

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
FOR SHERIDAN COUNTY, WYOMING

HUSMAN, INC., a corporation,

Plaintiff,

vs.

P K RANCH, INC., a corporation,
and EATON BROS., INC., a corporation,

Defendants.

Civil No. C136-3-80

FINAL ORDER

CERTIFIED COPY

The above entitled matter coming before the Court, and
it appearing that Certificates of Appraisers' Awards have
been filed herein as follows:

I. Richard E. Denser and William L. King:

A. PK Ranch, Inc.:

| | |
|-------------------|-------------|
| Fair Market Value | \$ 3,474.00 |
| Damages | -0- |

B. Eaton Bros., Inc.:

| | |
|-------------------|-----------|
| Fair Market Value | \$ 651.00 |
| Damages | 3,577.00 |

II. John Kuzma:

A. PK Ranch, Inc.:

| | |
|-------------------|-------------|
| Fair Market Value | \$ 3,474.00 |
| Damages | 3,687.00 |

B. Eaton Bros., Inc.:

| | |
|-------------------|-----------|
| Fair Market Value | \$ 651.00 |
| Damages | 3,577.00, |

it further appearing that Eaton Bros., Inc. has accepted the
appraisers' awards above in the total amount of \$4,228.00 and
neither plaintiff nor Eaton Bros., Inc. have filed a jury
demand and that said award is final in said amount as to
Eaton Bros., Inc.; and it further appearing that the
plaintiff and PK Ranch, Inc. have agreed to both accept the
award signed by appraiser John Kuzma above set forth in the
total amount of \$7,161.00 and that PK Ranch, Inc. has agreed

to withdraw its jury demand herein and that this matter is ready for final disposition by the Court, and being fully advised,

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That plaintiff pay to defendant PK Ranch, Inc. the sum of \$7,161.00 as compensation and damages for the taking of the road easement hereinafter described over the lands of said defendant.

2. That plaintiff pay to defendant Eaton Bros., Inc. the sum of \$4,228.00 as compensation and damages for the taking of the road easement hereinafter described over the lands of said defendant.

3. That plaintiff is granted a permanent easement for a roadway across the lands of defendant PK Ranch, Inc. consisting of a 60-foot wide tract of land described as follows:

A 60 foot wide tract of land located in the S/2SW/4 of Section 15, T55N; R86W; 6th P.M.; Sheridan County, Wyoming, having a centerline described as follows: Beginning at a point on the westerly line of PK Lane County Road located N71°02'34"E, 2420.88 feet from a brass cap at the SW corner of said Section 15; thence N85°29'56"W, 471.57 feet; thence S73°50'46"W, 506.43 feet; thence S59°20'07"W, 186.40 feet; thence S40°04'18"W, 456.18 feet; thence N73°55'44"W, 645.99 feet; thence N64°06'01"W, 184.93 feet; thence N57°26'25"W, 162.94 feet to a point on the westerly line of said Section 15, the point of ending, said point being located N4°26'00"W, 587.46 feet from said brass cap at the SW corner of said Section 15.

4. That plaintiff is granted a permanent easement for a roadway across the lands of defendant Eaton Bros., Inc. consisting of a 60-foot wide tract of land described as follows:

A 60 foot wide tract of land located in the SE/4SE/4 of Section 16; T55N, R86W, 6th P.M.; Sheridan County, Wyoming, having a centerline described as follows: Beginning at a point on the easterly line of said Section 16 located N4°26'00"W, 587.46 feet from a brass cap at the SE corner of said Section 16; thence N57°26'25"W, 6.98 feet; thence S76°28'43"W, 156.93 feet; thence N88°35'13"W, 103.32 feet; thence S68°25'05"W, 297.90 feet; thence S80°01'08"W, 262.62 feet; thence S56°54'25"W, 318.78 feet; thence S24°42'20"W, 62.41 feet; thence S8°39'32"E, 153.42 feet to a point on the

598
Southerly line of said Section 16, the point of ending;
said point of ending is located N89°05'00"W, 1113.03
feet from said brass cap at the SE corner of said
Section 16.

