

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

FILED
MAY 22 1953
3:01 O'CLOCK P.M.
DEPUTY CLERK
EMMA SHULTZ

GEORGE W. HANCE and
PARTHENY H. HANCE,

Plaintiffs,

vs.

WALES ARNOLD, et al.,

Defendants.

No. 4772

RESIGNATION

TO THE HONORABLE W. E. PATTERSON, Judge of the Superior Court
of Arizona, in and for the County of Yavapai:

I, the undersigned, RALPH E. MONROE, a resident of Yavapai
County, Arizona, heretofore appointed by this Court on the 28th day of
May, 1935, Water Commissioner under the Decree of the Honorable
Richard E. Sloan, Judge, made and entered in the above-entitled Cause
on the 23rd day of March, 1909, hereby resign as such Water Commissioner,
and respectfully request that this my written resignation from the office
of Water Commissioner, as aforesaid, be accepted by this Court; and I
represent to this Court that I stand ready to settle my accounts, report on
my stewardship and deliver up all of the property held by me as said Water
Commissioner to this Court or to the person whom this Court shall ap-
point to receive said property; and in support hereof there follows my ac-
count and report of my tenure of the office of said Water Commissioner.

DATED at Camp Verde, Arizona, this 22nd day of May, 1953.

Ralph E. Monroe
Ralph E. Monroe

ACCOUNT AND REPORT
OF
WATER COMMISSIONER

Comes now RALPH E. MONROE, Water Commissioner under Decree of this Court made and entered in the above-entitled Cause on March 23, 1909, and in support of written resignation hereinabove set forth, makes this his Account and Report of his tenure of office of said Commissionship, as follows:

I.

That at all times since May 28, 1935, your Commissioner has been the duly appointed and acting Water Commissioner under that certain Judgment of the Honorable Richard E. Sloan, Judge, made and entered in the above entitled cause on March 23rd, 1909; that said Judgment, entitled: "Conclusions of Law and Judgment", entered after submission of the cause on agreed statement of facts, was and is a decision concerning water and ditch rights on the Lower or Old Verde ditch and the Upper or New Verde ditch (which ditches system is now locally known as and commonly referred to as The Woods Ditch), in the vicinity of Camp Verde, Yavapai County, Arizona.

II.

That in the Order of this Court, dated May 28, 1935, appointing the undersigned as said Water Commissioner, your Water Commissioner was specifically:

1. "Authorized and empowered to enforce the provisions of said judgment and decree of said Richard E. Sloan, Judge, with reference to the payment of assessments for the maintenance and upkeep of the ditch, headgate and appurtenances," and
2. "Authorized and empowered to carry out the terms and conditions of said judgment and decree with reference to the use of the waters of the ditch therein mentioned."

That, with reference to the duties of your Water Commissioner involving the enforcement of the Sloan Judgment concerning "the payment of assessments for the maintenance and upkeep of the ditch, head-gate and appurtenances", your Water Commissioner has received certain moneys as assessment receipts and has expended said assessment receipts in the upkeep of the ditch, head-gate and appurtenances; that the fiscal records of your Water Commissioner, being permanent records of the "Woods or Verde Ditch Company" (this term being used informally, not officially), are voluminous and are not incorporated in this Account and Report, but the same are herewith tendered for inspection and audit by this Court or any interested parties, if desired; that at all times during your Water Commissioner's stewardship, the books and records, including minutes of meetings, of the so-called "Woods Ditch Company", have been and are public records and open to inspection by any interested party; that said books and records are true, accurate and correct in all respects, as rendered; that the financial position of your Water Commissioner (Woods Ditch Company) on date of this Resignation and Account and Report is, as follows:

**FINANCIAL STATEMENT
Verde Ditch Company
December 31, 1952**

<u>ASSETS</u>			
Cash on Hand		\$ 1.44	
Accounts Receivable		1,691.57	
	Total Assets	1,693.01	\$ 1,693.01
<u>LIABILITIES</u>			
Accounts Payable		\$ 1,693.01	
	Total Liabilities	1,693.01	\$ 1,693.01

That since January 1, 1953, the Verde Ditch Company has made certain collections which have been credited to Accounts Receivable and charged to Accounts Payable, and has incurred certain expenses; said receipts and expenses being more particularly described as follows:

Receipts
January 1, 1953 to May 15, 1953

Graham, William	\$	3.34	
Kilby, Elmer (by Nichols, J. D.)		3.00	
Russell, J. H.		14.46	
Verde Indians		121.57	
Tompkins, Julia (by Watson, F. L.)		2.00	
Muse, H. A. (by Marshall, L. N.)		6.00	
Total Receipts		150.37	\$ 150.37

Note: Attached hereto in support of the above listed receipts are duplicate receipts given payees at the time of payment.

