creek.

Sugar Creek: Navigable from its junction with the Big Blue River (to form the Driftwood River) for 24.4 river miles (near Boggstown).

Sugar Creek: Navigable from its junction on the Wabash River (near West Union) for 56.83 river miles to the Montgomery-Boone County Line.

Tanners Creek: Navigable from its junction with the Ohio River in Lawrenceburg for 10.6 river miles.

Tate's Hollow: Navigable in Perry County from its junction with the Ohio River for 0.3 river miles.

Thomas Ditch: See Cammie Thomas Ditch.

Trail Creek: Navigable in LaPorte County from its junction with Lake Michigan for 1.0 river miles.

Turman Creek: Navigable in Sullivan County from its junction with the Wabash River for 7.9 river miles (near Dodds Bridge).

Turtle Creek: Navigable in Switzerland County from its junction with the Ohio River for 1.3 river miles.

Twin Creek: Navigable in Washington County from its junction with the East Fork of the White River for 7.98 river miles to the Cox Ferry Road Bridge near the Jefferson-Brown Township Line.

Vermillion River: See Big Vermillion River.

Vernon Fork of Muscatatuck River: Navigable from its junction with the Muscatatuck River for 39.3 river miles to Vernon (S.R. 7).

Wabash River: Navigable from its junction with the Ohio River for 441.9 river miles to the Wells-Adams County Line.

Webb Branch: Navigable in Perry County from its junction with Big Oil Creek for 0.9 river miles.

West Fork of the White River: Navigable from its junction with the White River 277 river miles to Smithfield, Delaware County.

West Fork of the Whitewater River: Navigable from its junction with the Whitewater River for 64.3 river miles to the three forks (near Connersville).

White River: Navigable from its junction with the Wabash River for 49.5 river miles to where it branches into the East Fork of the White River and the West Fork of the White River.

Whitewater River: Navigable from the Ohio State Line for 29.65 river miles to where it branches into the East Fork of the Whitewater River and the West Fork of the Whitewater River. (The river is also navigable downstream in Ohio; and the river may be alternatively described as navigable from total river mile 7.9 to total river mile 96.9.)

Wilson Creek: Navigable in Dearborn County from its junction with the Ohio River for 1.9 river miles.

Yellow River: Navigable from its junction with the Kankakee River for 41.0 river miles to Plymouth.

IV. ROSTER OF INDIANA WATERS DECLARED NAVIGABLE OR NONNAVIGABLE (LISTED BY

Nonrule Policy Documents

COUNTY NAME)

Adams County

- (1) [St. Marys's River: Nonnavigable.]
- (2) [Wabash River: Nonnavigable.]

Allen County

- (1) Little River: Navigable from its junction with the Wabash River 20.2 river miles to Ellison Road.
- (2) Maumee River: Navigable from the Indiana-Ohio State Line 27.05 river miles to the Hosey Dam (Fort Wayne).
- (3) [St. Mary's River: Nonnavigable.]

Bartholomew County

- (1) Driftwood River: Navigable from its junction with the East Fork of the White River (Columbus) to the County Line.
- (2) East Fork of White River: Navigable from the County Line to its junction with the Driftwood and Flatrock Rivers (Columbus).
- (3) Flatrock River: Navigable from its junction with the East Fork of the White River (Columbus) to the County Line.

Benton County

No waterway has been declared navigable or nonnavigable.

Blackford County

No waterway has been declared navigable or nonnavigable.

Boone County

No waterway has been declared navigable or nonnavigable.

Brown County

- (1) Salt Creek: Navigable from its junction with the East Fork of the White River throughout the county.

Carroll County

- (1) Wabash River: Navigable throughout the county.

Cass County

- (1) Wabash River: Navigable throughout the county.

Clark County

- (1) Bull Creek: Navigable from its junction with the Ohio River for 1.1 river miles.
- (2) Camp Creek: Navigable from its junction with the Ohio River for 1.7 river miles.
- (3) Fourteen Mile Creek: Navigable from its junction with the Ohio River for 2.9 river miles.
- (4) Lancassange Creek: Navigable from its junction with the Ohio River for 0.3 river miles.
- (5) Ohio River: Navigable throughout the county.
- (6) Silver Creek: Navigable from its junction with the Ohio River for 3.0 river miles.

