

FILED
9:00 O'Clock, A. M

FEB 2 1988

By *[Signature]*
ETHEL BOUTON, Clerk
Deputy

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

| | | | |
|----|--------------------------|---|-----------------------------|
| 1 | GEORGE W. HANCE, et al., |) | |
| 2 | |) | |
| 3 | Plaintiffs, |) | No. 4772 |
| 4 | |) | |
| 5 | vs. |) | Division 1 |
| 6 | |) | |
| 7 | WALES ARNOLD, et al., |) | PETITION FOR APPROVAL AND |
| 8 | |) | AUTHORIZATION TO EXECUTE |
| 9 | Defendant. |) | POOLING AGREEMENT WITH THE |
| 10 | |) | UNITED STATES DEPARTMENT OF |
| 11 | |) | AGRICULTURE, AGRICULTURAL |
| 12 | |) | STABILIZATION AND |
| 13 | |) | CONSERVATION SERVICE |

VINCE V. HIGGINBOTHAM, GLEN W. EVERETT and H. D. FERGUSON, Commissioners of the Verde Ditch Company, with the concurrence of HOMER D. HARPER and JOHN H. BLEVENS, Assistant Commissioners, respectfully request that the Court and Master of the Verde Ditch approve the Pooling Agreement, a copy of which is attached hereto as Exhibit "A", authorize the execution of the Pooling Agreement by the Commissioners and further authorize the payment of \$9,250.00 from Verde Ditch Company funds as and for the producer's portion of the construction costs.

RESPECTFULLY SUBMITTED this 1st day of February, 1988.

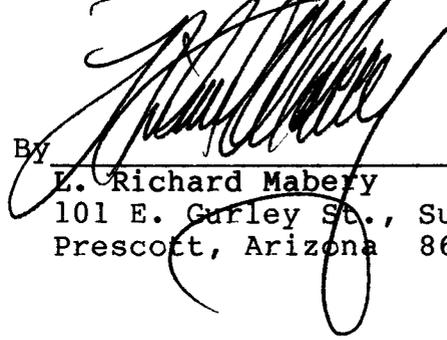
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LAW OFFICES OF
MABERY & STADELMAN
(1st INTERSTATE BANK BLD'G)
101 E. GURLEY • SUITE 203
PRESCOTT, ARIZONA 86301
(602) 778-1116

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MABERY & STADELMAN
Counsel for VERDE DITCH COMPANY



By _____
E. Richard Mabery
101 E. Gurley St., Suite 203
Prescott, Arizona 86301

Mh#1/26

ACP-245
(04-04-85)

PRACTICE APPROVAL AND PAYMENT APPLICATION

USDA - ASCS

CO. PL NO.

5-0003 P1L3

NOTE No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations. (16 USC 590 et seq, 1301 et seq.; 1501 et seq.; 2101 et seq.; 2201; PL 96-108 and 96-528, 7 CFR Parts 700, 701 and 752.) Any fraudulent claim made hereunder may subject the applicant to Federal criminal and civil penalties as provided in 18 USC 287, 1001 and 31 USC 231

FARM NO. NAME AND ADDRESS
 PA# 11 VERDE DITCH POOLING AGREEMENT
 96 GLEN BURRITT
 HK62 Box 197
 COM VERDE AZ
 PH 567-3664
 OFFICE 567-4212

Agreement (Check one)

| | | | | | |
|-----|-------------------------------------|-----|--------------------------|------|--------------------------|
| ACP | <input checked="" type="checkbox"/> | FIP | <input type="checkbox"/> | ECP | <input type="checkbox"/> |
| ANA | <input checked="" type="checkbox"/> | ANA | <input type="checkbox"/> | WBP | <input type="checkbox"/> |
| LTA | <input type="checkbox"/> | LTA | <input type="checkbox"/> | RCWP | <input type="checkbox"/> |

Cost-Shares Posted to ACP-259

| DATE APPROVED | DATE EARNED |
|------------------|-------------|
| 1 11-11-88 P1L10 | 2 |
| 3 | 4 |

Your request for program cost-sharing to perform the practice shown below is approved for the farm identified above. If you decide not to perform this practice, or if you cannot complete it by the expiration date, please notify the issuing County ASCS Office at once.

