

THE STATE OF NEVADA
Proof of the Appropriation of Water.

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MERRITT DITCH.

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

1. Q. Postoffice.

A. San Francisco, California. (Present address 862 Howard Street; after July 1st, 1907, 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. Merritt Ditch.

5. Q. 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) Construction of ditch began December 1, 1869; completed in the spring of 1870.

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

A. Sundry persons have been interested in this ditch from the time it was first constructed, and there are numerous branch distributing ditches. The Pacific Live Stock Company is not able to state when enlargements or extensions were made, excepting as follows:

In 1874 this ditch was extended to lands of Chas. Snyder in Secs. 28, 29, 33 and 34, Tp. 14 N., R. 26 E., M. D. B. & M., and to lands of Henry Wood in the E. 1/2 of the W. 1/2 of Sec. 31, Tp. 14 N., R. 26 E.

In 1876 this ditch was extended from a point about the center of the south line of the N. E. 1/4 of Sec. 32, Tp. 14 N., R. 26 E., through Secs. 32, 29, 28, 21 and 16 to the S. E. 1/4 of Sec. 9, Tp. 14 N., R. 26 E.

In 1878 a branch ditch was constructed from the S. W. 1/4 of the N. W. 1/4 of Sec. 28, Tp. 14 N., R. 26 E., through Secs. 28, 29 and 20, Tp. 14 N., R. 26 E.

In 1879 a branch ditch was constructed from the N. W. 1/4 of the S. E. 1/4 of Sec. 16, Tp. 14 N., R. 26 E.

In 1881 a branch ditch was constructed from the S. W. 1/4 of the N. W. 1/4 of Sec. 1, Tp. 13 N., R. 25 E., and another branch ditch from the N. W. 1/4 of the N. E. 1/4 of Sec. 1, Tp. 13 N., R. 25 E.

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

A. This ditch was originally about four miles long, twelve feet wide on the top, ten feet on the bottom and three feet deep, running from a point near the S. W. corner of Sec. 2, Tp. 13 N., R. 25 E. The main ditch is now about eight miles long. The ditch for the first mile, to the head of the branch ditch known as the Mill or Wheeler Ditch, has been enlarged, ^{principally} ~~probably~~ by high water, to a width varying from thirty to sixty feet. From that point on for about three miles the ditch is about twelve feet wide. The Mill or Wheeler branch ditch (used by the Pacific Live Stock Company) is sixteen feet wide on the bottom for about one mile to a point near the center of the S. W. 1/4 of Sec. 36, Tp. 14 N.,

R. 25 E., where it connects with the new extension of the main Joggles Ditch. The water from the Merritt Ditch at this ^{one-half} point is carried for about ¹ mile through the Joggles Ditch, thence through the branch ditch known as the Mill or Wheeler Ditch, said ditch being about one mile long, and about eight feet wide.

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

A. The Merritt Ditch was built by James Merritt, _____ Oglesby and John Anderson. Present owners: J. B. Gallagher (an undivided 1/3), Pacific Live Stock Company (an undivided 1/4), Chas. Snyder (an undivided 1/8), Henry Wood (an undivided 1/8), Frank Feigenspan (an undivided 1/12) and James Mills (an undivided 1/24).

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 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 Merritt Ditch was first used in 1870 on (so far as is now known to the Pacific Live Stock Company) land in the E. 1/2 of Sec. 31, Tp. 14 N., R. 26 E., by James Merritt, and on land in the E. 1/2 of Sec. 30, Tp. 14 N., R. 26 E., by Anderson and Oglesby. We cannot state how much land was 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. The acreage irrigated from this ditch was gradually increased from year to year, and the Pacific Live Stock Company is unable to give more than the following information:

In 1874 the lands of Chas. Snyder in the S. W. 1/4 of Sec. 28, S. E. 1/4 of S. E. 1/4 of Sec. 29, E. 1/2 of the N. E. 1/4 of Sec. 32, and the N. W. 1/4 of Sec. 33, Tp. 14 N., R. 26 E., were irrigated. There was also irrigated in 1874 lands of Henry Wood in the E. 1/2 of the W. 1/2 of Sec. 31, Tp. 14 N., R. 26 E.

In 1875 about 40 or 50 acres of land in the N. E. 1/4 of Sec. 21, Tp. 14 N., R. 26 E. (Vanderhoof Ranch) were irrigated. This land then belonged to Nelson Bros. About 20 or 25 acres additional were irrigated in 1876.

In 1876 lands in Secs. 9 and 4, Tp. 14 N., R. 26 E. were irrigated.

In 1878 lands in Secs. 28, 29 and 20, Tp. 14 N., R. 26 E., were irrigated by means of the branch ditch constructed in that year from a point in the S. W. 1/4 of the N. W. 1/4 of Sec. 28 in that Township, and by means of levees the water was spread over lands in the N. W. 1/4 of Sec. 21, S. W. 1/4 of Sec. 18, N. E. 1/4 of N. E. 1/4 of Sec. 29, E. 1/2 of the S. E. 1/4 and the N. E. 1/4 of Sec. 20.

In 1879 additional lands in Secs. 9 and 4, Tp. 14 N., R. 26 E., were irrigated by means of the branch ditch constructed from the N. W. 1/4 of the S. E. 1/4 of Sec. 18, and by means of levees.

