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JUN 26 1963

MELISSA M. PRINCE, Clerk

Melissa M. Prince Deputy

VERDE DITCH CO.
LOWER VERDE DITCH CO.
Camp Verde, Arizona

No. 4772

RULES AND REGULATIONS NO. I

June 4, 1963

SUBJECT: Establishment of rules and regulations for operating and maintaining the total irrigation facility known as the Verde Ditch.

1. By virtue of a Court Order issued on 23 March 1909 by the then District Court of the Fourth Judicial District of the Territory of Arizona and continued by subsequent Orders by the Superior Court at Prescott, Arizona, Ditch Commissioners were appointed and broad directives were promulgated by the Court to govern the operation of the Ditch and to insure financing, adequate to defray proper costs. Since 23 March 1909 the affairs of the Ditch Co. have been conducted as efficiently as possible under the broad limits laid down originally by the Court. Customs and practices have changed, violations have occurred and have not been corrected, and time is at hand when the procedures must be renovated if the irrigation water necessary to the welfare of shareholders is to be available for continued delivery. Therefore, the within rules and regulations are promulgated and placed in effect by the shareholders with the approval of the Superior Court for the State of Arizona, County of Yavapai, and recognize the established division of the ditch facility into three (3) Districts, namely,

District 1. All lands under the ditch between the dam and the South property line of the Albert Dickison place.

District 2. From the Albert Dickison place to Ryal Canyon.

District 3. All lands downstream from Ryal Canyon.

Districts 1 and 2 comprise the Verde Ditch Co. and District 3 the Lower Verde Ditch Co.

2. The Commissioners, their agents, employees and equipment shall have the right of usage at any time of necessary work areas adjacent to the Ditch in pursuit of maintenance, repair and operation of the facility. If necessary, private property of shareholders may be crossed in order to gain access to Ditch work areas. Any damage resulting from said crossing will be corrected by the Ditch organization.

3. Construction or installation of gates, buildings, cross-fences, or any other obstruction over the Ditch or in the work area which may interfere with usage of the work area or Ditch is forbidden. Leaky gates shall be repaired or replaced immediately by the Shareholder, at his expense, or will be sealed off.

4. Under the terms of the 1909 judgment stock water is and must be available in the Ditch at all times, except when water is shut off for maintenance or repair purposes, and may not be diverted therefrom and made available at some distant location.

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5. Unrestricted numbers of take-off gates at the Ditch, in Subdivision areas, will not be tolerated. Usually, one gate is sufficient, but special conditions may be submitted to the Commissioners for consideration. Installation of head-gates, out-let gates, bridges, and cross-fences must respect the rights of other shareholders in usage of the Ditch facilities.
6. All statements submitted to Shareholders are payable not later than the 10th of the month following the month in which the statement is received, and will be adjudged delinquent thereafter. Accounts that are delinquent as much as 30 days will bear interest at the rate of 1% per month.
7. When a Shareholder sells or transfers part or all of his property it is his responsibility to notify the Commissioners, giving full details, in order that following assessments may be correctly billed.
8. The amount of water allocated to each Shareholder is a percentage of the water in the Ditch at any time and is not a fixed quantity; that is, is not to be considered as an inflexible number of Miner's Inches or Acre Feet or Inches.
9. When it becomes necessary to issue a schedule for the use of water, said Schedule will be posted on NOTICE BOARDS provided and installed by the Commissioners. Shareholders will be informed later of the locations of such Boards and are enjoined to consult them frequently. The Lower Verde Ditch Co. is presently installing two Boards, one located at the entrance to Fort Lincoln Estates Subdivision and another at the access road to the N. E. Thompson ranch. NOTICE BOARDS are established as the official means of notifications to Shareholders, but U. S. Mails will also be utilized. Restricted use of water as published by said Schedule must be followed implicitly.
10. Residents of Subdivisions or other User Groups shall prepare a Requirement Schedule representing their proposed take of water and shall present it to the Commissioners for approval.
11. When, because of violations or infractions of Rules by a Shareholder, and under the authority vested in them by the Court, it becomes necessary to deny a Shareholder the usage of the facilities of the Main Ditch, the Commissioners will seal off his head-gate and it shall remain sealed until the violation has been corrected and the seal removed by the Commissioners or their Agent. The Commissioners are authorized to immediately institute legal action for any violation of this rule.
12. Meetings may be called from time to time by the Commissioners or by 25% of the valid Shareholders. When, at the election of the Commissioners, a matter requires a vote, members shall be entitled to vote at all regular and special meetings on the basis of their valid share in the ditch. Voting may be done in person or by a written and signed proxy in the possession of some other member. A legal quorum shall consist of 51% of the valid shareholders or their proxies.
13. All Shareholders are enjoined to exercise full consideration of fellow Shareholders and to do all things necessary to carry out these Rules and Regulations and all others subsequently established, thus ensuing beneficial and amicable use of the Irrigation Facility.

