

FILED
 APR 15 1963
 NELLIE M. HANCE, Clerk
 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

PETITION FOR HEARING AND
TEMPORARY INJUNCTION

TO: The Honorable Jack L. Ogg, Judge of the Superior Court of
Yavapai County, Arizona.

COMES NOW, A. B. FOSTER and W. G. ELERICK, by and
through their counsel Messrs. Kingsbury and Jacobson, P.O. Box 513,
Prescott, Arizona, and respectfully petitions the Court as follows:

I

That your Petitioners are the owners of shares in the Lower Verde Ditch Company (Old Ditch) and as such, have an interest in said Ditch and are entitled to their respective share of waters flowing in said Lower Verde Ditch.

II

That Marion E. Davidson and Craig I. Jackson are the duly appointed Commissioners of the Verde Ditch Company and the Lower Verde Ditch Company, respectively.

III

That on or about the 25th day of April, 1963, said Commissioners promulgated certain rules and regulations for the operation of said Ditch Companies, designated as "Rules and Regulations No. 1"; that by the

terms of said Rules and Regulations, they are to become effective on the 30th day of April, 1963 at 12:01 A.M. thereof; that a copy of said Rules and Regulations were not delivered to Petitioners until the 26th day of April, 1963 and by reason thereof, Petitioners have not had a opportunity to review said Rules and Regulations or to make known any objections or amendments they might have prior to the effective date thereof; that Petitioners are informed and believe and therefore allege, that said Rules and Regulations have not been approved by a majority of the shareholders of the Verde Ditch Company and the Lower Verde Ditch Company and have not been approved by the Judge of the Superior Court of Yavapai County.

IV

That the Commissioners have no power to promulgate rules and regulations or the operation of the Verde Ditch Company or the Lower Verde Ditch Company.

V

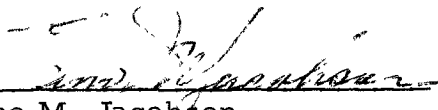
That in the event such power exists, the same may not be exercised by the Commissioners without the approval of a majority of the shareholders of said Ditch Companies or without the approval of the Judge of the Superior Court of Yavapai County, Arizona.

VI

That said Commissioners intend to enforce said Rules and Regulations after 12:01 A.M. on the 30th day of April, 1963; that if said Rules and Regulations are enforced, Petitioners and other shareholders similarly situated, shall suffer irreparable damage, and that by reason thereof, it is fit and proper that this Court issue its order, temporarily enjoining said Commissioners from the enforcement of said Rules and Regulations and to require the Commissioners to present said Rules and Regulations to the Superior Court of Yavapai County, Arizona for approval disapproval or modification.

WHEREFORE, Petitioners pray that a temporary injunction issue against said Commissioners, enjoining said Commissioners from the enforcement of said Rules and Regulations promulgated on April 25, 1963 and to require said Commissioners to present to the Court for approval, disapproval or modification, all of said Rules and Regulations, said injunction to issue without notice; that a hearing be held on a day certain to allow Petitioners and other shareholders to appear and present objections and modifications to said Rules and Regulations; that notice of said hearing be directed to said Commissioners and all other shareholders of said Verde Ditch Company and Lower Verde Ditch Company in such manner as the Court may deem advisable; and for such further and additional relief as the Court may deem just and equitable in the premises.

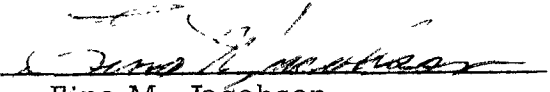
KINGSBURY & JACOBSON

By 
 Eino M. Jacobson
 P.O. Box 513
 Prescott, Arizona
 Attorneys for Petitioners

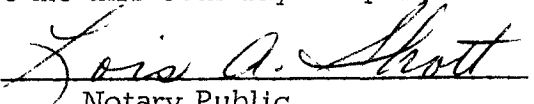
STATE OF ARIZONA)
) ss.
 County of Yavapai)

EINO M. JACOBSON, being first duly sworn on oath, deposes and says:

That he is an attorney at law, authorized to practice for the various Courts in the State of Arizona and the District of Arizona; that he makes this verification for and on behalf of the Petitioners herein, he being familiar with the facts herein contained; that he has read the foregoing Petition for Hearing and Temporary Injunction and knows the contents thereof and the statements therein contained are true in substance and in fact except those which may be made upon information and belief, and as to those he believes them to be true.


 Eino M. Jacobson

Subscribed and sworn to before me this 30th day of April, 1963.


 Lois A. Scott
 Notary Public

My Commission expires:

4-9-67