Clay County

- (1) Eel River: Navigable throughout the county.

Clinton County

No waterway has been declared navigable or nonnavigable.

Crawford County

- (1) Big Blue River: Navigable throughout the county.
- (2) Dry Run Creek: Navigable from its junction with the Big Blue River for 1.4 river miles.
- (3) Little Blue River: Navigable from its junction with the Ohio River for 10.6 river miles.

- (4) Mill Creek: Navigable from its junction with the Little Blue River for 1.4 river miles.
- (5) Ohio River: Navigable throughout the county.

Daviess County

- (1) East Fork of the White River: Navigable throughout the county.
- (2) West Fork of the White River: Navigable throughout the county.

Dearborn County

- (1) Great Miami River: Navigable throughout the county.
- (2) Hogan Creek (including North Fork and South Fork): Hogan Creek (Main Stem) is navigable from its junction with the Ohio River for the entire length (0.4 river miles). The North Fork of Hogan Creek 28 is navigable from its junction with Hogan Creek for 4.9 river miles. The South Fork of Hogan Creek is navigable from its junction with Hogan Creek for 5.0 river miles.
- (3) Laughery Creek: Navigable from its junction with the Ohio River for 10.8 river miles (near Milton).
- (4) Ohio River: Navigable throughout the county.
- (5) Tanners Creek: Navigable from its junction with the Ohio River in Lawrenceburg for 10.6 river miles.
- (6) Whitewater River: Navigable throughout the county.
- (7) Wilson Creek: Navigable from its junction with the Ohio River for 1.9 river miles.

Decatur County

- (1) Flatrock River: Navigable throughout the county.

DeKalb County

No waterway has been declared navigable or nonnavigable.

Delaware County

- (1) Mississinewa: Navigable throughout the county.
- (2) West Fork of the White River: Navigable to Smithfield.

Dubois County

- (1) Flat Creek: Navigable from its junction with the Patoka River throughout the county.
- (2) East Fork of the White River: Navigable throughout the county.
- (3) Patoka River: Navigable throughout the county.

Elkhart County

- (1) Baugo Creek (formerly Bangango Creek):
- (2) St. Joseph River: Navigable throughout the county.

Fayette County

- (1) West Fork of the Whitewater River: Navigable to the three forks (near Connersville).

Floyd County

- (1) Ohio River: Navigable throughout the county.
- (2) Silver Creek: Navigable from its junction with the Ohio River for 3.0 river miles.

Fountain County

- (1) Wabash River: Navigable throughout the county.

Franklin County

- (1) East Fork of the Whitewater River: Navigable throughout the county from its junction with the Whitewater River.
- (2) West Fork of the Whitewater River: Navigable throughout the county from its junction with the Whitewater River.
- (3) Whitewater River: Navigable throughout the county.

Fulton County

Nonrule Policy Documents

No waterway has been declared navigable or nonnavigable. There is a discussion of navigability relative to a determination that Nyona Lake is a "public freshwater lake" in *Bath v. Courts*, Ind. App., 459 N.E. 2d 72 (1984).

Gibson County

- (1) Patoka River (also known as Houchins Ditch): Navigable throughout the county from its junction with the Wabash River.
- (2) Wabash River: Navigable throughout the county.
- (3) White River: Navigable throughout the county from its junction on the Wabash River.

Grant County

- (1) Mississinewa River: Navigable throughout the county.

Greene County

- (1) Black Creek: Navigable to near Marco.
- (2) Eel River: Navigable throughout the county from its junction with the West Fork of the White River.
- (3) West Fork of the White River: Navigable throughout the county.

Hamilton County

- (1) West Fork of the White River: Navigable throughout the county.

Hancock County

- (1) Big Blue River: Navigable throughout the county.

Harrison County

- (1) Big Blue River: Navigable throughout the county from its junction with the Ohio River.
- (2) Buck Creek: Navigable 5.8 river miles from its junction with the Ohio River.
- (3) Indian Creek: Navigable 4.8 river miles from its junction with the Ohio River.
- (4) Mosquito Creek: Navigable 2.8 river miles from its junction with the Ohio River.
- (5) Ohio River: Navigable throughout the county.
- (6) Potato Run: Navigable 0.4 river miles from its junction with the Ohio River.

Hendricks County

- (1) Mud Creek: Navigable to Tudor Road (near Hazelwood).

