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September 20, 2017

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RE: Plew et al v. Epworth et al
Administrative Cause #17-054W
PL - 23034

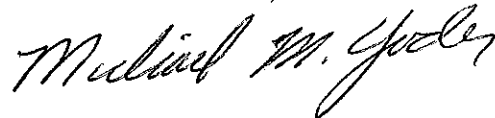
Dear Sir or Madam:

Enclosed for filing please find Amended Petition for Review and Stay of Effectiveness.

Please note due to Amendments there are no Exhibits 4,5, or 6 and Exhibit 12 has been added. Exhibits 1-3 and 7-11 are the same as the original Petition filed by the Pressers.

Yours truly,

YODER & KRAUS, P. C.



Michael M. Yoder

MMY/pmy

Cc: Matthew R. Shipman (mattshipman@bgswlaw.com)
Elizabeth Gamboa (egamboa@dnr.gov)
Randy Plew
Marc Roth

Albion Office: 118 West Main Street, Albion, IN 46701
(260) 636-2000

BEFORE THE STATE OF INDIANA
NATURAL RESOURCES COMMISSION

Randy Plew, Marc Roth,)	
Richard Presser and)	Administrative Cause: 17-054W
Marcia Presser,)	
)	PL-23034
Petitioners)	
)	
vs.)	AMENDED PETITION FOR
)	REVIEW AND STAY OF
EPWORTH FOREST ADMINISTRATION)	EFFECTIVENESS
COMMITTEE and DEPARTMENT OF)	
NATURAL RESOURCES,)	
an Agency of the government of the)	
State of Indiana.)	
)	
Respondents.)	

Come now, Randy Plew, Marc Roth, Richard Presser and Marcia Presser, by counsel, Yoder and Kraus, PC, and for their amended Petition for Review and Stay of Effectiveness state:

INTRODUCTION AND BACKGROUND

1. Pursuant to Ind. Code 4-21.5 and 312 Ind Admin Code 3-1, this petition for review and stay of effectiveness challenges the State of Indiana Department of Natural Resources (“DNR”) decision to grant Public Freshwater Lake Application # PL-23034 (“Permit”). According to the Certificate of Approval, the Permit authorizes the Epworth Forest Foundation Inc. (“Applicant”) to place a temporary group pier in front of the Applicant’s property. *See Exhibit 1.*
2. Details of the project and plans were submitted by the Applicant to the Division of Water on August 15, 2016; October 5, 2016; December 11, 2016; January 14, 2017; and April 19, 2017.
3. Adjacent property owners were not served copies of the project details and plans submitted on August 15, 2016; October 5, 2016; December 11, 2016; January 14, 2017; and/or April 19, 2017. Adjacent property owners were served with a public notice and letter dated February 15, 2017. *See Exhibit 2.*
4. The Certificate of Approval for the temporary group pier Permit was approved on April 28, 2017. Service of the Permit was mailed on May 2, 2017. *See Exhibit 3.*

5. The Permit was issued to Epworth Forest Foundation Inc. but the Prehearing Conference confirmed the Petitioner was and is Epworth Forest Administration Committee Inc. (EFAC).
6. EFAC property rights in the shoreline in question are solely based on an easement which has been subject to many years of litigation in the Kosciusko Circuit Court. The shoreline in question is subject to pier rights of off-shore owners which are intended to be permanent and can only be changed for a substantial and continuing change in circumstances which makes the pier assignment unreasonable under current facts and circumstances. *See Epworth Forest Administration Committee, Inc. v. Powell*, No. 43A3-1610-MI-2332, slip op. at 5 (Ind. Ct. App., June 13, 2017), *trans. not sought*; attached as Exhibit 12.
7. That EFAC had previously assigned pier permit rights to off shore land owners and, prior to making this application, EFAC did not make a determination that the current pier assignment on the shoreline is unreasonable and therefore had no right to file a group pier application for this shoreline.
8. A privately owned island named Governor's Island is located slightly southwest in the lake-ward direction (less than ¼ mile) of the end of the proposed temporary group pier. The owners of Governor's Island were not listed on the Service List of the Permit.
9. The Webster Lake Conservation Association ("WLCA") is a not for profit organization that works with the DNR to preserve the water quality of Lake Webster. *See Exhibit 7.*
10. The WLCA and other organizations such as the Epworth Forest Property Owners Association and the Tippecanoe Watershed Foundation routinely send newsletters to residents of Webster Lake requesting residents take steps to prevent the spread of invasive weeds. *See Exhibit 8.*
11. The WLCA in conjunction with the DNR sends information regarding ways to prevent the spread of invasive plant and animal species; including several types of weeds and zebra mussels. The invasive species are spread by boats stirring up the bottom of the lake, particularly in shallow areas of the lake. Exhibit 9 provides a map showing the vegetation on Lake Webster. The map shows that the proposed location of the group pier is an area of MAXIMUM amount of vegetation. *See Exhibit 9.*
12. The WLCA together with the DNR has spent time and money in an effort to stop the erosion of Kline Island owned by the Methodist Church Camp. The erosion was due, in part, to recreational activities on the lake sending waves into the shoreline of the island. The most severe erosion is occurring on the west side of the island, which faces the proposed group pier. *See Exhibits 9 and 10.*
13. Significant work was completed on and around Kline Island in the past two (2) years to prevent further erosion. Buoys are also placed along the west side of the island to keep boats away from the west end of the island. *See Exhibit 10.*

14. ADA requirements for marinas and public piers/docks require that the pier/dock must have clear space sixty inches (60") wide minimum and must be as long as the slip. Every ten (10) feet of liner pier shall have at least one continuous clear opening a minimum of sixty inches (60") wide. *See* ADA Accessibility Guidelines (ADAAG) 15.2.2.
15. The minimum number of accessible boat slips, where one (1) to twenty-five (25) boat slips are provided, is one (1). *See* ADAAG 15.2.3.
16. The EFAC does not restrict or limit the size or type of watercraft that can be moored at the pier. *See* Exhibit 11.
17. The EFAC does not restrict or limit the size or type of boatlift that can be installed in the slip. *See* Exhibit 11.
18. The EFAC does not restrict or limit the size or type of canopy that can be installed in the pier slips. *See* Exhibit 11.
19. Petitioners, Rich Presser, Randy Plew and Marc Roth are adjacent property owners to the proposed group pier. Petitioner Marcia Presser is a resident of an adjacent property to the proposed group pier.
20. The location of the group pier has shallow water of approximately less than five (5) feet for at least fifteen (15) feet lake-ward of the shoreline. The proposed pier allows for mooring of boats of any size and weight in the shallow water, which would significantly stir up the bottom of the lake adding to the significant invasive weed and species problem in Lake Webster.
21. The shoreline of the proposed group pier does not have any type of seawall or any other protective barrier to prevent erosion of the shoreline from the significant increase in boat traffic and waves along that shoreline.
22. The location of the pier is in a major thoroughfare of recreational boat traffic. In particular, this section of the lake is one of the most utilized areas for skiing, especially slalom skiing, which requires boats to travel at higher speeds than other recreational boating activities.
23. Extending a pier 154 feet lake-ward of the shoreline would significantly alter the routes boats travel in this area of the lake. In particular, it would push boat traffic further out into the lake. The location of the proposed group pier is located in between 2 islands. Kline Island to the east and Governor's Island to the south/southwest. The pier extending 154 feet lake-ward would create bottlenecks in the areas of both islands.

SPECIFIC BASES FOR APPEAL

24. That the shoreline in question is not open shoreline but is subject to permanent pier

assignment to off-shore owners and EFAC had no right to file for a group pier permit on all or a portion of this shoreline.

25. EFAC did not properly serve at least one (1) adjacent property owner, the owners of Governor's Island, that is potentially affected by the granting of the Permit and should have been permitted the opportunity to object to the permit application.
26. EFAC did not serve adjacent property owners with the details and plans submitted to the DNR until the final application was filed.
27. The group pier is slated to be placed on an easement that allows for public access to the lake. However, the pier does not comply with ADA regulations. Several handicapped residents of Epworth Forest currently have assigned pier spaces and their pier may be displaced by the proposed pier that is not handicapped accessible.
28. Pursuant to Indiana Code Section 14-26-2-5, "the natural scenic beauty of Indiana are a public right." "Natural scenic beauty" is defined as "the natural condition as left by nature without manmade additions or alterations." Permitting a 154-foot pier that is four (4) times the length of any other pier along that stretch of Lake Webster's shoreline would significantly reduce the natural scenic beauty of the lake. Especially because large pier lifts with canopies that can extend fifteen (15) feet in height above the water level are permitted by EFAC at the group pier.
29. The current location of the EFAC group pier is not as detrimental to the natural scenic beauty of the lake's shoreline as it is located directly adjacent to the Methodist Church camp swimming area which has an L-shaped pier that extends lake-ward the same distance as the group pier and also extends parallel to the shore the entire length of the camp swimming area. The current location of the group pier does not reduce the natural scenic beauty as it is surrounded by other similar structures.
30. Pursuant to Indiana Code Section 14-26-2-5(b), property owners have a public right to the recreational purpose of swimming. The proposed pier will be located only ten (10) feet from adjacent property owner Randy Plew's property line. For large speed boats to enter and properly moor in the pier spaces closest to the shoreline, especially due to the shallow water, the boats will have to drive in front of Randy Plew's property, effectively eliminating the ability of Mr. Plew to safely swim in front of his own property.
31. The DNR did not properly consider the cumulative effects of the proposed group pier as outlined in Indiana Code Section 14-26-2-23(c)(1). The DNR should consider the cumulative effects of installing a 154-foot-long and 50-foot-wide pier, along with potentially twenty-five (25) boat lifts, and the significant increase of boat traffic as the boats move in and out of pier spaces. The location of the proposed group pier is in an area of shallow water with MAXIMUM vegetation and invasive species. The dramatic increase in boat traffic in such a shallow area will have significant cumulative negative impact on the bed of the lake. Additionally, there is no seawall or other protection for the shoreline. Thus, similar significant cumulative negative effects from the boats utilizing

the group pier will impact the shoreline where the proposed group pier is to be located. There will also be significant cumulative negative effects on the western shoreline of Kline Island and the northern shoreline of Governor's Island, both of which are already experiencing significant deterioration. The length and width of the proposed group pier will push boat traffic significantly closer to both Kline and Governor's islands, increasing the rate at which these islands shorelines will deteriorate. Damage to these islands by moving boat traffic closer to their sensitive shorelines cannot be undone once it occurs. Any proposed activity that has potential to cause irreparable harm to the lake's shorelines should not be permitted by the DNR.

32. The DNR did not properly consider the cumulative effects of the proposed group pier as outlined in Indiana Code Section 14-26-2-23(c)(2). The cumulative effects of the group pier will negatively affect the fish and wildlife in the proposed group pier location. The specific shoreline area where the proposed group pier is to be located is a yearly nesting area for the turtles that inhabit the lake. The significant increase in boat traffic in the proposed area will negatively impact the turtles and fish in the area as it will remove their potential nesting areas.
33. The DNR did not properly consider the cumulative effects of the proposed group pier as outlined in Indiana Code Section 14-26-2-23(c)(3). The group pier will have cumulative negative impact on the public right to the natural scenic beauty of the lake and the public right to safely swim in this location. The landowners abutting the area where the proposed group pier is to be located. The dramatic increase of boat traffic close to the shoreline will effectively eliminate the ability of abutting landowners and their very-young children to safely swim in front of their property. Allowing a 154-foot-long and 50-foot-wide pier with large boats, boatlifts, and canopies also obstructs boaters' ability to see across the bay. The area in front of the proposed pier is heavily traveled by recreational boaters from both the east and west. A pier of this size will obstruct the boaters' sightline, making boating in this area extremely dangerous.
34. The DNR did not properly consider the cumulative effects of the proposed group pier as outlined in Indiana Code Section 14-26-2-23(c)(4) under the "management of watercraft operations under IC 14-15". The length, width, and location of the proposed group pier will significantly change the boating patterns on the bay of the lake directly south and southwest of the proposed pier. The proposed group pier will significantly reduce the width of the pathway between the shoreline and the two (2) islands located in this area of the lake. Boats travel both east and west along the shoreline. The pier will impede the boaters' sightline and limit the potential routes the boats can take. The bay to the west of the proposed pier is typically used by boats that drop anchor so the boaters and passengers can swim and float around the boats. The path along the shoreline is typically used by skiers and wakeboarders, which will now be pushed even further out into the middle of the lake. Whereas, the middle of the bay, directly in front of the proposed pier, is typically utilized for "tubing." The proposed pier will push all of these activities into a smaller area and limit the areas for boats to turn, creating potentially deadly situations, particularly with twenty-five (25) boats pulling in and out of a group pier in a very busy

area of the lake. It would be similar to putting a large parking garage in the middle of one of the busiest intersections of a city.

35. The DNR did not consider the cumulative effects of the proposed group pier as outlined in Indiana Code Section 14-26-2-23(c)(5), particularly the interests of a landowner having property rights abutting the lake. The cumulative effects of the proposed group pier has already had significant impacts on the adjacent property owners. A potential buyer of Mark Roth's property, immediately adjacent to the proposed pier location, immediately decided not to purchase the property upon hearing about the proposed group pier. The group pier will have significant negative impacts on the property values of the adjacent property owners. The current location of the pier is located on a not-for-profit organization's (church owned) property and is neighbored by other properties owned by not-for-profit organizations (churches and church camps). The property value of not-for-profit organizations should have less consideration than private residential owners, especially when the current directly-adjacent property owners purchased their properties within the past ten (10) years without any indication that a twenty-five (25) slip group pier may be placed next to their property. The abutting property owners' rights are also negatively impacted by the increased boat traffic and noise that accompanies such a large group pier.

