

Ditch in the Southeast quarter of the Southeast quarter (SE ¼ SE ¼) of Section 31, Township 14 North, Range 5 East, Gila and Salt River Meridian, Yavapai County, Arizona, and as more fully described in Exhibit "1", attached hereto and by this reference made a part hereof.

The easement to be granted would be perpetual unless abandoned by the State and would provide the following conditions for the easement:

- A. Non-exclusive;
- B. Construction will not unduly or unreasonably interfere with the operation of the Verde Ditch;
- C. The plans for the construction of the roadway and all other improvements over, across or under the Verde Ditch will be approved by the **VERDE DITCH COMMISSIONERS** prior to construction, to insure that the roadway will not restrict, retard, diminish or restrict the flow of the Verde Ditch;
- D. The improvements built by the **ARIZONA DEPARTMENT OF TRANSPORTATION** will not unreasonably modify or restrict the ability of **THE VERDE DITCH COMPANY** to inspect, repair and maintain the Verde Ditch within the easement area;
- E. The **ARIZONA DEPARTMENT OF TRANSPORTATION** will be solely responsible for any damage or liability occurring from the design, construction and maintenance of the highway and improvements built by **ARIZONA DEPARTMENT OF TRANSPORTATION** within the easement area;

- F. **ARIZONA DEPARTMENT OF TRANSPORTATION** will pay to **THE VERDE DITCH COMPANY** the sum of \$3,013.00 for the granting of such easement; and
- G. The improvements built by **ARIZONA DEPARTMENT OF TRANSPORTATION** not divert into, increase or allow drainage, surface or sheet flow to flow into the Verde Ditch as a result of such construction.

The **VERDE DITCH COMMISSIONERS** believe that the **ARIZONA DEPARTMENT OF TRANSPORTATION**'s request is reasonable and not unduly burdensome to the Verde Ditch operations.

CONCLUSION

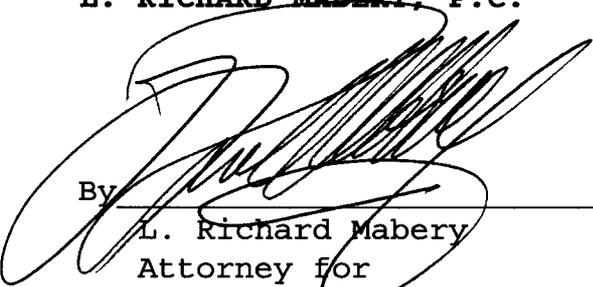
The **VERDE DITCH COMMISSIONERS** request that the Court enter an Order:

1. Authorizing any two of the **VERDE DITCH COMMISSIONERS** to sign a recordable easement over and across the Verde Ditch, which includes and encompasses the provisions contained herein;
2. Authorizes the **VERDE DITCH COMMISSIONERS**, in their discretion, to approve any and all plans as prepared by **ARIZONA DEPARTMENT OF TRANSPORTATION** for such construction within the easement location; and
3. Authorizes the **VERDE DITCH COMMISSIONERS**, on behalf of **THE VERDE DITCH COMPANY** and the shareholders thereof, to receive the sum of \$3,013.00, as and for compensation to be paid by **ARIZONA DEPARTMENT OF TRANSPORTATION** in consideration of the easement granted.

* * * * *

RESPECTFULLY SUBMITTED this 27th day of March, 2002.

L. RICHARD MABERY, P.C.

By 

L. Richard Mabery
Attorney for
THE VERDE DITCH COMPANY

**COPY of the foregoing Application
for Approval and Authority for the
Verde Ditch Commissioners to Execute
an Easement mailed this 27th day
of March, 2002, to:**

Verde Ditch Company
P. O. Box 2345
Camp Verde, AZ 86322

Janice Cunningham, SR WA
Right of Way Agent
Acquisition Sciences, LTD.
21640 North 19th Avenue, Suite C-3
Phoenix, Arizona 85027