Henry County

- (1) Flatrock River: Navigable throughout the county.

Howard County

No waterway has been declared navigable or nonnavigable.

Huntington County

- (1) [Huntington Lake: Nonnavigable for interstate commerce.]
- (2) Little River: Navigable throughout the county from its junction on the Wabash River.
- (3) Wabash River: Navigable throughout the county.

Jackson County

- (1) East Fork of White River: Navigable throughout the county.
- (2) Muscatatuck River: Navigable throughout the county.

Jasper County

- (1) Iroquois River: Navigable to near Parr.
- (2) Kankakee River: Navigable throughout the county.

Jay County

No waterway has been declared navigable or nonnavigable.

Jefferson County

- (1) Big Saluda Creek: Navigable 1.0 river miles from its junction with the Ohio River.
- (2) Indian-Kentuck Creek: Navigable 3.8 river miles from its junction with the Ohio River.
- (3) Ohio River: Navigable throughout the county.

Jennings County

- (1) Muscatatuck River: Navigable to the main forks.

Johnson County

- (1) Big Blue River: Navigable throughout the county.
- (2) East Fork of White River: Navigable to its junction with the Flatrock and Driftwood Rivers.
- (3) Sugar Creek: Navigable from its junction with the Big Blue River (to form the Driftwood River) throughout the county.
- (4) West Fork of White River: Navigable throughout the county.

Knox County

- (1) Black Creek: Navigable from its junction with the West Fork of the White River (near Edwardsport) throughout the county.
- (2) Busseron Creek: Navigable throughout the county.
- (3) Wabash River: Navigable throughout the county.
- (4) West Fork of White River: Navigable throughout the county from its junction with the White River.
- (5) White River: Navigable throughout the county from its junction with the Wabash River.

Kosciusko County

- (1) [Tippecanoe Lake: Nonnavigable.]

Lagrange County

- (1) Fawn River: Two segments of the river are navigable in Lagrange County. These segments are separated by portions of the river in Michigan.

Lake County

- (1) Burns Ditch: Navigable as a channelization of the Little Calumet River.
- (2) Grand Calumet River: Navigable from the Illinois State Line (near Hammond) to Marquette Park.
- (3) Indiana Harbor Canal: Navigable throughout the county.
- (4) Kankakee River: Navigable throughout the county.
- (5) Lake Michigan: Navigable throughout the county.
- (6) Little Calumet River: Navigable throughout the county.
- (7) [Wolf Lake: Nonnavigable.]

LaPorte County

- (1) Kankakee River: Navigable throughout the county.
- (2) Lake Michigan: Navigable throughout the county.
- (3) Trail Creek: Navigable 1.0 river miles from its junction with Lake Michigan.
- (4) [Unnamed Lake: Located in the north one-half of section 8, township 36 north, range 1 west is a nonnavigable lake.]

Lawrence County

- (1) East Fork of White River: Navigable throughout the county.
- (2) Salt Creek: Navigable from its junction with the East Fork of White River throughout the county.

Madison County

- (1) West Fork of White River: Navigable throughout the county.

Marion County

- (1) West Fork of the White River: Navigable throughout the county.

Nonrule Policy Documents

Marshall County

- (1) Yellow River: Navigable to Plymouth.

Martin County

- (1) East Fork of White River: Navigable throughout the county.
- (2) Indian Creek: Navigable throughout the county.
- (3) Lost River: Navigable from its junction with East Fork of the White River.

Miami County

- (1) Mississinewa River: Navigable throughout the county.
- (2) Wabash River: Navigable throughout the county.

Monroe County

- (1) Beanblossom Creek: Navigable to Griffy Creek.
- (2) Clear Creek: Navigable to near Harrodsburg.
- (3) Salt Creek: Navigable downstream from the upstream end of Lake Monroe on the North Fork.
- (4) West Fork of White River: Navigable throughout the county.

Montgomery County

- (1) Sugar Creek: Navigable throughout the county.

Morgan County

- (1) Indian Creek: Navigable from its junction with the West Fork of the White River for 3.3 river miles.
- (2) [Lamb Creek: Nonnavigable.]
- (3) Mill Creek: Navigable throughout the county.
- (4) Mill Creek Ditch: Navigable throughout the county.
- (5) Mud Creek: Navigable from its junction with Mill Creek throughout the county.
- (6) West Fork of White River: Navigable throughout the county.

