

FILED
O'Clock, PM

APR 09 1997

1 L. RICHARD MABERY, P.C.
2 101 East Gurley St., Ste. 203
3 Prescott, Arizona 86301
4 (520) 778-1116

5 L. Richard Mabery, State Bar I.D. No. 00588
6 Holly A. Gerken, State Bar I.D. No. 016923

NORBERT G. WEDEPOHL, Clerk
Rene Blaney
Deputy

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

9 GEORGE W. HANCE, et al.,) Case No. 4772
10 Plaintiffs,) Division 1
11 vs.)
12 WALES ARNOLD, et ux. et al.,) ORDER
13 In the Matter of)
14 THE VERDE DITCH COMPANY,)
15 Defendants.)

16 THIS MATTER having come before the Court on March 20,
17 1997 regarding the issues arising from the ditch modifications at
18 Chalk Hill. Appearing for the Verde Ditch Company, through
19 counsel, L. RICHARD MABERY and HOLLY A. GERKEN, were John Reddell,
20 John Teague, Gordon Williams and Ronda Aiuto. Appearing on behalf
21 of the United States Forest Service were Michael King, Prescott
22 National Forest Supervisor; Thomas Bonomo, Verde District Ranger;
23 Wesley Gerard, Recreational Officer, Verde Ranger District; and
24 Cynthia Moody, Prescott National Forest Engineer.

25 Based upon the matters brought forth at this meeting, the
26 Court finds:

27 * * * * *

28 [X] Pitt/Atty Richard Mabery [] Arb w/file
[X] Deft/Atty Verde Ditch TOTAL 2
[] Vis Judge _____ [] Arbitr _____
[] Div _____ w/file [] Other _____

LAW OFFICES OF
L. RICHARD MABERY, P.C.
101 EAST GURLEY • SUITE 203
PRESCOTT, ARIZONA 86301
(520) 778-1116

1 (a) Hire a professional contract archaeologist to
2 monitor the mitigative ditch activities at the Chalk Hill
3 site.

4 (b) The Verde Ditch Company will hire and pay the
5 contract archaeologist for work to be performed in monitoring
6 the reconstruction work.

7 (c) The Verde Ditch Company will select a contract
8 archaeologist which shall be approved by Prescott National
9 Forest personnel.

10 (d) All vehicle access to the work site will be
11 from Roadrunner Ranch Road along the existing ditch road.

12 (e) Foot access to the work site is available
13 through existing recreational facilities (parking area,
14 trailer and bridge). Existing cuts in the bank will not be
15 used for access to the work site without prior approval from
16 a Forest Service officer.

17 (f) The Verde Ranger District shall be informed as
18 to construction dates and work schedules.

19 (g) All work shall stop immediately and the Verde
20 District archaeologist notified if any intact cultural
21 materials are exposed.

22 (h) No construction equipment, supplies, or waste
23 shall be placed, parked or stored in the area between Salt
24 Mine Road and the Verde Ditch.

25 (i) The contract archaeologist shall submit a
26 monitoring report to the Court, the Verde Ditch, and to the
27 Verde Ranger District.
28

1 (j) A Forest Service officer shall be notified
2 immediately if any extenuating circumstances arise that are
3 not covered by stipulation (inclement weather, bank failure,
4 scheduling problems).

5 **THEREFORE, IT IS ORDERED:**

6 A. Approving the stipulations between the parties and
7 the proposed work to be performed by the Verde Ditch Company.

8 B. Reserving all further issues between the Verde Ditch
9 Company and the United States Forest Service regarding the Chalk
10 Hill reconstruction, all past, present or future work performed on
11 the Verde Ditch at the Chalk Hill site, and all legal issues
12 arising therefrom that are either unresolved at this time or not
13 presently in a position to be presented and, therefore, not ripe
14 for the Court's review and consideration.

15 **DATED** this 9 day of April, 1997.

16
17 
18
19 **JUDGE OF THE SUPERIOR COURT**

LAW OFFICES OF
L. RICHARD MABERY, P.C.
101 EAST GURLEY • SUITE 203
PRESCOTT, ARIZONA 86301
(620) 778-1116