Michael J. Serio, CPM
Right of Way Agent
Arizona Department of Transportation
205 South 17th Avenue, Room 349
Mail Drop 612E
Phoenix, Arizona 85007



/dag

Law Offices of
L. Richard Mabery, P.C.
234 North Montezuma Street
Prescott, Arizona 86301-3008
(520) 778-1116

DESCRIPTION FOR EASEMENT

That portion of the Verde Ditch running through the Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 31, Township 14 North, Range 5 East, Gila and Salt River Meridian, Yavapai County, Arizona, which lies between Line No. 1 and Line No. 2 described as follows:

LINE 1:

Commencing at a 5/8 inch rebar marking the South quarter corner of said Section 31, which bears South 0°18'29" East 5285.50 feet from a Bureau of Land Management (BLM) brass cap marking the North quarter corner of said Section 31;

thence along The North – South mid-section line of said Section 31, North 0°18'29" West 992.87 feet to the POINT OF BEGINNING;

thence from a Local Tangent Bearing of North 84°48'59" East, along a curve to the Left, having a radius of 17238.73 feet, a length of 82.25 feet;

thence North 0°18'29" West 7.03 feet;

thence from a Local Tangent Bearing of North 84°32'27" East, along a curve to the Left, having a radius of 17231.73 feet, a length of 126.90 feet;

thence North 84°07'08" East 92.38 feet;

thence South 0°18'29" East 11.62 feet;

thence North 84°05'44" East 200.07 feet;

thence North 84°15'43" East 208.76 feet;

thence North 0°18'29" West 13.06 feet;

(continued)

EXHIBIT "A"

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thence North 84°07'08" East 254.76 feet;
thence South 0°13'54" East 18.09 feet;
thence South 83°07'58" East 183.77 feet;
thence North 0°18'07" West 27.48 feet;
thence North 89°41'50" East 77.95 feet;
thence along a curve to the Right, having a radius of 210.00 feet, a length of 65.09 feet;
thence South 72°32'39" East 132.41 feet;
thence along a curve to the Right, having a radius of 110.00 feet, a length of 64.41 feet;
thence South 66°33'09" East 441.15 feet;
thence South 75°15'39" East 445.13 feet;
thence from a Local Tangent Bearing of South 46°36'09" East, along a curve to the Right, having a radius of 1332.39 feet, a length of 301.41 feet;
thence South 25°39'19" East 272.97 feet;
thence South 27°30'00" East 79.77 feet to the East line of said Section 31, and the POINT OF ENDING, which bears North 0°09'59" West 160.90 feet from a BLM brass cap marking the Southeast corner of said Section 31.

LINE 2:

Commencing at an aluminum cap in handhold, LS stone #12218, marking the East quarter corner of said Section 31, which bears North 0°09'59" West 2643.80 feet from a BLM brass cap marking the Southeast corner of said Section 31;

(continued)

EXHIBIT "A"

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thence South 0°09'59" East 1708.72 feet to the existing West right of way line of said State Route 260;

thence from a Local Tangent Bearing of South 13°42'28" West, along said existing West right of way line, along a curve to the Left, having a radius of 987.93 feet, a length of 43.71 feet to the POINT OF BEGINNING;

thence South 39°55'04" West 44.34 feet;

thence South 17°31'51" West 135.73 feet;

thence from a Local Tangent Bearing of South 39°54'02" East, along a curve to the Right, having a radius of 1542.39 feet, a length of 302.97 feet;

thence South 24°44'04" East 102.23 feet;

thence South 17°43'39" East 136.25 feet;

thence South 4°00'01" East 181.14 feet to the existing East right of way line of said State Route 260;

thence from a Local Tangent Bearing of South 16°21'48" East, along a curve to the Right, having a radius of 1004.93 feet, a length of 95.62 feet, to a point on the South Township line of said Township 14 North, said point being the POINT OF ENDING, which bears South 90°00'00" West 2415.89 feet from a BLM brass cap marking the South quarter corner of Section 32, Township 14 North, Range 5 East.

EXHIBIT "A"

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