5. DESCRIPTION OF CONSERVATION AND/OR ENVIRONMENTAL PROBLEM

WATER LOSS, NITRA NUTRIENT AND SOIL EROSION

EXPIRATION NOTICE 6. PRACTICE MUST BE COMPLETED AND REPORTED BY 7. DELETE PHRASE WHICH DOES NOT APPLY

04-15-88

The Extent Performed The Word "Yes"

8. FOR COUNTY ASC COMMITTEE USE

| NO. | PRACTICE TITLE | EXTENT REQUESTED | EXTENT APPROVED | RATE | COST-SHARES APPROVED | EXTENT PERFORMED | COST-SHARES EARNED |
|-----|---|------------------|-----------------|------|----------------------|------------------|--------------------|
| A | B | C | C | D | E | F | G |
| 104 | Water Conservation (4 FLUME STRUCTURES INCLUDES: 420' CONVEYANCE PIPELINE 4 CONCRETE STRUCTURES) | 4 | 4 | 75%* | \$27,750 | | |

* NOTE AMOUNT DETERMINED BY THE COC

H. FOOTNOTE (If needed)

APPROVAL ISSUED FOR THE COUNTY COMMITTEE DATE

BY [Signature] 11 JAN 88

Instructions to Participant

To receive payment or credit for any cost-shares earned on this practice, report performance according to ITEM 7 above and complete ITEMS 9 and 10 below; date and sign the certification below and file with issuing office by the reporting date in ITEM 6 above.

9. Did you bear all the expenses (except for program cost-sharing) for performing this practice? (If no, report name(s) and address(es) of other person(s) or agency who bore any part of the expenses. Also show kind, extent and value of their contribution.)

YES NO

10. During the current fiscal year Oct. 1 - Sept. 30, have you received or will you receive a cost-share payment on this or any other farm for a practice other than on this ACP-245? (If yes, report name of State and County for each such farm.)

YES NO

Payment Summary

| | |
|---------------------------------|----|
| 11. Total Column G | \$ |
| 12. Payment Deduction | \$ |
| 13. Debt Assignment | \$ |
| 14. Net Payment | \$ |
| 15. Payment Approved (Initials) | |
| 16. Draft No. | |

17. SETOFF OR ASSIGNMENT

NAME AND ADDRESS

DRAFT NO.

18. CERTIFICATION BY PARTICIPANT

I certify that the above information is true and correct. I further certify that the entry in Column F shows that the practice was performed in accordance with the practice specifications and other program requirements. I hereby apply for payment to the extent that the County ASC Committee has determined that the practice has been performed. I agree to maintain this practice for at least 10 years following the year the practice is completed. I agree to refund all or part of the cost-share assistance paid to me as determined by the County Committee, if before the expiration of the practice lifespan specified above, I (a) destroy the practice installed, or (b) voluntarily relinquish control of or title to the land on which the installed practice has been established and the new owner and/or operator of the land does not agree in writing to properly maintain the practice for the remainder of its specified lifespan

Sign Here DATE

U. S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service

RE
Service

SPECIAL PROJECT?

YES NO

1 OF 1

FISCAL YEAR

1988

AGREEMENT NO.

11

POOLING AGREEMENT WORKSHEET

STATE

ARIZONA

COUNTY

YAVAPAI

SECTION I - DESCRIPTION

A. IDENTIFICATION OF PROJECT AREA (Brief description with attached RE-308 Transmittal, if used)

VERDE DITCH POOLING AGREEMENT

B. PRACTICE NO.

WCH

C. TITLE

WATER CONSERVATION

D. COL. G OF ACP-245

\$27,750

E. DEDUCTIONS

F. INELIGIBLE CONTRIBUTIONS

G. TOTAL COST

H. NET TOTAL COST (Item G minus Item F)

SECTION II - FOR USE AFTER PROJECT IS COMPLETED

| FARM NO | CONTRIBUTIONS | FACTOR | C/S EARNED | CMS OR PAYMENT DEDUCTION | NET PAYMENT | DRAFT NO. | REMARKS |
|-----------------|---------------|--------|------------|--------------------------|-------------|-----------|---------|
| J | K | L | M | N | O | P | |
| 1. Houser #92 | | | | | | | |
| 2. SIKORA #85 | | | | | | | |
| 3. McDowell #78 | | | | | | | |
| 4. GUINN #11 | | | | | | | |
| 5. MONROE #117 | | | | | | | |
| 6. EVERETT #82 | | | | | | | |
| 7. | | | | | | | |
| 8. | | | | | | | |
| 9. | | | | | | | |
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| 19. | | | | | | | |
| 20. | | | | | | | |
| TOTALS | | | | | | | |

SECTION III - CERTIFICATION

I certify that the contributions listed in column J were made by the participants as shown.

