

THE STATE OF NEVADA.

0463

Proof of the Appropriation of Water.

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McLEOD DITCH.

State your name: Pacific Live Stock Company, a corporation.

1. Q. Postoffice.

A. San Francisco, California. (Present address 882 Howard Street; after July 1st, Merchants Exchange Building.)

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

A. Water used for irrigation, watering stock and domestic purposes.

3. Q. State the means of diversion employed.

A. Ditch.

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

A. McLeod Ditch.

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) Do not know date of survey, if any survey was made.

(b) The construction of the first McLeod Ditch was commenced November, 1862, and completed in the winter of 1862-63. This ditch was used for only one year. In November or December, 1863, the construction of the present McLeod Ditch was begun, and completed in the spring of 1864, the head thereof being higher up on the river than the head of the first McLeod Ditch. Both ditches were constructed to irrigate the same land. We claim that the rights acquired by the appropriation and use of the waters of Walker River through the McLeod Ditch relate back to

the date when the construction of the first McLeod Ditch was begun - the right of priority of appropriation acquired thereby not having been lost by the change in the point of diversion.

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

A. No enlargements of this ditch have been made excepting that the second ditch is wider than the first ditch was.

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

A. The first McLeod Ditch was about 4 feet wide on the bottom; cannot now state the length thereof. The second McLeod Ditch is from 6 to 8 feet wide on the bottom and about 2 miles long.

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. Both McLeod Ditches were built by Angus McLeod. Present owners: Angus McLeod (an undivided one-half), Pacific Live Stock Company (an undivided one-third), and J. O. Birmingham (an undivided one-sixth).

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. Owner of the land.

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. The water diverted by means of the first McLeod

Ditch was first used by Angus McLeod in the year 1863. We cannot state the number of acres irrigated in that year. The water diverted by means of the second McLeod Ditch was first used by Angus McLeod in 1864. Number of acres ^{watered} in 1864, 400 to 500 - about 300 to 400 acres in Secs. 2, 3 and 10, Tp. 13 N., R. 25 E., M.D.B.M., and about 100 acres on the land formerly known as the Alcorn Ranch in approximately the S.W.1/4 of the N.W.1/4 of Sec. 36, and E.1/2 of the N.E.1/4 of Sec. 35, Tp. 14 N., R. 25 E. We cannot state the number of acres irrigated in each legal subdivision.

11. Q. State the number of acres watered each subsequent year, and give the legal subdivisions on which the water was used, and as near as may be the acres irrigated in each legal subdivision.

A. We cannot answer this question definitely. The number of acres of land watered from the McLeod Ditch has been increased gradually from year to year. The use of the share of the water carried through this ditch to which the Pacific Live Stock Company is entitled, has not been confined to particular tracts of land. In earlier years the water was turned into Sand Slough, and thence into the Spragg, Alcorn & Bewley Ditch, and thence used with the waters of that ditch on lands susceptible of irrigation from the latter ditch. Thereafter the Pacific Live Stock Company's share of the water carried through the McLeod Ditch was sometimes used in that way, and sometimes, by means of the Campbell Ditch, on the lands of the Pacific Live Stock Company called the Campbell, Cummings and Knapp ranches, the McLeod Ditch water being mingled with the waters diverted by means of the Campbell Ditch. The following lands are now irrigated from the McLeod Ditch:

In Township 14. N., Range 25 E.,

About 120 acres in the N.E.1/4 of Sec. 20.

All of the E.1/2 of Sec. 17.

About 70 acres in the E.1/2 of the N.W.1/4 of Sec. 17.

This is the Campbell Ranch.

In Tp. 15 N., R. 25 E.

The S.W. 1/4 of Sec. 31 - being the Cummings Ranch.

The N.1/2 of the N.W.1/4 and S.W.1/4 of the N.W.1/4 of Sec. 32.

The S.1/2 of the S.W.1/4 of Sec. 29.

The N.E.1/4 of the N.E.1/4 of Sec. 31.