RELIEF REQUESTED

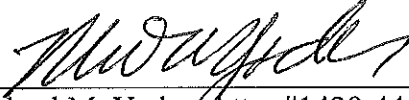
For the reasons stated above, Petitioners respectfully request that this tribunal grant the following relief:

1. To prevent unnecessary, irreparable, and irremediable destruction of riparian habitat and natural scenic beauty; to prevent the limiting of public rights; to prevent the disruption of the management of watercraft operations on Webster Lake; and to prevent damage to the interest of abutting property owners, stay the effectiveness of DNR's decision to approve permit Application #PL-23034 pending the outcome of this petition for review.
2. Enter a judgment that EFAC had no right to file Permit application #PL-23034 because the shoreline in question is subject to permanent pier rights of off-shore property owners.
3. Enter a judgement that DNR's approval of Permit application #PL-23034 was not in accordance with law because the application was approved despite the applicant's failure to establish the absence of unreasonable harm to fish, wildlife, botanical resources, shoreline, or bed of Webster Lake as required by the Lake Preservation Act.
4. Enter a judgment that DNR's approval of Permit application #PL-23034 was not in accordance with law because DNR approved the application without the consideration of cumulative effects of the application and other activity on Lake Webster.
5. Remand this matter to DNR for further proceedings consistent with the judgment of this tribunal.

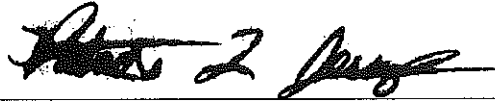
6. Grant Petitioner such other relief as this tribunal deems just and proper.

Dated: September 20, 2017

Respectfully submitted,



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(260) 347-9400



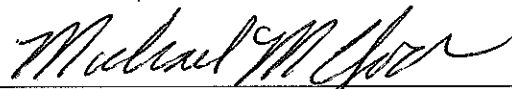
Patrick L. Jessup, Atty. #29974-17
Yoder & Kraus, P.C.
Attorney for Petitioners
515 Professional Way
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Kendallville, IN 46755
(260) 347-9400

Certificate of Service

I hereby certify that a true and accurate copy of the foregoing was served by email, this 20th day of September, 2017, upon the following:

Matthew R. Shipman (mattshipman@bgswlaw.com)

Elizabeth A. Gamboa (egamboa@dnr.gov)



Michael M. Yoder

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

CERTIFICATE OF APPROVAL
PUBLIC FRESHWATER LAKE

APPLICATION # : PL-23034


LAKE : Webster Lake

APPLICANT : Epworth Forest Foundation Inc
Kara Lusby
12231 Valley View Circle
Indianapolis, IN 46229

AUTHORITY : IC 14-26-2 with 312 IAC 11

DESCRIPTION : A temporary group pier will be placed in front of the applicant's property and located a minimum of 10' from the east property line. The pier will be 50' wide and will extend 154' perpendicular to the legal shoreline. Details of the project are contained in information and plans received at the Division of Water on August 15, 2016, October 5, 2016, December 11, 2016, January 14, 2017 and April 19, 2017.

LOCATION : Approximately 119' south of the intersection of East Epworth Forest road and North 2nd Trail near North Webster, Tippecanoe Township, Kosciusko County Section 11, T 33N, R 7E, North Webster Quadrangle
UTM Coordinates: Downstream 4576245 North, 609574 East

APPROVED BY : 
James J. Hebenstreit, PE, Assistant Director
Division of Water

APPROVED ON : April 28, 2017

Included: Notice Of Right To Administrative Review - General Conditions - Special Conditions - Service List

Exhibit 1

- Page 1

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

APPLICATION #: PL- 23034

This signed document constitutes the issuance of a permit by the Department of Natural Resources, subject to the conditions and limitations stated on the pages entitled "General Conditions" and "Special Conditions".

The permit or any of the conditions or limitations which it contains may be appealed by applying for administrative review. Such review is governed by the Administrative Orders and Procedures Act, IC 4-21.5, and the Department's rules pertaining to adjudicative proceedings, 312 IAC 3-1.

In order to obtain a review, a written petition must be filed with the Division of Hearings within 18 days of the mailing date of this notice. The petition should be addressed to:

Director
Division of Hearings
Indiana Government Center North, Room N501A
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain specific reasons for the appeal and indicate the portion or portions of the permit to which the appeal pertains.

If an appeal is filed, the final agency determination will be made by the Natural Resources Commission following a legal proceeding conducted before an Administrative Law Judge. The Department of Natural Resources will be represented by legal counsel.

*Exhibit 1
Page 2*

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SPECIAL CONDITIONS

APPLICATION #: PL- 23034

PERMIT VALIDITY : This permit is valid for 24 months from the mailed date shown on the first page. The license expires unless the license holder completes the authorized structure within 2 years of the following: (1) the "approved on" date shown on the first page of the license; as (2) augmented by the expiration of the opportunity for review under Indiana Code 4-21.5. Subsequent seasonal removal of the authorized structure does not terminate the license, if the temporary structure that is replaced conforms to the conditions and terms of the license. If work is not completed timely, the license is void; a new license is required to complete the project.

This permit becomes effective 18 days after the mailed date shown on the first page. If both a petition for review and a petition for a stay of effectiveness are filed before this permit becomes effective, any part of the permit that is within the scope of the petition for stay is stayed for an additional 15 days.

CONFORMANCE : Other than those measures necessary to satisfy the "General Conditions" and "Special Conditions", the project must conform to the information received by the Department of Natural Resources on: August 15, 2016, October 5, 2016, December 11, 2016, January 14, 2017, and January 14, 2017 and April 19, 2017. Any deviation from the information must receive the prior written approval of the Department.

<u>Number</u>	<u>Special Condition</u>
(1)	minimize the movement of resuspended bottom sediment from the immediate project area
(2)	revegetate all bare and disturbed areas landward of the shoreline with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion
(3)	place the pier in conformance with the attached sketch; the pier shall extend no more than 154' feet lakeward of the legal shoreline
(4)	install and remove the pier by hand or use small tools: no heavy machinery
(5)	support the pier by auger poles or other small diameter poles resting on the lake bottom, the poles must be 3 inches or less in diameter, the poles must not be mounted in or comprised of concrete or cement
(6)	no watercraft shall be moored on the lakeward end of the pier, either temporarily or permanently
(7)	no part of the pier or watercraft moored thereto shall be located within 10' of either property line
(8)	the pier must be placed no closer than 10 feet from the riparian property lines

Exhibit 1
Page 3

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

GENERAL CONDITIONS

APPLICATION #: PL- 23034

- (1) If any archaeological artifacts or human remains are uncovered during construction, federal law and regulations (16 USC 470, et seq.; 36 CFR 800.11, et al) and State Law (IC 14-21-1) require that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within 2 business days.

Division of Historic Preservation and Archaeology
Room W274
402 West Washington Street
Indianapolis, IN 46204

Telephone: (317) 232-1646, FAX: (317) 232-8036

- (2) This permit must be posted and maintained at the project site until the project is completed.
- (3) This permit does not relieve the permittee of the responsibility for obtaining additional permits, approvals, easements, etc. as required by other federal, state, or local regulatory agencies. These agencies include, but are not limited to:

<u>Agency</u>	<u>Telephone Number</u>
Indiana Department of Environmental Management Local city or county planning or zoning commission	(317) 233-8488 or (800) 451-6027

- (4) This permit must not be construed as a waiver of any local ordinance or other state or federal law.
- (5) This permit does not relieve the permittee of any liability for the effects which the project may have upon the safety of the life or property of others.
- (6) This permit may be revoked by the Department of Natural Resources for violation of any condition, limitation or applicable statute or rule.
- (7) This permit shall not be assignable or transferable without the prior written approval of the Department of Natural Resources. To initiate a transfer contact:

Mr. Michael W. Neyer, PE, Director
Division of Water
Room W264
402 West Washington Street
Indianapolis, IN 46204

Telephone: (317) 232-4160, Toll Free: (877) 928-3755
FAX: (317) 233-4579

- (8) The Department of Natural Resources shall have the right to enter upon the site of the permitted activity for the purpose of inspecting the authorized work.
- (9) The receipt and acceptance of this permit by the applicant or authorized agent shall be considered as acceptance of the conditions and limitations stated on the pages entitled "General Conditions" and "Special Conditions".

Exhibit 1
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STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SERVICE LIST

APPLICATION #: PL- 23034

Epworth Forest Foundation Inc
Kara Lusby
12231 Valley View Circle
Indianapolis, IN 46229

Robert E Alexander II
709 Orff Avenue
Fort Wayne, IN 46808

Jon H Angel
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North Webster, IN 46555

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North Webster, IN 46555

Benjamin Ashpole
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North Webster, IN 46555

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North Webster, IN 46555

Richard L Bott
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North Webster, IN 46555

JoAnn Tunes Boyer
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North Webster, IN 46555

Brian and Jennifer Yahne Trust
Brian Yahne
14075 Sourwood Lane
Carmel, IN 46033

Hames H Broadbent III
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Carmel, IN 46033

Beth Ann Brubacher
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North Webster, IN 46555

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Syracuse, IN 46567

Rebecca Buskirk
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Leesburg, IN 46538

Betty Byers
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George Callendine
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Worthington, OH 43085

Catherine C Norman Lining Trust
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Exhibit 1
Pages

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SERVICE LIST

APPLICATION #: PL- 23034

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Carmel, IN 46033

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Muncie, IN 47304

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North Webster, IN 46555

Bryce P Cox
6579 East Wesley Lane
North Webster, IN 46555

Douglas A Cox
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Logansport, IN 46947

James E Crosley
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North Webster, IN 46555

Michael J Cumings
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North Webster, IN 46555

Jason Cupp
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Bluffton, IN 46714

Nahvi Cyrus
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Carmel, IN 46033

Kurt A Daggett
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North Webster, IN 46555

Daniel W Dewitt
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Muncie, IN 47304

Diana M and Alan L Kado Trust
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Elkhart, IN 46517

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Muncie, IN 47304

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North Webster, IN 46555

James A Doles
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Indianapolis, IN 46219

Sally L Doll
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Fortson, GA 31808

Holly R Dunn
11320 Bromley CV
Fort Wayne, IN 46845

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Indianapolis, IN 46282-0002

Brett A Eckhardt
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Daleville, IN 47334

David Eikenberry
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Greentown, IN 46936

Pamela J Ekey
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Van Wert, OH 45891

Rick L Ellenberger
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Huntington, IN 46750

Phillip R Enerson
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Fort Wayne, IN 46825

Toni L English
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North Webster, IN 46555

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Indianapolis, IN 46229

Epworth Forest Foundation Inc
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North Webster, IN 46555

Alberto Espinoza
6605 North 2nd Trail
North Webster, IN 46555

Exhibit 1
Page 6

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SERVICE LIST

APPLICATION #: PL- 23034

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North Webster, IN 46555

Emiel Joseph Fabyan
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Farmham LLC
12752 Norfolk Lane
Carmel, IN 46032

Farmham LLC
James E Lease
12752 Norfolk Lane
Carmel, IN 46032

Charles Farr
8545 East Asbury Lane
North Webster, IN 46555

Robert Edwin Fenstermacher
1905 East Farnsworth Drive
South Bend, IN 46614

James S Fick
809 Pelham Drive
Fort Wayne, IN 46825

First United Methodist Church
502 West Monroe Street
Decatur, IN 46733

David Fred
800 West Main Street
Greentown, IN 46936

Fribley Lake Property
703 Nordale Drive
Fort Wayne, IN 46804

Jeffrey H Gaerte
32 EMS West 25 Lane
North Webster, IN 46555

Carrie A Gates
8090 East Wade Lane
North Webster, IN 46555

Jeffrey M Glass
1805 Continental Drive
Zionsville, IN 46077

Norman R Glassburn
8176 East Wesley Lane
North Webster, IN 46555

Curtis B Grady
6612 North 2nd Trail
North Webster, IN 46555

Scott Gronendyke
8242 East McClintic
Syracuse, IN 46567

Graham Groombridge
615 Pine Ridge Road
Coralville, IA 52241

Keith Gunkel
6626 North 3rd Trail
North Webster, IN 46555

Adam Guy
6665 North 2nd Trail
North Webster, IN 46555

Benjamin D Haab
4152 West 800 South
Claypool, IN 46510

Benjamin Haab
2903 Sandra Lane
Winona Lake, IN 46590

Kecin W Hackworth
6589 North 1st Trail
North Webster, IN 46555

James W Hall
7145 Brompton Court
Indianapolis, IN 46250

Brenda K Hamman
PO Box 88
North Webster, IN 46555

Happy Acres Investments LLC
8768 East Susanna Lane
North Webster, IN 46555

Happy Acres Investments LLC
David R Brown
8768 East Susanna Lane
North Webster, IN 46555

Todd A Hardy
8170 East Wade Lane
North Webster, IN 46555

Aimme Harlan
8536 East Asbury Lane
North Webster, IN 46555

Myron E Harmon
3804 Redbud Lane
Kokomo, IN 46902-4381

Todd Harris
5454 East McKenna Road
Warsaw, IN 46582

Todd F Harris
8150 East Wesley Lane
North Webster, IN 46555

Beverly K Hart
6685 North 5th Trail
North Webster, IN 46555

Richard A Hartman
9246 Landin Pointe Boulevard
New Haven, IN 46774

Exhibit 1
Page 7

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SERVICE LIST

APPLICATION #: PL- 23034

Jeffrey S Harvey
65618 Barrens Drive
Goshen, IN 46526

Betty L Henry
6565 North 1st Trail
North Webster, IN 46555

Saralee J Henry-Piper
8526 East Asbury Lane
North Webster, IN 46555

Stacy Herman
8544 East Asbury Lane
North Webster, IN 46555

Amy Hill
6630 North 3rd Trail
North Webster, IN 46555

George L and Donna E Hinsdale
6658 North 2nd Trail
North Webster, IN 46555

Janet Holloway
918 Woodland Crossing
Fort Wayne, IN 46825

Lawrence L Hood
210 Cottonwood Drive
Anderson, IN 46012

Ronald R Horcher
6064 Nicholas Glen
Columbus, OH 43213

Arthur L Iden
6671 North 1st Trail
North Webster, IN 46555

Indiana Department of Natural Resources
Division of Law Enforcement
District 1 Headquarters Dist 0
9822 North Turkey Creek Road
Syracuse, IN 46567

