

JUN 07 2007

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE APPEAL OF )  
THE COPPERLEAF SUBDIVISION WATER )  
SUPPLY, TREATMENT, STORAGE, AND ) Docket No. 06-3814  
BOOSTER PUMPING SYSTEMS, )  
Permit No. 06-274RR/Reference No. 06-236RR )

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**INTERVENOR'S PRETRIAL MEMORANDUM**

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COMES NOW, the Intervenor, Worthington Group of Wyoming, LLC, f/k/a Northfork Communities, Inc., by and through its counsel, Laurence W. Stinson of Bonner Stinson, P.C., and pursuant to the Scheduling Order and Chapter 1, Section 9 of the DEQ Rules and Regulations, hereby submits its Pretrial Memorandum.

**I. HEARING**

A three-day hearing has been set to begin on Monday, July 9, 2007. Intervenor may choose to voir dire panel members.

**II. NATURE OF THE CASE**

In October of 2004, Intervenor submitted the Copperleaf Subdivision Sketch Plan & Special Use Permit to Park County. Composed of approximately 553 acres, Copperleaf is located on the Northfork of the Shoshone River west of Cody and near Wapiti. It is designed as an upscale subdivision with 131 single family residences and 12 duplex structures containing 24 dwelling units. Open space acreage within the subdivision is to comprise between 53 and 54 percent of the entire development acreage.

Per the Park County Development Standards And Regulations ("DSR"), developers of a subdivision in Park County completed two steps: the Sketch Plan

Phase and Final Plat Phase. DSR, Ch. IV. Intervenor was also required to apply for and obtain a Special Use Permit ("SUP"). In June of 2005, the BOCC issued Resolution No. 2005-40, granting Intervenor an SUP for the subdivision. Petitioner appealed this decision and the Honorable Norman Young ruled issuance of an SUP was not a final, appealable decision.

On December 28, 2005 the Intervenor filed its Final Plat Application. In March of 2006, the BOCC approved the final plat and issued Final Plat Resolution No. 2006-16. Shortly thereafter, the Intervenor petitioned the county held a contested case hearing regarding five conditions the Board had placed on the Copperleaf development. Petitioner filed a motion to intervene and participate in the contested case hearing. On June 13, 2006, *Petitioner's motion to intervene was denied for lack of standing.*

The Board held a contested case hearing before Attorney Tracy Copenhaver on July 12, 2006 and issued Findings of Fact and Conclusions of Law related to the contested case hearing on October 3, 2006. In its Order, the Board retained the prohibitions on fruit and berry trees and fish in the ponds but determined that the subdivision's roads could be dedicated to public use in a limited manner, allowed the gated entrance, and allowed multi-family dwellings in a portion of the platted area. (*Id.*).

Accompanying the process taking place at the county level, Intervenor applied for and obtained a water right from the river for the benefit of the Copperleaf lands. Intervenor then applied for and received a permit to use an infiltration gallery placed in the river, treat water on site and use treated water to supply individuals connected to the Copperleaf system. Intervenor provided a substantial amount of information to the DEQ, and the DEQ undertook extensive

review of Intervenor's application for permit. It is this Permit that is at issue in this hearing.

### III. LEGAL ISSUES

1. Does the Environmental Quality Council have jurisdiction to hear this matter given the Petitioners' lack of standing?

2. Alternatively, have Petitioners, or any of them, alleged or demonstrated harm with sufficient specificity to obtain legal standing to bring this petition.

3. Have Petitioners, or any of them, proven to a reasonable degree of probability that the Wyoming Department of Environmental Quality (hereinafter DEQ), improperly issued permit no. 06-27-4RR to Intervenor by failing to require that Intervenor demonstrate the minimum standards required by statute for issuance of the permit.

4. If Permit No. 06-27-4RR was improperly issued by the DEQ, is such issuance probable to cause actual or real harm to Petitioners, or any of them, such that Permit No. 06-27-4RR need be remanded to the DEQ for additional consideration of the statutory elements.

5. Whether Petitioners filed their Petition For Review in bad faith for the purpose of harassing or embarrassing the Permittee.

