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O'Clock,

APR 19 1990  
By Ethel Boston Clerk  
Deputy

1 L. Richard Mabery, Esq.  
2 L. RICHARD MABERY, P.C.  
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4 Prescott, Arizona 86301  
5 Telephone: (602) 778-1116  
6 State Bar I.D. No. 005188

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

9 GEORGE W. HANCE, et al., )  
10 Plaintiffs, ) No. 4772  
11 vs. ) Division 2  
12 WALES ARNOLD, et al., ) AFFIDAVIT IN SUPPORT OF  
13 Defendants. ) MOTION FOR ORDER TO SHOW  
14 ) CAUSE IN RE CONTEMPT

15 STATE OF ARIZONA, )  
16 ) ss:  
17 County of Yavapai. )

18 GLEN W. EVERETT, VINCE V. HIGGINBOTHAM, HOWARD D.  
19 FERGUSON, JOHN REDDELL and GORDON BROCKER, being first duly sworn  
20 upon their oath, depose and state:

21 1. We are the Commissioners of the Verde Ditch Company  
22 and, being familiar with the facts, make this Affidavit in order  
23 to seek enforcement of the Court's Order of February 6, 1988.

24 2. On February 6, 1988, the above-entitled Court  
25 signed its Order which reads:

26 2. That Defendants, A.L. HIETT and HAZELDELL  
27 HIETT, husband and wife, shall not, and are hereby  
28 prohibited from:

A. Restricting, retarding or inter-  
fering with the flow of the Verde  
Ditch;

LAW OFFICES OF  
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B. Diverting water from the Verde Ditch except on the dates and times regularly scheduled and approved by the Verde Ditch Commissioners;

Specifically, A.L. HIETT and HAZELDELL HIETT, husband and wife, shall not divert, use, impound or restrict the flow of water flowing in the Verde Ditch on the following days and times:

Mondays: 6:00 A.M. - 6:00 P.M.  
Tuesdays: 6:00 A.M. - 6:00 P.M.

C. Placing, building or constructing any crossing, bridges or other structures over or across the Verde Ditch;

D. Adding, constructing or placing any further irrigation headgates into the Verde Ditch, except as provided in paragraph 3(B);

E. Modifying or changing the Verde Ditch banks;

F. Allowing water to be diverted so that it flows over the top of the Verde Ditch banks; and

G. Wasting water from the Verde Ditch.

3. A.L. HIETT and HAZELDELL HIETT, husband and wife, shall, within thirty (30) days from the date hereon:

A. Remove the recent bridge or crossing installed across the Verde Ditch;

B. Install non-leaking headgates (as approved by the Verde Ditch Commissioners) to divert water from the Verde Ditch in such locations as designated by the Soil Conservation Service; and

C. Abide by the water delivery schedules of the Verde Ditch Company.



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SUBSCRIBED AND SWORN to before me, the undersigned  
Notary Public, this 11 day of April, 1990, by GLEN  
W. EVERETT, VINCENT HIGGINBOTHAM, HOWARD D. FERGUSON, JOHN  
REDELLE and GORDON BROCKER.

Helen Tackitt  
Notary Public

My Commission Expires:

MJO/9.51



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