

RESOLUTION NO. 467

Resolution Establishing Lake DeSmet Operating Department

WHEREAS, The Board of County Commissioners of Johnson County, Wyoming has acquired all of the assets of the Lake DeSmet Counties Coalition under an agreement with the Board of County Commissioners of Sheridan County, Wyoming; and

WHEREAS, The Board of County Commissioners of Johnson County, Wyoming has determined that it is necessary to establish a separate county department for the efficient administration, management and operation of Lake DeSmet Reservoir and the assets acquired as a result of the dissolution of the Lake DeSmet Counties Coalition.

THEREFORE, the Board of County Commissioners of Johnson County, Wyoming establishes the Lake DeSmet Operating Department as a separate department to administer, manage and operate Lake DeSmet Reservoir and the assets acquired as a result of the dissolution of the Lake DeSmet Counties Coalition. The structure and operation of the Lake DeSmet Operating Department ("Operating Department") shall be as follows:

The Operating Department shall consist of three members.

- a) A Johnson County employee or contract service individual hired or contracted by the Board of County Commissioners and responsible for the day-to-day operations at Lake DeSmet.
- b) A representative of the Board of County Commissioners or a member of the Board of County Commissioners can be appointed.
- c) A person deemed knowledgeable of engineering, water rights, recreation and/or reservoir operations to be appointed by the Board of Johnson County Commissioners.

The Operating Department shall have a budget and shall operate under the same financial and fiscal procedures as apply to any department of the county. The Operating Department shall meet monthly at a regularly scheduled time and date to be determined at the first meeting of the Department. Meeting shall be open to the public and shall encourage public participation and input.

Expenditures by the Department in excess of ten-thousand dollars (\$10,000) shall require the approval of the Board of County Commissioners.

The Operating Department shall create policies and procedures relating to the operation and maintenance of Lake DeSmet, as well as the use, allocation and marketing of water resources. Such policies and procedures shall be created in compliance with the Administrative Procedures Act.

The Board of County Commissioners of Johnson County, Wyoming may discharge or remove any member of the Operating Department at any time with or without cause and may fill

any vacancy occurring in the Operating Department. Terms of office of the members of the Operating Department continue until resignation or removal.

The Operating Department shall manage, administer, and operate the Lake DeSmet Reservoir and the assets acquired as a result of the dissolution of the Lake DeSmet Counties Coalition under the supervision and control of the Board of County Commissioners of Johnson County, Wyoming and in consultation and cooperation with Sasol Synfuels International Pty Ltd ("Sasol"), owner of the Water Rights listed on Exhibit A to this Resolution, pursuant to the Water Agreement and License effective January 2, 1996 and subsequent amendments thereto by Sasol and the Board of County Commissioners of Johnson County, Wyoming.

Issues involving shoreline management will be determined by the Board of Commissioners of Johnson County with consultation and advice from the Lake DeSmet Operating Department, the Lake DeSmet Advisory Board and the Johnson County Planning Commission.

PASSED, APPROVED AND ADOPTED by the Board of Johnson County Commissioners this 8 day of January 2013.

 1-8-13
Chairman




ATTEST: 
Vicki Edelman
Johnson County Clerk

EXHIBIT A

SASOL WATER RIGHTS

Permit Nos.	Permit Name	Priority Date	Date of Certificate of	
			Appropriation or Construction	Recording
7533 R	Camp Comfort Reservoir (As changed to Lake DeSmet Reservoir)	8/16/1939	Const: 1/4/1989	#082030 5/22/1989 Bk. E, p. 494
7290 R	1 st Enl. Of the Healy Reservoir (As changed to Lake DeSmet Reservoir)	10/14/1957	Const: 1/4/1989	#082029 5/22/1989 Bk. E, p. 493
7289 R	Healy Reservoir (As changed to Lake DeSmet Reservoir)	4/15/1957	Const: 1/4/1989	#082028 5/22/1989 Bk. E, p. 492
22930	Reservoir Supply for 3 rd Enl. Lake DeSmet Reservoir from Rock Creek	2/25/1955	Appr: 1/4/1989	#082023 5/22/1989 Bk. E, p. 487
22929	Reservoir Supply for 3 rd Enl. Lake DeSmet Reservoir from French Creek	2/25/1955	Appr: 1/4/1989	#082022 5/22/1989 Bk. E, p. 486
22928	Reservoir Supply for 3 rd Enl. Lake DeSmet Reservoir from Clear Creek	2/25/1955	Appr: 1/4/1989	#082019 5/22/1989 Bk. E, p. 483
8729 R	Reynolds Clear Creek Diversion Dam	9/28/1977	Const: 7/1/1985	#55190 1/27/1986 Bk. E, p. 342

(all herein referred to as the "Sasol Water Rights")