### IV. WITNESSES

Witnesses whose opinions are primarily expert in nature will testify to a reasonable degree of probability. Intervenor may call the following witnesses:

Worthington Group of Wyoming, LLC, by and through its principals or any of them, c/o Laurence Stinson, Bonner Stinson, P.C., P.O. Box 799, Powell, Wyoming, 82435. Principals of the Worthington Group of Wyoming may be called to provide

testimony regarding its history and principals; the nature of its development; development, planning and construction of the water treatment and supply system; current on-site construction; site and lot layout and development; intended water supply and treatment operation; its application for Permit No. 06-27-4RR; and any other relevant matter.

Jeremy Easum, or the appropriate person at Sage Civil Engineering, 2824 Big Horn Avenue, Cody, Wyoming 82414 (307)n 527-0915. Mr. Easum is a licensed professional engineer and one of the principals of Sage Civil Engineering in Cody, Wyoming. Mr. Easum is the chief engineer on the project and was primarily responsible for the gathering of data and information used in preparation of the Worthington application for Permit No. 06-27-4RR. Mr. Easum, or his firm, is the author or creator of the application and many of the supporting documents submitted by Worthington to obtain permit No. 06-27-4 (hereinafter called the “application”) If called, Mr. Easum and/or a designee of his firm will testify as an expert to any and all communication with the DEQ; the data and specifics contained in the application of Worthington; the research and on-site work performed in preparation of the Worthington application; design and construction of the water supply and treatment system approved by Permit No. 06-27-4RR; his communication with other professionals in support of the Worthington application; his opinions and conclusion regarding impact, if any, to downstream or surrounding users of water rights as a result of the full-scale development of Copperleaf; and any other relevant matters.

Tom Pilch. P.E., P.G. 41 Burkitt Street, Sheridan, Wyoming, 82801. Mr. Pilch is a professional engineer and a professional geologist with an emphasis in hydrogeology. Mr. Pilch researched, gathered and reported on some of the data and

information used to support the application of Intervenor. If called, it is expected that Mr. Pilch will testify as an expert and consistently with his reports; regarding data and information collected in anticipation of the application; his conclusion regarding historical and current groundwater sources and flows for the Copperleaf areas; his opinions and conclusion regarding impact, if any, to downstream or surrounding users of water rights as a result of the full-scale development of Copperleaf; and any other relevant areas.

Todd Rhodes, Wyoming Water Rights and Consulting, LLC, P. O. Box 681, Worland, Wyoming 82401. Formerly a water rights regulation officer for nine years with the Wyoming State Engineer's Office, Todd has extensive field experience in all facets of water rights research and administration. He is well versed in Wyoming water laws, State Engineer regulations and instructions, and state water policies. Todd A. Rhodes is a 1982 graduate of the Pennsylvania State University with a degree of Bachelor of Science in Water Resource Management with 20+ years experience in Wyoming water rights, hydrology, and water measurement. Mr. Rhodes researched and provided information and data used in establishing the water right(s) of Intervenor. If called, Mr. Rhodes will testify as an expert in the areas of water rights for Intervenor and Petitioners and surrounding right owners, as necessary; priority of rights; conflict of water rights or ownership, if any; his participation in preparation of the application or supporting documents for Intervenor; and any other relevant areas.

Individuals from the DEQ. c/o John Burbridge, Sr. Asst. Attorney General, 123 Capitol Avenue, Cheyenne, Wyoming 82002. Intervenor expects that the DEQ will call Jeff Hermansky, P.E. and Jeff Passehl, P.G., in its case in chief. Should DEQ not do so, Intervenor may call these witnesses. If called, Intervenor expects each to testify

to their education, experience and training; job duties with the DEQ; participation in, and review of, the application of Intervenor; the basis for recommendation of issuance of Permit No. 06-27-44R; and any other relevant matters.

#### V. AMENDMENTS TO PLEADINGS

Intervenor requests that its pleadings be amended, as necessary, to conform to evidence produced at the hearing.

#### VI. EXHIBITS

Intervenor may offer into evidence some or all of the following exhibits:

Exhibit A (Intervenor): The Subdivision Application submitted by Sage Civil Engineering to the Wyoming Department of Environmental Quality for Copperleaf on Behalf of Worthington Group of Wyoming, dated August 31, 2005, and all supporting documents.

