

STATE OF INDIANA ) IN THE MORGAN CIRCUIT COURT  
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 )SS:  
COUNTY OF MORGAN ) CAUSE NO: 55C01-1106-MI-1254  
  
IN RE THE FORMATION OF )  
OF THE LAKE DETURK )  
CONERVANCY DISTRICT )

**ORDER APPROVING THE DISTRICT PLAN  
OF THE LAKE DETURK CONSERVANCY DISTRICT**

This matter came before the Court for hearing concerning the approval of the District Plan of the Lake DeTurk Conservancy District ("District") on May 1, 2013 at 2:00 p.m. The District appeared by Board member Anna Radue and by counsel, Peter R. Foley. Having considered the filings with the Court and the testimony and evidence presented at hearing, the Court now FINDS and ORDERS, as follows:

1. The District was formed by Order of this Court on February 6, 2012. No appeal of that order was taken and the establishment of the District may not now be directly or collaterally challenged.
2. On March 7, 2013, the District filed the District Plan with the Court and its "Notice of Filing of District Plan and Request for Hearing", all in compliance with I.C. 14-33-6-5.
3. On February 13, 2013, Michael W. Neyer, PE, Director, Division of Water, Indiana Department of Natural Resources (IDNR), issued his approval of the Lake DeTurk Conservancy District's District Plan, pursuant to I.C. 14-33-6-4.
4. The time period for any appeal or administrative review of the District Plan have expired pursuant to I.C. 4-21.5.
5. Public notice has been provided by publication in the Martinsville *Reporter-Times* and the Mooresville *Times*, being two newspapers of general circulation published in Morgan County, Indiana. Proof of publication has been provided to the Court and publication occurred on March 20, 2013. All requirements of notice set forth in I.C. 14-33-6-5 have been complied with by the District.
6. The District Plan has been on file with the Court since March 7, 2013, allowing for at least 21 days for interested persons to file exceptions.
7. No exceptions to the District Plan have been filed with the Court.
8. The District Plan is necessary, proper and feasible for the accomplishment of the purposes for which the District was established, namely:
  - a. Developing forests, wildlife areas, parks, and recreational facilities if feasible in connection with beneficial water management, as provided in I.C. 14-33-1-1(6).

b. Operation, maintenance, and improvement of a work of improvement for water based recreational purposes including, but not limited to Lake DeTurk and the Lake DeTurk dam and spillway, as provided in I.C. 14-33-1-1(9).


9. The estimated benefits to be received by the District will exceed the estimated costs and damages of the District Plan.

10. The District Plan reasonably assures compatibility with water projects as listed in I.C. 14-33-2-17.

11. The District Plan meets all criteria set forth in I.C. 14-33-6-2.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the District Plan of the Lake DeTurk Conservancy District, as filed in this cause, is hereby approved.

All of which is ORDERED this 1<sup>st</sup> day of May, 2013.

  
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MATTHEW G. HANSON, Judge  
Morgan Circuit Court

Distribution:

Peter R. Foley  
FOLEY, FOLEY & PEDEN