

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

DIVISION 1

ETHEL BOUTON, Clerk of the Superior Court

HON. RICHARD ANDERSON (Judge)

By: Louise Davis (Deputy)

CASE NUMBER: 4772

DATE: October 24, 1988

TITLE:

GEORGE W. HANCE, et al

(Plaintiff)

COUNSEL:

(For Plaintiff)

vs:

and

WALES ARNOLD, et al

(Defendant)

(For Defendant)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

Hearing combined with Annual Ditch Meeting for Verde Ditch Co.

The record will reflect the presence of Court Clerk and Court Reporter; Louise Davis appointed special clerk for this hearing and Mr. David Lundy acting as court reporter.

The record will reflect the presence of the ditch committee: Glen Everett, Vince Higginbotham, Doc Ferguson, Dale Harper, and the bookkeeper, Marty Cathcart. Bobbye Sell, Michael Mongini and Sandra Halma, members of the Judge's Special Committee are present.

The Court finds, pursuant to Arizona Rules of Civil Procedure, Rule 81, that the application of the Rules of Civil Procedure would not be feasible and would work an injustice in this case which was pending at the time of the adoption of those rules.

IT IS ORDERED appointing the following Commissioners to operate the business of the Verde Ditch Company to serve in the capacities set opposite their names: Doc Ferguson-primary responsibility is the upper 1/3 of Ditch; Vince V. Higgenbotham - primary responsibility is the middle 1/3 of Ditch; Glenn W. Everett - primary responsibility is the lower 1/3 of the Ditch; Dale Harper - primary responsibility is the ditch business and public relations and to assist as needed on all work; and John Redell - primary responsibility is the ditch business and public relations and to assist as needed on all work.

IT IS ORDERED that the Commissioners prepare new rules and regulations for the operation of the ditch and submit the same, together with comments and legal memoranda, to the Court. A copy of the proposed rules will be served upon Mr. Mongini who will respond to the rules and memoranda.

The Court read the report of the Special Committee and ordered that the materials requested in that report be provided to the Committee.

Mr. Mabery reported orally regarding pending litigation involving the Ditch Company.

The Commissioner, Glenn Everett, reported on maintenance and repairs of the ditch, operations of the ditch and current status of obtaining government grants to assist in repairs and maintenance.

cc: L. Richard Mabery, Esq. Michael Mongini, Esq.

cc: Verde Ditch Company