Exhibit B (Intervenor): Final Plat, Copperleaf Subdivision Phase I, Tract F-II.

Exhibit C (Intervenor): Water Right Distribution Plan For the Copperleaf Subdivision And Amended Petition Map, dated 01/06/2006.

Exhibit D (Intervenor): Park County Zoning Permit Application of Robert S. "Hoz" Hoszwa for 8 2-family duplexes, dated May 2, 2005.

A miniature of Exhibit B (Intervenor) is attached hereto. The other referenced exhibits are on file and should be in the possession of opposing counsel. IF copies of exhibits are needed, please contact the office of Bonner Stinson, P.C.

#### VII. OTHER MATTERS

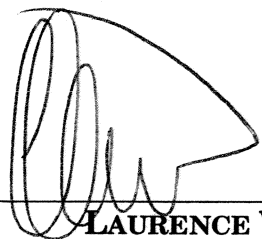
1. Intervenor has previously filed its *Motion to Dismiss* related to Petitioners' lack of standing to bring this appeal from the DEQ's issuance of Permit No. 06-27-44R. Petitioners have filed a reply brief and Intervenor thereafter filed a

rejoinder brief. Without standing on the part of Petitioners, the EQC is without jurisdiction to hear this matter and, thus, this issue should be decided ahead of the hearing as a ruling in favor of Intervenor would dispose of the hearing. Intervenor's Motion To Dismiss may need to be certified to the Attorney General for his opinion, pursuant to Ch. 1, Sec. 5(b) of the Rules of Practice and Procedure.

2. Intervenor has asked EQC panel member Mark Gifford to voluntarily recuse himself from this matter as Mr. Gifford and the undersigned are opposing counsel in an extremely contentious litigated case. *See attached letter from Laurence Stinson to Mark Gifford, dated May 31, 2007.* If Mr. Gifford does not voluntarily recuse himself, Intervenor will file Motions and supporting affidavits and documentation seeking recusal or disqualification of Mr. Gifford.

3. Intervenor prefers to notify witnesses of the day and approximate time of their testimony, and requests that the EQC establish a "loose" hearing schedule so that Intervenor may do so. Furthermore, Intervenor seeks permission to call witness Todd Rhodes out of order. Mr. Rhodes is available July 9 and the morning of July 10, but is not available thereafter as he is a witness in a hearing in Rawlins, Wyoming.

DATED this 31st day of May, 2007.



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**LAURENCE W. STINSON**  
BONNER STINSON, P.C.  
128 East Second  
P.O. Box 799  
Powell, Wyoming 82435  
Attorney for The Worthington Group  
of Wyoming, LLC

**CERTIFICATE OF SERVICE**

I, Laurence W. Stinson, attorney for the Worthington Group of Wyoming, LLC, hereby certify that on the 24th day of May, 2007, I served a true and correct copy of the foregoing correctly addressed to the following:

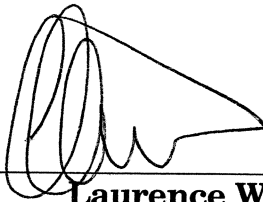
Terri A. Lorenzon  
Director of the EQC  
122 West 25th Street  
Herschler Building, Room 1714  
Cheyenne, Wyoming 82002

John S. Burbridge  
Office of the Wyoming  
Attorney General  
123 Capitol Building  
Cheyenne, Wyoming 82002

John Wagner, Director DEQ  
122 West 25th Street  
Herschler Building  
Cheyenne, Wyoming 82002

Debra J. Wendtland  
Wendtland & Wendtland, LLP  
2161 Coffeen Avenue, Suite 301  
Sheridan, Wyoming 82801

Bryan Skoric  
Park County Attorney  
1002 Sheridan Avenue  
Cody, Wyoming 82414



A handwritten signature in black ink, consisting of several loops and a trailing line, positioned above a horizontal line.

