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WYOMING

Wilson v. Lucerne Canal & Power Co., 77 P.3d 412 (Wyo. 2003)
(holding that a permanent injunction barring a landowner from interfering with irrigation company's easement did not violate procedural and due process rights).

Lucerne Canal and Power Company ("Lucerne") filed suit against landowner Thomas Wilson in 1988 to prevent Wilson from interfering with Lucerne's water and irrigation easement. Lucerne claimed Wilson had taken actions to prevent water from reaching Lucerne's diversion structure, thereby negatively affecting its shareholders. The District Court, Goshen County issued a consent decree and judgment in 1990 ordering Wilson to not interfere with Lucerne's easements and rights-of-way. Based on Wilson's serial non-compliance with the consent decree, Lucerne obtained a temporary restraining order and a subsequent permanent injunction in 2002 barring Wilson from interfering with Lucerne's easement. Wilson appealed the issuance of the permanent injunction to the Supreme Court of Wyoming. Finding no fatal procedural defects in the trial court's ruling, the court affirmed the trial court's order.

The court reviewed Wilson's appeal of the injunction for abuse of discretion by the trial court. The court noted that the 2002 injunction merely restated the holding of the 1990 consent decree. However, Wilson claimed the issuance of a permanent injunction violated his procedural and due process rights. The court, in its analysis of these procedural claims stated that, "injunctive relief is appropriate to prohibit the servient estate owner from interfering with the dominant estate owner's use of his easement." Wilson's continued violations of the consent decree exposed Lucerne's shareholders to irreparable harm from water lost downstream. Therefore, the court declined to apply procedural rules claimed by Wilson solely to avoid his violations of the established water rights and easements previously resolved under the principle of *res judicata* in the 1990 consent decree. The court found no abuse of discretion by the trial court in its issuance of the permanent injunction.

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