Colin R Jacobs
6661 North 6th Trail
North Webster, IN 46555

Michael A Jamison
6624 North 2nd Trail
North Webster, IN 46555

Aaron R Jaress
8070 Pioneer Way
North Webster, IN 46555

Chelsey L Jeckert
8279 East Epworth Forest Road
North Webster, IN 46555

Paul E Johnson
8123 East Wade Lane
North Webster, IN 46555

Randall B Johnson
12084 North 250 East
Milford, IN 46542

Joshua B Johnson
217 Crimson Drive
Newark, OH 43055

Li Na M Joint
2406 Westwood RD
North Webster, IN 46555

Timothy C Kaase
6504 North 2nd Trail
North Webster, IN 46555

Charles R Kanney
8787 Richey Road
Van Wert, OH 45891

William R Kaster
PO Box 395
North Webster, IN 46555

Jeffrey M Kennedy
8357 East Wesley Lane
North Webster, IN 46555

William Kerley
5311 Winchester Road
Fort Wayne, IN 46819

David B Kieper
8709 E Wesley Lane
North Webster, IN 46555

Robert Kinchen Jr
7128 Bohnke Drive
Fort Wayne, IN 46815

Julie A Kirsh
34838 North Desert Ridge Drive
Scottsdale, AZ 85262

William L Agrmnt Klahn
6638 North 3rd Trail
North Webster, IN 46555

Kokomo Grace United Methodist Church
219 West Mulberry
Kokomo, IN 46901-4530

Kosciusko County Area Plan Commission
Matthew M Sandy
Court House, 3rd floor
100 West Center Street
Warsaw, IN 46580-2873

Kosciusko County SWCD
Darci Zolman
217 East Bell Drive
Warsaw, IN 46582

Gary D Krugh
9215 Willshire Ohio City Road
Ohio City, OH 45874

L. & G. M Trust
391 West 500 South
Anderson, IN 46013

Exhibit 1
Page 8

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SERVICE LIST

APPLICATION #: PL- 23034

Gina M Labanco
3224 North Damen Avenue, 3N
Chicago, IL 60618

Pamela S Laker
6639 North 2nd Trail
North Webster, IN 46555

Tudor D Lance
8581 East Asbury Lane
North Webster, IN 46555

Linda D Land
PO Box 475
North Webster, IN 46555

Janis Langston
6554 Quail Run
Fishers, IN 46038

Gregory A Leedy
11029 West 100 North
Cromwell, IN 46732

Cathy M Leedy
6626 North 8th Trail
North Webster, IN 46555

Joshua J Lundy
8416 East Wade Lane
North Webster, IN 46555

Brian E Malik
22 EMS West 25 Lane
North Webster, IN 46555

Miles J Malstaff
8785 East Epworth Forest Road
North Webster, IN 46555

Steven W Mast
8296 East Asbury Lane
North Webster, IN 46555

Shelly L Mcdonald
6605 North 9th Trail
North Webster, IN 46555

Brian K Mcgonagle
6584 North 2nd Trail
North Webster, IN 46555

Carey B Mclaughlin
30 Overlook Drive
Anderson, IN 46011

Edward P Mclaughlin
279 Crestline Drive
Lowell, IN 46356

Jeffrey A Miller
4040 Solitude Court
Westfield, IN 46062

Robert G Miller
8242 East Wesley Lane
North Webster, IN 46555

Robert J Miller
6767 West 800 North
Huntington, IN 46750

Sandi M Miller
6642 North 2nd Trail
North Webster, IN 46555

Keith L Minger
366 Parkway Street
Berne, IN 46711

Mishler Family Partnership
824 Owls Point
Fort Wayne, IN 46825

Gary Mitchner
4401 Riverbirch Run
Zionsville, IN 46077

Steve Moed
109 Blue Ridge Road
Indianapolis, IN 46208

Edward F Montovani
8139 East Wade Lane
North Webster, IN 46555

Olive J Moorman
8560 South Wheeling Pike
Fairmount, IN 46928

Robert F Myers
1024 South Walnut Street
Van Wert, OH 45891

Diener Nan
2754 Bristol Road
Columbus, IN 43221

Stacy L Naugler
8323 East Wesley Lane
North Webster, IN 46555

Linda S Neal
6623 North 5th Trail
North Webster, IN 4655

Leonard Nielsen
8319 East Wade Lane
North Webster, IN 46555

Vloris Eugene Noel
8145 McMaughten Grove Lane
Columbus, OH 46213

Jason Leroy Nolley
8360 East Asbury Lane
North Webster, IN 46555

Jay E Nolley
1416 West Washington Street
Muncie, IN 47303

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Page 9

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SERVICE LIST

APPLICATION #: PL- 23034

David W Norris
8320 Shoe Overlook Drive
Fishers, IN 46038

Terry O Brien
855 Crosspointe Court
Wabash, IN 46992

David J O Connor
8064 East Wade Lane
North Webster, IN 46555

Lori A Orander
10120 Cumberland Road
Fishers, IN 46037

Osborn John D Rev Living Trust
8692 East Susanna Lane
North Webster, IN 46555

Toni Walters Overman
8730 East Susanna Lane
North Webster, IN 46555

Frank D Overmyer
8265 East Epworth Forest Road
North Webster, IN 46555

Cole R Owens
8110 East Wade Lane
North Webster, IN 46555

Heidi J Paul
6682 North 6th Trail
North Webster, IN 46555

Stephen Perich
116 Red Cedar Drive
Streamwood, IL 60107-2232

Roberte L Plank
6594 North 2nd Trail
North Webster, IN 46555

Randy L Plew
1150 West 150 North
Columbia City, IN 46725

John N Porter
55016 Ehman Road
Mishawaka, IN 46545

Postma Farms Inc
14621 North 700 West
Demotte, IN 46310

Karen Michelle and Three Povec
284 Cypress Lane
Libertyville, IL 60048

Patricia Ann Powell
8227 East Wesley Lane
North Webster, IN 46555

Richard Douglas Presser
10017 Hunters Retreat
Fort Wayne, IN 46804

Richard J Pressler
6710 Sweetwood Court
Fort Wayne, IN 46814-8127

Alan R Price
14842 Macduff Drive
Noblesville, IN 46062

Larry R Price
1654 South Highland Drive
Frankfort, IN 46041

Thomas L Reis
3755 East 75th Street
Indianapolis, IN 46240

David A Richards
8526 East Wesley Lane
North Webster, IN 46555

Terry Richards
8304 East Wesley Lane
North Webster, IN 46555

John W Riggan
6110 North Walnut Street
Muncie, IN 47303

Tyler R Ritter
PO Box 465
North Webster, IN 46555

Timothy D Rogers
8315 East Wesley Lane
North Webster, IN 46555

Marc Roth
6483 North 2nd trail
North Webster, IN 46555

Dustin E Ruff
8348 East Asbury Lane
North Webster, IN 46555

Richard L Sanderson
2358 West Dogwood Drive
Union Mills, IN 46382

Daniel D Sark
647 North Center Street East
North Webster, IN 46555

Larry D Schaumleffel
557 Spruce Street Northwest
Port Charlotte, FL 33952

Stacie D Schrader
1554 North Airport Road
Columbia City, IN 46725

K T Schurr
2739 Winding Creek Lane
Greenfield, IN 46140

Exhibit 1
Page 10

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SERVICE LIST

APPLICATION #: PL- 23034

Alex M Scott
8146 East Wesley Lane
North Webster, IN 46555

George F Scott
7660 East 300 North
Greenfield, IN 46140

Dewey D Senger
8129 East Wade Lane
North Webster, IN 46555

Lawrence A Shackelford
801 Campbell Avenue
Indianapolis, IN 46219

Ted J Sherfick
11911 Hollyhock Drive
Fishers, IN 46037

John W Shinn
4680 South 300 West
Marion, IN 46953

David P and Ronald D Shortt
4940 Queen Road
Plymouth, IN 46563

Lloyd D Small
300 North Franklin Street
Parker City, IN 47368

Harold Smith
17500 North 700 East
Dunkirk, IN 47336

Ryan L Smith
8206 East Asbury Lane
North Webster, IN 46555

Stephen B Smith Jr
9947 Oak Ridge Drive
Zionsville, IN 46077

Kevin W Smith
8213 East Wade Lane
North Webster, IN 46555

Linda Smith
680 North Center Street West
North Webster, IN 46555

Gregory A Snavely
P O Box 808
North Webster, IN 46555

Robert E Snyder
6472 North 2nd Trail
North Webster, IN 46555

Joann Speer
6692 West Division Road
Tipton, IN 46072

Patricia L Staker
8147 E Epworth Forest Road
North Webster, IN 46555

Steven P and Sandra J Erwin Trust
8343 East Wade Lane
North Webster, IN 46555

Alice M Stickler
720 West Park Drive
Huntington, IN 46750

Diane Stiles
8780 East Susanna Lane
North Webster, IN 46555

Robert H Stine
1542 West George Street B
Chicago, IL 60657

Mary C Sturm
1618 Chapman Drive
Greenfield, IN 46140

Sean P Sullivan
3652 North Richmond ST
Chicago, IL 60618

Teresa D Swope
8160 E Wade LN
North Webster, IN 46555

Bradley P Taylor
8219 East Wesley Lane
North Webster, IN 46555

Taylor Family Living Trust
Taylor
211 Farmwood Place
Gahanna, OH 43230

Jerry M Titsworth
3521 Little Country Road
Parrish, FL 34219

An Tran
8440 East Wade
North Webster, IN 46555

David J Tranter
8773 East Wesley Lane
North Webster, IN 46555

Trinity United Methodist Church
530 Guilford Street
Huntington, IN 46750

Fred E Troxell
6545 North 9th Trail
North Webster, IN 46555

Lewis Trust
27890 Clinton Keith Road, D467
Murrieta, CA 92562

McGrory Trust
503 Caprice Drive
Middlebury, IN 46540

Exhibit 1
Page 11

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SERVICE LIST

APPLICATION #: PL- 23034

Robert Turner
8429 East Wade Lane
North Webster, IN 46555

US Army Corps of Engineers
Detroit District, Michiana Branch
2422 Viridian Drive, Suite 200
South Bend, IN 46628

Stephen Vance
391 West 500 South
Anderson, IN 46013

Breanne K Walls
8442 East Wesley Lane
North Webster, IN 46555

Karla Ward
P O Box 644
North Webster, IN 46555

Marvin P Ward
PO Box 479
North Webster, IN 46555

Willard Watkins Jr
8712 East Wesley Lane
North Webster, IN 46555

Braden Wentworth
8100 East Wade Lane
North Webster, IN 46555

Elizabeth L Whitlach
1509 North Kimberly Lane
Muncie, IN 47304

William K Wietholter
4331 Tally Ho Dr
Zionsville, IN 46077

Larry Wilder
7142 Tarragon Court
Indianapolis, IN 46237

Kevin E Williamson
8212 East Wesley Lane
North Webster, IN 46555

Taryn Willis
6592 North 9th Trail
North Webster, IN 46555

Carole J Wilson
8720 East Susanna Lane
North Webster, IN 46555

Jerome A Wszolek
8090 East Wade Lane
North Webster, IN 46555

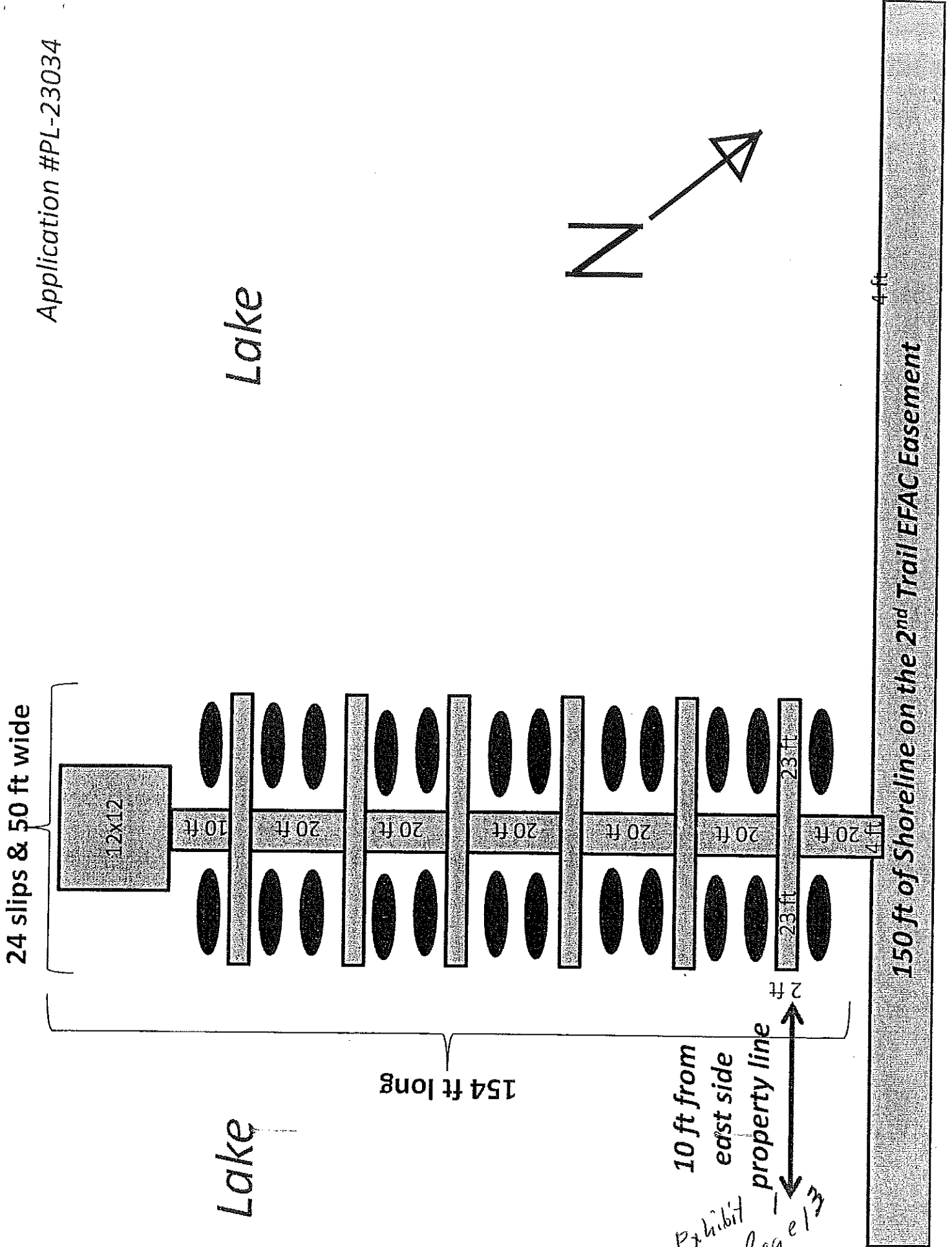
Brian Yahne
18300 DeShane Avenue
Noblesville, IN 46060