**Laurence W. Stinson**



**BONNER STINSON, P.C.**  
LAWYERS

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Bradley D. Bonner  
Laurence W. Stinson\*  
Jennifer S. Jensen  
Dawn R. Scott  
\* Also admitted in Montana

Powell Office:  
128 East Second  
P.O. Box 799  
Powell, Wyoming 82435  
(307) 754-4950 fax (307) 754-4961

Cody Office:  
(Mail to Powell address)  
1421 Rumsey Avenue  
Cody, Wyoming 82414  
(307) 587-0300

Sender's e-mail: laurence@bonnerstinsonpc.net

May 31, 2007

Mark Gifford  
P. O. Box 2508  
Casper, Wyoming 82602

Re: In the Matter of the Appeal of the Copperleaf Subdivision  
Permit No. 06-274RR  
Environmental Quality Council No. 06-3814

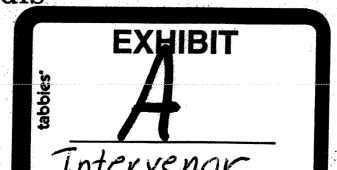
Dear Mark:

This letter follows my telephone call to you of this day wherein I confirmed that you are sitting as a panel member in this matter. I am writing to ask that you voluntarily recuse yourself from sitting as a panel member for the EQC on the above-referenced matter. I base my request on the fact that you and I are representing opposing parties in very contentious litigation in *Frontier Neurosciences v. Sherry Reid, M.D.*, before the District Court, Sheridan County, Civil No. 2005-74. Highly disputed discovery matters therein appear to have become somewhat personal, as between us, and our previously collegial and professional relationship has deteriorated significantly as we both are endeavoring to zealously represent our respective clients in *Frontier v. Reid*.

While I acknowledge your hard work in *Frontier*, it is improper for that conflict to influence the EQC contested case hearing and adversely affect my client's interests. Please be assured that it is only in my client's best interests that I must seek your recusal in this instance.

WY Rules and Regulations ENV PP Ch 2 § 14 invokes the Wyoming Rules of Civil Procedure for this contested case hearing insofar as they are applicable. W.R.C.P. 40.1(b) states:

1) *Peremptory Disqualification*. A district judge may be peremptorily disqualified from acting in a case by the filing of a motion requesting that the judge be so disqualified. The motion designating the judge to be disqualified shall be filed by the plaintiff within five days after the complaint is filed; provided, that in multi-judge districts, the plaintiff must file the motion to dis-



qualify the judge within five days after the name of the assigned judge has been provided by a representative of the court to counsel for plaintiff by personal advice at the courthouse, telephone call, or a mailed notice. The motion shall be filed by a defendant at or before the time the first responsive pleading is filed by the defendant or within 30 days after service of the complaint on the defendant, whichever first occurs, unless the assigned judge has not been designated within that time period, in which event the defendant must file the motion within five days after the name of the assigned judge has been provided by a representative of the court to counsel for the defendant by personal advice at the courthouse, telephone call, or a mailed notice. One made a party to an action subsequent to the filing of the first responsive pleading by a defendant cannot peremptorily disqualify a judge. In any matter, a party may exercise the peremptory disqualification only one time and against only one judge.

(2) *Disqualification for Cause.* Whenever the grounds for such motion become known, any party may move for a change of district judge on the ground that the presiding judge: (A) has been engaged as counsel in the action prior to being appointed as judge; (B) is interested in the action; (C) is related by consanguinity to a party; (D) is a material witness in the action; or (E) is biased or prejudiced against the party or the party's counsel. The motion shall be supported by an affidavit or affidavits of any person or persons, stating sufficient facts to show the existence of such grounds. Prior to a hearing on the motion any party may file counter-affidavits. The motion shall be heard by the presiding judge, or at the discretion of the presiding judge by another judge. If the motion is granted, the presiding judge shall immediately call in another judge to try the action.

(3) *Effect of Ruling.* A ruling on a motion for a change of district judge shall not be an appealable order, but the ruling shall be entered on the docket and made a part of the record and may be assigned as error in an appeal of the case.

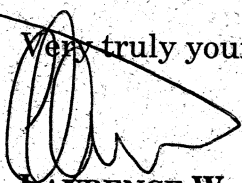
(4) *Motion by Judge.* The presiding judge may at any time on the judge's own motion order a change of judge when it appears that the ends of justice would be promoted thereby.