5. That to facilitate the recordation of this order,
and to comply with Wyoming recording acts relating to ease-
ments, copy of a plat prepared by plaintiff's surveyor show-
ing the centerline of the roadway as built across the lands
of the defendants under prior order of the Court, and showing
the 60-foot wide easements aforesaid is attached to this
order and by this reference is made a part hereof.

6. That the defendants having been fully compensated
for the taking and for damages under the laws of the State of
Wyoming, the bonds in the amount of \$15,000.00 for each
defendant heretofore deposited with the Clerk of the above
entitled Court be released and returned to plaintiff upon
plaintiff's deposit of cash for the account of each defendant
as set forth above with the Clerk of this Court.

7. That a certified copy of this order be duly
recorded in the office of the County Clerk of Sheridan
County, Wyoming.

8. That the parties shall pay their own costs.

DATED this 16 day of December, 1982.

ORIGINAL SIGNED BY LEONARD McEWAN
J U D G E

Approved this _____
day of November, 1982.

John G. Williams
Attorney for Plaintiffs

Rebecca W. Houser
Attorney for Defendant
PK Ranch, Inc.

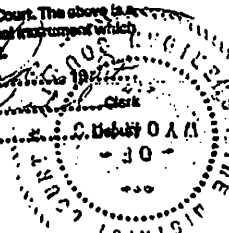
Robert E. Houser
Attorney for Defendant
Baton Bros., Inc.

Certificate of Clerk of the District Court. The above is a
true and correct copy of the original instrument which
is on file or of record in this court.

Done this _____ day of _____, 1982.

By _____ Clerk

By _____



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
FOR SHERIDAN COUNTY, WYOMING

HUSMAN, INC., a corporation,
Plaintiff,
vs.
P K RANCH, INC., a corporation,
and EATON BROS., INC., a corporation,
Defendants.

Civil No. C136-3-80

Filed in the Office of the Clerk of the
District Court of Sheridan County, Wyo.

DEC 13 1982
Clerk of Court

FINAL ORDER

The above entitled matter coming before the Court, and
it appearing that Certificates of Appraisers' Awards have
been filed herein as follows:

I. Richard E. Denser and William L. King:

A. PK Ranch, Inc.:
Fair Market Value \$ 3,474.00
Damages -0-
B. Eaton Bros., Inc.:
Fair Market Value \$ 651.00
Damages 3,577.00

II. John Kuzma:

A. PK Ranch, Inc.:
Fair Market Value \$ 3,474.00
Damages 3,687.00
B. Eaton Bros., Inc.:
Fair Market Value \$ 651.00
Damages 3,577.00;

it further appearing that Eaton Bros., Inc. has accepted the
appraisers' awards above in the total amount of \$4,228.00 and
neither plaintiff nor Eaton Bros., Inc. have filed a jury
demand and that said award is final in said amount as to
Eaton Bros., Inc.; and it further appearing that the
plaintiff and PK Ranch, Inc. have agreed to both accept the
award signed by appraiser John Kuzma above set forth in the
total amount of \$7,161.00 and that PK Ranch, Inc. has agreed

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781-010-184

to withdraw its jury demand herein and that this matter is ready for final disposition by the Court, and being fully advised,

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That plaintiff pay to defendant PK Ranch, Inc. the sum of \$7,161.00 as compensation and damages for the taking of the road easement hereinafter described over the lands of said defendant.

2. That plaintiff pay to defendant Eaton Bros., Inc. the sum of \$4,228.00 as compensation and damages for the taking of the road easement hereinafter described over the lands of said defendant.

3. That plaintiff is granted a permanent easement for a roadway across the lands of defendant PK Ranch, Inc. consisting of a 60-foot wide tract of land described as follows:

A 60 foot wide tract of land located in the S/2SW/4 of Section 15, T55N; R86W; 6th P.M.; Sheridan County, Wyoming, having a centerline described as follows: Beginning at a point on the westerly line of PK Lane County Road located N71°02'34"E, 2420.88 feet from a brass cap at the SW corner of said Section 15; thence N85°29'56"W, 471.57 feet; thence S73°50'46"W, 506.43 feet; thence S59°20'07"W, 186.40 feet; thence S40°04'18"W, 456.18 feet; thence N73°55'44"W, 645.99 feet; thence N64°06'01"W, 184.93 feet; thence N57°26'25"W, 162.94 feet to a point on the westerly line of said Section 15, the point of ending, said point being located N4°26'00"W, 587.46 feet from said brass cap at the SW corner of said Section 15.

