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County, Mortons sign off on lake

BY ROD ROSE
The Lebanon Reporter

An agreement has been reached that will allow Morton Farms LLC to build a private pond in Clinton Township.

The document, signed Friday by County Attorney Bob Clutter, Morton Farms representative Don Morton and County Surveyor Ken Hedge, was filed that day in Boone Circuit Court.

The deal allows Morton Farms LLC to move a small stream - the Trimby Legal Drain - in order to dam the original waterway to create an 18- to 20-acre lake near County Road 850 N and Lost Road (County Road 200 E), just south of the Boone-Clinton county line. Trimby Legal Drain flows into Sugar Creek.

Friday's agreement modifies an April 21 decision by Boone Circuit Court Judge Steve David that ordered the Boone County Drainage Board to approve Morton Farms LLC's request for waivers necessary to build the lake.

The changes give Morton Farms "the necessary approvals required

for the relocation" of the drain, and to build a dam and lake "upon compliance with the Boone County Drainage Ordinance."

David had ruled the drainage board's rejection of the Morton Farms request had been "arbitrary, capricious and unlawful." The drainage board did not base its decision on state law, David said.

In his ruling, David wrote that in "each and every transcript" of a dozen drainage board hearings involving the lake request, "there is only cursory reference to the applicable statute and never any discussion about its requirements."

Morton Farms operates several hog-finishing barns on either side of Lost Road and has received permission from the state to construct two more 4,000-head finishing operations.

At the "feeder" barns, Morton annually raises several thousand hogs to market weight for pork producers.

No decision has been made whether the new finishing barns will be built, Don Morton told *The Lebanon Reporter* for an April 27 story.