I only recently learned that you are a member of the Environmental Quality Council for the purposes of this case during a phone conference with John Burbridge. The purpose of my call to you was to confirm that you, at this time, are a sitting panel member on this matter. Accordingly, any one of the four methods for recusal are appropriate in this instance. If you are unwilling to voluntarily recuse yourself under subsection 4, then I have no

choice but to file a motion for both a peremptory challenge and disqualification for cause with the necessary supporting documents. I hope that is unnecessary.

While I am hopeful that our working relationship will improve upon resolution of the *Frontier v. Read* case, I remain concerned that existing personal biases will have an affect on the EQC proceedings and its outcome. As you are a panel member, I did not want to engage in ex-parte contact once I confirmed that, at present, you would sit on this matter and I have copied this letter to opposing counsel. Thank you, Mark, for your sincere consideration of this matter. Please let me know as soon as possible whether you will voluntarily recuse yourself from sitting as a panel member in this matter.

~~Very~~ truly yours,



**LAURENCE W. STINSON**

cc. Deb Wendtland  
John Burbridge  
Terry Lorenzon  
Richard C. Moore  
Bob Kudelski

**LEGEND**

- SUBDIVISION BOUNDARY LINES
- SUBDIVISION LOT LINES
- THREAD OF WATERCOURSE
- RIGHT OF WAY/EASEMENTS
- TRACT LINES
- APPROXIMATE 100 YEAR FLOOD BOUNDARY
- OPEN SPACE (TRACT O-I)
- DRAINAGE EASEMENT
- SET 1/2 INCH REBAR WITH ALUMINUM CAP
- POINT ON WATERCOURSE CENTERLINE
- FOUND BRASS CAP
- FOUND ALUMINUM CAP
- FOUND STONE MONUMENT
- RIGHT-OF-WAY CENTERLINE POINT



CURVE	RADIUS	ARC	DELTA
C-1	225 FT	164.80 FT	41°57'56"
C-2	920 FT	2011.26 FT	125°15'27"
C-3	775 FT	442.86 FT	32°44'27"
C-8	1400 FT	624.82 FT	25°34'16"
C-9	500 FT	1328.66 FT	152°15'14"
C-10	1700 FT	425.75 FT	14°20'58"

