

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

DIVISION 3

ETHEL BOUTON, Clerk

HON. JAMES B. SULT

By: Mary Slaughter, Deputy Clerk

CASE NUMBER: 4772

DATE: November 5, 1990

TITLE:

COUNSEL:

GEORGE W. HANCE, et al.

L. Richard Mabery

(Plaintiff)

(For Plaintiff)

vs.

and

WALES ARNOLD, et ux., et al.

Douglas G. Wymore  
1136 E. Campbell  
Phoenix, AZ 85014

(Defendant)

(For Defendant)

HEARING ON:

COURT REPORTER:

ORDER TO SHOW CAUSE

Heidi Anderson

This being the time set for hearing on Plaintiff's Order to Show Cause, the Plaintiffs appearing in person and through their counsel, L. Richard Mabery; the Defendants, Jim and Colleen Davis, appearing in person and through their counsel, Douglas Wymore.

Comes now Plaintiff's counsel and invokes the Rule excluding witnesses from the Courtroom.

Sonny Cook, Dale Harper, Doc Ferguson, Vince Higginbotham and Marty Cathcart are sworn to testify and, thereafter, excused from the Courtroom pending their testimony.

Jim Davis, Defendant, is sworn and testifies.

Plaintiff's Exhibit Nos. 1 through 5 and Defendant's Exhibit Nos. 6 and 7 are marked for identification, to wit:

No. 1	Verde Ditch Rules & Regulaations
No. 2	Order Promulgating New Rules
No. 3	Letter, Commissioners to Davis, 2/3/89
No. 4	Letter, Commissioners to Davis, 7/28/89
No. 5	Set of 5 Sheets Containing 14 Photos
No. 6	Photo
No. 7	Photo

Come now counsel and stipulate to the admission of Exhibit Nos. 1 through 7 and Exhibit Nos. 1 through 7 are admitted pursuant to stipulation of the parties.

Glen W. Everett is sworn and testifies.

Vince Higginbotham, previously sworn, takes the stand and testifies.

Howard D. "Doc" Ferguson, previously sworn, takes the stand and testifies.

At the hour of 2:55 p.m., Court stands at recess until the hour of 3:00 p.m.

Martha Cathcart, previously sworn, takes the stand and testifies.

Sonny Cook, previously sworn, takes the stand and testifies on behalf of the Defendants.

Dale Harper, previously sworn, takes the stand and testifies on behalf of the Defendants.

Comes now the Court and advises a telephonic closing argument will be scheduled.

-----

IT IS ORDERED setting telephonic oral argument on the Order to Show Cause for Tuesday, November 6, 1990 at 3:00 p.m., with 1/2 hour allotted.