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State Bar I.D. No. 005188
Attorney for Verde Ditch Company

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

GEORGE W. HANCE, et al.,) No. P1300CV4772
)
Plaintiffs,)
)
vs.)
) Division 1
WALES ARNOLD, et ex., et al.,)
)
Defendants.)
) **NOTICE OF FILING DRAFT OF**
) **ADMINISTRATIVE ORDER**
)
)
In the matter of the VERDE DITCH)
COMPANY)
)
)

The Verde Ditch Company, through undersigned counsel, files a proposed Administrative Order for consideration by the Court and joined parties.

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DATED this 15th day of June, 2015.

L. RICHARD MABERY, P.C.

By: 

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234 North Montezuma Street
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Counsel for the Verde Ditch Company

ORIGINAL of the foregoing
filed this 15th day of June,
2015 with:

Clerk of the Court
Yavapai County Court
120 South Cortez Street
Prescott, Arizona 86303

COPIES sent by U.S. mail
this 15th day of June, 2015 to:

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Attorney for Verde Ditch Company

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

GEORGE W. HANCE, et al.,)	No. P1300CV4772
)	
Plaintiffs,)	
)	
vs.)	
)	Division 1
WALES ARNOLD, et ex., et al.,)	
)	
Defendants.)	PROPOSED ADMINISTRATIVE ORDER
)	
_____)	
In the matter of the VERDE DITCH COMPANY)	
)	
_____)	

1. PURPOSE OF ORDER:

This Administrative Order is intended to provide a general framework for interested parties participation in the interpretation and enforcement of the *Hance v. Arnold* Decree.

2. NATURE OF PROCEEDINGS:

The Court serves as the ongoing Master of the Verde Ditch and is currently considering

granting authority for the Verde Ditch Company to enter into a Memorandum of Understanding which includes the Court's consideration of historical water use for parcels receiving water from the Verde Ditch. The following provisions are hereby adopted to insure that a Verde Ditch Shareholder participation will be provided for all further actions and hearings contemplated within the context of the Court's consideration of the Memorandum of Understanding.

3. SERVICE OF PLEADINGS:

All pleadings that a Shareholder or joined party may wish the Court to consider shall be filed with the Yavapai County Clerk of the Court using the caption set forth above and a copy of such filing shall be sent to all parties of record that have appeared in this matter.

This mailing list of the parties shall be maintained by the Yavapai County Clerk of the Court and a copy of the mailing list will be available at the Verde Ditch Company office in Camp Verde, Arizona and on the Verde Ditch website.

Petitions for Consideration of a Proposed Severance and Transfer shall be filed with the Court with copies to all parties on the mailing list or which have filed a written request for copies of any Application for Approval of a Severance and Transfer. Upon receipt of a Severance and Transfer Application, the Court will set a hearing and direct the applicant as to further posting, notification or service required to be made by the applicant prior to any scheduled hearing set to consider such Application.

4. HEARING NOTICES:

Notices of all scheduled hearings shall be available from the Yavapai County Superior Court, at the Verde Ditch Company office and on the Verde Ditch website.

The Court may direct other additional forms of service or notification of hearings during the course of future proceedings.

5. APPEARANCES:

The parties wishing to participate at any hearing shall provide a written Notice of Appearance and appropriate pleadings in compliance with the *Arizona Rules of Civil Procedure* at least ten (10) judicial days before any scheduled hearing or in compliance with any specific order from the Court relating to a deadline for filing as may be entered hereafter.

6. HISTORICAL WATER USE DOCUMENTATION:

A Shareholder of the Verde Ditch Company will receive a summary of the compiled information regarding their parcel or parcels and the historical water use pertaining to such parcel(s).

A Verde Ditch Shareholder wishing to review the compiled documentation pertaining to the historical water use on the real property may schedule an appointment with the Verde Ditch office.

Request for copies of documents compiled as to a Shareholder's parcel shall be provided in writing and subject to a reasonable fee charged by the Verde Ditch Company depending on the documentation requested. Any requests for compiled documents of historical water use for any parcel not owned by the Requesting Shareholder shall be referred to this Court for approval.

Currently, all determinations contained in or resulting from the "Working Understandings" as defined in the Memorandum of Understanding presently being considered by the Court are preliminary and subject to future modification as additional information is received and remain preliminary subject to the Court's review and consideration. All of the information collected and reflected in the "Working Understandings" shall not be deemed an admission against interest or a waiver, relinquishment or future limitation as to a Shareholder's right to assert or file a water right claim in the Adjudication or any other proceeding that may be inconsistent with the preliminary "Working Understanding" determinations or limit the ability of a Shareholder to present evidence before the Court in the future in the enforcement and interpretation of the *Hance v. Arnold* Decree.

Regardless of the final determination of an historical water use, any changes in a

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Shareholder's assessments (regular or special), shall be prospective only and shall be approved by the Court.

7. FUTURE SCHEDULING:

This Court will consider and likely adopt further Orders pursuant to Rule 16, *Arizona Rules of Civil Procedure*. The Court will determine the appropriate notice to be given or served upon the Shareholders or other interested parties as deemed appropriate and consistent with Rules 4 and 5, *Arizona Rules of Civil Procedure*.

DATED this _____ day of _____, 2015.

By: _____
The Honorable David L. Mackey
Judge of the Superior Court
Master of the Verde Ditch