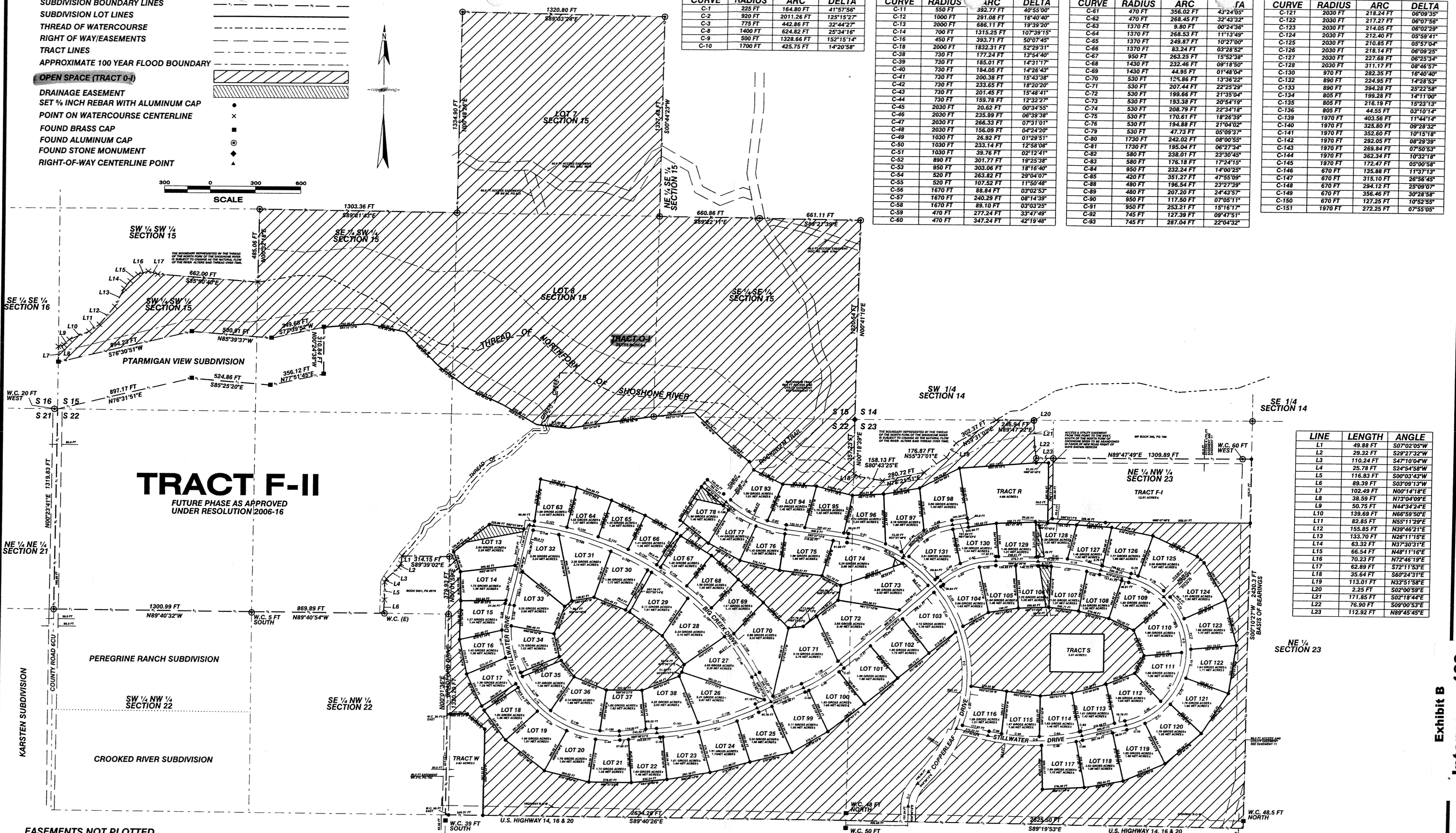
CURVE	RADIUS	ARC	DELTA
C-11	550 FT	392.77 FT	40°55'00"
C-12	1000 FT	291.08 FT	16°40'40"
C-13	2000 FT	686.11 FT	19°39'20"
C-14	700 FT	1315.25 FT	107°39'15"
C-16	450 FT	393.71 FT	50°07'45"
C-18	2000 FT	1832.31 FT	52°29'31"
C-19	730 FT	185.01 FT	14°31'17"
C-20	730 FT	184.05 FT	14°26'43"
C-41	730 FT	206.38 FT	15°43'38"
C-42	730 FT	233.65 FT	18°20'20"
C-43	730 FT	201.45 FT	15°48'41"
C-44	730 FT	159.78 FT	12°32'27"
C-45	2030 FT	206.62 FT	00°34'55"
C-46	2030 FT	235.99 FT	06°39'38"
C-47	2030 FT	266.33 FT	07°31'01"
C-48	2030 FT	156.03 FT	04°24'20"
C-49	1030 FT	26.92 FT	01°29'51"
C-50	1030 FT	233.14 FT	12°58'08"
C-51	1030 FT	39.76 FT	02°12'41"
C-52	890 FT	301.77 FT	19°25'38"
C-53	950 FT	303.06 FT	18°16'40"
C-54	520 FT	263.82 FT	29°04'07"
C-55	520 FT	107.52 FT	11°50'48"
C-56	1870 FT	88.84 FT	03°02'53"
C-57	1870 FT	240.29 FT	08°14'39"
C-58	1870 FT	89.10 FT	03°03'25"
C-59	470 FT	371.24 FT	33°47'49"
C-60	470 FT	347.24 FT	42°19'48"