Expenses Paid
January 1, 1953 to May 15, 1953

	January 15 - Wingfield Commercial Company, Office Supplies	\$.61	
	19 - Wingfield Commercial Company, Stamps		.86	
	19 - Wingfield Commercial Company, Office Supplies		.20	
	27 - Wingfield Commercial Company, Ditch Supplies and Labor		1.42	
March	11 - Wingfield Commercial Company, Order No. 7433		9.30	
	31 - Pauline Boyer, Secretary's Salary,		25.00	
May	1 - Wingfield Commercial Company, Ditch Supplies and Labor		19.98	
	Total Expenses		57.37	\$ 57.37

Note: Attached hereto in support of the above listed expenditures are receipts received at the time expenditures were made.

That the cash position of the Verde Ditch Company, as of May 15, 1953, therefore, is as follows:

	Balance on Hand, December 31, 1952;	\$	1.44
ADD:	Receipts to May 15, 1953, as listed above;		150.37
			151.81
LESS:	Cash Disbursements to May 15, 1953, as listed above;		57.37
LEAVING:	Cash on Hand, May 15, 1953	\$	94.44

Therefore, the Financial Statement of the Verde Ditch Company, as of May 15, 1953 (showing itemization of Accounts Receivable and Accounts Payable) is as follows:

ASSETS

<u>Cash on Hand</u> (on deposit with the Wingfield Commercial Company, Camp Verde, Arizona)	\$	94.44
<u>Accounts Receivable:</u>		
Campbell, Mary	\$	14.01
Darwin, James L.		128.41
Dickison, Albert		119.19
Erickson, Ben L.		21.11
George, L. N.		33.37
Hopper, Earl		212.65
Harris, Afton		46.00
Hollamon, John D.		12.55
Kilby, Elmer		202.54
Layton, William		18.20
Lawrence, N. E.		87.57
Muse, J. W.		322.05
McCracken, Harvey		41.83
Reid, Ralph G.		67.30
Russell, J. H.		6.67
Sullivan, William		118.68
Tompkins, Julia E.		16.24
Waldroup, Eugene		16.68
Wingfield, H. B.		<u>62.15</u>
		1,547.20
<u>1953 Expenses Paid:</u>		<u>57.37</u>
Total Assets		\$ 1,699.01

LIABILITIES

<u>Accounts Payable:</u>		
Benedict, O. A.	\$	0.36
Davidson, W. J. & Marion		525.02
Gambee, H. C.		27.32
Harbeson, Charles H.		7.04
Harbeson, Vernon		22.75
Harris, Phil		178.30
Monroe, Ralph E.		237.93
Muse, H. A.		91.88
Swift, William		168.53
Reeves, Jesse		149.38
Stenhouse, James L.		6.57
Taylor, A. R.		11.07
White, R. J.		16.61
Schell, Joe		191.05
Zellner, D. G.		<u>65.20</u>
Total Liabilities		\$ 1,699.01

The manner in which the books and records of the Verde Ditch Company are maintained is as follows:

Parties-in-interest along the Ditch perform labor in the maintenance and repair of the Ditch for which they are compensated in credit against their annual ditch assessments at an agreed rate of One Dollar (\$1.00) per hour's work. Each party-in-interest maintains time records which are turned in to the Ditch Company. For example, as of May 15, 1953, the following time records have been submitted to the Verde Ditch Company, which work performed and money earned, pursuant thereto, constitute an Account Payable of the Verde Ditch Company:

Davidson, Marion	\$ 12.00
Lawrence, N. E.	40.00
Monroe, R. E.	100.00
Muse, Jim	4.00

Other interested persons along the Ditch as of date of preparation of this Account and Report have performed labor during the year 1952 on the Ditch to which they are entitled the agreed compensation of One Dollar (\$1.00) per hour's labor. However, as of date of preparation of this Account the time records of these persons thus performing labor along the Ditch have not been submitted to the Ditch Company. Neither the above-listed records of work performed (reflected in dollar amounts) nor the money owed for other work performed by persons who have not submitted their time records appears in the financial statement as of May 15, 1953, above set forth.

All members performing work along the Ditch receive credit for the work done by them on the Ditch at the stipulated rate of One Dollar (\$1.00) per hour's work and said credit is applied against the annual assessment made by the Ditch Company against each member along the

That he is the Water Commissioner appointed under the above-entitled cause on May 28, 1935; that he is the same person who has subscribed to the foregoing Resignation and Account and Report of Water Commissioner prepared for filing in the above entitled Court and Cause; that he has read all of the foregoing Resignation and Account and Report of Water Commissioner and knows of his own personal knowledge that the contents thereof and the matters and things stated therein are true in substance and in fact, except as to those matters therein stated upon information and belief or personal opinion, and as to them, he believes it to be true.

Ralph E. Monroe *R.E.M.*

Subscribed and sworn to before me this 22nd day of May, 1953.

A. B. Starnes
Notary Public

My commission expires

3 - 19 - 1954

FAVOUR AND QUAIL

By A. B. Starnes
A Member of the Firm,
The Bank of Arizona Building,
P. O. Box 1391,
Prescott, Arizona,

Attorneys for Ralph E. Monroe