

# IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

## IN AND FOR THE COUNTY OF YAVAPAI

DIVISION 1

ETHEL BOUTON, Clerk of the Superior Court

HON. RICHARD ANDERSON  
(Judge)

By: Patsy A. Loll  
(Deputy)

CASE NUMBER: 4772

DATE: November 1, 1988

**TITLE:**

GEORGE W. HANCE, et al.

(Plaintiff)

**COUNSEL:**

(For Plaintiff)

vs:

and

WALES ARNOLD, et ux., et al.

IN THE MATTER OF:  
THE VERDE DITCH COMPANY

(Defendant)

(For Defendant)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

IT IS ORDERED:

1. Appointing the following individuals to act as Commissioners and serve in the capacities set forth opposite their names:

- Doc Ferguson - Primary responsibility is Upper 1/3 of Ditch.
- Vince V. Higgenbotham - Primary responsibility is Middle 1/3 of Ditch.
- Glenn W. Everett - Primary responsibility is Lower 1/3 of Ditch.
- Dale Harper - Primary responsibility is the ditch business and public relations and to assist as needed on all work.
- John Redell - Primary responsibility is the ditch business and public relations and to assist as needed on all work.

2. The Commissioners, through counsel, shall respond to the Special Committee Reprot dated 21 October 1988, in or before November 11, 1988.

3. The Commissioners, through counsel, shall submit a memorandum of law regarding the status of the commissioners as officers of the court

(eg "masters, receivers, commissioners," etc.) and possible judicial immunity on or before November 18, 1988.

4. The Court's Special Committee (Bobbie Sell, Sandra Halma and Michael Mongini) shall; 1. Review, at the Ditch Company's offices, the material requested in paragraph III(B) of the Committee Report on or before November 11, 1988; 2. Confer with counsel for the Ditch Company and review court files of pending litigation involving the Verde Ditch on or before November 18, 1988; 3. Confer with the Commissioners regarding the goals of the Ditch Company for 1988-89 fiscal year on or before November 18, 1988; 4. Confer with the Commissioners and the Verde Ditch bookkeeper regarding Part II of the Committee Report on or before November 18, 1988; 5. Shall file a final report on or before December 2, 1988.

5. The Commissioners, through counsel, shall respond to the Special Committee's final report within 20 days after receipt thereof.

6. The Commissioners shall draft new operating rules and administrative regulations. The regulations will be accompanied by comments and a memorandum of law. The Commissioners shall engage counsel to assist in the preparation thereof and to prepare a memorandum of law to be submitted therewith.

The Commissioners may obtain the assistance of such other professionals as are deemed appropriate by the Commissioners and the court to prepare the rules and regulations.

A draft of the annotated rules and regulations will be filed with the court on or before January 6, 1989, unless for good cause shown the Court extends the time for filing. A copy shall be served upon Michael Mongini.

7. Michael Mongini will file a brief in response to the rules and regulations within 30 days after service thereof. The Commissioners may reply within 15 days after service of the response. Either party may request oral argument, and, if appropriate, an evidentiary hearing.

8. Copies of this order, the Special Committee Report of October 21, 1988, and the documents produced under this order shall be kept in the Verde Ditch office and made there available for public scrutiny and copying.

cc: Verde Ditch Company  
L. Richard Mabery  
Michael Mongini