4. That plaintiff is granted a permanent easement for a roadway across the lands of defendant Eaton Bros., Inc. consisting of a 60-foot wide tract of land described as follows:

A 60 foot wide tract of land located in the SE/4SE/4 of Section 16; T55N, R86W, 6th P.M.; Sheridan County, Wyoming, having a centerline described as follows: Beginning at a point on the easterly line of said Section 16 located N4°26'00"W, 587.46 feet from a brass cap at the SE corner of said Section 16; thence N57°26'25"W, 6.98 feet; thence S76°28'43"W, 156.93 feet; thence N88°35'13"W, 103.32 feet; thence S68°25'05"W, 297.90 feet; thence S80°01'08"W, 262.62 feet; thence S56°54'25"W, 318.78 feet; thence S24°42'20"W, 62.41 feet; thence S8°39'32"E, 153.42 feet to a point on the

Southerly line of said Section 16, the point of ending; said point of ending is located N89°05'00"W, 1113.03 feet from said brass cap at the SE corner of said Section 16.

5. That to facilitate the recordation of this order, and to comply with Wyoming recording acts relating to easements, copy of a plat prepared by plaintiff's surveyor showing the centerline of the roadway as built across the lands of the defendants under prior order of the Court, and showing the 60-foot wide easements aforesaid is attached to this order and by this reference is made a part hereof.

6. That the defendants having been fully compensated for the taking and for damages under the laws of the State of Wyoming, the bonds in the amount of \$15,000.00 for each defendant heretofore deposited with the Clerk of the above entitled Court be released and returned to plaintiff upon plaintiff's deposit of cash for the account of each defendant as set forth above with the Clerk of this Court.

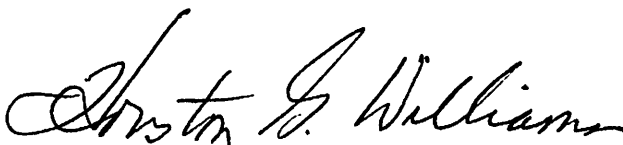
7. That a certified copy of this order be duly recorded in the office of the County Clerk of Sheridan County, Wyoming.

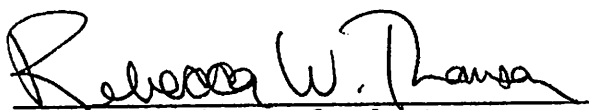
8. That the parties shall pay their own costs.

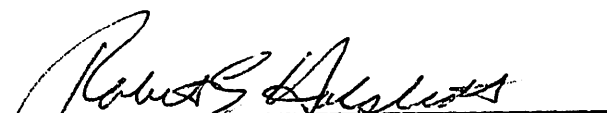
DATED this 16th day of December, 1982.

