

Boone County Health Department Guidelines for Water Well Permits

PERMIT DENIAL, MODIFICATION, AND REVOCATION. A water well permit may be denied, modified, or revoked in accordance with the provisions of Indiana Law, Boone County Ordinances, and the Rules and Rights of the Boone County Health Department.

After review of an application the Boone County Health Department may deny a permit for any water well for which it has authority within Boone County. The reasons for denial include, but are not limited to, any of the following, or combination thereof:

1. False information was submitted in the application.
2. Application was not filled out completely.
3. The owner failed to respond to a request for additional information within thirty (30) days.
4. City water exists within 300 feet of the property for which the water well permit is requested, the Health Officer may deny the application for a water well permit and require that the residence be connected to the city water
5. Property is already served by city water

If an application is denied, the owner shall be advised, in writing, of the basis for the denial, the right and procedure for appeal, the deadline for appeal, and the opportunity for a fair hearing.

The Boone County Health Department may modify or revoke a permit that has been previously issued. The reasons for modification or revocation include, but are not limited to, any of the following:

1. False information has been submitted to obtain the permit.
2. Information submitted in the application is found to be erroneous, incomplete, or deficient.
3. Errors or omissions are discovered after the permit has been issued.
4. The water well does not comply with ordinance 94-12 et. seq.
5. The property is served or has city water within 300 feet of the property.

If a permit is revoked or modified, the owner shall be advised, in writing, of the basis for the modification or revocation, the right and procedure for appeal, the deadline for appeal, and the opportunity for a fair hearing.

If a permit is revoked, construction may not proceed on the water well, or the residence or commercial facility it serves, until a new permit is issued.

PETITION FOR REVIEW. The Boone County Board of Health shall hear appeals incidental to the issuance, modification, denial and revocation of water well permits if, within ten (10) days following the date of receipt of an issued water well permit, water well permit modification, notice of water well permit denial or notice of water well permit revocation, any person aggrieved by such action files a petition for review concerning such action with the Board.

The petition for review shall state in writing to the office of the Health Officer:

1. The name, address and telephone number (if applicable) of the person making the request;
2. Identify the interests of the petitioner which is affected by the water well permit issuance, denial, modification, or revocation;
State with particularity the reasons for the request;
3. State with particularity the issues proposed to be considered;
4. Include proposed terms or conditions, which in the judgment of the petitioner would be appropriate to carry out the requirements of Indiana Law, Boone County Ordinances, and the Rules and Rights of the Boone County Health Department, governing such water well permits.

Upon receipt of a petition for review, the Health Officer or agent shall arrange a time and place for a hearing before the Board of Health and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical after receipt of the petition.


At such hearing, the petitioner shall be given an opportunity to show evidence why the permit should not be modified, denied, or revoked. The Health Officer or agent shall be given opportunity to show the reasons for the modification, denial, or revocation. At the conclusion of the hearing, the Boone County Board of Health shall sustain, modify or overrule the Health Officer's original ruling depending upon its findings as to compliance with the provisions of Indiana Law, Boone County Ordinances, and the Rules and Rights of the Boone County Health Department. All proceedings of such hearing, including the findings and decision of the Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Boone County Health Department.

If the petition is not received within the ten (10) days, the written denial, modification, revocation of a water well permit shall be deemed to be an order.

The procedures established in IC 4-21.5, the Administrative Procedure and Orders Act, may apply to the conduct of the hearing.

Adopted this 19 day of September, 2012

Health Board, Boone County, Indiana



Portia Edens, President