Newton County

- (1) Iroquois River: Navigable throughout the County.
- (2) Kankakee River: Navigable throughout the County.

Noble County

No waterway has been declared navigable or nonnavigable.

Ohio County

- (1) Arnold Creek: Navigable from its junction with the Ohio River for 4.4 river miles.
- (2) Buck Run: Navigable from its junction with the Ohio River for 1.1 river miles.
- (3) Island Branch: Navigable from its junction with the Ohio River for 1.0 river miles.
- (4) Laughery Creek: Navigable throughout the county.
- (5) Ohio River: Navigable throughout the county.

Orange County

- (1) Lick Creek: Navigable downstream from Old Spring Mill (near Paoli).
- (2) Lost River: Navigable to near Orangeville.
- (3) Patoka River: Navigable within Greenfield Township and downstream.

Owen County

- (1) Cagles Mill Lake: Navigable throughout the county.
- (2) Eel River: Navigable to Cagles Mill Lake.
- (3) Mill Creek: See Cagles Mill Lake.
- (4) West Fork of White River: Navigable throughout the county.

Parke County

- (1) Big Raccoon Creek: Navigable throughout the county.

- (2) Little Raccoon Creek: Navigable from its junction with Big Raccoon Creek for 5.3 river miles (Nevins Covered Bridge).
- (3) Cecil M. Harden Lake: See Big Raccoon Creek.
- (4) Sugar Creek: Navigable throughout the county.
- (5) Wabash River: Navigable throughout the county.

Perry County

- (1) Anderson River: Navigable from its junction with the Ohio River along the Spencer County line.
- (2) Bald Knob Creek: Navigable from its junction with Big Oil Creek for 0.5 river miles.
- (3) Bear Creek: Navigable from its junction with the Ohio River for 1.6 river miles.
- (4) Big Deer Creek: Navigable from its junction with the Ohio River for 5.9 river miles. See Deer Creek.
- (5) Big Oil Creek (including Webb Branch): Navigable from its junction with the Ohio River for 10.6 river miles. Webb Branch is navigable from its junction on Big Oil Creek for 0.9 river miles.
- (6) Big Poison Creek: Navigable from its junction with the Ohio River for 6.3 river miles.
- (7) Buck Creek: Navigable from its junction with the Ohio River for 0.7 river miles.
- (8) Bull Hollow: Navigable from its junction with Big Oil Creek for 0.7 river miles.
- (9) Caney Branch of Big Poison Creek: Navigable from its junction with Big Poison Creek for 0.2 river miles.
- (10) Caney Branch of Little Deer Creek: Navigable from its junction with Little Deer Creek for 0.8 river miles.
- (11) Clover Lick Creek: Navigable from its junction with Big Oil Creek for 0.7 river miles.
- (12) Deer Creek: Navigable from its junction with the Ohio River for 5.9 river miles.
- (13) East Deer Creek: Navigable from its junction with Deer Creek for 0.6 river miles.
- (14) Fanny Creek: Navigable from its junction with the Ohio River for 0.8 river miles.
- (15) Indian Fork: Navigable from its junction with Big Oil Creek for 1.4 river miles.
- (16) Kelly Hollow: Navigable from its junction with Millstone Creek for 1.0 river miles.
- (17) Kingly Creek: Navigable from its junction with the Ohio River for 0.2 river miles.
- (18) Knob Creek: Navigable from its junction with the Ohio River for 0.2 river miles.
- (19) Little Deer Creek (also known as West Fork of Deer Creek): Navigable from its junction with Deer Creek for 3.9 river miles.
- (20) Little Oil Creek: Navigable from its junction with Big Oil Creek for 4.4 river miles.
- (21) Little Poison Creek: Navigable from its junction with Big Poison Creek for 1.2 river miles.
- (22) Millstone Creek: Navigable from its junction with the Ohio River for 1.4 river miles.
- (23) Neglie Creek: Navigable from its junction with Little Deer Creek for 0.5 river miles.
- (24) Ohio River: Navigable throughout the county.
- (25) Oil Creek: See Big Oil Creek.
- (26) Poison Creek: See Big Poison Creek.
- (27) Sample Run: Navigable from its junction with the Ohio River for 0.2 river miles.
- (28) Tates Hollow: Navigable from its junction with the Ohio River for 0.3 river miles.
- (29) Webb Branch: See Big Oil Creek.

