

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
TERRITORY OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI.

George W. Hance and Partheny  
H. Hance,  
Plaintiffs,  
-vs-  
Wales Arnold, et al,  
Defendants.

TERRITORY OF ARIZONA, )  
COUNTY OF YAVAPAI, ) SS:

George W. Hance being first duly sworn, deposes and says that he is one of the plaintiffs in the above entitled action. That he resides at Camp Verde, in the County of Yavapai, Territory of Arizona. That this affiant and his wife are the plaintiffs in said action.

That the question involved in the said action is the ownership in and to the water flowing in what is known as the Verde Ditch. That this affiant is the owner of three-twentieths ( $3/20$ ) of the New Verde Ditch and three-tenths ( $3/10$ ) of a certain pipe line used to convey the water from the New Verde Ditch to the old Verde Ditch, and that he is the owner of a one-fifth ( $1/5$ ) interest in the Old Verde Ditch and that his wife, Partheny H. Hance is the owner of one-twentieth ( $1/20$ ) of the New Verde Ditch and one-tenth ( $1/10$ ) of the pipe line as above stated, for the purpose of conveying the water from the New Verde Ditch to the old Verde Ditch. That his said wife is the owner of one hundred twenty

acres (120) of land taken up and patented by her, under and by virtue of the Land Laws of the United States. That the property of this affiant and his said wife is community property, so far as the use of the water and ditch rights are concerned, and that about thirty (30) acres of the land belonging to said wife has been irrigated since the year 1874, and about thirty (30) acres more was so irrigated before final proof was made in the United States Land office. That by reason of his said wife's individual water rights in the New Verde Ditch and pipe line and her community rights, jointly with this affiant, as husband and wife, her final proof was accepted by the Land Office Officials and patent issued to the said land. That this affiant and his said wife are entitled to two-fifths ( $2/5$ ) of the carrying capacity of the said pipeline and that two-fifths ( $2/5$ ) of the carrying capacity of the pipe does not equal the carrying capacity of the Old Verde Ditch. Therefore the purpose of getting a division of the water by the day so as to get all the irrigating head this affiant has been obliged to take the water next after the William Gray ranch, which is the upper or first ranch irrigated by and from the waters of the Old Verde Ditch, and that they have been losing two to three hours time each run., That this loss could be avoided without injury to any one of the water users, if the water was given to this affiant, next after the Scott ranch. That the distance from the Gray ranch to the ranch of this affiant is two and one half miles by direct line and about three miles by ditch measurement. That the statement made to this Honorable Court by T. G. Norris, Attorney for the defendants, on the 2nd day of March, 1908, to the effect that all parties owning land below the pipe line went in together and purchased said pipe line, and that all parties owning land and water below the same, is incorrect in every particular. That one Bennett and Searcey owned the William Gray ranch, John Davis owned the E. J. and Belle Monroe place and James Brown owned the John Scott place, and all of

said parties absolutely refused to go in with John Wood for the purchase of the pipe and said pipe was purchased by John Wood, individually, and that the owners of the ranches above stated, refused, and that certain proprietors and the renters from said parties refused to pay for the pipe, and certain renters from said parties, paid John Wood, now deceased, Fifty (\$50.) Dollars a year ~~for~~ the purpose of using the pipe for the purpose of running their irrigating water from the New Verde Ditch to the Old Verde Ditch each and every year, and no one owned any interest in said pipe line except by purchase from said John Wood, or from those who did purchase from said John Wood:

That on the 9th day of April, 1908, W. Latimer measured the Old Verde Ditch and found that under ordinary head of water it had about all the carrying capacity of the pipe and there was one hundred sixty eight and three tenths (168.3) miners inches therein, as per the tabulated statement made by him, hereunto attached and made a part of this affidavit. And that on the 11th day of April, 1908, said Latimer measured the New Verde Ditch and there was ten hundred fifty nine and sixty-eight hundredths (1059.68) miners inches therein, according to the tabulated statement hereunto attached and made a part of this affidavit. That the cost of the work of cleaning and repairing the New Verde Ditch for the year 1908, up to the 12th day of May, 1908, amounts to \$2290.75, and the cost of the repairing of the Old Verde Ditch for the year 1908, to same date, amounts to \$726.29. That the shareholders are using one hundred sixty-six (166) miners inches of water now belonging to this affiant and his said wife, for which they refuse to pay them, or in any way account to this affiant. And have placed the expense account for the repair of the said ditch, in the hands of their attorneys, for collection against this affiant

And further this affiant states that he and his said wife jointly own one fifth of the New Verde ditch and one fifth of the Old Verde Ditch and two fifths of the pipe line, and according to the said Latimer measurements of said ditches they are entitled to about thirty-three and two-fifths ( $33\frac{2}{5}$ ) miners inches per day, out of the entire head of one hund-

red sixty-eight and three-tenths (168.3) inches, and when used jointly about 168.3 inches the same number of hours once every five days. That the said Old Verde Ditch is used by all of the parties under it and irrigating from the same, as a waste and the <sup>ditch</sup> ~~pipe~~ becomes filled with sand and deposits and should be cleaned out at the expense of the said ditch owners, and that the same has not been cleaned out, except down to the land of this affiant.