Jian Y Zhen
2406 Westwood Road
North Webster, IN 46555

Staff Assignment:

Administrative	: Mary E Taitano
Technical	: Mary E Taitano
Environmental	: J. Matthew Buffington
Fish and Wildlife	: Nathan D. Thomas
Law Enforcement	: Lt. John Karris

Exhibit 1
Page #12



Lake

Lake

24 slips & 50 ft wide

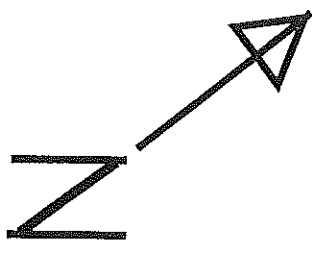
12x12

154 ft long

10 ft from east side property line

Exhibit Page 13

150 ft of Shoreline on the 2nd Trail EFAC Easement



2 ft

4 ft

10 ft

20 ft

20 ft

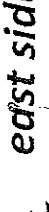
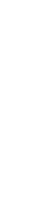
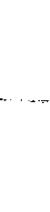
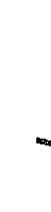
20 ft

20 ft

20 ft

20 ft

4 ft



23 ft

23 ft

23 ft

23 ft

23 ft

23 ft

23 ft

23 ft

23 ft

4 ft

Epworth Forest Resident -

This public notice is required by the Department of Natural Resources (DNR) as a part of the Epworth Forest Administration Committee (EFAC)'s application to relocate the current Epworth Forest group pier. Due to Kokomo Grace Church's request to relocate the current 24-slip pier from their portion of the shoreline, EFAC applied for a permit to relocate the pier in front of the EFAC easement that runs along the dead-end of 2nd Trail. Note that this portion of the EFAC easement does not run in front of any personal property/shoreline.

Attached is State Form 50354 with the project description as required by the DNR. Please read these documents for any further details on the application. Thank you.

Sincerely,
The Epworth Forest Administration Committee (EFAC)
www.epier.org
P.O. Box 214
North Webster, IN 46555

Description:

- A temporary 24 slip group pier will be placed in Webster Lake in front of the EFAC easement on the end of 2nd Trail in North Webster to provide an access and mooring site for multiple persons.
- The 4' wide pier will extend 154' lakeward of, and perpendicular to, the lake's legal shoreline with the six 2' wide piers running parallel to the shoreline. It will be supported by 3½" auger poles which will be turned into the lakebed using hand held tools. Plans and specifications are enclosed in the application package.

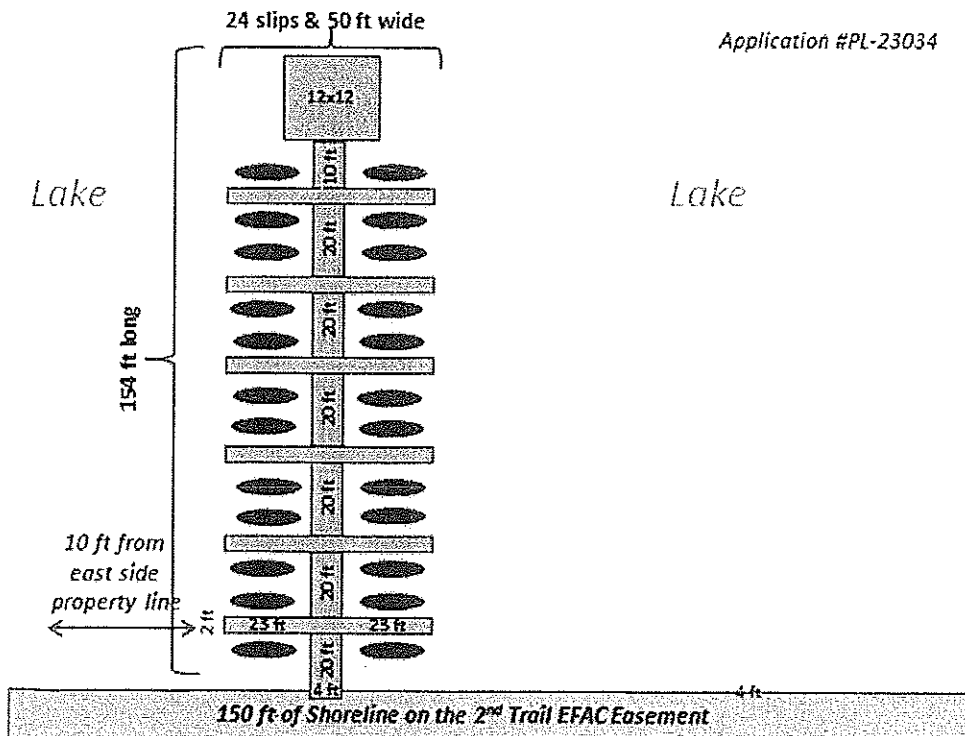


Exhibit 2

Page 1

Public Notice

Presser Richard Douglas
10017 HUNTERS RETREAT
Fort Wayne, IN46804

(Property Owner's Name)
(Address)
(Zip Code)

Indiana Code 14-11-4 was enacted to ensure that adjacent property owners are notified of permit applications and provided with an opportunity to present their views to the Department of Natural Resources prior to action.

According to IC 14-11-4-5, the applicant must notify at least one of the owners of each parcel of real property reasonably known to be adjacent to the affected real property. "Adjacent to the affected real property", defined in 312 IAC 2-3-2, means real property owned by a person, other than the applicant, that is both of the following: (1) located within one-fourth (1/4) mile of the site where the licensed activity would take place, AND (2) has a border or point in common with the exterior boundary of the property where the licensed activity would take place. Included is property that would share a common border if not for the separation caused by a right-of-way, an easement, or a railroad.

Your property has been identified to be adjacent to the project site. This public notice is being provided to you in conformance with the provisions of IC 14-11-4 and 312 IAC 2-3.

Waterbody Name LAKE WEBSTER

Project Description: Placement of a group pier in Epworth Forest.
See enclosed attachment for further details. (EFAC letter)

Project Location: Kosciusko County, North Webster, 46555
Epworth Forest neighborhood
South end of 2nd Trail where the road meets the shoreline.

- Check relevant Statute or Rule:
- Flood Control Act, IC 14-28-1
 - Lake Preservation Act, IC 14-26-2
 - Lowering of Ten Acre Lake Act, IC 14-26-5
 - Construction of Channels Act, IC 14-29-4
 - Sand and Gravel Permits Act, IC 14-29-3
 - Navigable Waterways Act, IC 14-29-1

Applicant's Name, Address, and Telephone
EPWORTH FOREST ADMINISTRATION COMMITTEE
P.O. Box 214
North Webster, IN 46555

Agent's Name, Address, and Telephone
X
X
X

Questions relating to the project should be directed to: Applicant or Agent (check one or both)

Pursuant to 312 IAC 2-3-4, an informal public hearing, pre-AOPA (Administrative Orders and Procedures Act) hearing, on this application may be requested by filing a petition with the Division of Water. The petition must conform to administrative rule 312 IAC 2-3-4 as follows:

- (a) This section establishes the requirements for a petition to request a public hearing under IC 14-11-4-8(a)(2).
- (b) The petition shall include the signatures of at least twenty-five (25) individuals who are at least eighteen (18) years of age and who reside in the county where the licensed activity would take place or who own real property within one (1) mile of the site of the proposed or existing licensed activity.
- (c) The complete mailing addresses of the petitioners shall be typed or printed legibly on the petition.
- (d) Each individual who signs the petition shall affirm that the individual qualifies under subsection (b).
- (e) The petition shall identify the application for which a public hearing is sought, either by division docket number (application number) or by the name of the applicant and the location of the project.

Exhibit 2
Page 2

A pre-AOPA public hearing on the application will be limited to the Department's authority under the permitting statutes. Only the issues relevant to the Department's jurisdiction directly related to the application will be addressed. The Department has no regulatory authority on property zoning, local drainage, burning, nuisances, road traffic, etc.; therefore, topics beyond the Department's jurisdiction will not be discussed during the public hearing.

A petition for a pre-AOPA public hearing or a request to be notified of the Department's approval, denial, or termination of the permit application should be mailed to:

Indiana Department of Natural Resources
Division of Water, Technical Services
402 West Washington Street, Room W264
Indianapolis, Indiana 46204-2641
Telephone: (877) 928-3755 or (317) 232-4160

The Department's jurisdiction under the Flood Control Act, IC 14-28-1, is limited to a project in the floodway of a waterway that includes, but is not limited to, rivers, streams, ditches, and creeks. To be approvable a project must demonstrate that the project will not:

- (a) adversely affect the efficiency of or unduly restrict the capacity of the floodway,
 - (b) constitute an unreasonable hazard to the safety of life or property; defined as, will not result in either of the following during the regulatory flood: (1) the loss of human life, (2) damage to public or private property to which the applicant has neither ownership nor a flood easement,
 - (c) result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.
- Additionally, the Department must consider the cumulative effects of the above items.

The Department's jurisdiction under the Lake Preservation Act, IC 14-26-2, is limited to certain projects that are below the legal or normal water level, and are located along the shoreline, lakeward of the shoreline, or landward of the shoreline within 10 feet. The project will be reviewed on the basis of its impacts on:

- (a) the shoreline, water line, or bed of the public freshwater lake,
- (b) the fish, wildlife, or botanical resources,
- (c) the public rights for the natural resources, the natural scenic beauty, and the recreational purpose of the lake,
- (d) the management of watercraft operations under IC 14-15,
- (e) the interests of a landowner having property rights abutting the public freshwater lake or rights to access the public freshwater lake.

Additionally, the Department must consider the cumulative effects of the above items.

The Department's jurisdiction under the Lowering of Ten Acre Lake Act, also referred to as the "Ditch Act", IC 14-26-5, applies to ditch and / or drain work within one-half (1/2) mile of a freshwater lake, ten acres or greater in size, where the ditch and / or drain work has a bottom depth lower than the legal or normal water level of the lake. To be approvable, the Department must find that the project will not:

- (a) endanger the legally established water level of the lake, or
- (b) endanger the normal water level of the lake, if the water level has not been legally established,
- (c) result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.

Additionally, the Department must consider the cumulative effects of the above items.

All of the statutory regulations can be found on our webpage www.in.gov/dnr/water.

After an approval, denial, or termination is issued by the Department, you may appeal the Department action by requesting an administrative review by the Natural Resources Commission under IC 4-21.5 and 312 IAC 3-1. The appeal request should be addressed to:

Division of Hearings
Natural Resources Commission
Indiana Government Center North, Room N501A
100 North Senate Avenue
Indianapolis, IN 46204
Telephone: (317) 232-4699

Exhibit 2
Page 3

BUSINESS INFORMATION
CONNIE LAWSON
INDIANA SECRETARY OF STATE
05/22/2017 02:01 PM

Business Details

Business Name: WEBSTER LAKE CONSERVATION ASSN
INC
Business ID: 194187-173
Entity Type: Domestic Nonprofit Corporation
Business Status: Active
Creation Date: 10/03/1990
Inactive Date:
Principal Office Address: PO BOX 79, NORTH WEBSTER, IN,
46555, USA
Expiration Date: Perpetual
Domicile State: Indiana
Business Entity Report Due Date: 10/31/2018
Date:
Years Due:

Principal Information

Title	Name	Address
Treasurer	Wanda S. Wyrick	24485 Belmar Drive, Elkhart, IN, 46517, USA
Secretary	Dawn Meyer	606 N Albert Eckert Drive, North Webster, IN, 46555, USA
Vice President	Terry L. Frederick	326 EMAS W17 Lane, North Webster, IN, 46555, USA
President	Kevin Smith	8213 E Wade Avenue, North Webster, IN, 46555, USA

Registered Agent Information

Type: Individual
Name: WANDA S. WYRICK
Address: 401 N Second Street, PO Box 454, North Webster, IN, 46517, USA

Exhibit 7

June 3, 2015

Dear Friends of Epworth Forest,

We missed you. We held our Annual Spring Membership meeting and want to share some of the important information that was provided at that meeting. If you have sent your 2015 dues please mail your check to EFPOA, P.O Box 688, North Webster, IN 46555. The dues are just \$35.00.

