

THE STATE OF NEVADA.

Proof of the Appropriation of Water.

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SPRAGG, ALCORN & BEWLEY 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. Spragg, Alcorn & Bewley Ditch. This ditch is also sometimes called the Spragg, Alcorn & Kimball 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 commenced in January, 1865; completed in spring of 1865.

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. One of the main branches

runs from a point near the center of the N.W. 1/4 of Sect. 2, Tp. 13 N., R. 25 E., M. D. B. & M. for about 1 1/2 miles to the S.E. 1/4 of Sec. 26, Tp. 14 N., R. 25 E. There are various branches leading from this branch ditch, one of which, called the River Ditch, is used to irrigate lands to the head of the Gold Hill Ditch, near the N.E. corner of the S.E. 1/4 of Sec. 35, Tp. 14 N., R. 25 E. The Pacific Live Stock Company is not able to state when enlargements or extensions of the Spragg, Alcorn & Bewley Ditch were made, excepting as follows:

In 1869 or 1870 an extension of this ditch, known as the Garratt Ditch, was made from the N.W. 1/4 of the N.W. 1/4 of Sec. 24, Tp. 14 N., R. 25 E. to a swale or slough running through Secs. 13, 12 and 1, Tp. 14 N., R. 25 E., and Sec. 36, Tp. 15 N., R. 25 E., to the northern part of the latter Section, a distance of nearly 4 miles.

In 1876 the Dixon branch ditch was built from the N.E. 1/4 of the N. E. 1/4 of Sec. 35, Tp. 14 N., R. 25 E., to a slough in the N. W. 1/4 of the S. E. 1/4 of Sec. 13, Tp. 14 N., R. 25 E., a distance of about 2 1/2 miles.

Prior to 1878 (exact year not known) a branch ditch, called the I Ditch, was built leading from an existing branch of the Spragg, Alcorn & Bewley Ditch, called the River Ditch, at a point in the S.W. 1/4 of the N. W. 1/4 of Sec. 36, Tp. 14 N., R. 25 E., running northwesterly about 1/2 mile..

In 1878 a branch ditch was built from an existing branch of the Spragg, Alcorn & Bewley Ditch in the S.E. 1/4 of the S. W. 1/4 of Sec. 35, Tp. 14 N., R. 25 E.

Between 1881 and 1891 (exact year not known) a branch ditch was built from the Spragg, Alcorn & Bewley Slough at a point in the N. W. 1/4 of the N. W. 1/4 of Sec. 35, Tp. 14 N., R. 25 E., and carrying northwesterly to land in the W. 1/2 of the S. W. 1/4 of Sec. 26, Tp. 14 N., R. 25 E., and another

branch from this ditch was built along the bank of said Slough.

In 1904 an extension of branch of the Spragg, Alcorn & Bewley Ditch was commenced at the weir near the center of the South line of Sec. 23, Tp. 14N., R. 25 E., and completed in 1905 to a point in the S. E. 1/4 of Sec. 1, Tp. 14 N., R. 25 E. This branch is about 24 feet wide on the bottom and about three miles long, and connects with an old ditch called the Cleaver Ditch. This new ditch was built for the purpose of saving the expense of keeping up the brush dams which had been theretofore used to spread water over the land for irrigation.

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

A. The original cut made from Walker River near the N.E. corner of the N. W. 1/4 of the S. W. 1/4 of Sec. 2, Tp. 13 N., R. 25 E., to the Slough used as a part of the Spragg, Alcorn & Bewley Ditch, was about 200 or 300 yards long, and about 8 feet wide on the bottom, the Slough thus connected with being used as part of the ditch. The water soon enlarged this cut, and in 1867 it was 16 feet wide on the bottom. The main ditch from its head to the present weir in the S. W. 1/4 of Sec. 23, Tp. 14 N., R. 25 E., a distance of about 3 miles, is now about 30 feet wide on the bottom, and the Slough or ditch from the weir to the point where the slough or ditch connects with the river near the S. E. corner of Sec. 12, Tp. 14 N., R. 25 E. is about the same size.

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 Spragg, Alcorn & Bewley Ditch was built by W. H. Spragg, \_\_\_\_\_ Kimball, \_\_\_\_\_ Alcorn

and B. F. Bewley. Present owners, J. B. Gallagher (1/2), Pacific Live Stock Company (7/16) and Chas. Snyder (1/16).