And further this affiant asks this Honorable Court to protect their rights in both ditches and not allow the several shareholders to buy water for themselves or sell to others, non-shareholders, for less than the actual cost of ordinary repair and running expenses of the said ditch, and ask that the Commissioner account to this affiant and his said wife for one hundred sixty-six inches of water, or that this affiant and his said wife may be charged only with the expense of the portion of water that they actually use each day during the pendency of this action.

And further affiant says not.

Geo W Hance

Subscribed and sworn to before me this 22nd day of May, A.D.  
1908.

My commission expires February 4, 1911.

J. E. Russell  
NOTARY PUBLIC.

Expenses - New Verde Ditch for year of 1908

By E. W. Monroe and S. C. Cherry supts to Michl<sup>l</sup> \$1748.25

1/5 Expenses

\$349.65

By Geo. Ried, Commissioner from Mch to May 12<sup>th</sup>

\$552.50  
2290.75

1/5 Expenses

\$110.50

460.15

— X — X — X — X — X — X — X —

Expenses Old Verde Ditch for year 1908 by J. J. Sullivan supt. and Geo. Ried Commissioner from Jan 23<sup>rd</sup> to May 12<sup>th</sup> Including Pipe

From upper end Ditch to Monroe lower line

\$454.79

1/5 Expenses

\$90.95 1/2

From Monroe's lower line to Wood's lower line.

\$141.25

1/3 Expenses

\$47.08 1/2

From Wood's lower line to Scott's lower line.

\$79.75

1/2 Expenses

39.87 1/2

From Scott's lower line to Hance first tap box

50.50

50.50

1/8 of Mile

Total Expenses

688.56 1/2

33  
688.56  
2088 1/2

M



# William Stephens,

DEALER IN

## General Merchandise, Hay, Grain and Ranch Produce.

Mar 1	1/5 Expense New Ditch.		<u>34265</u>
	Upper End Old Ditch	1/5	45479 ✓
	Mouross to Wood Lower Line	1/3	14125 ✓
	Scott Ranch	1/2	7975 ✓
	Stanzas Ranch	1	<u>5050 ✓</u>
			107594

G. W. Hance Acct Verde Ditch May 12 190

Mar 1	To Balance	283 48	
May 12	By Labor Al Crow 1 Day Jo Sullivan 1 Day		40
	To 1/5 Expense	110 50	
	Balance		<u>389.9</u>
			<u>393 98</u> 3939

May 12	To Balance	\$ 389.98	
	Balance Due Mar 1st Monro's Acct	283.48	
	" " May 12 on Ride "	<u>106 50</u>	
		\$ 389.98	

Dec 9th to Jan 31st 1908.  
W. H. Vance acct Verde Ditch Co.

To Balance Dec 9th	4433
To 1/5 Expense \$112827	225.65
	<u>269.98</u>

22565  
5542

Feb 19 1908  
J. H. Vance  
Verde Ditch Co.



T. S. NORRIS.

JOHN M. ROSS

LAW OFFICES OF  
**NORRIS & ROSS**  
PRESCOTT, ARIZONA.

April 2, 1908.

Mr. George Hance,  
Camp Verde, Arizona.

Dear Sir: -

We have for collection against you an account in favor of the Verde Ditch Company, for \$283.48, balance due to February 29th. We are instructed to collect this account, and beg that you send us remittance, or call and see us and oblige,

TGN -P

Very truly yours,

~~Enc~~

*Norris & Ross*

MAJOR OMAR A. TURNEY  
CHIEF SIGNAL OFFICER N.G.A.  
494 NORTH THIRD AVENUE  
PHOENIX ARIZONA



Aug. 10", 1901.

Geo. Hance Esq.

Camp Verde, Ariz.

Dear Sir;-- I-taken pleasure in giving you following figures from our observations which may be of interest to you. We found in the Verde at the so called Falls 2509 inches, from which you may deduct or not as you deem best the Woods Ditch water. We found in Fossil Creek 1352 inches, and Verde below 3625 inches. Deducting Fossil we have in Verde above Fossil 2273 inches. If the Woods water was at the Falls, it was probably here also.

In Clear creek 252 inches. In Oak creek just below ditches 2092 inches and two days later at mouth we found 1991 inches. The latter point was about 9 miles or so lower down, in sand, and during rainy period.