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14. All shareholders who fail to pay their assessments within 90 days after said assessments become due and payable are subject to having their head-gates sealed off and denied the use of the ditch until all assessments together with interest accrued has been paid in full. Failure to comply with any of these rules and regulations will authorize the Commissioners to institute such court action as may be necessary under the circumstances.

15. There shall be an annual meeting of shareholders on the first Monday of October of each year at such time three Commissioners shall be elected for the following year. One Commissioner shall be elected from each district. In the event there is no one willing to serve from any district, then the Commissioner for such district shall be elected from the remaining shareholders in the other districts who are willing to serve.

16. These Rules and Regulations become in full force and effect at 5 P.M. on the 4th day of June, 1963.

Marion E. Davidson
Marion E. Davidson, Commissioner

Craig I. Jackson
Craig I. Jackson, Commissioner

APPROVED:

Jack L. Ogg
Jack L. Ogg
Judge of the Superior Court of
Yavapai County, Arizona

RULES AND REGULATIONS

SUBJECT: Establishment of rules and regulations for operating and maintaining the total irrigation facility known as the Verde Ditch. All the total irrigation facility known as the Verde Ditch. 10th of the month following the month in which the court order is rendered, and 1.11 By virtue of a Court Order issued on 23 March 1909 by the then District Court of the Fourth Judicial District of the Territory of Arizona and continued by subsequent Orders by the Superior Court at Prescott, Arizona, Ditch Commissioners were appointed and broad directives were promulgated by the Court to govern the operation of the Ditch and to insure financing, adequate to defray proper costs. Since 23 March 1909 the affairs of the Ditch Co. have been conducted as efficiently as possible under the broad limits laid down originally by the Court. Customs and practices have changed, violations have occurred and have not been corrected, and time is at hand when the procedures must be renovated if the irrigation water necessary to the welfare of shareholders is to be available for continued delivery. Therefore, the within rules and regulations are promulgated and placed in effect by the shareholders with the approval of the Superior Court for the State of Arizona, County of Yavapai, and recognize the established division of the ditch facility into three (3) Districts, namely, be informed later of the locations of such Boards and are enjoined to consult them frequently. The Lower Verde Ditch Co. is presently Districting all lands under the ditch between the Lincoln Estates Subdivision, the dam and the South property of the N. E. Thompson ranch. NOTICE OF the Albert Dickison place. Official means of notifications to Shareholders, but U. S. Mails will also be utilized. Restricted use of water District 2. From the Albert Dickison place to Ryal Canyon.

10. Residents of Subdivisions or other User Groups shall prepare a Requirement Schedule District 3. In all lands downstream from Ryal Canyon all present it to the Commissioners for approval. Districts 1 and 2 comprise the Verde Ditch Co. and District 3 the Lower Verde Ditch Co., because of violations or infractions of Rules by a Shareholder, and under the authority vested in them by the Court, it becomes necessary to deny 2. The Commissioners, their agents, employees and equipment shall have the right of usage at any time of necessary work areas adjacent to the Ditch in the pursuit of maintenance, repair and operation of the facility. If necessary, private property of shareholders may be crossed in order to gain access to Ditch work areas. Any damage resulting from said crossing will be corrected by the Ditch organization.

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Jack L. Ogg
 Jack L. Ogg, Judge of the Superior Court

LOWER VERDE DITCH CO.
Box 216
Camp Verde, Arizona

January 21, 1965

The Honorable Jack L. Ogg
Judge of the Superior Court
County Court House
Prescott, Arizona

My dear Judge:

Court approval of the Operating Rules for the Verde ditches has helped materially in solving several of our problems. However, some additional unexpected ones have developed.

The annual meeting in October 1963 did not have a quorum in attendance. Letters containing card ballots for election of officers were sent and returns were some 70 votes short of required 51% to re-elect Marion Davidson and Craig Jackson, and elect Vernon Harbeson as Commissioner on the Middle Section.

The annual meeting called for October 1964 had 9 shareholders present, representing less than 10% of votes. We did not mail ballots this time.

Since Mr. Davidson and Mr. Jackson have not been replaced by either a shareholders election or a Court removal, do they remain in office, and if so, would the Court consider appointing Mr. Vernon Harbeson as the third Commissioner? (Mr. Harbeson was a Commissioner some years ago).

Thanking you in anticipation of an early reply, I remain,

Sincerely yours,


Craig I. Jackson

CIJ:era

cc: Mr. Marion Davidson