

STATE OF WYOMING)
)
) : ss.
)
COUNTY OF CONVERSE)

RIDGEWATER #1 IMPROVE-)
MENT DISTRICT,)
)
) Plaintiff,)
)
)
) vs:)
)
) EDWIN BARKER,)
)
)
) Defendants.)

894963 Book - 1218 Page - 0595
Recorded 07/29/2003 At 03:45 PM
Lucile K. Taylor, CONVERSE COUNTY Clerk & Recorder

Filed for Record this 22
day of July A.D. 2003
Jo Winters
Clerk of the District Court
Converse County, Wyoming

**DECREE GRANTING
PERMANENT INJUNCTION**

THIS MATTER, having come before this Court on petition filed by the Plaintiff on March 20, 2003, the Court having granted a Temporary Restraining Order on March 26, 2003, and the Defendant having been duly served and having filed Answer, the matter proceeded to hearing on June 12, 2003, at which time the parties announced settlement in accordance with this Order. Based on the pleadings, evidence and agreements of the parties, the Court **FINDS**:

1. This Court has jurisdiction of the parties to and the subject matter of this action.
2. Plaintiff is the governing body of and lawful owner of the water system servicing lands in Ridgewater Estate Subdivisions #1 and #3, located in Converse County, Wyoming, including lands currently owned by Defendant and described as Lot 8 of Block 3, Ridgewater Estate Subdivision #1.
3. The Plaintiff is the legal owner of a water right, Permit #U.W. 77643, dated August 9, 1989 and recorded in Book 557, at Page 44, in the records of the State Engineer's Office.
4. Permit #U.W. 77643 authorizes the Plaintiff to use and operate a well known as Ridgewater No. 4.
5. The priority date of the Plaintiff's appropriation right is August 8, 1988.

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Office**

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Douglas, WY

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6. Said well includes a pipeline and certain equipment related thereto, which are located on the lands of the Defendant above described off the existing dedicated easements, but connecting same to lines and facilities on said easements or other lands controlled by the Plaintiff.

7. The Plaintiff is entitled to reasonable access and use of Ridgewater No. 4 Well by virtue of its appropriation right in said well.

8. Defendant has wrongfully denied Plaintiff access to said well according to Plaintiff's rights and interests in said well and precipitated this action.

9. Defendant and his successors in title, ownership and control of said Lot, Block 3, Ridgewater Estates Subdivision #1 should be perpetually enjoined and restrained from further interference of Plaintiff's rights to reasonable access and use of said well and its appurtenances.

10. Such use and access by Plaintiff should be hereafter governed by rules and regulations of Plaintiff applicable to its established rights and obligations to use, repair and maintain wells, lines and appurtenant facilities within said subdivisions.

11. Defendant should be entitled to at least forty-eight (48) hours notice prior to Plaintiff's entry on his lands to access said well.

12. Defendant should be entitled to recompense for any damages caused to his property by the Plaintiff.

13. Each party shall, by agreement, bear their own costs through the entry of this Order.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:


1. Plaintiff shall have reasonable access to and use of Ridgewater No. 4 Well (and its appurtenant pipelines and facilities) established under Permit #U.W. 77643 located on Lot 8, Block 3, Ridgewater Estates Subdivision #1 necessary to use, repair, replace, maintain and otherwise recover water therefrom and appurtenant to Defendant's property for Plaintiff's use as it, from time to time, deems necessary for itself, its residents and inhabitants.

2. Defendant, together with Defendant's heirs, successors and assigns as owner or owners of said Lot 8, Block 3, Ridgewater Subdivision #1, and the employees, servants and agents of Defendant and successor owners, be and they are hereby perpetually enjoined and restrained from interference with the rights of the Plaintiff as set forth above.

3. Plaintiff's access to and use of said well shall be consistent with the rights of a water appropriation in Wyoming and/or with Plaintiff's established rules, regulations and policies related to use, maintenance and repair of water wells and lines in the several subdivision, including but not limited to restoration of lands damaged thereby and the providing of forty-eight (48) hours notice to Defendant prior to any activities of the lands of the Defendant that will disturb same. Such notice shall be by personal contact with Defendant or by leaving written notice at the residence located on said Lot 8, Block 3, Ridgewater Estates Subdivision #1.


4. A certified copy of this Order may be placed of record with the Office of the Converse County Clerk; indexed to the lands of Defendant herein described; and shall constitute a running burden on said lands, for the rights of Plaintiff herein established.

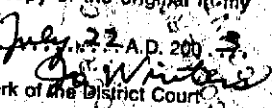
DATED: July 22, 2003


DISTRICT COURT JUDGE

APPROVED AS TO FORM AND CONTENT:


F. SCOTT PEASLEY,
Attorney for Plaintiff


W. Bruce Horton,
Attorney for Defendant

DISTRICT COURT
STATE OF WYOMING
Converse County
CERTIFIED to be a full true and correct copy of the original in my custody.
DATED July 22 A.D. 2003

Clerk of the District Court
Deputy
MY TERM WILL EXPIRE
ON THE 1ST MONDAY
IN JANUARY 2007

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