

**SQUAW CREEK INTERCOUNTY DRAIN**  
*(Lapeer and Tuscola Counties)*

Legal Opinion  
Date Prepared: May 8, 2019

To: Brady Harrington, Drainage Board Chair

From: Stacy L. Hissong, *Esq.*

Date: May 8, 2019

Re: Squaw Creek Intercounty Drain

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**Municipalities Involved**

Lapeer County: Rich Township; Deerfield Township; Burlington Township; Marathon Township  
Tuscola County: Dayton Township; Watertown Township; Freemont Township; Koylton Township

**Establishment of Drain**

*Year:* prior to 1902

*Chapter:* 6

**Jurisdiction of Drain**

- Drain/Public Works Commissioner  
 Drainage Board  
 Other: \_\_\_\_\_

**Files Reviewed**

- MDARD  
 Lapeer County  
 Tuscola County

**Petitioned Proceedings**

***Date/Type: 1902-1904 Establishment Proceedings (Squaw Creek, Lapeer only)***

**Lapeer County Records**

Affidavit of Drain Commissioner stating that there was a petition dated August 13, 1902; a February 12, 1904 it was found necessary; all rights of ways were obtained; an Order of Determination was filed on August 6, 1904, but that all records were destroyed by a fire, except one easement. Affidavit dated August 22, 1904



Final Order of Determination dated September 1, 1904 (Liber 7, Page 162)  
Notice of Letting dated September 8, 1904  
Contract After Letting dated September 27, 1904  
Drain Apportionment dated September 27, 1904

***Date/Type: 1905 Establishment Proceedings (Squaw Creek Extension, Lapeer only)***

**Lapeer County Records**

Application for Locating and Establishing a Drain dated January 20, 1905  
First Order of Determination dated March 4, 1905  
Releases of Rights of Way  
Final Order of Determination dated March 14, 1905 (Liber 7, Page 254)  
Apportionment of Benefits dated March 27, 1905  
Contract After Letting dated March 28, 1905  
Computation of Costs dated April 3, 1905

***Date/Type: 1937 Maintenance/Improvement Proceedings (Squaw Creek, Lapeer Only)—NOT NECESSARY***

**Lapeer County Records**

Petition for maintenance and improvement dated February 11, 1937  
Petition for maintenance and improvement dated May 15, 1937  
Order of NO Necessity dated June 29, 1937

***Date/Type: 1948 Maintenance/Improvement Proceedings— (Squaw Creek, Lapeer Only) NOT NECESSARY***

**Lapeer County Records**

Petition for maintenance/improvement dated August 2, 1948  
Order of NO Necessity dated August 17, 1948

***Date/Type: 1956-1961 Maintenance/Improvement/Consolidation Proceedings—PROJECT NOT CONSTRUCTED***

**Lapeer County Records**

**Tuscola County Records**

Petition for maintenance, improvement and consolidation (Squaw Creek Intercounty Drain (Lapeer/Tuscola); Squaw Creek Extension (Lapeer) and Silver Creek Intercounty (Lapeer/Tuscola)) dated July 3, 1956  
Order of Practicableness dated August 14, 1956  
Order of Necessity dated June 5, 1958  
First Order of Determination dated June 5, 1958 (Tuscola 43%; Lapeer 57%)  
Releases of Rights of Way  
Condemnation Proceedings  
Agreement with C&O Railway dated December 8, 1960  
Injunction on Proceedings dated March 27, 1961 (stopping everything from proceeding except from consolidation)

***Date/Type: 1961-1966 Maintenance/Improvement Proceedings (Squaw Creek Intercounty)***

**Lapeer County Records**

**Tuscola County Records**

**MDARD Records**

Petition for maintenance/improvement dated May 24, 1961

Order of Practicableness dated June 24, 1961

Order of Necessity dated May 21, 1963

First Order of Determination dated May 22, 1963 (Tuscola 44.5%; Lapeer 55.5%)

Recorded Releases of Rights of Way

Condemnation proceedings

Final Order of Determination dated October 6, 1965

Notice of Letting dated January 13, 1966

Contract After Letting dated February 16, 1966

Computation of Costs dated February 24, 1966

**Current Status of Drain**

- Abandoned
- Relinquished
- Under Jurisdiction of Intercounty Drainage Board

**Comments**

1. Based on the information provided, the Squaw Creek Intercounty Drain is an established intercounty drain under the jurisdiction of the Squaw Creek Intercounty Drain Drainage Board, consisting of the Lapeer County Drain Commissioner, the Tuscola County Drain Commissioner, and the Director of the Department of Agriculture and Rural Development.