

Cause.

That on the same date, to-wit, the 10th day of May, 1935, in the County of Yavapai, State of Arizona, he served a copy of the said Affidavit and Petition, and Order to Show Cause, as attached hereto, on W. F. Wingfield, by personally delivering to and leaving with the said W. F. Wingfield, a full, true, and correct copy of said Affidavit and Petition and Order to Show Cause.

That on the 13th day of May, 1935, in the County of Yavapai, State of Arizona, he served a copy of the said Affidavit and Petition, and Order to Show Cause, as attached hereto, on the following named persons, by personally delivering to and leaving with each of said persons a full, true, and correct copy of the said Affidavit and Petition, and Order to Show Cause:

Charles H. Harbeson

Calista A. Bristow

Mollie Marksbury

Esler J. Monroe

James Wingfield

Wm. Wingfield

J. F. Tompkins

Hattie Wingfield

Norman Fain

E. W. Monroe

O. A. Benedict

That he personally knew each and every one of the foregoing persons upon whom said service was made, to be the persons named, and also to be persons owning land in or near Camp Verde, Arizona, and having right to water from the Verde Ditch and the New Verde Ditch.

Earl Hopper

Subscribed and sworn to before me this 23
day of May, 1935.

My commission expires Feb. 2 - 1937.

A. J. Mason
Notary Public.

(C O P Y)

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

formerly

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE TERRITORY OF ARIZONA, IN AND FOR THE
COUNTY OF YAVAPAI

GEORGE W. HANCE and
PARTHENY H. HANCE,

Plaintiffs,

-vs-

WALES ARNOLD, SARAH J. ARNOLD,
S. C. CHERRY, J. H. WINGFIELD,
CHARLES HANBESON, WILLIAM J. DAVIS,
E. W. MONROE, WILLIAM M. GRAY, E. J.
MONROE, JOHN H. SCOTT, EMILE MONROE,
ELIAS WINE, THE VERDE DITCH COMPANY,
a Voluntary Association, and WILLIAM
STEVENS and WILLIAM LANE, as Executors
of the Estate of John Wood, Deceased,

Defendants.

No. _____

ORDER TO SHOW CAUSE

On reading and filing the affidavit of Ralph E.
Monroe, dated the 9th day of May, 1935, and due cause
having been shown,

IT IS ORDERED that all persons and parties interested
in the new or the old Verde Ditch, and all persons named
in the Judgment and Decree made by the Honorable Richard
E. Slean, Judge, in the above entitled cause, on the
23rd day of March, 1909, or their successors in interest,
do appear before this Court on Tuesday, the 28th day
of May, 1935, at the hour of ten o'clock in the forenoon,
or as seen thereafter as the Court can hear the cause,
at the Court Room in the Court House in the City of
Prescott, Arizona, and at said time and place show cause

why a Water Commissioner should not be appointed, as provided by the terms of said Judgment and Decree, to carry out and enforce the provisions of said Judgment and Decree.

IT IS FURTHER ORDERED that a copy of this Order to Show Cause, together with a copy of the Affidavit and Petition of Ralph E. Monroe, sworn to the 9th day of May, 1935, be served on all parties hereto, on or before the 24th day of May, 1935, said service to be made in the same manner as service of summons. IT IS FURTHER ORDERED that a copy of this Order to Show Cause, together with a copy of said Affidavit and Petition of Ralph E. Monroe, be posted in the Post Office at Camp Verde, Arizona, at least ten days before the date fixed for the hearing of this order.

DATED at Prescott, Arizona, this 9th day of May, 1935.

RICHARD LAMSON

Judge of the Superior Court.

(COPY)

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

formerly

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE TERRITORY OF ARIZONA, IN AND FOR THE
COUNTY OF YAVAPAI

GEORGE W. HANCO and
FARREHY H. HANCO,

Plaintiffs,

-vs-

WALTER ARNOLD, SARAH J. ARNOLD,
S. C. CHERRY, J. H. WINDFIELD,
CHARLES HARRISON, WILLIAM J. DAVIS,
E. W. MONROE, WILLIAM M. GRAY, E. J.
MONROE, JOHN H. BERRY, EDGAR MONROE,
ELIAS WINE, THE WINE BROS COMPANY,
a Voluntary Association, and WILLIAM
BERRY and WILLIAM BERRY, as Executors
of the Estate of JOHN WINE, Deceased,

Defendants.

No. _____

ALTERNATE AND
EXHIBIT

STATE OF ARIZONA,
COUNTY OF YAVAPAI.

} ss.

RALPH H. MONROE, being first duly sworn, on oath,
deposes and says:

(1) That the Judgment and Decree of the Honorable
Richard H. Sloan, Judge, made herein on the 23rd day of
March, 1900, has remained in full force and effect from
that date down to the present time, and has not been
modified or changed, and is now in full force and effect.

(2) That in Paragraph II of said Judgment and
Decree, there are set out the interests of the respective

parties in and to the ditch therein mentioned, and certain devolution of title has taken place as follows, to-wit:

(a) The George James interest, or a portion thereof, has passed to Oliver Benedict and Norman Fain.

(b) The John H. Scott interest is now owned by A. H. Favour, Trustee.

(c) The interest of the Estate of John Wood passed to Elias Wine, and is now vested in the Estate of Elias Wine, deceased, and his heirs, and Elizabeth Wine.

(d) The interest of E. J. Monroe is still owned by E. J. Monroe.

(e) The interest of E. W. Monroe is now owned by said E. W. Monroe and your affiant, Ralph E. Monroe.

(f) The interest of W. J. Davis or John Bristow is now owned by Galista A. Bristow.

(g) The interest of G. H. Harbeson is still owned by said G. H. Harbeson.

(h) The interest of J. W. Wingfield has passed to several interests, including James Wingfield, William Wingfield, Ralph E. Monroe and A. H. Favour, ~~trustees~~, Oliver Benedict, Mattie Wingfield, Frank Tompkins, and others.

(i) The interest of E. G. Cherry has now passed to Logan Warfel and E. V. Mulholland.

(j) The interest of Wales Arnold has passed to Herman Fain.

(k) The Marksbury interest, successor to the Wood Estate, is now owned by Mary E. Marksbury.

(l) That your affiant is informed there is at this time no acting water commissioner under said decree and judgment of the Court, and there has not been a water commissioner herein for many years. That by mutual consent, for upwards of ten years, your affiant has been performing those functions ordinarily to be performed by a water commissioner under decree of the Court, or has been acting, or in charge of the ditch and works by mutual consent of all the parties.

(m) That at this time it becomes necessary to enforce the provisions of the decree of the Court with reference to the time each of the owners along said ditch and entitled to the said water rights, should use the water, and also to collect the assessments which are due for ditch work for the benefit of the said canal and the necessary work to be done therein. That your affiant is powerless to so divide and allocate the water, or to enforce any proper use of the water by the several owners, and your affiant cannot collect the money for the benefit of the men doing the work necessary on said ditch and works.

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WHEREFORE, your affiant prays that a day may be set for all those interested herein to show cause why a Water Commissioner should not be appointed by ~~this Court, or any other the judgment and decree~~ herein referred to, and that a date be fixed therefor.

RALPH E. MONROE

Subscribed and sworn to before me this 9th day of May, 1935.

My commission expires Sept. 6th, 1935.

WMA. EGG
NOTARY PUBLIC.

(Notarial Seal)