

STATE OF INDIANA) IN THE MORGAN CIRCUIT COURT
)SS:
COUNTY OF MORGAN) CAUSE NO: 55C01-1106-MI-1254

IN RE THE FORMATION OF)
OF THE LAKE DETURK)
CONSERVANCY DISTRICT)

FILED

AUG 15 2011

Administrative Cause
Number: 11-1380

NATURAL RESOURCES COMMISSION
DIVISION OF HEARINGS

**ENTRY AND ORDER REFERRING PETITION FOR THE
CREATION OF THE LAKE DETURK CONSERVANCY
DISTRICT TO THE NATURAL RESOURCES COMMISSION**

This matter came before the Court for hearing on August 12, 2011. The Petitioners appeared in person and by counsel, Peter R. Foley. Having considered the evidence and testimony presented at hearing and the pleadings on file and a part of the Court's record, the Court now FINDS and ORDERS as follows:

1. The Petition for the Creation of the Lake DeTurk Conservancy District (the "Petition") was filed on June 16, 2011.
2. On June 21, the Court issued its Order Setting Hearing on the Petition for the Creation of the Lake DeTurk Conservancy District. The Order set the bond in this matter in the sum of \$100.00, which has been posted by Petitioners.
3. The Order set this matter for hearing on August 12, 2011 at 1:00 p.m.
4. All of the land described in the Petition lies within Morgan County, Indiana and therefore this Court has jurisdiction.
5. All persons, natural or corporate, whose lands are within the proposed conservancy district and will be affected by the establishment of the conservancy district have been provided notice of the filing, pendency, docketing and hearing, all in accordance with law and the orders of this Court.
6. Notice of the Petition and Hearing was published in the Martinsville Reporter-Times and the Mooresville Times, which are newspapers of general circulation in Morgan County, Indiana, and in compliance with I.C. 14-33-2-12(1). The Notice was

published in each newspaper on June 25, 2011, July 2, 2011 and on July 9, 2011, all as evidenced by the Proof of Publication filed herein.

7. On July 19, 2011, Notice of the Hearing and of the filing of the Petition was mailed by U.S. Mail, first class postage prepaid, to each freeholder who had not signed the Petition and who owns land in the proposed district, according to the records of the Morgan County Auditor, all in accordance with I.C. 14-33-2-12(2) and as evidenced by the Affidavit Re: Mailing of Notice of Hearing, filed herein.

8. The Petition bears the signatures of more than thirty (30) percent of the freeholders owning land within the proposed conservancy district and complies with the requirements of the Indiana Code as to form and content.

9. The requirements for the signatures on the Petition have been met and demonstrated by the Affidavit of Morgan County, Auditor, Brenda Adams, in accordance with I.C. 14-33-2-16(c)(2).

10. The Petition meets all requirements set forth in I.C. 14-33-2-4 and I.C. 14-33-2-16 and shall be referred to the Natural Resources Commission for hearing, determination and report, as required by I.C. 14-33-2-17(b).

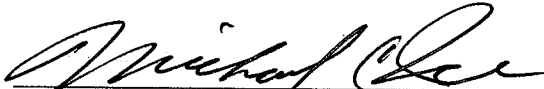
11. The Clerk is directed to forward to the Natural Resources Commission a certified copy of the Petition and a certified copy of this Order by mailing the same, first class, postage prepaid, to the following:

- a. Natural Resources Commission
Room C-256
402 West Washington Street
Indianapolis, Indiana 46204
- b. Division of Hearings
Natural Resources Commission
Indiana Government Center South
Room W-272
402 West Washington Street
Indianapolis, Indiana 46204

12. The Natural Resources Commission shall make a determination in respect to the Petition in accordance with I.C. 14-33-2-17.

13. The Natural Resources Commission shall file a report with the Court in accordance with I.C. 14-33-2-22 and within 120 days of the date of this Order.

All of which is ORDERED this 12 day of August, 2011.


MATTHEW G. HANSON, Judge
Morgan Circuit Court *Pro Tem*

Distribution:

Peter R. Foley

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