

21. The Court of Appeals concluded in *Bath v. Courts*, 459 N.E.2d 72, 76 (Ind. Ct. App. 1984) that "riparian right owners may build a pier within the extension of [their] shore boundaries only so far out as to not interfere with the use of the lake by others." A pier or platform that extended into the riparian area of another person was an encroachment. The law "prohibits encroachments upon the riparian rights of another."

27. The boundary line in this proceeding should be run in such a way as to divide the total navigable waterfront in an approximate proportion to the actual shoreline of the Belchers and Yager-Rosales. A just apportionment would be accomplished by running a line northwest from the property line stake. The line should terminate 24 feet lakeward from the water line or shoreline, and the area that commences beyond this termination point should be reserved for navigation. A second limitation on the Belchers and Yager-Rosales should be that no pier or boat should be located more than 17 feet, measured perpendicularly, from a shoreline or waterline of the side or of the end of the Quiet Harbour Channel.

II. Nonfinal Order.

The boundary separating the riparian waters of Mickey Belcher and Karen Belcher from those of Lisa A. Yager-Rosales is determined to be a line running northwest from the "property line stake" identified in the upper photograph from Belchers' Exhibit "W". This line shall terminate 24 feet lakeward from the waterline or shoreline, and the area beyond the termination point is reserved for navigation. In addition, any pier, boat station or similar facility, and any boat moored by or at the consent of Mickey Belcher or Karen Belcher or of Lisa A. Yager-Rosales, shall be located within their respective riparian areas and within 17 feet, measured perpendicularly, from the shoreline or waterline of a side or of the end of the Quiet Harbour Channel. Mickey Belcher, Karen Belcher and Lisa A. Yager-Rosales are each ordered to refrain from placing a pier, boat station or similar facility, or from mooring a boat or from allowing another person to moor a boat, outside their respective riparian waters as described in this order. . . .

3. The perpendicular riparian limitation of 17 feet was clearly based on the total width of the Quiet Harbour Channel being 58 feet. After providing both Belcher and Rosales with 17 feet in which to place a pier and moor a boat, this would allow the existence of 24 feet

for navigation purposes between the Belcher and Rosales respective riparian areas. The evidence was clear that boats in excess of 24 feet in length, included Mr. Rosales', would routinely utilize the channel.

CONCLUSIONS OF LAW

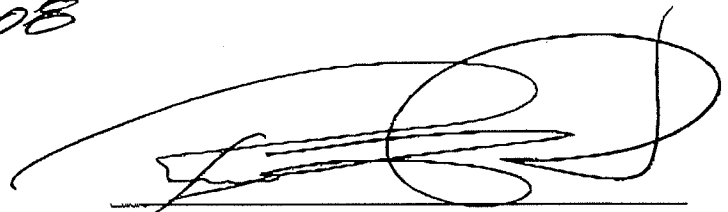
1. Indiana law does not require a detailed explanation of orders issued by an administrative agency as long as the record of the proceedings before the agency reflect a rational basis for the agency decision.

2. There exists in the record of the proceedings before the Administrative Law Judge in this matter sufficient evidence on which the 17 foot riparian limitation was based, that evidence being a reasonable area available for navigation by the parties to this action and the public.

JUDGMENT

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Findings of Fact and Conclusions of Law with Final Order issued by the Natural Resources Commission in Administrative Cause Number 05-209W on March 13, 2007 is affirmed in all respects. The Petition for Review of Petitioners is denied. Costs are taxed to Petitioner.

Dated: March 18, 2008



Rex L. Reed, Judge
Kosciusko Circuit Court