During our financial report we shared that almost \$1000 was spent on snow removal and the spreading of sand for ice this past winter and almost \$700 has been spent on pot hole repair just in the past couple of weeks. As you know, the county is not responsible for many of the roads in our community so we do our best to maintain them for your use. The board is in the process of creating a Master Plan for Infrastructure maintenance and improvements which will help us plan for the future expenditures as well be in a position to apply for funding assistance.

Our new website is up and ready for your viewing www.epworthforest.com. There is lots of great information on the site including history, current calendar of events, links to community partners and even a place you can ask for prayer requests.

The POA sponsored yard sale and trash pickup was a success. At least 22 people had yard sales and more would have participated if the weather would have been more favorable. Several people got rid of unwanted trash; some by Sweetheimer and some by others.

The weeds on the lake are really bad this year with over 200 acres of invasive weeds. On May 21st 40 acres were treated including shorelines and channels. The amount of treatment is **controlled** by the Indiana DNR with over 90% of the funding coming from Webster Lake Conservation dues and the remainder from boat taxes. If you have a desire to contact DNR phone 1-260-244-6805, ext 244 or e-mail: JedPearson@dnr.IN.gov

Our 4th of July Ice Cream social will be held on July 4th from 6 p.m. to 8:30 p.m. You are invited to join a fun event that will include some activities for the children and a few for adults as well.

If you are receiving this letter by regular mail and have an e-mail we would love to save some postage and paper and provide you with updates on a regular basis – you can send the address you want us to use to the post office box or to me at cjprice19@comcast.net

We hope you have enjoyed this update and hope to see you on the 4th of July if not before. Again, if you have not paid your dues please consider doing so and if you would like to add a little extra for snow removal or road repair please indicate that on your check.

Carol Price, EFPOA Treasurer

2015

**Epworth Forest Property Owners' Association
Annual Membership Dues Invoice**

Exhibit B

Page 1

First/Last Name of Property Owner _____

Epworth Forest Address _____

Changes from last year:

Mailing Address (If different from EF address) _____

Winter _____ Date _____

Summer _____ Date _____

Additional family members to be listed in the POA directory _____

Epworth Forest local phone _____

Other phone _____

Cell phone _____

Email address _____

2015 Membership Dues -- \$35 \$ _____

Mailed copy of Membership Directory -- \$5 \$ _____

Capital Projects Fund \$ _____

Snow Removal Fund \$ _____

Road Repair Fund \$ _____

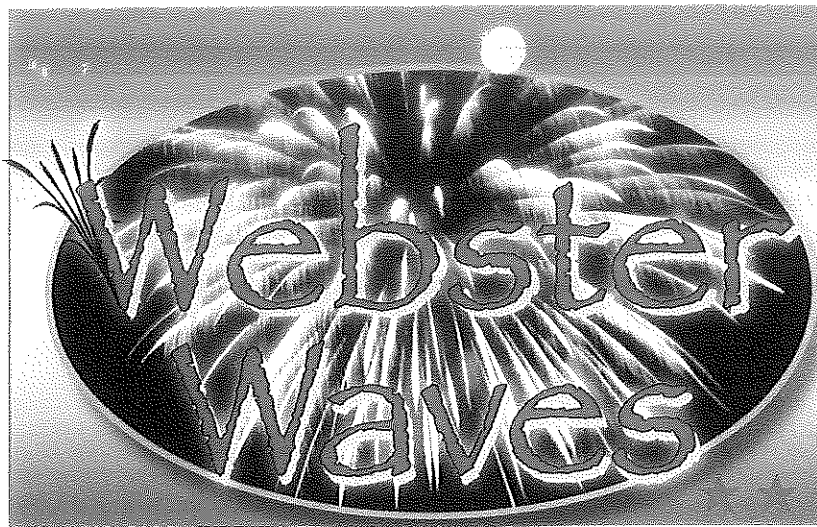
Drainage Fund \$ _____

Total for dues and special funds \$ _____

Fire Hydrant Fund (Make separate check payable to
North Webster Fire Department) \$ _____

Cut along dash line

*Exhibit 8
Page 2*



*A Great Read
... Cover to Cover!*

Webster Lake

Summer 2015 Newsletter

www.lakewebster.net

The President's Corner

WEBSTER LAKE VEGETATION MANAGEMENT



Fifteen years ago my wife and I moved to Webster Lake because we wanted to have a

place for our children and grandchildren to come and enjoy all the amenities of lake living. After a couple of years living here full-time we decided that the lake was a part of living here, but a bigger part was the community of North Webster. What makes a great community is the energy and the people who give of their time and talents for the betterment of all. We have learned that there is so much more to living on Webster Lake and that is our community and all the wonderful events that are ongoing year-round.

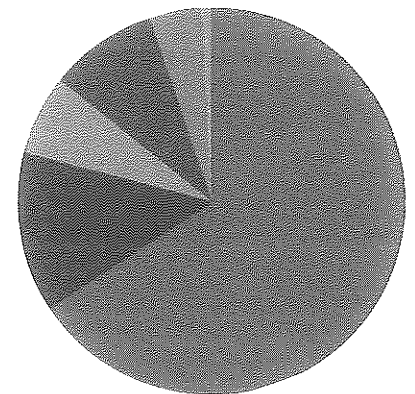
Continued on page 2.

Lake Webster is a lake rich in aquatic vegetation. Webster Lake Conservation Association (WLCA), manages the vegetation through a series of steps throughout the year. It starts with a survey of the aquatic vegetation which measures the amount and the diversity. An Aquatic Vegetation Management Plan is made by WLCA and subsequently reviewed and approved by the Indiana Department of Natural Resources (IDNR), Division of Fish and Wildlife. WLCA then applies for permission to treat the lake according to this plan. The IDNR then reviews and approves the treatment prior to any application of herbicide or pesticide.

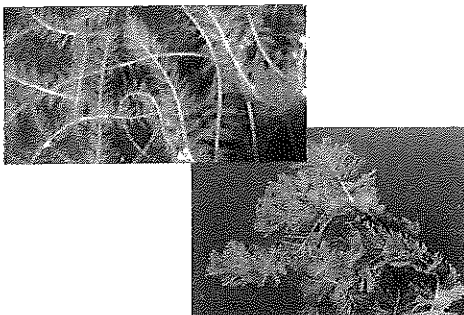
New tools for measuring the vegetation and treating the vegetation are improving continuously. Last summer the IDNR began measuring the lake using one of these tools for mapping the vegetation in Lake Webster.

of the lake. The red areas are those with a maximum amount of vegetation. Lake mapping cannot tell us the species makeup of the vegetation, but does tell us the quantity.

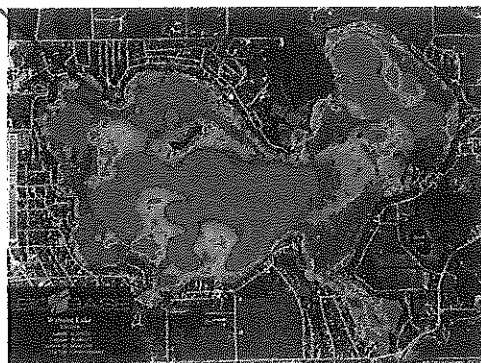
WLCA also contracts a Tier II Surveillance Survey of the vegetation. This survey is of predetermined locations which measure the amount and diversity of the aquatic vegetation. WLCA has done this measurement uninterrupted, now, for over ten years. The current makeup of Webster Lake vegetation is shown below as a percentage of the overall area where vegetation can grow. *Continued on page 2.*



EURASIAN WATERMILFOIL



(See page 4 for description of this invasive species.)



Most of the blue areas of the map are devoid of vegetation due to the depth

INVASIVE

- EURASIAN WATERMILFOIL

NATIVE

- COONTAIL
- CHARA
- SLENDER NAIAD
- LEAFY PONDWEED
- WHITESTEM PONDWEED

Exhibit 9

- Page 1

The President's Corner

Continued from front page.

Last month we attended the Memorial Day parade and service following at the cemetery to honor those who served and fought for our freedoms. This month we will enjoy two events: The Dixie Ride and Carry-In Brunch on Saturday, June 20, at 9:30 a.m., which is free to the members of the Webster Lake Conservation Association and the Mermaid Festival, held June 24-27, with parades, great food, and lots of entertainment. Dixie Day will take place on Saturday, July 25. It's a full day of entertainment, an art festival, sidewalk sales, food, and a car/motorcycle show.

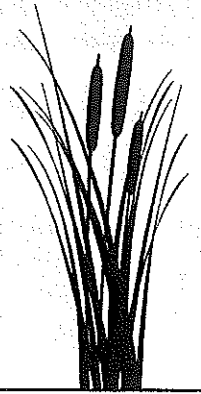
The Heart of Harvest Fall Festival, held on Saturday, September 26, at the Fairgrounds is geared for the whole family with food, pony rides, face-painting and many other areas to just enjoy a wonderful day. On Saturday, October 3, the annual Heart of the Community Charity Auction and Raffle raises money for the Community Center, which is 100% funded by the community. It is a lot of fun with great food, a silent auction, and a live auction in the gym. Around Halloween, the Lion's Club sponsors a haunted house and at Christmas and Easter there are parties for the children at the Community Center.

There are always many events going on at the Community Center for all to enjoy. Check out their website (www.nwcommunitycenter.com) for details. In the Community Center, North Webster has a first-class library with a great selection of books and DVDs, along with computers and many magazines and newspapers. (See library article in this issue.)

Throughout the summer season on many Saturday nights the Ski Bees will be performing at the town park and many Friday nights there will be Music in the Park. Schedules of dates will be posted at the pavilion and also in the local papers. It is always

WLCA BOARD OF DIRECTORS

Terry Fredenick, *President*
Kevin Smith, *Vice President*
Dawn Meyer, *Secretary*
Wanda Wyrick, *Treasurer*
John Dabler
Ron Erb
Curtis French
Tom Jones, Jr.
Steve Kanney
Steve Kemp
Jan Osborn
Tom Plew



fun to take the family for a ride on the Dixie, which has been on the lake for 86 years. Everyone loves the Dixie!

We have many small businesses which support our community with generous donations of items and money to support the Community Center and the 4th of July Fireworks display. Several also provide a discount to dues-paying members of WLCA with the Saver Card. They take the time to work at events and serve on the Chamber of Commerce, various boards and committees to make these events possible for all to enjoy. Please support all of our businesses in our area. Shop locally!

Have a wonderful summer and enjoy both Webster Lake and the community of North Webster.

If you like a community with lots of energy, great people and a vibrant atmosphere, North Webster is the place to be. ❁

WEBSTER LAKE VEGETATION MANAGEMENT, continued from front page.

The WLCA Aquatic Vegetation Management Plan was updated and presented at the 2014 annual fall meeting with the IDNR Fish & Wildlife Division representatives in Columbia City. We were informed of further changes of DNR policy in the allowable treatment options available. Regardless, we applied for treatment of the Aquatic Invasive Species (AIS), primarily milfoil, in Lake Webster and were denied full treatment. We appealed this decision and were denied again. We were then approved to treat the shoreline and a small fraction of the milfoil.

Since this DNR policy denies us full treatment of AIS, primarily Eurasian Watermilfoil (EWM), we are concerned for our native species vegetation and fisheries habitat. The current estimate of milfoil in Webster Lake this year is 186 acres. The DNR approved treatment of 26 of those acres. As the native species are crowded out, it will take us longer to recover from this invasion and return to the rich diverse environment we have long enjoyed. We are currently seeking to better understand the new DNR policy but are already feeling its ramifications. ❁

WAKE BOATS

Recently there have been some concerns about wake boats appearing on lakes in Kosciusko County. Wake boats are V-drive inboards with large motors and ballast tanks that can hold up to 1500 lbs. of water plus passengers. This makes them ideal for surfing on the 4 ft. or higher wakes that follow behind. For this reason they should only be operated in areas of water depths of 20 ft. or more. Operating them in shallow depths results in the disruption of the bottom silt and nutrients. This disruption causes a loss of clarity of the water and also releases phosphorus, which causes an increase in algae. As these boats run deep in the water, they stir up the bottom and leave a mud trail in our shallow lake. They also chop up invasive milfoil that then spreads to all areas of the lake. In an effort to preserve the integrity of our lake, please follow these guidelines when boating:

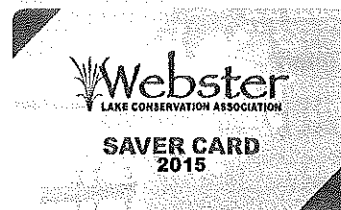
- Start pulling up skiers in deep water.
- Only tube in the deeper parts of the lake.
- Idle until 200 feet from shore.
- Make sure you are in at least 20 feet of water before opening up throttle.
- Plane your boat as quickly as possible to protect the lake bottom.
- Respect buoys and protected areas.

If we all follow these simple suggestions when boating, we will be able to preserve our beautiful lakes both now and for future generations. ❁



BECOME A WLCA MEMBER AND RECEIVE A SAVER CARD!

Become a dues paying member and save big. All paid members can save money by shopping at many of our local businesses. Upon receipt of your dues payment, a Saver Card, together with a list of all participating merchants and their incentive offers, will be mailed to you. Shop locally and take advantage of great discounts with these merchants. ✱



Able Printing & Business Services LLC

Free Gift Pack with Printing or Copy Order over \$20 (one per family please). Commercial Orders Excluded

Ace Hardware

10% Off Each Gallon of Royal and Clark-Kensington paints (interior and exterior)

Ace Pest Control

5% Off Any New Service, Plus 5% Off if Paid By Cash or Check. Offer Valid for New Customer or New Service for Existing Customer.

