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 AUG 30 1991  
 By ROBERT G. WEDDEPORT, Clerk  
 Deputy

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

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GEORGE W. HANCE, et al.	)	No. 4772
Plaintiffs,	)	
vs.	)	STIPULATION FOR SEVERANCE
WALES ARNOLD, et ux., et al.,	)	AND TRANSFER OF IRRIGATION
Defendants.	)	WATER RIGHTS PURSUANT TO
	)	A.R.S. 45-172

Comes now the Verde Ditch, James and Colleen Davis, Vernon and Shirley Bridler, and Thermon Bates, and hereby stipulate to that the irrigation water rights currently held by Vernon and Shirley Bridler, and Thermon Bates be severed from their property and transferred to the real property currently owned by James and Colleen Davis.

**Factual Background**

Vernon and Shirley Bridler and Thermon Bates currently hold one share in the Verde Ditch, but are unable to make use of their irrigation right. They wish to be relieved from any further responsibility in connection with the Verde Ditch, including their obligations to make payments for annual irrigation service, which they do not currently use.

James and Colleen Davis also own land which borders on the Verde Ditch, and are currently involved in litigation with the Verde Ditch relating to the rights of the Ditch to use portions

1 of his land for easement purposes. This transfer and severance  
2 is a prerequisite to settlement of that dispute.

3 Legal Authority

4 A.R.S. 45-172(6) provides that severance and transfers may  
5 be accomplished so long as the affected parcels both lie within  
6 the boundaries of the same irrigation district. In this case,  
7 all parcels do. The statute reads as follows:

8 A severance and transfer of an irrigation water  
9 right appurtenant to lands within the boundaries of an  
10 irrigation district to other lands within the  
11 boundaries of the same irrigation district for  
12 agricultural use may be accomplished by the exclusion  
13 of lands to which a water right is appurtenant from  
14 within the boundaries of such irrigation district.  
15 Such severance and transfer of a water right shall  
16 require the consent of only the irrigation district  
17 within which the affected lands are situated and of the  
18 owners of the lands affected by the severance and  
19 transfer. No proceedings before nor approval by the  
20 director shall be required to accomplish such severance  
21 and transfer.

22 In this case, the parties are also seeking a formal court  
23 order as the Verde Ditch remains under the jurisdiction of the  
24 Yavapai Superior Court.

25 For the foregoing reasons, the parties stipulate that  
irrigation rights attendant to the Verde Ditch currently  
appurtenant to the real property owned by Vernon and Shirley  
Bridler and Thermon Bates be severed from that property and  
transferred to the real property owned by James and Colleen  
Davis, effective as of the date of the entry of the Court order.

1 Dated this 12 day of July, 1991.

2  
3 Verde Ditch Company

4  
5 By Glen W Everett

Thermon J Bates  
Thermon Bates

6  
7 James Davis  
8 James Davis

Colleen Davis  
Colleen Davis

9  
10 Vernon Bridler  
11 Vernon Bridler

Shirley Bridler  
Shirley Bridler

12 Copy of the foregoing mailed this  
13 \_\_\_ day of \_\_\_, 1991 to:

14 Hon. James B. Sult  
15 Yavapai County Superior Court  
16 Prescott, AZ 86301

17 L. Richard Mabery  
18 101 E. Gurley, Suite 203  
19 Prescott, AZ 86301  
20 Attorney for Plaintiffs  
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