

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

formerly

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

MAY 9 1909

Kitty A. ... CLERK
Lula McIntosh DEPUTY

GEORGE W. HANCE and
PARTHENY H. HANCE,

Plaintiffs,

-vs-

WALES ARNOLD, SARAH J. ARNOLD,
S. C. CHERRY, J. H. WINGFIELD,
CHARLES HARBESON, WILLIAM J. DAVIS,
E. W. MONROE, WILLIAM M. GRAY, E. J.
MONROE, JOHN H. SCOTT, BELLE MONROE,
ELIAS WINE, THE VERDE DITCH COMPANY,
A Voluntary Association, and WILLIAM
STEVENS and WILLIAM LANE, as Executors
of the Estate of John Wood, Deceased,

Defendants.

No. 4772.

AFFIDAVIT AND
PETITION

STATE OF ARIZONA,)
) ss.
COUNTY OF YAVAPAI.)

RALPH E. MONROE, being first duly sworn, on oath,
deposes and says:

(1) That the Judgment and Decree of the Honorable
Richard E. Sloan, Judge, made herein on the 23rd day of
March, 1909, has remained in full force and effect from
that date down to the present time, and has not been
modified or changed, and is now in full force and effect.

(2) That in Paragraph II of said Judgment and
decree, there are set out the interests of the respective

parties in and to the ditch therein mentioned, and certain devolution of title has taken place as follows, to-wit:

(a) The George Hance interest, or a portion thereof, has passed to Oliver Benedict and Norman Fain.

(b) The John H. Scott interest is now owned by A. H. Favour, Trustee.

(c) The interest of the Estate of John Wood passed to Elias Wine, and is now vested in the Estate of Elias Wine, deceased, and his heirs, and Elizabeth Wine.

(d) The interest of E. J. Monroe is still owned by E. J. Monroe.

(e) The interest of E. W. Monroe is now owned by said E. W. Monroe and your affiant, Ralph E. Monroe.

(f) The interest of W. J. Davis or John Bristow is now owned by Calista A. Bristow

(g) The interest of C. H. Harbeson is still owned by said C. H. Harbeson.

(h) The interest of J. W. Wingfield has passed to several interests, including James Wingfield, William Wingfield, Ralph E. Monroe and A. H. Favour, co-owners, Oliver Benedict, Hattie Wingfield, Frank Tompkins, and others.

(i) The interest of S. C. Cherry has now passed to Logan Warfel and E. V. Mulholland.

(j) The interest of Wales Arnold has passed to Norman Fain.

(k) The Marksbury interest, successor to the Wood Estate, is now owned by Mary L. Marksbury.

(3) That your affiant is informed there is at this time no acting water Commissioner under said decree and judgment of the Court, and there has not been a water commissioner herein for many years. That by mutual consent, for upwards of ten years, your affiant has been performing those functions ordinarily to be performed by a water commissioner under decree of the Court, or has been acting, or in charge of the ditch and works by mutual consent of all the parties.

(4) That at this time it becomes necessary to enforce the provisions of the decree of the Court with reference to the time each of the owners along said ditch and entitled to the said water rights, should use the water, and also to collect the assessments which are due for ditch work for the benefit of the said canal and the necessary work to be done therein. That your affiant is powerless to so divide and allocate the water, or to enforce any proper use of the water by the several owners, and your affiant cannot collect the money for the benefit of the men doing the work necessary on said ditch and works.

WHEREFORE, your affiant prays that a day may be set for all those interested herein to show cause why a Water Commissioner should not be appointed by this Court, to act under the Judgment and Decree herein referred to, and that a date be fixed therefor.

Ralph E. Monroe

Subscribed and sworn to before me this 9th day of May, 1935.

My commission expires Sept. 6th, 1935.

Vera Dage
Notary Public.