

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
In and For the County of Apache

DONNA J. GRIMSLEY, PRESIDING JUDGE

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| <p>ST. JOHNS IRRIGATION CO., and the MEADOWS RESERVOIR IRRIGATION COMPANY; Corporations, et. al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>ROUND VALLEY WATER STORAGE & DITCH CO., EAGAR IRRIGATION COMPANY; SPRINGERVILLE WATER RIGHT AND DITCH COMPANY; Corporations, et al.,</p> <p>Defendants.</p> | <p>CASE NO. CV 569</p> <p><i>JUNE</i> Date: May 21, 2010</p> <p>Severance and Transfer of Norviel Decree Right Nos. 1923 13D.01, 13E.01, 13F.01 and 13G.01; and Right Nos. 1923 24A.01, 24B.01, 24C.01 and 24D.01</p> |
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ORDER

In December 2009, James W. Crosswhite filed two Requests for Severance and Transfer of Water Rights, which included a severance and transfer request for Norviel Decree Right Nos. 1923 13D.01, 1923 13E.01, 1923 13F.01 and 1923 G.01 (collectively, "the East Ditch Rights Application") and a severance and transfer request for Norviel Decree Right Nos. 1923 24A.01, 1923 24B.01, 1923 24C.01 and 1923 24D.01 (collectively, "the West Ditch Rights Application").

Upon consideration of James W. Crosswhite's severance and transfer requests set forth in the East Ditch Rights Application and the West Ditch Rights Application, proper notice having been provided, and no objections having been filed thereto;

And upon further consideration of James W. Crosswhite's uncontested statement that the total number of irrigated acres and volume of water will not be increased or decreased as a result of the severance and transfer applications;

And upon further consideration of the consent of the Lyman Water Company to Mr. Crosswhite's severance and transfer requests given pursuant to A.R.S. §45-172;

IT IS HEREBY ORDERED approving the transfer of the 61.21 irrigation acres under Right Nos. 1923 13D.01, 1923 13E.01, 1923 13F.01 and 1923 13G.01 (collectively, “the East Ditch Rights”) from James W. Crosswhite to James Wayne Crosswhite, L.L.C., an Arizona corporation.

IT IS FURTHER ORDERED approving the transfer of the 50 irrigation acres under Right Nos. 1923 24A.01, 24B.01, 24C.01 and 24D.01 (collectively, “the West Ditch Rights”) from James W. Crosswhite to James Wayne Crosswhite, L.L.C., an Arizona corporation.

IT IS FURTHER ORDERED approving the severance and transfer requests involving the change in location for irrigation acres associated with the following:

1. Original Right No. 1923 13E.01 – 0.25 acres is hereby severed from the NW NE Section 29 T7N R30E and transferred to the NE NE Section 29 T7N R30E;
2. Original Right No. 1923 13F.01 – 1.00 acre is hereby severed from the NE NE Section 29 T7N R30E and transferred to the NE NW Section 29 T7N R30E; and
3. Original Right No. 1923 13F.01 – 2.50 acres is severed from the NE NE Section 29 T7N R30E and transferred to the SE SW Section 20 T7N R30E.

With reference to the map that is attached to this Order as Exhibit “A,” the Court notes that the East Ditch Transfer Application and the West Ditch Transfer Application, both of which are approved by the Court, shall result in the following:

| Ditch | Right No. (1923) | Original Location in the Decree (all T7N R30E) | Decree Acres | Colored Area on Sub-division Map Attached as <u>EXHIBIT “C”</u> | Location in the Subdivision (all T7N R30E) | Post-Transfer Request: Decreed Acres in the Sub-division / Quadrant |
|-------------------------------|------------------|--|---------------|---|--|---|
| East | 13D.01 | NW NE Sec 29 | 20.00 | Blue | NW NE Sec 29 | 20.00 |
| East | 13E.01 | NW NE Sec 29 | 15.00 | Blue | NW NE Sec 29 | 14.75 |
| East | 13F.01 | NE NE Sec 29 | 14.75 | Yellow-Gold | NE NE Sec. 29 | 11.50 |
| East | 13G.01 | SW NE Sec 29 | 11.46 | Light Green | SW NE Sec 29 | 11.46 |
| West | 24A.01 | SE NW Sec 29 | 12.50 | Pink | SE NW Sec 29 | 12.50 |
| West | 24B.01 | NE SW Sec 29 | 12.50 | Dark Green | NE NW Sec 29 | 13.50 |
| West | 24C.01 | SE SW Sec 20 | 12.50 | Purple | SE SW Sec 20 | 15.00 |
| West | 24D.01 | SW SE Sec 20 | 12.50 | Red | SW SE Sec 20 | 12.50 |
| TOTAL DECREEED ACREAGE | | | 111.21 | TOTAL POST-S&T ACREAGE | | 111.21 |

