

RIGHT-OF-WAY AGREEMENT

THIS AGREEMENT MADE THIS DAY BY AND BETWEEN PRATT & FERRIS DITCHES NO. 2 & 3, INC., A WYOMING CORPORATION, FIRST PARTY, AND ESTEL D. WORDEN AND ABELINE W. WORDEN, HUSBAND AND WIFE, SECOND PARTIES;

WITNESSETH THAT:

WHEREAS, THE FIRST PARTY OPERATES TWO DITCHES, INCLUDING PRATT & FERRIS DITCH NO. 2 WHICH PRESENTLY CARRIES WATER IN THE DITCH THROUGH SECTION 35, TOWNSHIP 55 NORTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN SHERIDAN COUNTY, WYOMING TO A RESERVOIR KNOWN AS THE WORDEN RESERVOIR LOCATED IN SECTIONS 26 AND 35 IN SAID TOWNSHIP AND RANGE AND THUS CARRIES THE WATER OUT OF SAID RESERVOIR INTO SAID DITCH ONTO LANDS IN SECTION 26 IN TOWNSHIP AND RANGE FORESAID, AND OTHER LANDS IN OTHER SECTIONS, AND

WHEREAS, THE SECOND PARTIES HAVE BEEN TRYING TO ^{MAKE PROOF OF} ~~REVOKE~~ PERMIT 8853E THROUGH PRATT & FERRIS NO. 2 DITCH THROUGH THE OFFICE OF THE STATE ENGINEER OF THE STATE OF WYOMING AND FIRST PARTY HAS FILED A PROTEST THERETO, AND

WHEREAS, THE PARTIES HERETO HAVE AGREED THAT IF THE FIRST PARTY WITHDRAWS ITS PROTEST THE SECOND PARTIES WILL GRANT UNTO THE FIRST PARTY A PERPETUAL RIGHT OF WAY PERMITTING SAID DITCH COMPANY TO TAKE WATER THROUGH ITS DITCH TO SAID WORDEN RESERVOIR AND THEN PICK UP SAID WATER THROUGH SAID DITCH FROM SAID RESERVOIR AND THE PARTIES WISH TO REDUCE TO WRITING THEIR UNDERSTANDINGS.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING AND OF THE MUTUAL PROMISES OF THE PARTIES, IT IS AGREED AS FOLLOWS:

1.

THE SECOND PARTIES DO HEREBY GRANT AND CONVEY TO THE FIRST PARTY, AND TO ITS SUCCESSORS IN INTEREST AND ADVISES, A PERPETUAL EASEMENT AND RIGHT OF WAY TO USE THAT CERTAIN RESERVOIR KNOWN AS WORDEN RESERVOIR AND LOCATED IN THE SOUTHWEST QUARTER OF SOUTHWEST QUARTER OF SECTION 26, AND NORTHWEST QUARTER OF NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 55 NORTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SHERIDAN COUNTY, WYOMING AND IN CONNECTION THERETO TO CARRY WATER THROUGH PRATT & FERRIS

DITCH NO. 2 IN SECTION 35 IN SAID TOWNSHIP AND THEREAFTER AND TO DUMP SAID WATER IN SAID RESERVOIR AND TO AGAIN PUMP UP SAID WATER FROM THE RESERVOIR IN SECTION 36 AND CARRY INTO SAID DITCH.

II.

THE FIRST PARTY AGREES THAT IT WILL IMMEDIATELY FILE A WRITTEN WITHDRAWAL OF ITS PROTEST FILED OCTOBER 27, 1936 AND FILED WITH THE STATE BOARD OF CONTROL OF THE STATE OF WYOMING RELATIVE TO REINSTATEMENT OF PERMIT 1853E THROUGH PRATT & FERRIS NO. 2 DITCH.

III.

THE FIRST PARTY FURTHER AGREES THAT IT WILL AT ALL TIMES DO ALL THAT IS REQUIRED IN ORDER TO MAINTAIN SAID RESERVOIR AND KEEP IT IN GOOD ORDER AND CONDITION.

IV.

THE FIRST PARTY FURTHER AGREES THAT IT HAS, BY PROPER RESOLUTION, AUTHORIZED ITS PRESIDENT, NORMAN L. SANDERS, AND SECRETARY, WALTER H. WARFIELD, TO EXECUTE THIS AGREEMENT ON BEHALF OF FIRST PARTY.

IN WITNESS WHEREOF, THE PARTIES HAVE HEREUNTO SET THEIR HANDS THIS 14 DAY OF JANUARY A. D. 1937.

ATTEST:

Walter Warfield
SECRETARY

PRATT & FERRIS DITCHES NO. 2 & 3,
A WYOMING CORPORATION

Norman L. Sanders
PRESIDENT

FIRST PARTY

Estel V. Warden

Adeline M. Warden
SECOND PARTY

STATE OF WYOMING }
COUNTY OF SHERIDAN }

ON THIS 14 DAY OF JANUARY A. D. 1937, BEFORE ME PERSONALLY APPEARED NORMAN L. SANDERS, TO ME UNKNOWN WHO, BEING OF THE FULL AGE, DID SAY THAT HE IS THE PRESIDENT OF PRATT & FERRIS DITCHES NO. 2 & 3, AND THAT THE SEAL AFFIXED TO SAID AGREEMENT IS THE SEAL OF SAID CORPORATION, AND THAT THE SAID CORPORATION IS A CORP. INCORPORATED IN SAID STATE OF WYOMING AND THAT THE SAID CORPORATION IS THE OWNER OF SAID RESERVOIR IN SECTION 36 AND THAT THE SAID CORPORATION IS THE OWNER OF SAID DITCHES NO. 2 & 3.

INSTRUMENT WAS SIGNED AND ACKNOWLEDGED SAID INSTRUMENT TO BE THE
FREE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 14 DAY OF
JANUARY A. D. 1957.

R. E. Mitchell
NOTARY PUBLIC
Justice of Peace

^{term}
MY COMMISSION EXPIRES ON THE 31 DAY OF Dec, 1958

SS R. E. Mitchell

STATE OF WYOMING

COUNTY OF SHERIDAN

} SS

ON THIS 14 DAY OF JANUARY A. D. 1957, BEFORE ME PERSONALLY
APPEARED ESTEL D. WARDEN AND ABELINE M. WARDEN, HUSBAND AND WIFE, TO
ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING
INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR
FREE ACT AND DEED.

R. E. Mitchell
NOTARY PUBLIC
Justice of Peace

^{term}
MY COMMISSION EXPIRES ON THE 31 DAY OF Dec, 1958