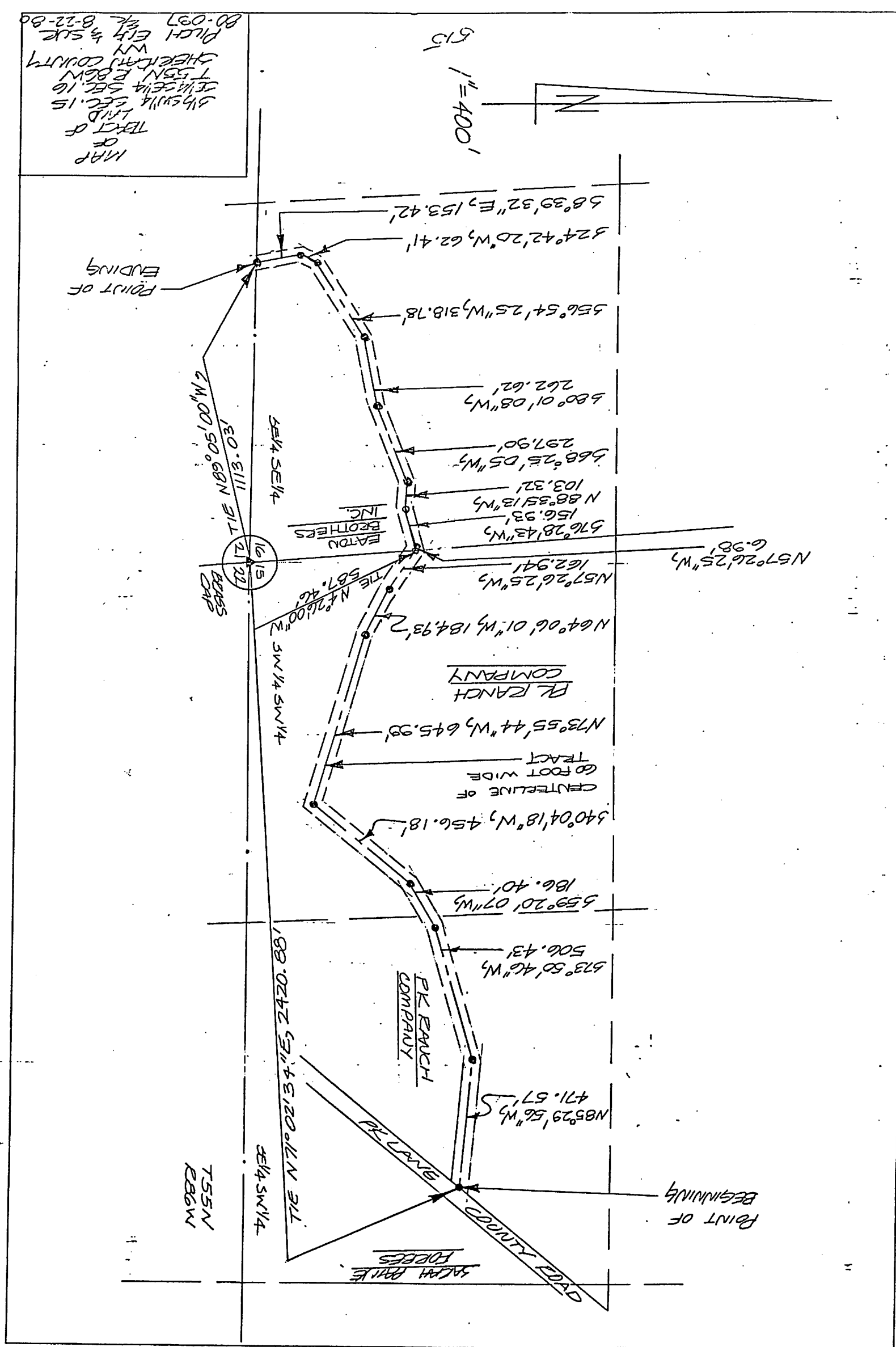

J U D G E

Approved this _____
day of November, 1982.


Attorney for Plaintiffs


Attorney for Defendant
PK Ranch, Inc.


Attorney for Defendant
Eaton Bros., Inc.



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
FOR SHERIDAN COUNTY, WYOMING

HUSMAN, INC., a corporation,)
)
Plaintiff,)
)
vs.)
)
P K RANCH, INC., a corporation)
and EATON BROS., INC., a corpor-)
ation,)
)
Defendants.)

Civil No. C136-3-80

No. _____
Filed in the Office of the Clerk of the
District Court of Sheridan County, Wyo.

MAR 26 1980

[Signature]
Clerk of Court
By _____ Deputy

C O M P L A I N T

Comes Now plaintiff, Husman, Inc. and for cause of
action against the defendants, states and alleges as follows:

1. Plaintiff, Husman, Inc., is a Wyoming corporation
with its principal place of business in Sheridan, Wyoming,
and is engaged in the construction business and related
activities.

2. Plaintiff is the owner of the following described
real property:

Township 55 North, Range 86 West, 6th P.M.
Section 21: $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$,
 $NW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$
Sheridan County, Wyoming

3. Plaintiff's said land contains valuable limestone
deposits, which plaintiff desires to mine by the operation
of a quarry thereon. Plaintiff has negotiated a contract
with Herzog Contracting Corp. to furnish approximately
38,500 tons of crushed rock ballast for the Spring Creek
Mine Project of Pacific Power and Light Company for railroad
track work. Plaintiff also contemplates additional con-
tracts in the future for its furnishing of limestone pro-
ducts to others.