AK Hare Company

\$5.00 Off Full Service Color or Highlight 10% Off All Regular Retail Items

American Legion Post 253

Every Tuesday - Buy 1 Sandwich and Get 1 of Equal or Lesser Value Free

Bart's Water Sports

Buy 1 Get 1 Free Summer 4th of July T-Shirt

Bourbon Street Pizza

Any Large 2-Topping Pizza, Breadsticks & 2 Litre for \$14.99

Clark's Marine Service

5% Off Retail Priced Manitou Pontoon and Evinrude Outboard. 10% Off Retail Priced Special Order Manitou Pontoon and Evinrude Outboard.

Clayton's Garden Center

10% Off on Fridays (Excluding Sale Items)

Custom Canvas and Awnings

10% Off Retail Price

Dave's Electric, Heating & Cooling

\$10.00 Off a Service Call

Future Heirlooms: Custom Framing

10% Off

Guy's Lawn Care

10% Off First Application of Fertilizer when you sign up for a yearly lawn treatment package.

Heart of the Lakes Antique Mall

10% Off Any Item \$20 or More and Paid by Cash or Check.

J & W Bakery

A Baker's Dozen (Buy 12 Rolls/Donuts & Get 1 Free)

Jill & Jennifer's Salon of Style

Purchase a Conditioner and Get a Shampoo 1/2 Off. Purchase a Shampoo and Get a Conditioner 1/2 Off.

Judy's Deja Vu Antiques

10% Off All Merchandise Over \$20.00

Lake City Clearance Center

5% Off Any Purchase From \$400 to \$1,000. 10% Off Any Purchase Over \$1,000. Not valid with other offers.

Lions Karate

One Month Free Trial Including a New Uniform for New Students (\$100.00 Value)

Metcalf, Payne & Bell

\$10.00 Off Cost of Opening OR Closing Your Summer Cottage

Old Oak Miniature Golf

One Free Adult Game of Miniature Golf with a paid Adult Game of Miniature Golf

Owen Family Funeral Homes

15% Off Any Monument or Marker Purchased from Owen Family Funeral Homes & Monuments in North Webster or Syracuse

Pilcher's Shoes

15% Off on Any Regular Price Product

Pizza King

\$2.00 Off 16" Pizza. Carry-Out & Dine-In Only (does not apply to Delivery Orders)

Satori Boutique

10% Off All Merchandise

Sock's Marina, Inc.

5% Discount on Winter Storage Fee

Sue's Creations

Monthly WLCA Saver Card Deal Posted in Store. All offers subject to change without notice.

Tangibles Resale and Consignment

5% of Purchase to go to the North Webster Area Food Pantry

The Java Cottage

Buy One Latte, Get Second Latte Half Off (Dine In or Take Out)
Buy One Soup, Get Second Soup Free (Dine In Only)
Buy One Slice of Pie, Get Second Slice Free (Dine In Only)

Ye Olde Pub

Complimentary Wings with Two Meals (Sunday through Thursday)

Ye Olde Tackle Box

708 South Main Street (SR 13)
10% Off Live Bait

Visit the WLCA website @
www.lakewebster.net

Important information relative to Webster Lake and the WLCA is posted timely to the Special Messages section of the website regarding weed treatment, the annual fireworks show, meetings and other events.

Participating Merchants and Offers are subject to change by the Participating Merchants at any time without notice.

2015 WLCA MEMBERSHIP FORM

(Please return this voucher with your payment)

Name(s) _____

E-mail _____

Lake Address _____

Mailing Address _____

Contact Phone(s) _____

E-mail Statements Yes No

Membership Dues \$ 100.00

Fireworks Fund \$ _____

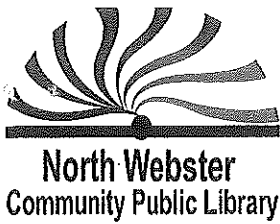
Invasive Species (Weeds) \$ _____

TOTAL: \$ _____

Checks Payable to WLCA

Mail to: WLCA
P.O. Box 79
North Webster, IN 46555

*Exhibit 4
Page 7*



THE LIBRARY IS YOUR GO-TO SOURCE FOR SUMMER

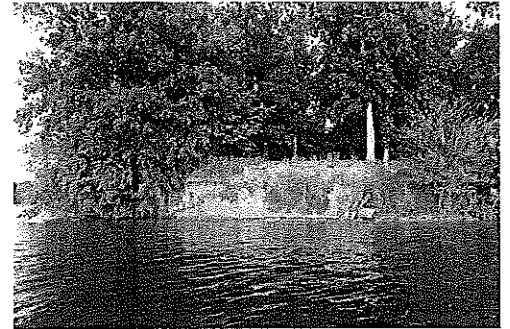
The North Webster Community Public Library is your go-to source for entertainment, learning, and connecting with your summer community. The library offers a wide variety of programs and activities for adults and children of all ages. You will find a large collection of reading material for boat and beach including large print, audiobooks, and e-books along with movies, newspapers, free Wi-Fi, online databases and research resources, the Local History and Genealogy Center, and much more. Plus you can access many resources, including streaming movies, music, and audiobooks, directly from our website at www.nweb.lib.in.us. If you have children, you will want to enroll them in the Summer Reading Program with prizes and special events throughout the summer.

Although a library card is needed to borrow materials, you don't need one to attend our programs. They are open to everyone, and some of our online resources can also be accessed without a card. However, many of our summer residents qualify for a free North Webster Library card. In addition, we are part of the statewide Evergreen Library System, so if you have an Evergreen card from your home library, you can use it here as well.

Stop by the library located in the North Webster Community Center or visit our website and Facebook page to discover all that we offer. ❁

KLINE ISLAND PROTECTION PROJECT

Kline Island is the largest island in Webster Lake. It is undergoing severe erosion due to waves caused by wind energy, recreation activities (boating and jet skis), and harsh winters. The worst area is on the west side of the island, which has been estimated to have lost 20- 25 feet of land. As it erodes, a large amount of silt goes into the lake, along with trees and their roots which have to be removed. Further erosion and loss of the island, as well as the wetland, will occur unless the windward side is protected.



Your lake association is working with the Indiana DNR, Tippecanoe Watershed Foundation, and the Methodist Church Camp to obtain grants and money necessary to move forward with this project. We have secured a contractor, but are still waiting on one permit. The hope is to start early this fall. If this is not done, over time the island will disappear, as has happened with other islands in the lake. Kline Island is used for natural habitat, the Fourth of July Fireworks, and as a recreational area. ❁

WLCA 2015 CALENDAR OF EVENTS

Saturday, June 20 - Annual Dixie Ride & Carry-in Brunch

Please join us for good food and get together with other residents of Webster Lake. The Dixie will leave from the Dixie Park Pavilion promptly at 9:30 a.m.

Friday, July 3 - Annual Webster Lake Fireworks Display

Fireworks will start at approximately 10:00 p.m.
(Rain Date: Sunday, July 5, at approximately 10 p.m.)

Saturday, August 8 ~ Annual Meeting/Elections

The WLCA annual meeting and elections will be held on Saturday, August 8, at 9:30 a.m. at the Dixie Park Pavilion.

EURASIAN WATERMILFOIL

Eurasian watermilfoil is an extremely well adapted plant, able to thrive in a wide variety of environmental conditions. It grows well in still and flowing waters, tolerates mild salinities, and can even survive under ice. Eurasian watermilfoil grows rooted in water depths from 1 to 10 meters, generally reaching the surface in depths of 3 to 5 meters. Adaptable to a wide variety of substrate types, this species seems to favor fine textured, inorganic sediments. The plants grow rapidly, branching profusely at the surface where they form dense floating mats, choking and shading out all other plants in the area. Infestations render waters unsuitable for boating, swimming, fishing, and other recreational uses. <www.invasive.org>

POST 253's CANCER CRUISE ON WEBSTER LAKE - JULY 10-12, 2015

Enjoy a wide variety of activities at the Legion Pavillion, including:
Bake Sale • Silent Auction • Breakfast Buffet • Poker Walk • Raffles
• Food • Vendors • Car & Bike Cruise-In • Music

Tickets for Cancer Cruise on the Dixie on Sunday are \$20 per person or \$35 per couple and are available at Post 253. All proceeds from all events go to Kosciusko County Cancer Care Fund.

(Dixie Tickets are limited! Get yours soon.)

AMERICAN LEGION POST 253 WARRIOR REGATTA ON WEBSTER LAKE

The American Legion Post 253 is sponsoring The Warrior Regatta, a fundraiser for Comfort Warriors.

The event starts at 2:00 PM on Saturday, July 18, at the public boat launch off Backwater Road and ends at the Town Park. Entry fee is \$20 per person. Bring your kayak, SUP, Canoe or Paddleboat!

Contact the American Legion Post 253 to register, or for more information (574-834-4297).



*A Great Read
... Cover to Cover!*

Webster Lake
Spring 2016 Newsletter
www.lakewebster.net



The President's Corner

KLINE ISLAND PROTECTION PROJECT UPDATE



I am writing this letter, watching the snow and ice melt and thinking about why everyone on the lake association board gives so freely of their time

to WLCA and our community. Long after we are gone, the next generation of homeowners will hopefully have an even better place to raise their children and enjoy the lakes through the hard work of previous generations.

Even during the winter months, your lake association board is working and preparing for the "lake season". We have been working on the Saver Card, a "perk" for becoming a member of WLCA. Local businesses will be providing attractive discounts to all who pay their dues. (See additional information on this inside the newsletter). We also work with The Watershed Foundation (TWF), whose mission is to protect our lakes and streams from pollution to ensure that future generations will have clean water for healthy and happy families and communities.

The board members have also been working with other groups in the area, along with the DNR, on the Kline Island project to save it from erosion and

Continued on page 2.

Kline Island is the largest island on Webster Lake. It is undergoing severe erosion due to waves caused by wind energy, recreation activities, and harsh winters. It is estimated to have lost 25 feet of land around the island in the last several years. Two years ago your lake association, along with the Indiana DNR, The Watershed Foundation and the Methodist Church Camp, met and started moving forward to save the island from further destruction. Grants and money necessary to move forward with the project to stop the erosion were obtained for the first 300 feet on the west side of the island.

The project began in the fall of 2015 and was completed the end of November on a very cold, windy day. Several

WLCA board members and church camp employees planted over 1,000 dormant plants on the hill leading to the lake. The plants will come up this spring to form a root system to hold back erosion.

More grants and additional funds have been applied for to continue further construction on the west side of the island. We are also applying for permits and working with the contractor to be able to continue work on the island in future months.

Kline Island is used by your lake association to set off the fireworks each Fourth of July weekend. It is used by the church camp and also by boaters who anchor off the island for swimming and recreation. ☺



Visit the WLCA website @

www.lakewebster.net



Exhibit 10 Page 1

The President's Corner Continued from front page.

further shrinkage each year. This has been a big project which has necessitated applying for grants, getting bids, and then moving forward to secure the shoreline from wave action and seasonal storms.

The dam is a vital part of our lake. The regulation of the dam, which holds the water level at a court-appointed level, is also the responsibility of one of the committees of your association. This is an ongoing job related to the water coming in from the 70+ square miles of watershed flowing into Backwater and Webster Lakes. The committee is constantly monitoring rain and snowfall because within a few hours the amount of water flowing into the lakes can drastically change. Before this happens we have to be proactive with how much water is allowed to flow through the dam to keep Webster Lake from overflowing.

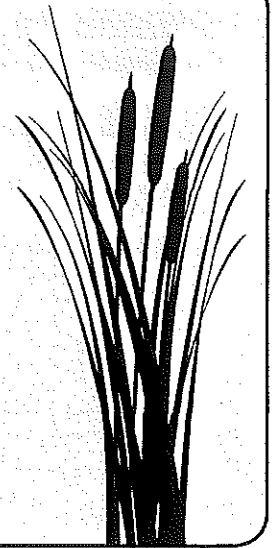
WLCA is also responsible for the July Fireworks display. A committee starts to work on the following year's show shortly after the current year's fireworks show to get bids, pull permits and contact businesses and members for the money needed to fund the display. This year's show will cost \$11,000. The committee also works to transport the fireworks to Kline Island, helps with taking them down after the event and also cleans up the island the next day.

Several of the board members attend various conferences during the winter months. We learn about what happens under the surface of the lakes and also how to maintain the lakes for the good of all.

This is my last year as president of WLCA. It has been a great learning experience, dealing with the homeowners, the DNR,

WLCA BOARD OF DIRECTORS

Terry Frederick, *President*
Kevin Smith, *Vice President*
Dawn Meyer, *Secretary*
Wanda Wyrick, *Treasurer*
John Dabler
Ron Erb
Curtis French
Tom Jones, Jr.
Steve Kemp
Tom Plew



and seeing the willingness that the board members give of their time and talents to make this one of the best lake associations in the county.

The above can only be accomplished with your becoming a member of Webster Lake Conservation Association. Over half of the homeowners on Backwater and Webster Lakes do not contribute financially to doing what needs to be done each year but yet they enjoy all the amenities that others pay for. Please take a minute to fill out the membership form and write a check for maintaining your lake and to defray the cost of the fireworks. You can be assured that your dues are going to insure the beauty, safety, and enjoyment of Lake Webster for years to come! ☺

ANNUAL DUES AND CONTRIBUTIONS TO WLCA

WLCA depends on the residents of the Webster and Backwater Lakes area to provide funds for its efforts to preserve and protect our Lakes and enhance our enjoyment of them. WLCA works closely with the Department of Natural Resources (DNR), The Watershed Foundation (TWF), and independent vendors to monitor water quality and aquatic plant life and to address elements in our watershed and environment that endanger the quality of our lakes. In addition, the WLCA sponsors social, recreational, and educational activities for all lake residents. These efforts have been vital in decisions made by the DNR relating to our Lakes.

