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

GEORGE W. HANCE, et al,
Plaintiffs,

-vs-

WALLES ARNOLD, et al,
Defendants.

STIPULATION OF FACTS

FILED.

at 3 o'clock P.M.

MAR 20 1909

J. M. Watts Clerk.
By _____ Deputy.

REESE M. LING
ATTORNEY-AT-LAW
ROOMS 6-7-8
PRESCOTT NAT'L BANK BLDG.
PRESCOTT, ARIZONA

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

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5 GEORGE W. HANCE, et al,)
6 Plaintiffs,)
7 -vs-)
8 WALTERS ARNOLD, et al,)
9 Defendants.)

STIPULATION OF FACTS.

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14 It is stipulated by and between the parties hereto
15 that the following statement of facts is correct and that the
16 Court may enter a decree herein in accordance therewith:

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18 I.

19 That George Hance is entitled to one-fifth of the
20 flow of the water in the old or lower Verde ditch. That
21 John Wood, John Davis, R. C. Campbell, Abram N. Koontz and
22 Jackson Thompson constructed the old Verde ditch. That each
23 one owned land irrigated by the waters flowing through it.

24 II.

25 That it was constructed and thereafter maintained
26 by all working at the head of the ditch and to the lower side of
27 the land covered by the first diversion, whereupon the user
28 from that diversion dropped out. The remaining users worked
29 to the lower side of the land covered by the second diversion,
30 when that user dropped out and so on to the last user.

31 III.

32 The plaintiff now wishes this method of up-keep of
the ditch so changed that all of the several users will work and

1 bear expense in common according to their proportionate
2 interest in the water.

3 IV.

4 That about 1888 the head of this ditch was washed
5 out and was entirely destroyed beyond possibility of repair.

6 V.

7 That about 1889 or 1890 they undertook to build a new
8 diversion for this ditch on the reservation and were forbidden
9 to continue it by the officers of the Fort Verde military post.

10 VI.

11 That about 1891 John Wood, John Davis and James
12 Brown constructed what is known as the new Verde ditch; the
13 point of diversion for which was at the point of the diversion
14 formerly used by the old Government ditch. John Wood construct-
15 ed and owned six-tenths, Davis two-tenths and James Brown two-
16 tenths.

17 VII.

18 All the water thereafter used in the lower or old
19 ditch was delivered to it through this new ditch.

20 VIII.

21 All of the owners of land irrigated by waters
22 through the old ditch owned severally certain shares or parts
23 of shares in the new ditch, and have been at all times here-
24 tofore charged with such proportion of the total expense of
25 repair and up-keep of the new ditch as the share or parts of
26 share bears to the ten shares or whole of the upper ditch.
27 The lower end of the Ryall or last flume above the pipe-
28 line is what is known and treated as the lower end of the
29 new or upper ditch.

30 IX.

31 Plaintiff G. W. Hance, has been credited with
32 four-twentieths ownership or two shares in the upper or new
ditch and has been charged with the maintenance thereof in
that proportion.

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X.

It is hereby stipulated that the several owners in the lower ditch are entitled to the flow of the waters delivered by it according to their interests as follows: The plaintiffs one-fifth; the Scott Ranch or See & Reeves one-fifth; John Woods ranch one-fifth; and E. J. Monroe two-fifths.

XI.

That the several users of water furnished through the old ditch are entitled to the flow of the water in the upper ditch and acknowledge themselves chargeable with the cost of repair and maintenance in the following proportions:

- George Hance, plaintiff $2/10$
- John H. Scott, $1/10$
- Estate of John Wood, $1/10$
- E. J. Monroe, $3/20$

XII.

That the other owners in the new ditch are as follows:

- E. W. Monroe, $3/40$ or $15/200$
- W. J. Davis, (Jno. Bristow) $3/40$ or $15/200$
- C. H. Harbison $9/100$ or $18/200$
- J. W. Wingfield, $6/100$ or $12/200$
- S. C. Cherry, $2/40$ or $10/200$
- Wales Arnold, $3/40$ or $15/200$
- Marksbury, successor to Wood Estate $1/40$ or $5/200$

LAW OFFICES
REESE M. LING
ROOMS 19 & 20 BASHFORD BLOCK
PRESCOTT, ARIZONA

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XV.

That since the commencement of this action during the year 1908 there was sold 100 inches of water on account of the interest of the plaintiff, and the proceeds, \$300.00, should be credited on his account and applied to his part of the Commissioner's expense of keeping up the ditch. In addition to that, there was sold nine inches of water for \$27.00, 2/10 of which should also be credited to said plaintiff George Hance, making a total credit in his behalf for water sold since the commencement of the action \$305.40.

That the cost of Commissionership and keeping up the ditch properly chargeable to plaintiff, since the commencement of this action is \$500.64, and after deducting said amount of \$305.40 to his credit for water sold, leaves a balance of \$195.24 yet due from plaintiff

Reese M. Ling
J. E. Russell
Atty for Plff.

Storris & Ross
attys for depts.