4. Defendant, P K Ranch, Inc., a corporation, whose
address is: Route 2, Box 500, Sheridan, Wyoming 82801, is
the owner of the following described real property:

Township 55 North, Range 86 West, 6th P.M.
Section 15: $S\frac{1}{2}SW\frac{1}{4}$
Sheridan County, Wyoming.

5. Defendant Eaton Bros., Inc., a corporation, whose address is: Wolf, Wyoming 82844, is the owner of the following described real property:

Township 55 North, Range 86 West, 6th P.M.
Section 16: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Sheridan County, Wyoming.

6. In order for plaintiff to have access to plaintiff's property above described, it is necessary that plaintiff obtain road easements from both of said defendants across their real property aforesaid. A public road known as P K Lane crosses the land of defendant P K Ranch, Inc., terminating on the South boundary of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 15. Plaintiff has proposed to obtain an easement from defendant P K Ranch, Inc. for a roadway from P K Lane westerly across the S $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 15 to the east boundary of the lands of defendant, Eaton Bros., Inc. above described. Plaintiff has also proposed to obtain an easement from defendant, Eaton Bros., Inc. for a continuation of such roadway, westerly across the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, said township and range to the northerly boundary of plaintiff's land above described. Plaintiff proposes to construct upon such easements a good, serviceable road bed, using crushed limestone and gravel, and to do such fencing of the road as the defendants and plaintiff may agree, with cattle guards in existing fences to accommodate such roadway.

7. The center line description of the easement desired by plaintiff across the lands of defendant P K Ranch, Inc. is as follows:

Beginning at a point on the west line of Section 15, Township 55 North, Range 86 West, said point being located North 4°26' West, 600 feet from the southwest corner of said Section 15; thence South 61° East, 450 feet; thence South 75° East, 550 feet; thence North 49° East, 550 feet; thence North 69° East, 720 feet; thence South 70° East, 530 feet, more or less, to a point in the P K Lane County road.

Plaintiff desires an easement 60 feet in width, being 30 feet on either side of said center line, and the area included therein upon said lands is approximately 3.86 acres.

8. The center line description of the easement desired by plaintiff across the lands of defendant, Eaton Bros., Inc. is as follows:

Beginning at a point on the east line of Section 16, Township 55 North, Range 86 West, said point being located North 4°26' West, 600 feet from the Southeast corner of said Section 16; thence South 78° West, 875 feet; thence South 52° West, 275 feet; thence South 5° West, 200 feet, more or less, to the South line of said Section 16.

Plaintiff desires an easement 60 feet in width, being 30 feet on either side of said center line, and the area included therein upon said lands is approximately 1.86 acres.

8. The easements sought by plaintiff aforesaid are surface easements, and not fee title, and do not include any interest in minerals. Said easements are to be used for the construction of a mine haul roadway from plaintiffs property above described to the county road known as P K Lane.

9. Plaintiff has, in good faith, attempted to negotiate on a voluntary basis with both defendants for the acquisition of such easements above described and as a result of such negotiations has been unable to obtain the agreement of either defendant for the granting of such easements. Defendants have both refused to grant plaintiff the easement requested of each; have refused to state to plaintiff any terms under which such easements might be obtained; and defendants have both indicated they do not want such roadway crossing their lands at the locations described above.

10. Due to the terrain conditions on the above described properties of the parties, and the proposed use of the easements desired by plaintiff for a mine haul road, there is no other practicable or reasonable route across defendants' lands than that described above and it is necessary for plaintiff to cross defendants' lands to obtain access to plaintiff's lands as there is no other practicable or reasonable access route.

11. Under the provisions of Section 1-26-401, Wyoming Statutes 1977, plaintiff, as a corporation authorized to do

business in the State of Wyoming is granted the power of eminent domain for a mine truck haul road as a new way of necessity not exceeding 100 feet in width where no other reasonable and practicable way is available. This Complaint is made in good faith for the purpose of allowing plaintiff to carry out its proposed contract described above, and to continue to operate its limestone quarry. No other reasonable and practical way is available and the mining operation proposed by plaintiff is economically feasible.

12. Under said Wyoming statute plaintiff is also authorized to enter upon said lands to examine and make surveys for planning for the construction of its proposed mine truck haul road; and plaintiff desires to be authorized herein so to do.