Pike County

- (1) East Fork of White River: Navigable throughout the county.
- (2) Flat Creek: Navigable downstream from a point in Franklin Township.
- (3) Patoka River: Navigable throughout the county.
- (4) White River: Navigable throughout the county.

Porter County

- (1) Burns Ditch: Navigable as a channelization of the Little Calumet River.
- (2) Burns Waterway Harbor: Navigable as an extension of Lake Michigan for 1.3 river miles to the Little Calumet River.
- (3) Kankakee River: Navigable throughout the county.
- (4) Lake Michigan: Navigable throughout the county.
- (5) Little Calumet River: Navigable throughout the county.

Posey County

- (1) Big Creek: Navigable from its junction with the Wabash River for 25.4 river miles (near Cynthiana).

Nonrule Policy Documents

- (2) Harris Ditch: Navigable from its junction with the Ohio River for 0.9 river miles.
- (3) Hurricane Fork: See Little Fork of Big Creek.
- (4) Little Fork of Big Creek: Navigable from its junction with Big Creek for 5.1 river miles (junction of Nev Creek).
- (5) Little Pitcher Lake: Navigable as an extension of Harris Ditch.
- (6) South Fork: See Little Fork of Big Creek.
- (7) McFadden Creek: Navigable from its junction with the Ohio River for 2.3 river miles.
- (8) Ohio River: Navigable throughout the county.
- (9) Wabash River: Navigable from its junction with the Ohio River throughout the county.

Pulaski County

No waterway has been declared navigable or nonnavigable.

Putnam County

- (1) Cagles Mill Lake: See Eel River, and see Mill Creek.
- (2) Eel River: Navigable upstream to its junction with Mill Creek (now within Cagles Mill Lake).
- (4) Mill Creek: Navigable throughout the county.

Randolph County

- (1) Mississinewa River: Navigable throughout the county.

Ripley County

No waterway has been declared navigable or nonnavigable.

Rush County

- (1) Big Blue River: Navigable throughout the county.
- (2) Flatrock River: Navigable throughout the county.
- (3) Little Blue River: Navigable downstream from its junction with Ball Run in Posey Township.

St. Joseph River

- (1) Baugo Creek (formerly Banbango Creek): Navigable from its junction with the St. Joseph River throughout the county.
- (2) Kankakee River: Navigable throughout the county.
- (3) St. Joseph River: Navigable throughout the county.

Scott County

- (1) Cammie Thomas Ditch: Navigable as a channelization of the Muscatatuck River.
- (2) Muscatatuck River: Navigable throughout the county.
- (3) South Fork of Muscatatuck River: Navigable from its junction with the Muscatatuck River upstream to its junction with Graham Creek at river mile 28.1.

Shelby County

- (1) Big Blue River: Navigable throughout the county.
- (2) Conns Creek: Navigable from its junction with the Flatrock River throughout the county (but with private ownership of the creek bed).
- (3) Flatrock River: Navigable throughout the county.
- (4) Little Blue River: Navigable from its junction with the Big Blue River (Shelbyville) throughout the county.
- (5) Sugar Creek: Navigable to Hough Cemetery (near Boggstown).

Spencer County

- (1) Anderson River: Navigable from its junction with the Ohio River throughout the county.
- (2) Baker Creek: Navigable from its junction with Little Pigeon Creek for 1.8 river miles.
- (3) Caney Creek: Navigable from its junction with the Ohio River for 2.8 river miles.
- (4) Clear Creek: Navigable from its junction with Little Pigeon Creek for 2.4 river miles.
- (5) Crooked Creek: Navigable from its junction with the Ohio River for 7.7 river miles.

- (6) Garrett Creek: Navigable from its junction with the Ohio River for 2.2 river miles.
- (7) Honey Creek: Navigable from its junction with the Ohio River for 1.8 river miles.
- (8) Jackson Creek: Navigable from its junction with the Ohio River for 1.8 river miles.
- (9) Lake Drain: Navigable from its junction with the Ohio River for 1.6 river miles.
- (10) Little Pigeon Creek: Navigable from its junction with the Ohio River for 15.8 river miles.
- (11) Little Sandy Creek: Navigable from its junction with the Ohio River for 2.0 river miles.
- (12) Ohio River: Navigable throughout the county.
- (13) Sandy Creek: Navigable from its junction with the Ohio River for 2.6 river miles.

