

THE STATE OF NEVADA.

PROOF OF THE APPROPRIATION OF WATER.

State your name Patrick J. Conway

1. Q. Postoffice.

A. Sweetwater.

2. Q. State the use to which the water has been applied.

A. Irrigation

3. Q. State the means of diversion employed.

A. ditches (8)

4. Q. If through a ditch state its name.

A. Conways Ditches

5. Q. (a) State date of survey of the ditch or other distributing works through which the water claimed is diverted. (b) The date when the construction of such ditch was begun and when completed.

A. (a) Marsh Ditch - built in 1859 on ^{North} South side
 (b) of the river

6. Q. If any enlargements were made state the date when begun and the date when completed.

A. _____

7. Q. State dimensions of the ditch as originally constructed, and as enlarged.

A. Aiken Ditch built in 1871 about 3 feet wide
enlarged in 1890 to about 4 1/2 feet

8. Q. State the name of person, association of persons or corporation who built the ditch or canal, and the name or names of its present owners.

A. Built by Aiken owned now by P. J. Conway
located on South side of river

9. Q. State the nature of your title to the land for which an appropriation is claimed, and if not owned by you give the name of the owner and the nature of the possessory right which you exercise.

A. Owned by Homestead and Leas-truck

10. Q. State the year when water was first used for irrigation or other beneficial purposes, and by whom. If for irrigation, give the number of acres watered the first year, with the legal subdivisions on which the water was used, and as near as may be the acres irrigated in each legal subdivision.

A. Water was used first in 1860 by Marsh
Two Ditches known as Conway ditches North
and South ditches on the lower end of
ranch built in the early Seventies I think
by a man by the name of Dickson

18. Q. If water is used for other purposes than irrigation, state the nature of such use, the time when such use began, and how much water is required for such purpose.

A.

19. Q. During what months is the water used?

It is used in May, June, July, + August.

20. Q. Have you had sufficient water each year since the use for which an appropriation is claimed began? If not, state the years of scarcity, the months when the supply was insufficient, and the reason of such scarcity.

A.

Signed:

J. J. Canoy

Sweetwater, Nevada, Nevada, *April 24*, 190*7*

Sworn to and subscribed before me at

Bridgeport - Mono Co. California, this *24th*

day of *April*, 190*7*.

Sam R. Parker, Notary Public.

Remarks:

There are three ditches on the Sweetwater ranch known as the Green ranch which has been irrigated since 1860 This information is all gotten from Geo. A. Green and other ~~the~~ old settlers. I know nothing of my own personal knowledge until 1877

0362

PROOF OF APPROPRIATION

Date of Appropriation

PRIORITIES.

GENERAL. STREAM.

NAME OF STREAM.

TRIBUTARY OF

NAME OF CLAIMANT.

Pacific Company

Filed in this office this 27

day of *April* 1907.

Henry Thisted

State Engineer.



7

THE STATE OF NEVADA.

PROOF OF THE APPROPRIATION OF WATER.

In the Matter of the Proof of the
Appropriation of Water by Patrick J. Conway
from Sweetwater Creek.

Name of appropriator: Patrick J. Conway.

Postoffice address: Sweetwater, Esmeralda County, Nevada.

The use to which water has been applied for irrigation and cultivation of lands, domestic and household purposes, and for watering live stock and poultry.

Means of diversion employed: open ditches, being two in number one situated on the south side of Sweetwater Creek, and one situated on the north side of Sweetwater Creek.

The name of ditches are as follows: Originally called the Green ditches, now commonly known and called Conway ditches.

These ditches were surveyed and constructed during the month of April, 1861.

At the time of the construction of said ditches, the ditch on the south side of said stream was used for the purpose of irrigating the lands, and also of furnishing power for a water wheel, which wheel was used in connection with a small sawmill.

That affiant is informed and verily believes that said ditch has not been enlarged to any material extent, and that when originally constructed it diverted all of the waters of said stream, save what was diverted by a ditch on the north side of said Sweetwater Creek, which was used for household and domestic purposes and for irrigating the lands there situated, and for watering live stock.