CURVE	RADIUS	ARC	DELTA
C-61	470 FT	356.02 FT	43°24'05"
C-62	470 FT	268.45 FT	32°43'32"
C-63	1370 FT	9.80 FT	00°24'36"
C-64	1370 FT	268.53 FT	11°13'49"
C-65	1370 FT	249.87 FT	10°27'00"
C-66	1370 FT	83.24 FT	03°28'52"
C-67	950 FT	263.25 FT	15°52'38"
C-68	1430 FT	232.46 FT	09°18'50"
C-69	1430 FT	44.95 FT	01°48'04"
C-70	530 FT	151.86 FT	13°38'22"
C-71	530 FT	207.44 FT	22°25'29"
C-72	530 FT	198.88 FT	21°35'04"
C-73	530 FT	193.38 FT	20°54'19"
C-74	530 FT	208.79 FT	22°34'18"
C-75	530 FT	170.61 FT	18°26'39"
C-76	530 FT	194.88 FT	21°04'02"
C-79	530 FT	47.73 FT	05°09'37"
C-80	1730 FT	242.02 FT	08°00'55"
C-81	1730 FT	195.04 FT	06°27'34"
C-82	580 FT	238.01 FT	23°30'45"
C-83	580 FT	176.18 FT	17°24'15"
C-84	950 FT	232.24 FT	14°00'25"
C-85	420 FT	351.27 FT	47°55'09"
C-88	480 FT	196.54 FT	23°27'39"
C-89	480 FT	207.20 FT	24°43'57"
C-90	950 FT	117.50 FT	07°05'11"
C-91	950 FT	253.21 FT	15°16'17"
C-92	745 FT	127.39 FT	09°47'51"
C-93	745 FT	287.04 FT	22°04'32"

CURVE	RADIUS	ARC	DELTA
C-121	2030 FT	218.24 FT	06°09'55"
C-122	2030 FT	217.27 FT	06°07'56"
C-123	2030 FT	214.05 FT	06°02'29"
C-124	2030 FT	212.40 FT	05°59'41"
C-125	2030 FT	210.85 FT	05°57'04"
C-126	2030 FT	218.14 FT	06°09'25"
C-127	2030 FT	227.68 FT	06°25'34"
C-128	2030 FT	311.17 FT	08°46'57"
C-130	970 FT	282.35 FT	01°48'04"
C-132	890 FT	224.95 FT	14°28'53"
C-133	890 FT	394.28 FT	25°22'58"
C-134	805 FT	199.28 FT	14°11'00"
C-135	805 FT	216.19 FT	15°23'13"
C-136	805 FT	44.55 FT	03°10'14"
C-138	1970 FT	403.56 FT	11°44'14"
C-140	1970 FT	328.80 FT	09°28'32"
C-141	1970 FT	352.60 FT	10°15'18"
C-142	1970 FT	292.05 FT	08°29'39"
C-143	1970 FT	269.84 FT	07°50'53"
C-144	1970 FT	362.34 FT	10°32'18"
C-145	1970 FT	172.47 FT	05°00'58"
C-146	670 FT	135.88 FT	11°37'13"
C-147	670 FT	315.10 FT	26°56'45"
C-148	670 FT	294.12 FT	25°09'07"
C-149	670 FT	356.46 FT	30°28'58"
C-150	670 FT	127.25 FT	10°52'55"
C-151	1970 FT	272.25 FT	07°55'05"

LINE	LENGTH	ANGLE
L1	49.88 FT	S07°02'05"W
L2	29.32 FT	S29°27'32"W
L3	110.24 FT	S47°10'04"W
L4	25.78 FT	S27°54'58"W
L5	116.83 FT	S09°03'33"W
L6	89.39 FT	S03°09'33"W
L7	102.49 FT	N00°14'18"E
L8	38.59 FT	N73°04'09"E
L9	50.75 FT	N44°34'24"E
L10	139.69 FT	N66°59'50"E
L11	82.85 FT	N55°11'29"E
L12	155.85 FT	N39°46'21"E
L13	133.70 FT	N26°11'15"E
L14	63.32 FT	N37°30'31"E
L15	66.54 FT	N48°11'16"E
L16	70.23 FT	N72°46'19"E
L17	62.89 FT	S72°11'53"E
L18	35.64 FT	S60°24'31"E
L19	113.01 FT	N33°51'58"E
L20	2.25 FT	S02°00'59"E
L21	171.85 FT	S02°18'44"E
L22	76.90 FT	S09°00'53"E
L23	112.92 FT	N89°45'45"E

