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FEB 23 1984

BARBARA BOYLE, Clerk  
By *Norma*  
Deputy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

GEORGE W. HANCE, et al., )  
)  
Plaintiffs, )  
)  
vs. )  
)  
WALES ARNOLD, et al., )  
)  
Defendants. )  
\_\_\_\_\_ )

No. 4772

MOTION FOR THE COURT'S  
PERMISSION TO RECORD THE  
REGULATIONS OF THE  
VERDE DITCH COMPANY  
AND ORDER

TED ALLRED, GLENN W. EVERETT and VINCE V. HIGGINBOTHAM,  
Commissioners of the Verde Ditch Company through undersigned  
counsel, respectfully petition the Court as follows:

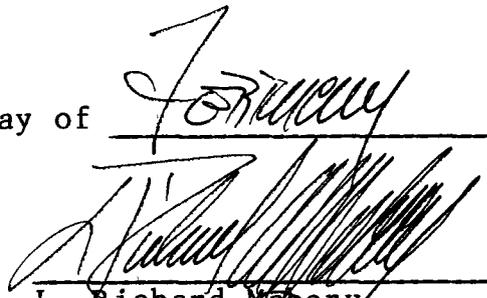
1. Petitioners are the duly elected and appointed  
Commissioners of the Verde Ditch Company.
2. The Commissioner's have always believed that the rules  
and regulations dated June 4, 1963 of the Verde Ditch Company had  
been recorded in Yavapai County Recorder's office.
3. As a result of continuing problems of encroachments  
along the ditch and violation of the Court approved Rules and  
Regulations, the Commissioners desire the Court to allow the  
...

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1 recording of a certified copy of the original Rules and  
2 Regulations with the Yavapai County Recorder.

3 WHEREFORE, the Verde Ditch Commissioners ask that the  
4 Court enter its Order allowing the recordation of the June 4, 1963  
5 Rules and Regulations.

6 DATED this 16<sup>th</sup> day of February, 1984.

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8   
9 L. Richard Mabery  
10 113 E. Gurley Street  
11 Prescott, AZ 86301  
12 Attorney for Verde Ditch Co.

13 ORDER

14 Upon motion being duly made and good cause appearing  
15 therefrom,

16 NOW, THEREFORE, IT IS ORDERED that a certified copy of the  
17 Verde Ditch Company Rules and Regulations, dated June 4, 1963,  
18 shall be recorded with the Yavapai County Recorder.

19 DONE IN OPEN COURT this 5 day of March,  
20 1984.

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22   
23 JUDGE OF THE SUPERIOR COURT  
24  
25

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

*Amended Rules*  
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.

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.

VERDE DITCH CO.  
LOWER VERDE DITCH CO.

June 4, 1963  
Page. 3.

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 Commissioners 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 4<sup>th</sup> 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