

FILED
 JUN 21 1974
 CLIFFORD H. WARD
 CLERK SUPREME COURT
 BY *MA*

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In Banc

| | | |
|---|---|---|
| FARMERS INVESTMENT COMPANY, a corporation, |) | |
| |) | |
| Petitioner, |) | No. 11439 |
| |) | |
| vs. |) | MOTION FOR ORDER |
| |) | PURSUANT TO RULE 9, |
| PIMA MINING COMPANY, a corporation; ANDREW L. BETTWEY, State Land Commissioner; STATE LAND DEPARTMENT; THE HONORABLE ROBERT O. ROYLSTON, Judge of the Pima County Superior Court; and THE PIMA COUNTY SUPERIOR COURT, |) | RULES OF PROCEDURE FOR SPECIAL ACTIONS |
| |) | |
| Respondents. |) | |

Petitioner, FARMERS INVESTMENT COMPANY,
 respectfully moves the Court for an Order pursuant to
 the provisions of Rule 9, Rules of Procedure for Special
 Actions, fixing the effective date of the decision in
 the above cause.

Petitioner respectfully suggests that since
 illegal use and conversion of natural products of State
 lands is involved in breach of the trust imposed by the
 Enabling Act, the decision should be made effective
 immediately. Pumping of water from State land by
 Respondent, PIMA MINING COMPANY, also constitutes a
 continuing trespass.

Respectfully submitted,

SNELL & WILMER

By *Mark Wilmer*
 Mark Wilmer
 3100 Valley Center
 Phoenix, Arizona 85037
 Attorneys for Petitioner

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A F F I D A V I T

STATE OF ARIZONA)
)ss:
County of Maricopa)

MARK WILMER, being first duly sworn, says:

Affiant deposited true copies of the foregoing Motion, in envelopes properly addressed, with the postage prepaid, to each of the following:

BRUCE A. BEVAN, JR.
Musick, Peeler & Garrett
One Wilshire Boulevard
Los Angeles, California 90017

JOHN C. LACY
Verity & Smith
177 N. Church Street
Suite 902
Tucson, Arizona 85701
Attorneys for Pima Mining Co.

GARY K. NELSON
Attorney General
by
PETER C. GULATTO
Assistant Attorney General
159 Capitol Building
Phoenix, Arizona 85007
Attorneys for Bettwy and
State Land Department

at the proper address of each of the foregoing named attorneys and deposited the same in the U. S. Mail on June 20, 1974.



Mark Wilmer

SUBSCRIBED and sworn to before me this 20th day of June, 1974.

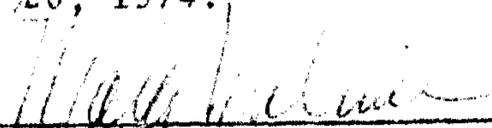


Judith Ann Hoover
Notary Public

My Commission Expires:

My Commission Expires Dec. 18, 1977

Copies of the foregoing Motion mailed to
other counsel of record on June 20, 1974.


Mark Wilmer

STATE OF ARIZONA)
)
COUNTY OF MARICOPA)

ss:

I Craig Swick hereby certify:
Name

That I am Reference Librarian, Law & Research Library Division of the Arizona State
Title/Division

Library, Archives and Public Records of the State of Arizona;

That there is on file in said Agency the following:

Microfilm of Farmer's Investment Company v. Pima Mining Company et al, Arizona Supreme Court Case No. 11439, Motion for Order Pursuant to Rule 9, Rules of Procedure for Special Actions, June 20, 1974. Pages 286-288.

The reproduction(s) to which this affidavit is attached is/are a true and correct copy of the document(s) on file.

Craig B. Swick
Signature

Subscribed and sworn to before me this 12/12/2005
Date

Etta Louise Muir
Signature, Notary Public

My commission expires 04/13/2009
Date