IT IS FURTHER ORDERED approving the use of the East Ditch, generally located in the SE NW, SW NE and NW NE Section 29 T7N R30E, as the point of diversion to deliver water to the irrigation acres associated with the West Ditch Rights at such times as it may be inefficient to use the West Ditch, which is generally located in the SE NW and NE NW Section 29 T7N R30E and the SE SW Section 20 T7N R30E (these two ditches which have historically been used to deliver the East Ditch Rights and the West Ditch Rights are depicted on the map attached as Exhibit “A”);

IT IS FURTHER ORDERED, that the East Ditch Rights and the West Ditch Rights shall continue to be used for irrigation, but said irrigation will be used on the residential lots and tracts that are shown on the map attached as Exhibit "A";

IT IS FURTHER ORDERED that the lots and tracts that are located within the EC Bar Ranch Estates Subdivision, as shown on the final subdivision plat recorded at Fee 2009-5444, Book 9, Page 45 of Maps, Apache County Recorder's office, and depicted on the map attached as Exhibit "A," shall each be assigned Norviel Decree Rights as set forth in the following table:

| Original Ditch (West Ditch Acres May Now Use East Ditch) | Right No. | Priority | Lot No. | Legal (ALL are in Township 7 North, Range 30 East) | Decreed Acres Assigned per Lot per this ORDER | Running Subtotal per 40-acre parcel & original Decreed Right | Running Subdivision Total |
|---|--------------|----------|---------|--|---|--|---------------------------|
| Right No. 1923 13D.01 is replaced with the following Right Nos. 1923 13D.02 through 13D.08, inclusive: | | | | | | | |
| East | 1923 13.D.02 | 1909 | 12 | NW NE Section 29 | 5.00 | 5.00 | |
| East | 1923 13.D.03 | 1909 | 16 | NW NE Section 29 | 1.50 | 6.50 | |
| East | 1923 13.D.04 | 1909 | 17 | NW NE Section 29 | 3.75 | 10.25 | |
| East | 1923 13.D.05 | 1909 | 18 | NW NE Section 29 | 4.00 | 14.25 | |
| East | 1923 13.D.06 | 1909 | 19 | NW NE Section 29 | 1.50 | 15.75 | |
| East | 1923 13.D.07 | 1909 | 22 | NW NE Section 29 | 1.50 | 17.25 | |
| East | 1923 13.D.08 | 1909 | 23 | NW NE Section 29 | 2.75 | 20.00 | 20.00 |
| Right No. 1923 13E.01 is replaced with the following Right Nos. 1923 13E.02 through 13E.06, inclusive: | | | | | | | |
| East | 1923 13.E.02 | 1910 | 23 | NW NE Section 29 | 1.25 | 1.25 | |
| East | 1923 13.E.03 | 1910 | 24 | NW NE Section 29 | 5.00 | 6.25 | |
| East | 1923 13.E.04 | 1910 | 25 | NW NE Section 29 | 1.50 | 7.75 | |
| East | 1923 13.E.05 | 1910 | 29 | NW NE Section 29 | 5.00 | 12.75 | |
| East | 1923 13.E.06 | 1910 | 30 | NW NE Section 29 | 2.00 | 14.75 | 34.75 |
| Right No. 1923 13F.01 is replaced with the following Right Nos. 1923 13F.02 through 13F.13, inclusive: | | | | | | | |
| East | 1923 13.F.02 | 1911 | 20 | NE NE Section 29 | 0.50 | 0.50 | |
| East | 1923 13.F.03 | 1911 | 21 | NE NE Section 29 | 1.00 | 1.50 | |
| East | 1923 13.F.04 | 1911 | 26 | NE NE Section 29 | 1.00 | 2.50 | |
| East | 1923 13.F.05 | 1911 | 27 | NE NE Section 29 | 1.00 | 3.50 | |
| East | 1923 13.F.06 | 1911 | 28 | NE NE Section 29 | 1.00 | 4.50 | |
| East | 1923 13.F.07 | 1911 | 32 | NE NE Section 29 | 1.00 | 5.50 | |
| East | 1923 13.F.08 | 1911 | 33 | NE NE Section 29 | 1.00 | 6.50 | |
| East | 1923 13.F.09 | 1911 | 34 | NE NE Section 29 | 1.00 | 7.50 | |
| East | 1923 13.F.10 | 1911 | 35 | NE NE Section 29 | 1.00 | 8.50 | |
| East | 1923 13.F.11 | 1911 | 36 | NE NE Section 29 | 1.00 | 9.50 | |
| East | 1923 13.F.12 | 1911 | 37 | NE NE Section 29 | 1.00 | 10.50 | |

