



Clerk of Superior Court

Yavapai County Courthouse
120 S. Cortez
Prescott, Arizona 86303-4747
(928) 771-3312
Fax: (928) 771-3111

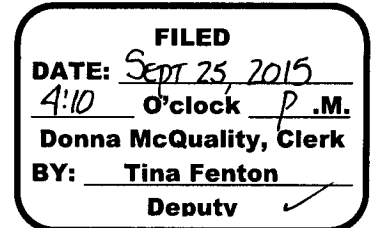
Yavapai County Court Building
2840 N. Commonwealth Drive
Camp Verde, Arizona 86322
(928) 567-7741
Fax (928) 567-7720

Donna McQuality
Clerk

Kelly Gregorio
Chief Deputy

Initial Notice Re: Appeal

Mrs. Ruth Willingham, Clerk
Court of Appeals, Division 1
Via Electronic Transmission



Dear Mrs. Willingham:

**Re: George Hance, et al, Vs. Wales Arnold, et ux, et al
Yavapai County Superior Court: P1300CV4772**

A Notice of Appeal was filed on, September 23, 2015, by Patrick Barry on behalf of the United States of America. The index of record will be electronically transmitted on or before **October 23, 2015**. A copy of the Notice of Appeal is enclosed to all parties or their counsel.

If there is anything else required, please do not hesitate to call me.

Sincerely,

Tina Fenton
Appeals Clerk
(928-771-3312)

cc: L. Richard Mabery
Law Office of Richard Mabery PC (e)
Attorney for Verde Ditch Company

Patrick Barry (patrick.barry@usdoj.gov)
Yosef M. Negose (yosef.negose@usdoj.gov)
United State Department of Justice
Environment & Natural Resources Division
Indian Resources Section
Attorneys for United States of America

John B. Weldon, Jr (jbw@slwplc.com)
Mark A. McGinnis (mam@slwplc.com)
Salmon, Lewis & Weldon PLC (e)
Attorney for Salt River Project

Robyn L. Interpreter (rinterpreter@milawaz.com)
Susan B. Montgomery (smontgomery@milawaz.com)
Montgomery and Interpreter, PLC (e)
Attorney for Yavapai Apache Nation

Janet L. Miller (jmiller@azwater.gov)
Nicole D. Klobas (ndklobas@azwater.gov)
Arizona Dept. of Water Resources
Attorneys for AZ Dept. Water Resources

Douglas E. Brown (DouglasBrown@outlook.com)
David A. Brown (David@b-b-law.com)
J. Albert Brown (JABrown@b-b-law.com)
Brown & Brown Law (e)
Attorneys for Monroe Lane Neighborhood Coalition

Carrie J. Brennan (Carrie.Brennan@azag.gov; NaturalResources@azag.gov)
Theresa M Craig (Theresa.Craig@azag.gov; NaturalResources@azag.gov)
Assistant Attorney General
Attorney General's Office (e)
Attorneys for AZ State Parks

In Pro Per/Verde Shareholder
Peter J. Mollick (pmollick@cox.net)
3124 W. Sunnyside Avenue
Phoenix, AZ 85029

In Pro Per/Verde Shareholder
Bradford C. Gordon (bgordon285@hotmail.com)
1098 S. Canal Circle
Camp Verde, AZ 86322

In Pro Per/Verde Shareholder
Karen Phillips (Karen.phillips@honeywell.com)
1861 N. Riverview Drive
Camp Verde, AZ 86322

In Pro Per/Verde Shareholder
Don Ferguson
1695 W. Bronco Dr.
Camp Verde, AZ 86322

In Pro Per/Verde Shareholder
Leroy Miller
1733 W. Park Verde Road
Camp Verde, AZ 86322

✓
SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
2015 SEP 23 PM 2:06
JULIA M. FEICHTER, CLERK
M FEICHTER
BY: _____

1 Patrick Barry, 006056
2 Yosef M. Negose
3 United States Department of Justice
4 Environment and Natural Resources Division
5 Indian Resources Section
6 P.O. Box 7611
7 Ben Franklin Station
8 Washington, D.C. 20044-7611
9 (202) 305-0269
10 patrick.barry@usdoj.gov
11 yosef.negose@usdoj.gov
12 Attorneys for the United States of America

13 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
14 **IN AND FOR THE COUNTY OF YAVAPAI**

15 GEORGE W. HANCE, *et al.*,

No. P1300CV4772

16 Plaintiffs

Division 1

17 v.