The W.1/2 of S.E. 1/4 and S.E.1/4 of S.E.1/4 of Sec. 30, and the S.W.1/4 of Sec. 30 - being the Knapp Ranch.

Angus McLeod uses his share of the water to irrigate the following lands:

In Tp. 13 N., R. 25 E.

All of Sec. 10 lying west of the river, excepting about 20 acres - being about 270 acres.

All of the west 1/2 of the S.W.1/4 of Sec. 2 lying west of the river, about 50 acres.

The S.E.1/4 of Sec. 3.

C. L. Martin irrigates about 40 acres with water from the McLeod ditch in the W.1/2 of the S.W.1/4 of Sec. 10.

J. O. Birmingham irrigates the following lands:

In Tp. 13 N., 25 E.

The S.W.1/4 of the N.W.1/4 of Sec. 2.

The S.1/2 of N.E.1/4 and the N.W.1/4 of the N.E.1/4 of Sec. 3, and about 30 acres in the E.1/2 of the N.W.1/4 of Sec. 3.

In Tp. 14 N., R. 25 E.

About 130 acres in the W.1/2 of Sec. 34, and the S.W.1/4 of the S.E.1/4 of Sec. 34.

12. Q. If water is claimed for irrigation, give the legal subdivisions of land owned or controlled by you for which an appropriation is claimed.

12. A. Pacific Live Stock Company claims the right to use its share of the water diverted by means of the McLeod Ditch upon the lands owned by it described as follows:

In Township 13 North, Range 25 East, Mount Diablo Meridian: Of Section 1, the west half of the northwest quarter; of Section 2, the east half of the northwest quarter, and the northeast quarter.

In Township 14 North, Range 25 East, Mount Diablo Meridian: The whole of Sections 1, 12, 13, 24, 25, 26, and 36; of Section 11, the southeast quarter of the southeast quarter, the east half of the east half of the northeast quarter, and the east half of the northeast quarter of the southeast quarter; of Section 14, the east half of the northeast quarter, the southwest quarter of the northeast quarter, and the south east quarter; of Section 17, the east half of the northwest quarter, the northeast quarter of the southwest quarter, and the east half; of Section 20, the northeast quarter, of Section 23, the southwest quarter of the northwest quarter, the east half of the west half, and the east half; of Section 35, the northwest quarter of the northwest quarter, the east half of the west half, and the east half.

In Township 14 North, Range 26 East, Mount Diablo Meridian: The whole of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, and 21; of Section 3, the west half of the west half; of Section 10, the west half of the west half; of Section 15, the west half of the west half; of Section 19, the northeast quarter and the west half; of Section 20, the east half of the southwest quarter, the northwest quarter, and the east half; of Section 22, the west half of the west half; of Section 29, the east half of the northwest quarter, and the northeast quarter; of Section 30, the west half of the northwest quarter, and the southwest quarter; of Section 31, the west half of the west half.

In Township 15 North, Range 25 East, Mount Diablo Meridian: Of Section 25, the northeast quarter of the southwest quarter, the east half of the north east quarter, and

MACK & SHOUP
ATTORNEYS-AT-LAW
ROOMS 104-105-106-112 GOLDEN BLOCK
P. O. BOX 317

WASH. D. C.
OLD FASHION TRADING
COMP. NEVADA

C. E. MACK
GUY V. SHOUP

RENO, NEVADA, Sept. 1, 1908

Mr. G. R. Van Nagle,
Assistant State Engineer,
Carson, Nevada,

Dear Sir:-

Yours of the 1st received. The map you speak of has
not yet reached this office. The two claims of the Pacific Live
Stock Company were returned to Miss Barclay on Sunday last.

Yours very truly,

M. E. Mack & G. V. Shoup

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the southeast quarter; of Section 29, the south half of the southwest quarter; of Section 30, the south half of the southeast quarter, the northwest quarter of the southeast quarter, and the southwest quarter; of Section 31, the northeast quarter of the northeast quarter, and the southwest quarter; of Section 32, the north half of the northwest quarter, and the southwest quarter of the northwest quarter; of Section 36, the east half of the west half, and the east half.

