

CERTIFIED COPY

RECORDED DECEMBER 21, 1994 BK 371 PG 117 NO 186685 RONALD L. DAILEY, COUNTY CLERK  
IN THE DISTRICT COURT IN AND FOR SHERIDAN COUNTY, WYOMING

In the Matter of the Creation        )  
of the                                    )  
  ) Civil Action No. C207-4-81  
PARK RESERVOIR IRRIGATION        )  
DISTRICT                                )

ORDER

This matter came on for hearing on the Petition for the organization of the Park Reservoir Irrigation District filed in this Court on April 28, 1981 pursuant to Wyo. Stat. §41-7-101, et. seq. pertaining to the organization of irrigation districts under Wyoming law, and the Court having examined the record and all exhibits therein, and having heard the testimony, and being fully advised, finds as follows:

1.

Freeholders owning more than one-half of the area of land within said district have signed the Petition, as verified by the Affidavit of Joe Marshall, Victor Slack and Charles Whiton filed pursuant to Wyo. Stat. §41-7-202.

2.

Upon the filing of the Petition to create the irrigation district, the Court entered an Order on April 28, 1981 setting the Petition down for hearing on June 1, 1981 at 10:00 o'clock a.m. Notice of the pendency of the Petition and of the time and place of hearing thereon has been published as required by law in The Sheridan Press on May 5, 12 and 19, 1981, and a copy of the Notice has been served upon all landowners within the district, mortgagees having an interest in lands within the district and judgment holders who have a lien upon lands within the said district. Service was and is in all respects, due, timely, in proper form and legally sufficient.

3.

The Court has full and complete jurisdiction of the subject matter of this Petition and full and complete jurisdiction to make this Order and such other and further orders as the Court may deem just and proper.

4.

That the allegations of said Petition are true and no objections have been filed or otherwise presented to the Court at the time and date set for hearing. There appears no good or sufficient reason to prohibit the organization of said district.

5.

The State Engineer of the State of Wyoming has filed his approval of the Petition for the organization of said irrigation district with a letter dated May 26, 1981, and it appears that the State Engineer has been fully informed of the project and has not objected to any portion of said Petition.

6.

The organization of the Park Reservoir Irrigation District is desirable, feasible, and necessary in order that an "assessment district" can be formed to obtain the financing made available by Wyo. Stat. §41-2-501, et. seq. which is an Act passed by the 1981 Wyoming Legislature to provide for the reconstruction of Park Reservoir in order to provide water for use in the Big Goose Creek and Little Goose Creek drainages in Sheridan County, Wyoming.

7.

That the published notice of the filing of the Petition in this matter contains the name and address of each shareholder, the number of shares owned, the percentage of benefits attributable to each shareholder, and the legal description of the lands to be included within the assessment

district. Since the lands described can be benefited only to the extent that the shareholder owns stock in Park Reservoir Company, the percentage of each shareholder's benefit, and the percentage upon which each shareholder shall be assessed, is the proportion which each shareholder's stock bears to the total of the 8,000 shares of issued and outstanding stock in Park Reservoir Company which percentages are set forth in the notice attached hereto as Exhibit A.

8.

Each person or corporation who shall be included among those assessed shall have the right at any time to pay off his assessment and relieve his land and water rights from the lien of said assessment by paying all of his proportionate share of the interest, principal and outstanding costs or obligations of the district.

9.

That for the purpose of collecting any assessment of those shareholders identified on Exhibit A as owning no land in Sheridan County, the County Assessor shall assess such shareholder in care of the Park Reservoir Company who shall be responsible for the payment of such assessments.

10.

That the lands described on Exhibit A shall be a complete and final statement of the lands to be included within the Park Reservoir Irrigation District except that the lands described as being those of William R. Ross shall not be included within the irrigation district, and instead the following described lands belonging to William R. Ross shall be included within the district:

N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{2}$ SW $\frac{1}{2}$ , Section 8, T. 54 N., R. 84 W.

11.

A map showing the lands within the district and dividing the district into five (5) nearly equal subdivisions

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known as "commissioner districts" has been filed and should be approved.

12.

That the Petition filed in this cause is in due form and legally sufficient, and in conformity with the statutes of the State of Wyoming, and that the provisions of the statutes relating to the organization of irrigation districts have been fully complied with.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Petition for the organization of the Park Reservoir Irrigation District filed herein be ratified, approved, confirmed, and declared to be in proper form and legally sufficient;

IT IS FURTHER ORDERED that said district shall consist of the lands described on Exhibit A attached hereto and by reference made a part hereof except that the lands of William Ross described on Exhibit A shall be stricken and in their place the following lands shall be included as those belonging to William Ross, to-wit: N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 8, T. 54 N., R. 84 W.;

IT IS FURTHER ORDERED that the proposed irrigation district shall be organized and shall have the corporate name of "Park Reservoir Irrigation District," by which in all proceedings it shall hereafter be known and said district shall be a political subdivision of the State of Wyoming and a body corporate with all the powers of a corporation as provided in Wyo. Stat. §41-7-210;

IT IS FURTHER ORDERED that the Park Reservoir Irrigation District is divided into five (5) subdivisions as nearly as equal in size as practical and that the following persons are designated as the district commissioners for each district:

- (1) District No. 1 - Milton Mydland;
- (2) District No. 2 - J. Robert Connell;
- (3) District No. 3 - Joe Marshall;
- (4) District No. 4 - Charles L. Whiton;
- (5) District No. 5 - Donald H. Roberts.

IT IS FURTHER ORDERED that before assuming the duties of said office, each of the above referenced commissioners shall take the oath required by law and give a bond as required by law in the amount of \$5000<sup>00</sup> conditioned for the faithful performance of his duties as a commissioner, and that said commissioners shall perform their duties and exercise the powers provided for commissioners of irrigation districts under the laws of the State of Wyoming;

IT IS FURTHER ORDERED that all assessments to each of the shareholders shall be made in the proportion which each shareholder's stock bears to the total of the 8,000 shares of issued and outstanding stock in Park Reservoir which percentages are set forth on Exhibit A; and further that any of those assessed may at any time pay off their proportionate share of the interest, principal and costs of all of the obligations of the district and have their land and water rights relieved from any lien of said assessments and permanently removed from the district;

IT IS FURTHER ORDERED that the assessment notices for the shareholders owning no lands in Sheridan County identified in Exhibit A attached hereto be sent to such shareholder in care of Park Reservoir Company which shall be responsible for the payment of said assessment.

DATED this 1 day of June, 1981.

ORIGINAL SIGNED BY LEONARD McEWAN  
DISTRICT JUDGE

Clerk of the District Court. The above is a true and correct copy of the original including all attachments as on file or of record in this court.

Done this 20 day of April, 1981.  
DORIS KOBOLD

By [Signature]