In 1881 lands in the W. 1/2 of the N. W. 1/4 of Sec. 1,

Tp. 13 N., R. 25 E., were irrigated by means of the branch ditch running from the S. W. 1/4 of the N. W. 1/4 of said Section; and about 100 acres of land in the S. E. 1/4 of Sec. 36, Tp. 14 N., R. 25 E., were irrigated by means of a branch ditch constructed from a point in the N. W. 1/4 of the N. E. 1/4 of Sec. 1, Tp. 13 N., R. 25 E.; and additional lands were irrigated in the W. 1/2 of the W. 1/2 of Sec. 31 and S. W. 1/4 of Sec. 30, Tp. 14 N., R. 26 E., and in the S. E. 1/4 of Sec. 36, Tp. 14 N., R. 25 E. by means of levees.

In the year 1881 a great deal of land lying east of Hinkson Slough was irrigated by means of the water diverted through the Merritt Ditch.

The following are the lands ultimately watered from the Merritt Ditch:

By the Pacific Live Stock Company.

In Township 13 N., Range 25 E.

About 200 acres of land in the W. 1/2 of the N. W. 1/4 of Sec. 1, and the N. 1/2 of Sec. 2, lying east of Walker River, ~~Tp. 13 N., R. 25 E.~~ ✓

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

About 20 acres in the S. E. 1/4 of the S. E. 1/4 ✓
of Sec. 35.

About 120 acres in the S. W. 1/4 of Sec. 36.

S. E. 1/4 of Sec. 36.

About 110 acres in the N. E. 1/4 of Sec. 36.

About 30 acres in the E. 1/2 of the S. E. 1/4 of
Sec. 25.

In Township 14 N., Range 26 E.

W. 1/2 of the W. 1/2 of Sec. 31.

S. W. 1/4 of Sec. 30.

E. 1/2 of N. W. 1/4 and N. E. 1/4 of Sec. 29.

S. E. 1/4 of S. W. 1/4 and S. 1/2 of the S. E. 1/4
of Sec. 20.

By J. B. Gallagher.

In Township 13 N., Range 25 E.

About 40 acres in the N. E. 1/4 of the N. W. 1/4
and the N. W. 1/4 of the N. E. 1/4 of Sec. 1.

About 120 acres in the S. 1/2 of Sec. 2.

In Township 14 N., Range 26 E.

E. 1/2 of Sec. 31.

S. E. 1/4 of Sec. 30.

By Henry Wood.

E. 1/2 of W. 1/2 of Sec. 31.

S. E. 1/4 of Sec. 19.

W. 1/2 of the S. W. 1/4 of Sec. 20.

W. 1/2 of N. W. 1/4 of Sec. 29.

All in Township 14 N., Range 26 E.

By James Johnson.

E. 1/2 of the N. W. 1/4 of the N. E. 1/4 of Sec.
30, Tp. 14 N., R. 26 E.

By J. C. Mills.

W. 1/2 of the S. W. 1/4 of Sec. 29, and W. 1/2 of
N. W. 1/4 of Sec. 32, Tp. 14 N., R. 26 E.

By R. S. Brooks.

E. 1/2 of the S. W. 1/4, N. 1/2 of the S. E. 1/4
and the S. W. 1/4 of the S. E. 1/4 of Sec. 29, Tp. 14 N.,
R. 26 E.

By County Farm.

E. 1/2 of the N. W. 1/4 and N. W. 1/4 of the N. E.
1/4 of Sec. 32, Tp. 14 N., R. 26 E.

By Frank Feigenspan.

S. E. 1/4 of N. E. 1/4 and S. E. 1/4 of Sec. 32,
and about 80 acres in the S. W. 1/4 of Sec. 33, Tp. 14 N.,
R. 26 E.

By Chas. Snyder.

S. E. 1/4 of the S. E. 1/4 of Sec. 29, about 100 acres in the S. W. 1/4 of Sec. 28, E. 1/2 of the N. E. 1/4 of Sec. 32, and about 100 acres in the N. W. 1/4 of Sec. 33, Tp. 14 N., R. 26 E.

By J. Hoffien.

N. E. 1/4 of Sec. 28, Tp. 14 N., R. 26 E.

The water carried in the Merritt Ditch is used with water carried in the Joggles Ditch to irrigate lands of the Pacific Live Stock Company in Tp. 14 N., R. 26 E. and Tp. 15 N., R. 26 E. - the waters of the two ditches being mingled together at various points. In addition to the waters turned into the Joggles Ditch, as stated in the answer to interrogatory number seven, water is carried from the Merritt Ditch in the Vanderhoof branch of the Joggles Ditch through the branch of the Merritt Ditch running through the land of R. S. Brooks in Sec. 29, Tp. 14 N., R. 26 E., and through the Mason branch of the Merritt Ditch. For this reason it is impossible for us to state how much land is actually irrigated by means of the water diverted through the Merritt Ditch.

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.

A. The Pacific Live Stock Company claims the right to use its share of the waters which the owners of the Merritt Ditch are entitled to appropriate 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 33; 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

quarter, the east half of the northeast quarter, and 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 33, the east half of the west half, and the east half.

In Township 15 North, Range 26 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. For the reason above stated the Pacific Live Stock Company is unable to state the acreage which the Merritt Ditch is capable of watering. All of the water diverted through this ditch is beneficially used.

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. Cultivated by Pacific Live Stock Company, Character of crops, alfalfa and feed for pasturage.

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

A. Yes. The Pacific Live Stock Company owns an undivided 1/4 interest.

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 month is water used.

A. Whenever the water is available.

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. 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 26th day of June, 1907.

Hugh J. Stone

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

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.

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PROOF OF APPROPRIATION,

Date of Appropriation _____

PRIORITIES.

General. Stream.

NAME OF STREAM:

Merritt Ditch.

NAME OF CLAIMANT.

Pacific Live Stock Company.

Filed in this office this _____
day of _____, 190 _____

State Engineer.