Weed control applications are paid for by membership dues and contribu-

tions to the designated invasive species (weed control) fund. Less than \$5,000 per year of grant money has been available in each of the past two years. The cost of weed treatment for 2014 was \$38,450. The cost in 2015 was \$47,415 (two treatments). Weed control applications continue to increase in cost each year, particularly when multiple applications are needed and permitted by the Indiana Department of Natural Resources to control the weeds. The financial support of residents of the area by becoming a member of WLCA and making generous contributions to the Weed Control Fund enable WLCA to continue to request weed control application permits from the DNR and to pay for those treatments. WLCA does not

have sufficient reserves to continue to make up the difference each year between the amount collected and the amount expended for permitted weed control.

A statement from the WLCA will be mailed out in the near future for use in sending in Membership Dues and Additional Contributions for the Invasive Species Fund (Weeds) and Fireworks. A pre-addressed envelope will be included with that statement for your convenience. Also, Membership Dues and Additional Contributions may be mailed to WLCA using the form printed in this newsletter. Statements will be e-mailed to all 2015 members indicating a preference for e-mail delivery of annual statements. ☺

PARTICIPATING MERCHANTS & WLCA SAVER CARD INCENTIVES

Able Printing & Business Services LLC
740 South Main Street (SR 13)
Free Gift Pack with Printing or Copy
Order over \$20 (one per family please).
Commercial Orders Excluded

Ace Hardware
733 South Main Street (SR 13)
10% Off Each Gallon of Royal and
Clark+Kensington paints
(interior and exterior)

Ace Pest Control
634 North Main Street (SR 13)
5% Off Any New Service, Plus 5% Off if
Paid By Cash or Check. Offer Valid for
New Customer or New Service for
Existing Customer.

Adrift BBQ
225 North Main Street (SR 13)
Free Drink with Purchase of Sandwich or
Meal on Wednesdays

American Legion Post 253
756 South SR 13
Every Tuesday - Buy 1 Sandwich and
Get 1 of Equal or Lesser Value Free

Bart's Water Sports
State Road 13 and 800 North
Buy 1 Get 1 Free Escape to the Lake T-Shirt
(Item #SR5013)

Bourbon Street Pizza
643 North Main Street
Any Large 2-Topping Pizza, Breadsticks &
2 Litre for \$14.99

Clark's Marine Service
7498 N SR 13
5% Off Retail Priced Manitou Pontoon and
Evinrude Outboard. 10% Off Retail Priced
Special Order Manitou Pontoon and
Evinrude Outboard.

Clayton's Garden Center
7185 North SR 13
10% Off on Fridays (Excluding Sale Items)

Custom Canvas and Awnings
221 North Main Street (SR 13)
10% Off Retail Price

Dave's Electric, Heating & Cooling
307 East Washington Street
\$10.00 Off a Service Call

Elliott's Tree Care LLC
55 EMS W 25
574-253-5525
10% Off Tree Trimming or Removal
Licensed & Insured

Future Heirlooms
119 South Main Street (SR 13)
North Webster, IN 46555
10% Off

Guy's Lawn Care
9 EMS W30B Lane
10% Off First Application of Fertilizer
when you sign up for a yearly lawn
treatment package.

Heart of the Lakes Antique Mall
132 North Main Street (SR 13)
10% Off Any Item \$20 or More and
Paid by Cash or Check, excluding
firms and markdowns.

J & W Bakery
534 South Main Street (SR 13)
A Baker's Dozen (Buy 12 Rolls/Donuts &
Get 1 Free)

Jill & Jennifer's Salon of Style
225 North Main Street (SR 13)
Purchase a Conditioner and Get a
Shampoo 1/2 Off

Lions Karate
126 South Main Street (SR 13)
One Month Free Trial Including a
New Uniform for New Students
(\$100.00 Value)

Metcalf, Payne & Bell
219 East Camelot Lane
\$10.00 Off Cost of Opening OR Closing
Your Summer Cottage

Owen Family Funeral Homes
State Road 13 and 500 North
15% Off Any Monument or Marker
Purchased from Owen Family Funeral
Homes & Monuments in North
Webster or Syracuse

Pilcher's Shoes
127 South Main Street (SR 13)
15% Off on Any Regular Price Product

Pizza King
405 Dixie Drive
\$2.00 Off 16" Pizza. Carry-Out & Dine-In
Only (does not apply to Delivery Orders)

Satori Boutique
627 North Main Street
10% Off All Merchandise, excluding Kay
Rose, B Moore and Jackson Junge.

Sock's Marina, Inc.
60 EMS W17 Lane
5% Discount on Winter Storage Fee

Sue's Creations
102 South Main Street (SR 13)
10% off cash and carry in-store
purchase.

Tangibles Resale and Consignment
111 North Main Street (SR 13)
5% of Purchase to go to the North Webster
Area Food Pantry

Ye Olde Tackle Box
Mid Lake Shopping Center
708 South Main Street (SR 13)
10% Off Live Bait

Please visit www.lakewebster.net for current information. Participating Merchants and Offers are subject to change by the Participating Merchants at any time without notice. ☺

2016 WLCA MEMBERSHIP FORM

(Please return this voucher with your payment)

Name(s) _____

E-mail Address _____

Lake Address _____

Mailing Address _____

E-mail Statements Yes No

Contact Phone(s) _____

Membership Dues \$ 100.00

Fireworks Fund \$ _____

Invasive Species (Weeds) \$ _____

TOTAL: \$ _____

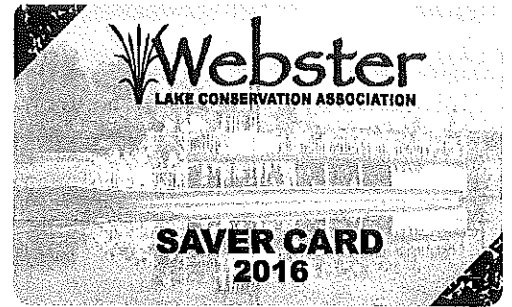
Checks Payable to WLCA

Mail to: WLCA
P.O. Box 79
North Webster, IN 46555

Exhibit 10
Page 3

BECOME A WILCA MEMBER, SHOW YOUR CARD AND SAVE!

Become a dues paying member and save big. WLCA is very excited to again present its Saver Card to paid members. All paid members will have the opportunity to save money annually by shopping at many of our local businesses. Participating businesses will offer discounts to our membership from May 1, 2016, to April 30, 2017. All participating businesses and offers will be listed on the WLCA website at <http://lakewebster.net> (Membership Section). Upon receipt of your dues payment, two Saver Cards, together with a list of all participating businesses and their incentive offers, will be mailed to you. Shop locally and take advantage of great discounts. See page 2 of this newsletter for a complete listing of participating Saver Card businesses. ☺



WLCA 2016 Calendar of Events

Saturday, June 18

Annual Dixie Ride & Carry-in Brunch

Please join us for good food and a trip around Webster Lake on the Dixie with other residents of Webster Lake. The Dixie will leave from the Dixie Park Pavilion promptly at 9:30 a.m.

Saturday, July 2

Annual Webster Lake Fireworks Display

Fireworks will start at approximately 10:00 p.m.

(Rain Date: Sunday, July 3)

Saturday, August 13 ~ Annual Meeting/Elections

The WLCA annual meeting and elections will be held on Saturday, August 13, at 9:30 a.m. in the Community Center Party Room. ☺

2016 Fireworks Show

The 2016 Fireworks Show will be presented on Saturday, July 2, 2016, with a rain date of Sunday, July 3. The show will start at approximately 10:00 p.m. and will be staged from the west end of Kline Island. 100% of the funding for our annual Fireworks Show comes from the support of homeowners and the North Webster business community. In addition to purchasing the fireworks display, site preparation, staging and permit expenses are required. Putting on a fantastic fireworks display is a long-standing tradition here at Webster Lake, and we strive to provide the very best show possible with your continued generous support. ☺

WLCA SAVER CARD BUSINESS: SOCK'S MARINA ON WEBSTER LAKE

Sock's Marina Inc. is a family owned Corporation. The owners, Lowell "Dino" and Jeannie Coverstone purchased the business in April of 2008, when it was called "Webster Lakeshore Marina". The Marina has been in existence since 1960, but had been reduced to a part time operation doing mainly winter boat storage. The Coverstones purchased the inventory and equipment in 2008. Two years later they purchased the land and buildings, incorporated the business and changed the name back to the original "Sock's Marina".

The Coverstones are not new to the business. Dino started as Service Manager at this very facility in 1974 when his father and uncle purchased the marina from the founder. After two years, he moved on to various areas in the boating industry, including the Brunswick Corporation at its Topeka boat facility as engineering, research and development manager. Over the past 42 years Dino has been involved with virtually all aspects of the boating industry from retail sales to complete design and fabrication of all manner of products. He has been certified as a mechanic and has sat on advanced technology councils at the highest level of the industry. Since the Coverstones have owned Sock's Marina,



Dino and Jeannie Coverstone

they are experiencing growing pains and now have two full-time experienced mechanics on duty, Kyle Flumbaum and Derik Green. They are also working on a new pontoon line and re-establishing a Mercury Outboard Motor Franchise. Visit their website: socksmarina.com.

Wife, Jeannie, has been a bookkeeper most of their 44 years together and since 2009 has worked by Dino's side at the Marina. She manages the office, accounting and payroll and helps with sales and the front counter. Dino and Jeannie have a son, Ryan, who is married to Melissa and they have a son, Jackson. They also have a daughter, Dina, who teaches at Syracuse Elementary.

Sock's Marina is a participating member of the WLCA Saver Card program and offers members a 5% discount on winter storage fees.

If you haven't been to Sock's Marina, please stop by and introduce yourself and visit their showroom. They are open year-round from 8 a.m. to 5 p.m. Tuesday through Saturday. Dino and Jeannie would like to get to know all their neighbors on the lake! ☺

Pier Compliance Points

- a) Owner of buildable lot in Epworth Forest.
- b) Pier fees paid and off-shore proof of liability insurance.
- c) On-shore pier assignments placed within their property lines.
- d) No more than one off-shore pier per on-shore lot.
- e) Off-shore 16 feet.
- f) On-shore 24 feet. Note: Off-shore representative stated that historically, this has not been a concern about how on-shore uses their extra space as long as it does not block an off-shore pier assignment in any way.
- g) Allow for the placement of only one pier and the docking of only one boat or other watercraft for each off-shore owner.
- h) Piers must be placed at the maximum distance available on a lot owner's shoreline, with a minimum of 2 feet distance between assignments, and shall be reasonably safe for the mooring of a boat.
- i) All piers must be functional, well-maintained, with no safety issues.
- j) There will be no subleasing of offshore piers.

Please note that this is NOT meant to be a full and complete list of all court ordered points. These are the main items addressed when considering pier compliance.

Exhibit 11

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IN THE
COURT OF APPEALS OF INDIANA

Epworth Forest Administration
Committee, Inc.,
Appellant-Defendant,

v.

Gerry Lee Powell and Patricia
Ann Powell,
Appellees-Plaintiffs.

June 13, 2017

Court of Appeals Case No.
43A03-1610-MI-2332

Appeal from the Kosciusko
Circuit Court

The Honorable Michael W. Reed,
Judge

Trial Court Cause No.
43C01-1602-MI-47

Najam, Judge.

Statement of the Case

- [1] Epworth Forest Administration Committee, Inc. (“EFAC”) appeals the trial court’s judgment, following a bench trial, for Gerry Lee Powell and Patricia

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Ann Powell on the Powells' complaint against EFAC and Robert Miller and Deborah Miller.¹ This appeal arises from more than twenty-six years of litigation in the Kosciusko Circuit Court regarding rights of access to Webster Lake in Kosciusko County. In this appeal, the Millers sought to have a second boat lift added to their pier on Webster Lake. To accommodate that desire, the Millers petitioned EFAC to remove the Powells' pier on the lake. EFAC agreed to do so, and the Powells filed suit and obtained injunctive relief before the court entered a final judgment for the Powells. EFAC now appeals that judgment and raises a single issue for our review, namely, whether the trial court erred when it did not accept EFAC's interpretation of prior orders of the court. We affirm the court's judgment for the Powells.

Facts and Procedural History²

[2] Webster Lake is a lake in the Epworth Forest subdivision in Kosciusko County. Since 1991, rights of access to Webster Lake by onshore and offshore property owners have been litigated in the Kosciusko Circuit Court. Pursuant to various court orders in that litigation, EFAC is now empowered³ to administer, subject to certain restrictions, the respective rights of access held by onshore and

¹ Although named defendants in the trial court, the Millers do not participate in this appeal.

² EFAC does not state the facts in its brief in accordance with our standard of review, contrary to Indiana Appellate Rule 46(A)(6)(b).

³ The length of time over which the rights of access to Webster Lake have been litigated in the Kosciusko Circuit Court implicates the rights previously held by the predecessors-in-interest of EFAC, the Powells, and the Millers, but for clarity of our discussion we simply refer to the present parties.

offshore property owners. In 1994, the court entered an order that established the lakeshore rights of the onshore and offshore property owners.

[3] Pursuant to a November 2007 order of the court:

As a means of enforcing this Court's prior orders in this case, any party alleging that [EFAC] has acted or failed to act in violation of this Court's [1994 judgment] shall file a separate lawsuit alleging that [EFAC] has acted or failed to act in violation of this Court's [1994 judgment] The action or decision of [EFAC] will not be reversed unless such action or decision is arbitrary, unreasonable[,] or capricious.