13. That in the performance of plaintiff's proposed contract for the furnishing of ballast, plaintiff will utilize approximately 18 trucks to haul the same from plaintiff's lands to the job site and such trucks will haul approximately three loads per day each the legal highway limit per load.

14. That it is necessary that the Court appoint three appraisers to ascertain the compensation to be paid to each defendant for the taking or injuriously affecting of the lands of each defendant, and upon the determination of such compensation and the payment by plaintiff, the easements sought by plaintiff should be condemned for its benefit.

15. That under Rule 71.1, W.R.C.P., plaintiff desires to take immediate possession for the purposes of surveying, planning and construction of a mine truck haul road upon the easements aforesaid, and to use said property during the pendency and until the final conclusion of the proceedings herein for the reason that plaintiff's proposed contract aforesaid will require commencement of deliveries as soon as possible. In connection with such request the Court should order payment into Court of a sufficient sum, or the giving

by plaintiff of approved security to pay the compensation to each defendant when ascertained.

16. Plaintiff is not aware of any interest of any other person in the lands of defendants.

Wherefore, plaintiff demands:

1. That in accordance with Rule 71.1, W.R.C.P. and Section 1-26-401, Wyoming Statutes 1977, and after due notice and a hearing not less than 15 days after service upon the defendants as provided therein, the Court authorize the plaintiff to take immediate possession of and to use the said property for surveying, planning and construction of a mine truck haul road upon the said easements during the pendency and until final conclusion of the proceedings herein; and

2. That upon such hearing the Court find and establish the amount of payment into Court or approved security to pay just compensation to the defendants and each of them when ascertained, as required by Rule 71.1, W.R.C.P.; and

3. The Court appoint three competent, disinterested appraisers resident in Sheridan County, to ascertain the compensation to be paid to each defendant for the taking or injuriously affecting of the lands of each, and specify the time and place for the first meeting of such appraisers, and the time within which such appraisers shall make such assessment; and

4. That after due determination, and before any hearing involving the compensation to be paid, the Court allow plaintiff to join as defendants any other person claiming an interest in the property of defendants, if any, as owner, lessee or encumbrancer whose names may be ascertained by a search of the records, or whose names have been otherwise learned, and

5. That upon the determination of the just compensation to be paid each defendant, and each other person who may have an interest in defendants' lands, if any, are

discovered, and a determination of the mode of payment, and upon its payment by plaintiff, and Court enter an Order describing the property to be taken or injuriously affected, the compensation ascertained to be paid and upon such order being recorded and indexed in the office of the County Clerk of Sheridan County, Wyoming, the easements requested of plaintiff be conveyed to it by each defendant, and

6. For such other and further relief as may be proper.

DATED this 25th day of March, 1980.



Houston G. Williams, of the firm
Williams, Porter, Day and Neville, P.C.
700 First National Bank Building
Casper, Wyoming 82601
(307) 265-0700
Attorney for Plaintiff

copy Henry Burger

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CERTIFIED COPY

RECORDED JANUARY 26, 2000 BK 412 PG 240 NO 337922 AUDREY KOLTISKA, COUNTY CLERK
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
FOR SHERIDAN COUNTY, WYOMING

HUSMAN, INC., a corporation,
HAROLD H. HUSMAN and LeROY O.
HUSMAN,

Plaintiffs,

vs.

P K RANCH, INC., a corporation
and EATON BROS., INC., a corpor-
ation,

Defendants.

Civil No. C136-3-80

Filed in the Office of the Clerk of the
District Court of Sheridan County, Wyo.

MAY 8 1980

DORIS KOBOLD Clerk of Court
by *Archie Barker* Deputy

ORDER

83-551-353
2611-363-

The above entitled matter coming before the Court for hearing this 16th day of April, 1980, pursuant to previous setting, the plaintiff appearing by and through its corporate representatives and its attorney, Houston G. Williams, the defendant P K Ranch, Inc. appearing by and through its corporate representatives and its attorneys, Henry A. Burgess, and Rebecca W. Thomson, and the defendant Eaton Bros., Inc. appearing through its corporate representatives and by and through its attorney, Robert E. Holdstedt, and the parties announcing themselves ready for trial and the Court having heard the witnesses of the parties and the argument of counsel and being fully advised in the matter finds generally in favor of the plaintiffs Husman, Inc., Harold H. Husman and LeRoy O. Husman and against the defendants and finds that the plaintiffs have the right to make the appropriation sought by their complaint as filed herein; that plaintiffs have been unable to agree with the defendants as to the compensation to be paid for the taking of the property which is the subject matter of this action; that the plaintiffs have shown the necessity of the appropriation for the property which is the subject matter of this action. The Court further finds that the proceedings have been held in accordance with the law and are in all ways regular and