| Original Ditch (West Ditch Acres May Now Use East Ditch) | Right No. | Priority | Lot No. | Legal (ALL are in Township 7 North, Range 30 East) | Decreed Acres Assigned per Lot per this ORDER | Running Subtotal per 40-acre parcel & original Decreed Right | Running Subdivision Total |
|---|--------------|----------|-----------|--|---|--|---------------------------|
| East | 1923 13.F.13 | 1911 | 38 | NE NE Section 29 | 1.00 | 11.50 | 46.25 |
| Right No. 1923 13G.01 is replaced with the following Right Nos. 1923 13G.02 through 13G.13, inclusive: | | | | | | | |
| East | 1923 13.G.02 | 1912 | 1 | SW NE Section 29 | 1.46 | 1.46 | |
| East | 1923 13.G.03 | 1912 | 2 | SW NE Section 29 | 0.60 | 2.06 | |
| East | 1923 13.G.04 | 1912 | 3 | SW NE Section 29 | 0.60 | 2.66 | |
| East | 1923 13.G.05 | 1912 | 4 | SW NE Section 29 | 0.60 | 3.26 | |
| East | 1923 13.G.06 | 1912 | 7 | SW NE Section 29 | 0.60 | 3.86 | |
| East | 1923 13.G.07 | 1912 | 8 | SW NE Section 29 | 0.60 | 4.46 | |
| East | 1923 13.G.08 | 1912 | 9 | SW NE Section 29 | 0.60 | 5.06 | |
| East | 1923 13.G.09 | 1912 | 10 | SW NE Section 29 | 0.60 | 5.66 | |
| East | 1923 13.G.10 | 1912 | 11 | SW NE Section 29 | 4.00 | 9.66 | |
| East | 1923 13.G.11 | 1912 | 13 | SW NE Section 29 | 0.60 | 10.26 | |
| East | 1923 13.G.12 | 1912 | 14 | SW NE Section 29 | 0.60 | 10.86 | |
| East | 1923 13.G.13 | 1912 | 15 | SW NE Section 29 | 0.60 | 11.46 | 57.71 |
| Right No. 1923 24A.01 is replaced with the following Right Nos. 1923 24A.02 through 24A.07, inclusive: | | | | | | | |
| West | 1923 24A.02 | 1907 | 5 | SE NW Section 29 | 3.00 | 3.00 | |
| West | 1923 24A.03 | 1907 | 6 | SE NW Section 29 | 3.00 | 6.00 | |
| West | 1923 24A.04 | 1907 | 39 | SE NW Section 29 | 1.00 | 7.00 | |
| West | 1923 24A.05 | 1907 | 40 | SE NW Section 29 | 1.00 | 8.00 | |
| West | 1923 24A.06 | 1907 | 41 | SE NW Section 29 | 1.00 | 9.00 | |
| West | 1923 24A.07 | 1907 | Tract A-1 | SE NW Section 29 | 3.50 | 12.50 | 70.21 |
| Right No. 1923 24B.01 is replaced with the following Right Nos. 1923 24B.02 through 24B.09, inclusive: | | | | | | | |
| West | 1923 24B.02 | 1908 | 42 | NE NW Section 29 | 1.80 | 1.80 | |
| West | 1923 24B.03 | 1908 | 43 | NE NW Section 29 | 0.50 | 2.30 | |
| West | 1923 24B.04 | 1908 | 44 | NE NW Section 29 | 0.50 | 2.80 | |
| West | 1923 24B.05 | 1908 | 45 | NE NW Section 29 | 2.95 | 5.75 | |
| West | 1923 24B.06 | 1908 | 46 | NE NW Section 29 | 2.75 | 8.50 | |
| West | 1923 24B.07 | 1908 | 47 | NE NW Section 29 | 0.50 | 9.00 | |
| West | 1923 24B.08 | 1908 | 48 | NE NW Section 29 | 0.50 | 9.50 | |
| West | 1923 24B.09 | 1908 | 49 | NE NW Section 29 | 4.00 | 13.50 | 83.71 |
| Right No. 1923 24C.01 is replaced with the following Right Nos. 1923 24C.02 through 24C.11, inclusive: | | | | | | | |
| West | 1923 24C.02 | 1908 | 50 | SE SW Section 20 | 3.00 | 3.00 | |
| West | 1923 24C.03 | 1908 | 51 | SE SW Section 20 | 0.60 | 3.60 | |
| West | 1923 24C.04 | 1908 | 52 | SE SW Section 20 | 0.60 | 4.20 | |