Ex., Tr. Vol. 3 at 30.⁴

[4] In January of 2014, the trial court approved onshore and offshore rights of access to Webster Lake and, in particular, open shoreline and pier-assigned shoreline for each onshore and offshore owner. EFAC also sought to have the trial court adopt certain regulations EFAC had proposed. In its order on that request, the court stated in relevant part as follows:

Although not mandated by the Court, the regulations as adopted and applied by [EFAC] should strive to:

- a) Allow/provide for a five (5) foot clearance on both sides [for a total of ten (10) feet] of the dividing line between

⁴ Our review of the numerous trial court documents relevant to this appeal has been hampered by the parties not including those documents in appendices, despite the clear guidance of Indiana Appellate Rule 50(A), and their citations instead to unmarked and unpaginated exhibits. Our page references to those exhibits are based on the .pdf pagination of the electronically filed transcript.

pier sites so that a ten (10) foot buffer zone may exist between all facilities and equipment utilized on the pier sites; and

- b) Burden any one on-shore owner with only one (1) off-shore pier site.

Id. at 43 (brackets in original). And the court adopted the following rules proposed by EFAC:

Pier Assignment [is defined as a]n allotted space along the Lake Webster shoreline that is assigned to an owner. All piers are privately owned and shall not be accessed without the permission of the owner.

* * *

2. ALLOWABLE WIDTH

The maximum allowable width* for a shoreline pier space assigned to a lakefront property owner is 24 feet. Lakefront owners who own at least 24 feet or more of shoreline frontage shall be allotted a pier assignment up to 24 feet. Lakefront owners owning less than 24 feet of shoreline frontage shall be allotted a pier assignment up to the limited frontage owned (i.e. if 22 feet is owned the lakefront assignment shall be up to 22 feet wide[).] If a lakefront owner owns less than 16 feet of shoreline, that lakefront owner shall be allotted at least 16 feet for their pier assignment. The maximum allowable width for a shoreline pier space assigned to a non-lakefront property owner is 16 feet. Piers shall be placed a safe and reasonable distance apart from each other with a minimum distance between pier assignments of two feet.

**Width refers to space used by an assigned owner for pier sections, watercraft, or any other personal property that takes up space in the water or along the shoreline. Measurement is the total width taken from the far left item to the far right item (for example, pier, boat, jet ski, securing pole/auger, etc.).*

3. LAKEFRONT PROPERTY OWNERS

[L]akefront property owner[s'] shoreline pier placement[s] shall be considered permanent unless [a] lakefront property owner agrees to a change in writing that has been approved by [EFAC] in writing. . . .

4. NON-LAKEFRONT PROPERTY OWNERS

Non-lakefront property owners' shoreline pier locations are assigned by [EFAC] on a first-come, first-served basis. Once the shoreline locations are assigned and approved in writing by the [EFAC], the locations are intended to be permanent

Id. at 47-48 (emphasis added). In April of 2014, the court further ordered as follows: "Onshore owners' pier assignments will continue from year to year and be presumed permanent. An offshore pier assignment/location, in accordance with the 1994 judgment, may be changed only for [a] substantial change of circumstances making the prior assignment unreasonable under current facts and circumstances. . . ." *Id.* at 62.

[5] The Powells are offshore property owners with an assigned pier on Webster Lake. There is no dispute that the Powells' pier assignment and location are consistent with the trial court's orders. The Millers are onshore property

owners who also have an assigned pier on Webster Lake pursuant to the court's orders. The Millers' lakefront property borders the Powells' pier assignment on the western border of the Powells' assignment.

[6] Pursuant to the court's approved shoreline assignments around Webster Lake, the Millers owned fifty feet of shoreline property and Pier Space 34. The court's orders designate that the Millers have twenty-four feet of their shoreline "for Pier 34" and ten feet "of open shoreline." Appellant's App. Vol. II at 30; *see also* Ex., Tr. Vol. 3 at 53. The court assigned the remaining sixteen feet of the Millers' shoreline to the Powells "for Pier 35A," which the Powells owned. Appellant's App. Vol. II at 30. The court's orders do not mandate a specific location within those assignments for either pier's placement.⁵ *See* Ex., Tr. Vol. 3 at 53.⁶

[7] In 2015, the Millers sought to have a boat lift added to the eastern side of their pier without relocating their pier. With an existing boat lift already in place on the western side of the Millers' pier, and using their pier's location as the

⁵ In its brief on appeal, EFAC repeatedly asserts that "the trial court fixed the locations of the piers." *E.g.*, Appellant's Br. at 6-7. In support of that statement, EFAC cites not to a court order but to the direct examination testimony of Gerry Powell, who said no such thing. Tr. Vol. 2 at 11, *cited in* Appellant's Br. at 6-7.

⁶ The version of this exhibit submitted on appeal is not clear in that it has grayed-out and blacked-out text. It appears from the legible text that the trial court assigned to the Powells an additional four feet of open shoreline, but it is not clear how that four feet might have factored into the distribution of the fifty feet of shoreline owned by the Millers. In any event, the apparent four-foot allocation is not discussed by the parties on appeal, and neither do the parties challenge the trial court's finding that the fifty feet of shoreline owned by the Millers is distributed between ten feet of open shoreline, twenty-four feet for the Millers' pier, and sixteen feet for the Powells' pier.

centerline of their pier assignment, the addition of the new boat lift would have left “insufficient space for the Powell[s]’ boat and pier as assigned” by the court. Appellant’s App. Vol. II at 30. Accordingly, the Millers requested permission from EFAC to have the Powells’ pier removed so the Millers could install a second boat lift on their pier. The Powells objected, but EFAC agreed with the Millers and ordered the Powells to remove their pier. The Powells then filed a lawsuit against EFAC and the Millers and argued that EFAC’s decision was arbitrary, capricious, or unreasonable.

[8] The trial court entered a preliminary injunction against EFAC. Thereafter, in September of 2016, the trial court entered the following findings of fact and conclusions thereon after a bench trial:

13. The Court’s [January 2014] Order . . . approving the then[-]existing pier assignments approved not only the then[-]existing pier placements (actual and based on prior usage)[] but also the assignment of a certain location zone for [a] pier and other equipment usage (based on actual prior usage)

14. It was further the Court’s intention, and order, that the pier assignment . . . was . . . based on an allocation of the frontage of each lot and created a zone of use for these assignments . . . , which would not be subject to future change except as specifically provided by the Court’s Orders

15. It was further the Court’s intention, and order, that each assignee of a pier assignment be free to fully . . . utilize their zone assignment, but not so that this usage would affect others, especially adjacent pier . . . assignments

16. *Therefore, the proposed change of actual use of an area by an assignee cannot be a substantial change of circumstances making the prior assignment unreasonable under current facts and circumstances.*

* * *

19. If the Powell[s'] pier is left with the 16 feet assigned . . . [the] Miller[s] will retain the same 24[-]foot zone assigned to [them] . . . and [they] are free to locate whatever structures they desire[] within the same 24[-]foot zone[] so long as this does not affect the usage of the adjacent pier assignments.

* * *

23. The judgment and various Orders . . . of this Court clearly indicate that it was the intention of this Court that . . . pier assignments for onshore owners were intended to be permanent, and offshore pier assignments were not to be changed without a significant change in circumstances.

24. *The desire of [the] Miller[s] to place two boat lifts, one on each side of their current pier location, is not a significant change in circumstances.*

25. The determination made by EFAC requiring the Powells to remove their pier and boat lift was necessarily arbitrary and capricious and was, as a matter of law of the case, not in conformity with the prior Judgment and Orders of this Court

26. The placement of the Powell[s'] pier is in conformity with the Judgment and Orders . . . and no significant change in

circumstances exists which would require the elimination or relocation of the original Powell pier assignment.

Id. at 30-32 (emphases added). This appeal ensued.

Discussion and Decision

[9] EFAC appeals the trial court's judgment for the Powells. In its judgment, the trial court entered findings of fact and conclusions thereon following a bench trial. Our standard of review in such appeals is clear:

We . . . apply a two-tiered review, and affirm when the evidence supports the findings, and when the findings support the judgment. We shall not set aside the findings or judgment unless they are clearly erroneous, and we must give due regard to the opportunity of the trial court to judge the credibility of the witnesses. Findings of fact are clearly erroneous only when they have no factual support in the record, and a judgment is clearly erroneous if it applies the wrong legal standard to properly found facts.

Wysocki v. Johnson, 18 N.E.3d 600, 603-04 (Ind. 2014) (citations, quotation marks, omissions, and alterations omitted). And insofar as this appeal requires this court to interpret prior orders of the trial court, we interpret those orders *de novo* and without deference to the trial court's judgment. *Deen-Bacchus v. Bacchus*, 71 N.E.3d 882, 885 (Ind. Ct. App. 2017).

[10] As an initial matter, we reject EFAC's argument that our case law requires this court to defer to EFAC's decision against the Powells. While the trial court's orders direct that that court would not reverse a decision of EFAC unless that

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decision was “arbitrary, unreasonable[,] or capricious,” Ex., Tr. Vol. 3 at 30, that language establishes the burden of proof in the trial court, not the standard of appellate review.⁷ As such, insofar as EFAC argues that the Powells did not meet their burden of proof in the trial court, we review that argument under our usual standards of review.

[1.1] We thus turn to the merits of EFAC’s argument on appeal, namely, that the trial court’s judgment is erroneous because the court misinterpreted its prior orders. In particular, EFAC asserts that, absent more specific instruction from the trial court, EFAC had interpreted the court’s pier assignments to require each pier to be placed in the center of each assignment.⁸ In light of that interpretation, EFAC continues, it concluded that it lacked the authority to order the Millers to move their pier within their assignment due to the “permanent” nature of onshore pier assignments, and, instead, EFAC was required to order the Powells to remove their pier altogether. Appellant’s Br. at 24-25.

[1.2] But there is nothing ambiguous about the court’s orders in the first instance, and, as such, the trial court properly rejected EFAC’s interpretation of those

⁷ EFAC is not a state agency or other governmental unit, and its decision against the Powells was not made pursuant to the Administrative Orders and Procedures Act, Ind. Code Article 4-21.5, or other statutory procedures.

⁸ To be sure, EFAC also asserts that “[n]owhere in the trial court’s prior orders does it mention a ‘location zone’” for the pier assignments, which is plainly incorrect insofar as the pier assignments themselves are designated zones for the location of piers. Appellant’s Br. at 24; *see* Ex., Tr. Vol. 3 at 53. And, as noted above, EFAC also repeatedly states (contrary to its apparent argument on appeal) that the trial court “fixed the location of the piers,” which is also plainly incorrect. *See* footnote 5, *supra* at 6.

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orders. It is true that the trial court's prior orders designated "pier assignments" in terms of a linear footage along the shoreline and make no mention of a mandatory location for a pier within a given assignment. Ex., Tr. Vol. 3 at 53. However, the court's orders plainly provide a mechanism for measuring pier assignments. Namely, the court's orders direct that pier assignments are to be measured based on an owner's usage "from the far left . . . to the far right," with any personal property within that area being demonstrative of the owner's usage. *Id.* at 48. Indeed, the court's directions identify a "pier" as an object that may exist at either end of the assignment for measurement purposes. *Id.* That is, the court's orders expressly recognize that the location of a pier may be anywhere within the pier assignment. As such, the court's unambiguous prior orders preclude measuring the width of a pier assignment by establishing a pier within that assignment as the centerline. EFAC's interpretation disregards the court's clear instructions.

[13] EFAC's interpretation also disregards the trial court's clear language that the width of a pier assignment is inclusive of *any* use that owner might make of that assignment. Again, the court's orders define pier assignments as the total shoreline available to onshore and offshore owners for their use of any "pier sections, watercraft, or any other personal property that takes up space in the water or along the shoreline." *Id.* EFAC's interpretation that the pier is the

centerline and that usage is measured away from that point⁹ is not consistent with the trial court's orders.

[14] Further, EFAC's reliance on the permanent nature of an onshore owner's pier assignment and disregard of the permanent nature of an offshore owner's pier assignment is also contrary to the court's orders. Those orders expressly refer to *both* established onshore pier assignments *and* established offshore pier assignments—which includes both the Millers and the Powells—as “permanent” assignments. *Id.* As such, for that additional reason the trial court did not err when it rejected EFAC's interpretation that pier assignments should be centered around pier location to accommodate the permanent nature of established onshore pier assignments and without considering the permanent nature of established offshore pier assignments. Thus, the trial court's interpretation of its prior orders is based on the unambiguous language of those orders, and EFAC has not shown that the trial court erred when it rejected EFAC's contrary interpretation.

[15] Finally, we note that, although both established onshore pier assignments and established offshore pier assignments are permanent assignments under the court's orders, an offshore assignment nonetheless “may be changed only for [a] substantial change of circumstances making the prior assignment unreasonable

⁹ Insofar as EFAC's argument is that an onshore owner can expand beyond the maximum twenty-four feet by simply expanding use within an assignment, that argument is contrary to the trial court's express limitations to the width of onshore owners' pier assignments. Ex., Tr. Vol. 3 at 48.

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under current facts and circumstances.” *Id.* at 62. The trial court found and concluded that the Millers’ desire to add a second boat lift to their pier was merely a new way to use their pier and, as such, was captured by their original assignment and did not constitute a substantial change of circumstances that made the prior assignment to the Powells unreasonable under the current facts and circumstances. On appeal, EFAC does not directly challenge the trial court’s findings or conclusions in this regard; rather, EFAC’s only argument is that the trial court erred when it interpreted the court’s prior orders. As explained above, we reject EFAC’s arguments. Nonetheless, we also conclude that the trial court’s findings that there has been no substantial change in circumstances is supported by the record and that its judgment is supported by the findings. As such, the court’s judgment is not clearly erroneous, and we affirm.

[16] Affirmed.

Riley, J., and Bradford, J., concur.

EXHIBIT 17