That affiant verily believes that neither of said ditches has been materially enlarged, though having been originally so constructed as to divert nearly all, if not all, of the waters of Sweetwater Creek, which is a small stream tributary to East Walker River.

That as affiant is informed and believes, the name of the person

who built the said ditches is George A. Green, now residing at Fletcher, Esmeralda County, Nevada, and the present owner is Patrick J. Conway.

That the lands owned by said Patrick J. Conway are held under patent granted by the United States of America.

The waters of said stream were first used in April 1861, and as your affiant is informed and believes, about 50 acres of land was cultivated and irrigated during that year. And that thereafter, between the years 1861 and 1865, additional lands were brought under cultivation and irrigated by the waters of said stream, amounting in all to about 120 acres, and that said lands embrace a portion of the Northwest quarter (N.W. $\frac{1}{4}$) and Southwest quarter (S.W. $\frac{1}{4}$) of Northeast quarter (N.E. $\frac{1}{4}$) of Section 23, Township 7 North, Range 25 East, M.D.M.

That between the years 1865 and 1870 additional lands were brought under cultivation by the use of said waters, amounting to about 60 acres, making a total of about 160 acres of land which has been in cultivation continuously since said time, situated in the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of Section 23, Township 7 North, Range 25 East.

The waters of said stream are sufficient for the irrigation of said lands, and the whole thereof, ^{and} after being diverted upon and over the same, the whole thereof, excepting what may be lost by evaporation, returns to the natural channel of the stream, and is again diverted by lower appropriators.

The character of the soil is alluvial loam, and the crops cultivated consist chiefly of natural grass.

That affiant, Patrick J. Conway, is the owner of the whole of said ditch and the lands irrigated by the same.

The plat prepared by W. W. Coleman is hereby accepted as showing correctly the location of the said ditch and the lands irrigated therefrom.

The irrigation season begins on or about the first of March.

Though frequently irrigation is not commenced on said lands until the latter part of April, much depending upon the condition of the weather and the amount of snow falling during the preceding winter.

The purposes other than for irrigation for which water is used upon said lands is for watering live stock and for household and domestic purposes. That a very small quantity of water is used for such purpose, and probably one miner's inch would be sufficient.

During the months of May, June, July and August waters for irrigation are principally used upon said lands. Sufficient water has been obtainable for said lands since the first appropriation thereof, so far as known to your affiant. And your affiant further says that no greater quantity of water is now used or consumed upon said lands than at the time when said appropriation was first made, but on the contrary, though the entire flow of the waters of Sweetwater Creek are diverted to and upon said lands in the months of April and May, the same, and the whole thereof, is returned to the natural channel of said stream, and that the loss caused by evaporation, percolation, and all other causes is considerably less than it was when said lands were first cultivated.

Affiant further says that this additional proof is made in good faith, and for the reason that in the original proof heretofore filed with the State Engineer on the 27th day of April, 1907, the appropriation of water as aforesaid was entirely omitted from said proof. That a reference to said appropriation and lands was made under the heading of "Remarks" on the last page of said proof, and that it was contemplated by your affiant that the State Engineer would obtain proof as to such appropriation from one George A. Green. But in as much as said proof has not been furnished and the said Engineer is without the same, your affiant herewith submits the foregoing for the purpose of correcting said error and mistake.

Affiant further says that he is entitled to priority of appropriation of the waters of Sweetwater Creek sufficient for the

irrigation of one hundred and twenty acres of land made by his grantors and predecessors in interest during the year 1861, and that he is entitled to priority of appropriation of further and additional waters sufficient to irrigate and cultivate sixty (60) acres of land made by his grantors and predecessors in interest during the year 1865.

WHEREFORE, affiant prays that said appropriations may be allowed according to the unit established by the State Engineer and included in the findings to be hereafter filed by said State Engineer in the action of Miller & Lux vs. Thomas B. Rickey, et al.

Patrick J. Conway

Subscribed and sworn to before me
this 30th day of October, 1907.

L. A. Green
Notary Public.