Many of ditches were not carrying normal head. We found in Page ditch 139 inches. In Mason & Dickinson or Dickinson & Horst 350 inches; in Fain ditch 169; Jack Duff 43 which was partial head; Tunnel ditch 190; Cottonwood 711, Hickey 243; OK 517; Eureka 448; Enterprise 94; Eman 235.

If I can afford you any farther information at any time, kindly call upon me. I have before me copies of U.S. Geological Survey maps of the uncompleted survey of Arizona which omit Dragoon or Sycamore ck. also Hardscrabble, also Cottonwood P.O.

Very truly yours.

*O. A. Turney*

MAJOR OMAR A. TURNEY  
 CHIEF SIGNAL OFFICER N.G.A.  
 494 NORTH THIRD AVENUE  
 PHOENIX ARIZONA



Aug. 2<sup>nd</sup>, 1901.

Geo. Hanco Esq.

Camp Verde, Ariz.

Dear Sir;-- I herewith send you copy of notes taken in measurement of the Wingfield Flume.

31.2	1.37							1.004	0.00173	.5582
31.6	1.41	.556	.556	1.74507	<del>5=2-02</del> 5=2-02	122	2.008			
32.	1.41	.564	1.974	0.29535						
	.5	1.41	.705					4.500	2.250	0.35218 4.4415
33.	1.41	.705			10=1-38	98	2.492			
34.	1.39	1.400	2.765	0.44170				4.910	2.455	0.39005 6.7780
35.	1.34	1.365			10=1-41	101	2.418			
		1.340								
36.	1.34		2.680	0.42813				5.075	2.537	0.40432 6.7990
		1.340								
37.	1.34				10=1-32	92	2.657			
38.	1.34	1.340	2.680	0.42813				4.680	2.340	0.36922 6.2712
39.	1.34	1.340			10=2-05	125				
		.402			1-57	117=121	2.023			
.3	1.34		1.194	0.07700				1.012	0.00518	1.2082
		.792								
.9	1.30									
		-----				-----				
		11.849	11.849					11.598	11.598	26.0662

G.H.#2

Actual flow in cubic feet per second as per previous sheet is 26.06+ which is an equivalent to 1042.4 Miner's Inches, or to 195.0 gallons per second.

Measurement made July 28", 1901, at 11 o'clock AM.

If I can be of farther assistance to you or your friends at any time kindly command me.

Very Truly Yours.

*C. L. Lurvey*

26 / 1042  
102

PRESCOTT, ARIZONA.

Measurement of the old Verde  
 ditch at Pantherford. 6 o'clock P.M. April 9<sup>th</sup>,

width 5 ft.

average depth 0.5 ft.

Velocity  $1' = 120 ft = 2 ft$  per sec.

Mean Velocity =  $\frac{9}{10}$  of velocity = 1.8 ft. per sec.

width 5-  
 depth 0.5-

$\frac{2.50}{1.8}$   
 $\frac{20.00}{4.500}$

$= 4.5 \text{ Cu. ft. per. sec.} = 270 \text{ Cu. ft. per. Minute}$

$270 \text{ Cu. ft. per. Min.} = 2019.6 \text{ Gal. per. Min.}$

$\frac{2019.6}{12 \text{ gal. 1. minute inch}} = 168.3 \text{ minute inches.}$

$$\begin{array}{r} 12 \overline{) 2019.6} \\ \underline{12} \phantom{00} \\ 81 \phantom{0} \\ \underline{72} \phantom{0} \\ 99 \\ \underline{96} \\ 36 \\ \underline{36} \\ 0 \end{array}$$

I do hereby certify that the above is true and correct.

Park W. Latimer

County Surveyor,  
 Yavapai Co.

158  
 2335

March 15 - 1915

OFFICE OF

The Surveyor of Yavapai County

OFFICE, HAWKINS BUILDING

PRESCOTT, ARIZONA.

Measurement of new Verde ditch  
 taken at 3 o'clock P.M. April 11<sup>th</sup> 1908.  
 in flume about 2 miles from Headgate  
 and above where any water was taken out.

width of ditch. 9 ft.  
 Average depth. 1.2 ft.  
 Velocity 34.3 Secs = 100 ft = 2.915 ft per Sec. = 174.9  
 ft. per minute.

Mean Velocity 70. of Velocity. = 12716.2 U.S. Gallons.  
 per Min. = 1059.68. minus inches.

Park W. Latimer  
 County Surveyor.  
 Yavapai Co. Ariz.

No. 4772

DISTRICT COURT

OF THE

Fourth Judicial District of Arizona, in and for  
the County of Yavapai

George W. Maxwell et al

vs

Walter Arnold et al,

Filed July 6<sup>th</sup> 1908  
J. M. Clark  
Clerk

LAW OFFICES OF  
E. S. CLARK  
ROOMS 23-24-25-26-27-28 BANK OF ARIZONA BUILDING  
PRESCOTT, ARIZONA