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proper, and that the defendants P K Ranch, Inc. and Eaton Bros., Inc. are the owners of the property which is the subject matter of this action and that plaintiffs have sustained the material allegations of their complaint herein.

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

1. That plaintiff, Husman, Inc., a Wyoming corporation, is qualified to do business in this State and is engaged in, among other things, the business of furnishing limestone products from a quarry located upon the real property of plaintiffs Harold H. Husman and LeRoy O. Husman by mining, and desires a mine truck haul road easement for such purposes across the lands of defendants, and that the said plaintiffs have the power of eminent domain under the applicable statutes of the State of Wyoming and are entitled to condemn an easement for the construction, operation and maintenance of a mine truck haul road across the lands described as follows:

Defendant P K Ranch, Inc.:

Township 55 North, Range 86 West, 6th P.M.
Section 15: S $\frac{1}{2}$ SW $\frac{1}{4}$
Sheridan County, Wyoming

Defendant Eaton Bros., Inc.:

Township 55 North, Range 86 West, 6th P.M.
Section 16: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Sheridan County, Wyoming

Said right of way required is 60 feet in width extending across the above described lands 30 feet on each side of and along a line described as follows:

Upon the lands of defendant, P K Ranch, Inc.:

Beginning at a point on the west line of Section 15, Township 55 North, Range 86 West, said point being located North 4°26' West, 600 feet from the southwest corner of said Section 15; thence South 61° East, 450 feet; thence South 75° East, 550 feet; thence North 49° East, 550 feet; thence North 69° East, 720 feet; thence South 70° East, 530 feet, more or less, to a point in the P K Lane County road.

Upon the lands of defendant, Eaton Bros., Inc.:

Beginning at a point on the east line of Section 16, Township 55 North, Range 86 West, said point being located North 4°26' West, 600 feet from the Southeast corner of said Section 16; thence South 78° West, 875 feet; thence South 52° West, 275 feet; thence South 5° West, 200 feet, more or less, to the South line of said Section 16.

2. That in accordance with plaintiffs' complaint, plaintiffs are entitled to immediate possession of the property being condemned to the extent set forth above, and the plaintiffs are hereby permitted to take possession of the property being condemned and use said property during the pendency of and until final conclusion of these proceedings for the surveying, planning and construction of a mine truck haul road upon payment into Court or upon the giving of approved surety in the sum of \$15,000.00 for the condemnation of defendant P K Ranch, Inc.'s property and in the sum of \$15,000.00 for the condemnation of defendant Eaton Bros., Inc.'s property.

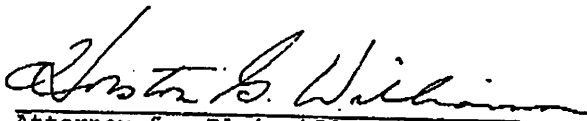
3. That plaintiffs shall obtain the requisite permits from the Department of Environmental Quality of the State of Wyoming for their operations above described.

DATED this 8th day of May, 1980.

BY THE COURT:


JUDGE.

APPROVED AS TO FORM:


Attorney for Plaintiffs

Attorney for P K Ranch, Inc.

Attorney for Eaton Bros., Inc.

Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this 21 day of January, 2000.

DORIS KOBOLD

By Lela T. Chapman Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
FOR SHERIDAN COUNTY, WYOMING

HUSMAN, INC., a corporation,
HAROLD H. HUSMAN and LeROY O.
HUSMAN,

Plaintiffs,

vs.

P K RANCH, INC., a corporation
and EATON BROS., INC., a corpor-
ation,

Defendants.

CERTIFIED COPY

Civil No. C136-3-80

Filed in the Office of the Clerk of the
District Court of Sheridan County, Wyo.