Starke County

- (1) Kankakee River: Navigable throughout the county.
- (2) Yellow River: Navigable from its junction with the Kankakee River throughout the county.

Steuben County

No waterway has been declared navigable or nonnavigable.

Sullivan County

- (1) Busseron Creek: Navigable to near Caledonia.
- (2) Kelly Bayou: Navigable from its downstream junction with an oxbow of the Wabash River to its upstream junction of the Wabash River.
- (3) Turman Creek: Navigable from its junction on the Wabash River for 7.9 river miles.
- (4) Wabash River: Navigable throughout the county.

Switzerland County

- (1) Bryant Creek: Navigable from its junction with the Ohio River for 2.6 river miles.
- (2) Goose Creek: Navigable from its junction with the Ohio River 1.5 river miles.
- (3) Grants Creek: Navigable from its junction with the Ohio River for 2.5 river miles.
- (4) Indian Creek: Navigable from its junction with the Ohio River for 4.1 river miles.
- (5) Log Lick Creek: Navigable from its junction with the Ohio River for 2.3 river miles.
- (6) Ohio River: Navigable throughout the county.
- (7) Plum Creek: Navigable from its junction with the Ohio River for 2.9 river miles.
- (8) Sand Creek: Navigable from its junction with the Ohio River for 0.9 river miles.
- (9) Turtle Creek: Navigable from its junction with the Ohio River for 1.3 river miles.

Tippecanoe County

- (1) Wabash River: Navigable throughout the county.

Tipton County

No waterway has been declared navigable or nonnavigable.

Union County

- (1) East Fork of Whitewater River: Navigable throughout the county.

Vanderburgh County

- (1) Bayou Creek: Navigable from its junction with the Ohio River for 1.5 river miles.
- (2) Locust Creek: Navigable from its junction with Pigeon Creek for 1.5 river miles.
- (3) Ohio River: Navigable throughout the county.
- (4) Pigeon Creek: Navigable from its junction with the Ohio River for 5.9 river miles.

Vermillion County

- (1) Big Vermillion River: Navigable for 10.8 miles from its junction with the Wabash River throughout the county (and for a total of 22.6 river miles to Carmargo, Illinois).
- (2) Wabash River: Navigable throughout the county.

Vigo County

- (1) Wabash River: Navigable throughout the county.

Nonrule Policy Documents

Wabash County

- (1) Mississinewa River: Navigable throughout the county.
- (2) Wabash River: Navigable throughout the county.

Warren County

- (1) Wabash River: Navigable throughout the county.

Warrick County

- (1) Baker Creek: Navigable from its junction with Little Pigeon Creek for 1.8 river miles.
- (2) Big Pigeon Creek: See Pigeon Creek.
- (3) Clear Creek: Navigable from its junction with Little Pigeon Creek for 2.4 river miles.
- (4) Cypress Creek (including Cypress Creek Diversion Channel): Navigable from its junction with the Ohio River for 6.6 river miles. (The original bed of Cypress Creek is also navigable west of Cypress Creek Diversion Channel, except where the creek bed has emerged and is no longer inundated.)
- (5) Little Pigeon Creek: Navigable from its junction on the Ohio River for 15.8 river miles.
- (6) Ohio River: Navigable throughout the county.

Washington County

- (1) Big Blue River: Navigable to the town of Fredricksburgh at river mile 57.2.
- (2) Cammie Thomas Ditch: Navigable as a channelization of the Muscatatuck River.
- (3) East Fork of White River: Navigable throughout the county.
- (4) Elk Creek: Navigable from its junction with the Cammie Thomas Ditch to river mile 3.0.
- (5) Muscatatuck River: Navigable from its junction with the East Fork of the White River throughout the county.
- (6) Twin Creek: Navigable from the East Fork of White River to river mile 7.98.

Wayne County

No waterway has been declared navigable or nonnavigable.

Wells County

- (1) Wabash River: Navigable throughout the county (with navigability terminating at the Adams County line).

White County

No waterway has been declared navigable or nonnavigable.

Whitley County

No waterway has been declared navigable or nonnavigable.