| Original Ditch (West Ditch Acres May Now Use East Ditch) | Right No. | Priority | Lot No. | Legal (ALL are in Township 7 North, Range 30 East) | Decreed Acres Assigned per Lot per this ORDER | Running Subtotal per 40-acre parcel & original Decreed Right | Running Subdivision Total |
|--|-------------|----------|---------|--|---|--|---------------------------|
| West | 1923 24C.05 | 1908 | 53 | SE SW Section 20 | 2.25 | 6.45 | |
| West | 1923 24C.06 | 1908 | 54 | SE SW Section 20 | 3.25 | 9.70 | |
| West | 1923 24C.07 | 1908 | 55 | SE SW Section 20 | 0.60 | 10.30 | |
| West | 1923 24C.08 | 1908 | 56 | SE SW Section 20 | 0.60 | 10.90 | |
| West | 1923 24C.09 | 1908 | 57 | SE SW Section 20 | 0.60 | 11.50 | |
| West | 1923 24C.10 | 1908 | 58 | SE SW Section 20 | 1.75 | 13.25 | |
| West | 1923 24C.11 | 1908 | 59 | SE SW Section 20 | 1.75 | 15.00 | 98.71 |
| Right No. 1923 24D.01 is replaced with the following Right Nos. 1923 24D.02 through D.06, inclusive: | | | | | | | |
| West | 1923 24D.02 | 1908 | 31 | SW SE Section 20 | 1.25 | 1.25 | |
| West | 1923 24D.03 | 1908 | 60 | SW SE Section 20 | 1.25 | 2.50 | |
| West | 1923 24D.04 | 1908 | 61 | SW SE Section 20 | 3.75 | 6.25 | |
| West | 1923 24D.05 | 1908 | 62 | SW SE Section 20 | 1.25 | 7.50 | |
| West | 1923 24D.06 | 1908 | 63 | SW SE Section 20 | 5.00 | 12.50 | 111.21 |

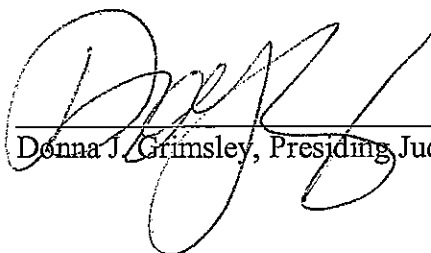
IT IS FURTHER ORDERED that the above-referenced Right Nos. 1923 13D.02 through 13D.08; 1923 13E.02 through 13E.06; 1923 13F.02 through 13F.13; 1923 13G.02 through 13G.13; 1923 24A.02 through 24A.07; 1923 24B.02 through 24B.09; 1923 24C.02 through 24C.11 and 1923 24D.02 through 24D.06 are issued in the name of JAMES WAYNE CROSSWHITE, L.L.C., until such time as the respective lot(s) and corresponding Decreed Rights are conveyed.

IT IS FURTHER ORDERED that EC Bar Ranch Estates Property Owners Association, Inc., an Arizona non-profit corporation, shall manage and administer the distribution of water to the residential lots described in this Order and shown on Exhibit "A" pursuant to a management agreement which allows for the pooling of the respective rights to each residential lot and/or tract and provides for the sharing of the available water by mixing the relative priority dates, which water management agreement shall be entered into by and between James Wayne Crosswhite, L.L.C., EC Bar Ranch Estates Property Owners Association, Inc., and the party purchasing or otherwise acquiring a lot or tract that is described in this Order;

[Continued on the next page]

IT IS FURTHER ORDERED that when transferring any of the East Ditch Water Rights or the West Ditch Water Rights, to a person or party that has acquired a lot or tract within the EC Bar Ranch Estates subdivision, that the assessment records continue to name EC Bar Ranch Estates Property Owners Association, Inc., as the contact party for the Court. Any transfer request for a water right associated with the lots and/or tracts described in this Order or shown on Exhibit "A" attached hereto shall list the new right holder as follows:

[NAME OF LOT OWNER; i.e., John A. Doe]
c/o EC BAR RANCH ESTATES PROPERTY OWNERS ASSOCIATION, INC.
Post Office Box 44
Nutrioso, Arizona 85932



Donna J. Grimsley, Presiding Judge