**TRACT F-II**  
FUTURE PHASE AS APPROVED  
UNDER RESOLUTION 2006-16



- EASEMENTS NOT PLOTTED**
- UTILITY, IRRIGATION & DRAINAGE EASEMENT - 20 FT INTO LOT FROM SIDE LOT LINE MAKING A 40 FT TOTAL APPLIED TO LOTS 1-131
  - UTILITY, IRRIGATION & DRAINAGE EASEMENT - BLANKET EASEMENT ON ALL OPEN SPACE AND COMMON AREA
  - FISHING EASEMENT - MF BOOK 159, PAGE 823 (LIFETIME EASEMENT TO ACCESS RIVER FOR FISHING PURPOSES FOR RALPH WILKERSON, MIKE SPERRY AND GARY EPPERSON)
  - FISHING & FOREST EASEMENT - FLYING L SKYTEL MF BOOK 157, PAGE 35
  - POWERLINE EASEMENT - 40 FT WIDE MF BOOK 163, PAGE 476
  - TELEPHONE EASEMENT - 16 FT WIDE NORTH OF RIVER DOC. 2001-3366
  - MOUNTAIN STATES TELEPHONE COMPANY - BOOK 327, PAGE 407
  - SHOSHONE RIVER POWER - CLARIFICATION OF EASEMENT DOC. NO. 1999 7064
  - SHOSHONE RIVER POWER - MF BOOK 117, PAGE 208
  - PACIFICORP - GUY WIRE AND ANCHOR EASEMENT MF BOOK 249, PAGE 631
  - PACIFICORP - NOT ON SUBJECT PROPERTY DOC. NO. 2000 5415
  - MULTIPLE ACCESS & UTILITY EASEMENTS IN FAVOR OF VARIOUS INDIVIDUALS DOC. 2002-1045, BK173 PG 742 AND 297, BK 262 PG 440 & 461, AND BK 229 PG 527.

TOTAL SUBDIVISION BOUNDARY = 553.13 ACRES ±  
 PHASE I LOTS (INCLUDES ROAD R-O-W'S) = 156.27 ACRES ±  
 TRACT F-I (FUTURE DEVELOPMENT) = 12.01 ACRES ±  
 TRACT F-II (PHASE II AS APPROVED UNDER RESOLUTION 2006-16) = 117.16 ACRES ±  
 TRACT R (COMMON RECREATION) = 4.89 ACRES ±  
 TRACT W (UTILITY/WATER TREATMENT AREA) = 3.62 ACRES ±  
 TRACT S (UTILITY/SANITARY SEWER TREATMENT AREA) = 2.07 ACRES ±  
 TRACT O-I (OPEN SPACE PHASE I) = 257.11 ACRES ±

**NOTES**

- EASEMENTS 1 & 2 NOT PLOTTED ARE FOR THE BENEFIT OF WORTHINGTON GROUP OF WYOMING, LLC., THE COPPERLEAF HOMEOWNERS ASSOCIATION, NORTHFORK VALLEY DITCH COMPANY, PACIFIC POWER & LIGHT AND QWEST COMMUNICATIONS FOR THE MAINTENANCE AND UPGRADING OF THEIR RESPECTIVE UTILITIES WITHIN THE COPPERLEAF SUBDIVISION.
- THE OPEN SPACE DEPICTED HEREON IS FOR THE EXCLUSIVE USE OF THE COPPERLEAF HOMEOWNER ASSOCIATION AND ITS MEMBERS.
- UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND, AND ALL OTHER RELATED FACILITIES WITHIN THE EASEMENTS IDENTIFIED ON THIS PLAN AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING ELECTRIC SERVICE WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE EASEMENT. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE EASEMENT OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE EASEMENT.
- DRAINAGE EASEMENTS, DITCHES AND OTHER FACILITIES SHALL NOT BE BLOCKED OR OBSTRUCTED IN ANY MANNER.

**FINAL PLAN**  
SHOWING  
**COPPERLEAF SUBDIVISION**  
**PHASE I**  
WITHIN  
SECTIONS 15, 22 & 23  
Resurvey T.52N., R.105W., 6th P.M.  
Park County, Wyoming

Exhibit B  
Intervenor 100

SAGE CIVIL ENGINEERING  
CODY, WYOMING  
307-527-0818  
OCTOBER 2008