In Township 15 North, Range 28 East, Mount Diablo Meridian: The whole of Sections 30, 31, and 32; of Section 19, the south half; of Section 20, the southwest quarter; of Section 28, the southwest quarter of the southwest quarter; of Section 29, the south half of the northwest quarter, the northwest quarter of the northwest quarter, the south half of the southeast quarter, the northwest quarter of the southeast quarter, and the southwest quarter; of Section 33, the southwest quarter of the northeast quarter, the southeast quarter, and the west half; of Section 34, the southwest quarter of the southwest quarter.

13. Q. State the acreage said ditch is capable of watering, give the legal subdivisions of land which it can be made to irrigate, and state who owns said land.

A. The Pacific Live Stock Company has, as previously stated, at times turned its share of the waters of said McLeod Ditch into the ~~McLeod~~ Campbell Ditch, and used the same, together with its share of the waters diverted by the Campbell Ditch, for the irrigation of the Campbell, Cummings and Knapp Ranches, and has also at times turned its share of the McLeod Ditch water into Sand Slough, and thence into the Spragg, Alcorn & Bewley Ditch, and thence to the lands of the Pacific Live Stock Company susceptible of irrigation from the latter ditch. The Pacific Live Stock Company is not able to state the maximum acreage of land the McLeod Ditch is capable of watering.

14. Q. State the character of the soil and the kind of crops cultivated.

A. Part of the soil is sandy loam, part adobe land and part river bottom land. Sandy loam predominates. Character cultivated by Pacific Live Stock Company, of crops, alfalfa and feed for pasturage.

15. Q. Are you an owner in said ditch? If so state your proportionate interest therein.

A. Yes - owner of an undivided one-third.

16. Q. The plat prepared by the State Engineer is hereby accepted as showing correctly the location of the _____ Ditch and the land which can be irrigated therefrom.

A. No plat exhibited.

17. Q. When does your irrigation season begin and when does it end.

A. The active irrigation season begins April 1st, and ends the middle of September, but the Pacific Live Stock Company irrigates its pasture lands throughout the entire year whenever

water is available.

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. Water is also used to water live stock, and for domestic purposes at the various ranch houses. The lands of the Pacific Live Stock Company are used as a stock ranch, and large numbers of live stock are pastured thereon. Water has been used for these purposes ever since the land has been settled. It is impossible to state how much water is required for watering stock, or for domestic purposes.

19. Q. During what months is water used.

A. Whenever the water is available.

20. Q. Have you 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. We have no information sufficient to enable us to answer as to the sufficiency of the supply of water prior to 1899. There has been a scarcity of water in 1903 and 1905, the scarcity being most marked in the months of July, August and September. The scarcity was caused by natural deficiency of the water supply and by diversions of water by others from Walker River above the lands of the Pacific Live Stock Company.

Dated, San Francisco, Cal., June 26th, 1907.

PACIFIC LIVE STOCK CO.
By J. Leroy Nickel
Its Vice President.

Sworn to before me by J. Leroy Nickel, the Vice President of said Pacific Live Stock Company at the City and County of San

Francisco, State of California, this 26 day of June, 1907.

Hugh T. Sime

NOTARY PUBLIC FOR THE CITY AND COUNTY OF
SAN FRANCISCO, STATE OF CALIFORNIA

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Remarks: The statements made in the foregoing proof are based upon information gathered from various sources, and are made subject to correction in case any errors or omissions are discovered.

PROOF OF APPROPRIATION.

Date of Appropriation.....

Priorities.

General Stream.

Name of Stream.

MCLEOD DITCH.

Tributary of

Name of Claimant.

Pacific Live Stock Company.

Filed in this office this _____

day of _____, 1907.

State Engineer.