NOTICE OF APPEAL

18 WALES ARNOLD, *et ux., et al.*,

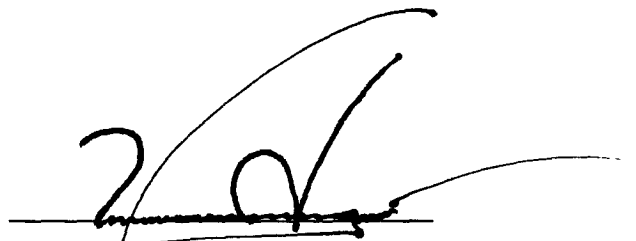
19 Defendants

20 In the matter of the VERDE DITCH
21 COMPANY

22
23 NOTICE IS HEREBY GIVEN that the United States, by and
24 through undersigned counsel, and pursuant to Arizona Rules of Civil
25 Appellate Procedure 8 and 9, hereby appeals to the Court of Appeals of
26 the State of Arizona, Division One, from the Court's ruling dated and
27
28

entered as judgment in this action on August 26, 2015, overruling the
1 United States' Objection, and holding, *inter alia*, that the Court has
2 historic authority to adjudicate Verde River water use; that no action by
3 any shareholder, Verde Ditch Commissioners or attorneys authorized
4 by the Verde Ditch Commissioners, has divested the Court of that
5 historic authority; and that the Court's historic authority has not been
6 modified by court decisions that did not specifically address it.
7

8 Dated this 22nd day of September, 2015.
9



10
11
12 Yosef M. Negose
13 F. Patrick Barry
14 U.S. Department of Justice
15 Indian Resources Section, ENRD
16 P.O. Box 7611
17 Ben Franklin Station
18 Washington, DC 20044
19 (202) 305-0254
20 Yosef.Negose@usdoj.gov
21 Patrick.Barry@usdoj.gov
22
23
24
25
26
27
28

1 **One ORIGINAL and One Copy** of the foregoing sent by Federal Express this 22nd
2 day of September, 2015 for filing to:

3 Clerk of the Superior Court
4 Yavapai County, Division 1
5 120 South Cortez Street
6 Prescott, Arizona 86303

7 **One Copy** of the foregoing sent by Federal Express this 22nd day of September, 2015 to
8 the following parties:

9 Mr. Don Ferguson (email unavailable)
10 1695 W. Bronco Dr.
11 Camp Verde, Arizona 86322

12 Leroy Miller (email unavailable)
13 1733 W. Park Verde Rd.
14 Camp Verde, Arizona 86322

15 **Per the Court's Order of July 31, 2015, COPIES** of the foregoing sent
16 electronically by email this 22nd day of September, 2015 to the following:

17 Honorable David L. Mackey (jjaramil@courts.az.gov)
18 Judge of the Superior Court and Master of the Verde Ditch
19 Yavapai County Courthouse, 120 S. Cortez Street RM 207
20 Prescott, Arizona 86303

21 L. Richard Mabery (maberypc@cableone.net)
22 Law Office of Richard Mabery, P.C.
23 234 N. Montezuma St.
24 Prescott, Arizona 86301
25 Attorney for VDC

26 John B. Weldon Jr. (jbw@slwplc.com)
27 Mark A. McGinnis (mam@slwplc.com)
28 Salmon, Lewis & Weldon P.L.C.
2850 E. Camelback Road, Suite 200
Phoenix, Arizona 85016
Attorneys for SRP

Janet L. Miller (Bar No. 011963) (jlmiller@azwater.gov)
Nicole D. Klobas (Bar No. 021350) (ndklobas@azwater.gov)

Arizona Department of Water Resources

3550 N. Central Avenue

Phoenix, Arizona 85012

Telephone: (602) 771-8472

Fax: (602) 771-8686

Attorneys for Arizona Department of Water

Resources

Douglas E. Brown (DouglasBrown@outlook.com)

David A. Brown (David@b-b-law.com)

J. Albert Brown (JABrown@b-b-law.com)

P.O. Box 489

Eagar, Arizona 85925

Attorneys for the Monroe Lane Neighborhood Coalition

Robyn Interpreter (rinterpreter@milawaz.com)

Susan Montgomery (smontgomery@milawaz.com)

Montgomery and Interpreter, P.L.C.

4835 E. Cactus Rd., Suite 210

Scottsdale, Arizona 85257

Carrie J. Brennan (Carrie.Brennan@azag.gov; NaturalResources@azag.gov)

Theresa M. Craig: (Theresa.Craig@azag.gov; NaturalResources@azag.gov)

Arizona Attorney General's Office

1275 West Washington Street

Phoenix, Arizona 85007

Peter J. Mollick, Pro Se (pmollick@cox.net)

3124 W. Sunnyside Avenue

Phoenix, Arizona 85029

Bradford C. Gordon (bgordon285@hotmail.com)

1098 S. Canal Cir.

P.O. Box 830

Camp Verde, Arizona 86322

Telephone: 602-284-5022

Karen Phillips (Karen.phillips@honeywell.com)

1861 N. Riverview Drive

Camp Verde, Arizona 86322