MAY 8 1980

DORIS KOBOLD Clerk of Court
By *Janice Belter* Deputy

O R D E R

The above entitled matter coming before the Court for hearing this 16th day of April, 1980, pursuant to previous setting, the plaintiff appearing by and through its corporate representatives and its attorney, Houston G. Williams, the defendant P K Ranch, Inc. appearing by and through its corporate representatives and its attorneys, Henry A. Burgess, and Rebecca W. Thomson, and the defendant Eaton Bros., Inc. appearing through its corporate representatives and by and through its attorney, Robert E. Holdstedt, and the parties announcing themselves ready for trial and the Court having heard the witnesses of the parties and the argument of counsel and being fully advised in the matter finds generally in favor of the plaintiffs Husman, Inc., Harold H. Husman and LeRoy O. Husman and against the defendants and finds that the plaintiffs have the right to make the appropriation sought by their complaint as filed herein; that plaintiffs have been unable to agree with the defendants as to the compensation to be paid for the taking of the property which is the subject matter of this action; that the plaintiffs have shown the necessity of the appropriation for the property which is the subject matter of this action. The Court further finds that the proceedings have been held in accordance with the law and are in all ways regular and

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proper, and that the defendants P K Ranch, Inc. and Eaton Bros., Inc. are the owners of the property which is the subject matter of this action and that plaintiffs have sustained the material allegations of their complaint herein.

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

1. That plaintiff, Husman, Inc., a Wyoming corporation, is qualified to do business in this State and is engaged in, among other things, the business of furnishing limestone products from a quarry located upon the real property of plaintiffs Harold H. Husman and LeRoy O. Husman by mining, and desires a mine truck haul road easement for such purposes across the lands of defendants, and that the said plaintiffs have the power of eminent domain under the applicable statutes of the State of Wyoming and are entitled to condemn an easement for the construction, operation and maintenance of a mine truck haul road across the lands described as follows:

Defendant P K Ranch, Inc.:

Township 55 North, Range 86 West, 6th P.M.
Section 15: S $\frac{1}{4}$ SW $\frac{1}{4}$
Sheridan County, Wyoming

Defendant Eaton Bros., Inc.:

Township 55 North, Range 86 West, 6th P.M.
Section 16: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Sheridan County, Wyoming

Said right of way required is 60 feet in width extending across the above described lands 30 feet on each side of and along a line described as follows:

Upon the lands of defendant, P K Ranch, Inc.:

Beginning at a point on the west line of Section 15, Township 55 North, Range 86 West, said point being located North 4°26' West, 600 feet from the southwest corner of said Section 15; thence South 61° East, 450 feet; thence South 75° East, 550 feet; thence North 49° East, 550 feet; thence North 69° East, 720 feet; thence South 70° East, 530 feet, more or less, to a point in the P K Lane County road.

Upon the lands of defendant, Eaton Bros., Inc.:

Beginning at a point on the east line of Section 16, Township 55 North, Range 86 West, said point being located North 4°26' West, 600 feet from the Southeast corner of said Section 16; thence South 78° West, 875 feet; thence South 52° West, 275 feet; thence South 5° West, 200 feet, more or less, to the South line of said Section 16.

2. That in accordance with plaintiffs' complaint, plaintiffs are entitled to immediate possession of the property being condemned to the extent set forth above, and the plaintiffs are hereby permitted to take possession of the property being condemned and use said property during the pendency of and until final conclusion of these proceedings for the surveying, planning and construction of a mine truck haul road upon payment into Court or upon the giving of approved surety in the sum of \$15,000.00 for the condemnation of defendant P K Ranch, Inc.'s property and in the sum of \$15,000.00 for the condemnation of defendant Eaton Bros., Inc.'s property.


3. That plaintiffs shall obtain the requisite permits from the Department of Environmental Quality of the State of Wyoming for their operations above described.

DATED this 8th day of May, 1980.

BY THE COURT:


JUDGE.

APPROVED AS TO FORM:


Attorney for Plaintiffs

Attorney for P K Ranch, Inc.

Attorney for Eaton Bros., Inc.

Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this 8th day of July, yr. 99.
..... DORIS KOBOLD Clerk
By Sue Dwyer Deputy