AGENT'S SIGNATURE

DATE

UNITED STATES
DEPARTMENT OF
AGRICULTURE

AGRICULTURAL
SUSTAINABILITY AND
CONSERVATION SERVICE

YAVAPAI COUNTY ASCS OFFICE
1200 W Cortez, ROOM 215
PRESCOTT AZ 86301

Verde Ditch Pooling Agreement
Glen Everett, Agent
HC 62 Box 197
Camp Verde, AZ 86322

Dear Glen:

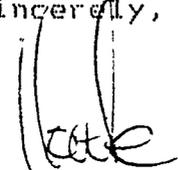
Your request for Cost-Share assistance on your WC4 Ditch project has been approved by the County ASC Committee. \$27,750.00 in funds have been approved to assist you in the construction of the four structures.

Your practice should be completed and reported by the date shown in item six of the enclosed 245-form. If you need any additional time beyond that date to complete your practice, a request for an extension of time can be filled out at that time. Failure to complete the practice by the expiration date could jeopardize the funds commitment.

Upon completion of your practice, please finish up the 245-form according to the "Instructions to Participant". Sign and date the certification in block 13, then return the form to this office along with any bills or invoices which show evidence of cost. Please itemize your hours of labor, hourly wages, etc..

If you have any questions, or need any help, please contact the office at 445-8890.

Sincerely,



Monte A. Nevitt
County Director

Enclosure

Date 01/12/88

United States
Department of
Agriculture

Agricultural
Stabilization and
Conservation Service

Yavapai County ASCS
122 N Cortez Rm 215
Prescott, AZ 86301

December 18, 1987

Glen Everett, Agent
Verde Ditch Pooling Agreement
HC 62 Box 197
Camp Verde, AZ 86322

Dear Glen:

In yesterday's meeting the committee took another look at the agreement, but felt that they couldn't quite make a decision until they've had a chance to review the SCS figures. Jim told me yesterday that he was getting them in the mail then. The County committee was receptive to the proposed agreement, though.

As soon as those arrive in the mail, I will be making copies of them and forwarding them on to the members of the committee so that they can review them. I will, then, poll them by phone as to their feelings on the project. If everything is okay, I'll send the folder on to Phoenix with the committee's recommendation that it be approved.

In the meantime, I want to gather more information that will make it easier for both committees to make their decisions. I need to know how many total acres the ditch serves. You might outline several of the benefits that will come about as a result of the completed project. For example, not only conservation benefits of saved water....but does the project have the potential to do some good PR type work with local residents who aren't actually ditch users. Are there any other public benefits?

I also need for you to review the contributions as I've outlined them. I'm showing each producer as making an equal contribution. If you don't let me know otherwise, I'll send the same breakdown of contribution, factor, and cost shares. If you have any concerns, please contact me and I'll adjust them. The breakdown will be as follows:

| <u>Producer</u> | <u>Contribution</u> | <u>Factor</u> | <u>Cost Share</u> |
|---------------------|---------------------|---------------|-------------------|
| Dick Hauser | \$6166.66 | .1666 | \$4623.14 |
| Robert Sikora | 6166.66 | .1666 | 4623.14 |
| CA McDonald | 6166.67 | .1667 | 4625.93 |
| KM Quinn | 6166.67 | .1667 | 4625.93 |
| Gale Monroe | 6166.67 | .1667 | 4625.93 |
| <u>Glen Everett</u> | <u>6166.67</u> | <u>.1667</u> | <u>4725.93</u> |
| Totals | \$37000.00 | 1.0000 | \$27750.00 |

I'll keep you up to date on any events that might interest you. On any of the information that I need, you might just give me a call and I'll type it out over the phone. Please call if you have any questions.

Sincerely,



Monte Nevitt
CED

