**Section 3704.40 List of Public Waters and Provision For Additions**

The public waters of the State are listed in Section 3704.Appendix A. When the Department obtains information sufficient to determine that a body of water is a public water, that body of water will be added to the list. Any person may petition for an order to add a body of water to the list when it can be shown that the candidate is or was navigable and is open or dedicated to public use. The petition shall contain the following information, when known:

a) Name of the body of water, and in the case of a backwater lake or slough, the name of the main body of water it is connected to or a part of;

b) Location: section, township, range, county;

c) A statement on its past or present navigability; or, alternatively, a statement that it is a backwater lake or slough connected to or a part of a navigable body of water;

d) The legal authority or instrument by which the body of water was opened or dedicated to public use; or

e) If documentary evidence cannot be found, statements of persons living along that body of water that:

1) It is common knowledge that the water has always been open to public use, or

2) It is known that the riparian owners intended to dedicate the water to public use and a description of the information showing the intent to dedicate such as maps, plats, or written instruments;

f) Names of federal or State agencies or units of local government operating, maintaining or regulating public use of the body of water; and

g) Any maps, documents, or other data supporting the petition.