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 this ditch was first used in 1865 on land of Kimball in Sec. 35, Tp. 14 N., R. 25 E., on land of Alcorn in Secs. 35 and 36, Tp. 14 N., R. 25 E., on the land Keene in the N. 1/2 of Sec. 26, Tp. 14 N., R. 25 E., and on the land of Spragg in the S. 1/2 of Sec. 26, Tp. 14 N., R. 25 E. We cannot state the number of acres then 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. There has been a gradual increase in the number of acres watered from this ditch since 1865. The Pacific Live Stock Company is unable to state the extent of this increase from year to year, except as follows:

The acreage of land watered from the Spragg, Alcorn & Bewley Ditch was increased in 1869 or 1870 by means of the construction of the Garratt Ditch, which irrigated a strip of land 1/4 of a mile or more wide through Secs. 13, 12

and 1, Tp. 14 N., R. 25 E., and Sec. 36, Tp. 15 N., R. 25 E.-  
about 640 acres.

Also in 1876 by the Dixon Ditch, irrigating land in  
the E. 1/2 of the E. 1/2 of Sec. 26, <sup>W. 1/2 of the W. 1/2 of Sec. 25</sup> W. 1/2 of the S. W. 1/4  
and the E. 1/2 of the N. W. 1/4 of Sec. 24, and S. E. 1/4  
of the S. W. 1/4 of Sec. 13, Tp. 14 N., R. 25 E., irrigating  
between 200 and 400 acres.

Also in 1878 by means of a number of levees built in the  
swale or slough through Secs. 24 and 13, Tp. 14 N., R. 25 E.  
on the west side of Walker River; whereby between 100 and 200  
acres of land lying in the W. 1/2 of Sec. 24 and in a portion  
of Sec. 13, Tp. 14 N., R. 25 E. were irrigated.

Also by the construction of the I Ditch prior to  
1878, by means of which about 200 acres of land in the N. W. 1/4  
of Sec. 36 and S. W. 1/4 of Sec. 25, Tp. 14 N., R. 25 E. were  
irrigated.

Also by means of the branch ditch taken out in 1878  
from an existing branch of the Spragg, Alcorn & Bewley Ditch  
in the S. E. 1/4 of the S. W. 1/4 of Sec. 35, Tp. 14 N., R. 25 E.,  
whereby  
lands were irrigated in the W. 1/2 of the E. 1/2 of Sec. 35,  
and the W. 1/2 of the S. E. 1/4 and the N. 1/2  
of Sec. 26, Tp. 14 N., R. 25 E.

Also by means of the ditch taken out between 1881 and  
1891 of the Spragg, Alcorn & Bewley Slough at a point in the  
N. W. 1/4 of the N. W. 1/4 of Sec. 35, Tp. 14 N., R. 25 E.,  
whereby <sup>100 or</sup> 110 acres of land in the S. W. 1/4 of Sec. 26, Tp. 14  
N., R. 25 E. were irrigated.

By 1891 practically all the land forming the main  
body of the lands of the Pacific Live Stock Company, known  
as the Mason Ranch, lying on the west side of Walker River,  
was under irrigation. Part of this land formerly irrigated by  
means of the Spragg, Alcorn & Bewley Ditch is now irrigated  
from the extension of the Lane & Johnson Ditch made in 1904.

The water diverted by means of the Spragg, Alcorn  
by the Pacific Live Stock Company  
& Bewley Ditch is now used for the irrigation of the  
following lands:

In Township 13 N., Range 25 E.

All of Sec. 2 lying west of Walker River - about  
120 acres.

In Township 14 N., Range 25 E.

All of Sec. 35 lying west of Walker River and the  
Gold Hill Ditch (excepting the S. W. 1/4 of the N. W. 1/4  
and the W. 1/2 of the S. W. 1/4) - about 460 acres.

All of Sec. 26 (excepting 10 acres sand ridge and  
the E. 1/2 of the E. 1/2) - about 470 acres.

E. 1/2 of the W. 1/2 of Sec. 23 and all of E. 1/2 of  
said section lying west of the Maspn Slough (excepting sand  
ridges) - about 360 acres.

About 80 acres in S. E. 1/4 of Sec. 14

About 350 acres in Sec. 13 lying west of Slough.

About 520 acres in Sec. 12.

About 590 acres in Sec. 1.

In Township 15 N., Range 25 E.

E. 1/2, and E. 1/2 of W. 1/2 of Sec. 36 (less about  
10 acres) - about 470 acres.

S. 1/2 of S. E. 1/4 and about 20 acres in N. E. 1/4  
of S. W. 1/4 of Sec. 25.

In Township 15 N., Range 26 E.

All of Sec. 31 lying west of Walker River - about  
90 acres.

All of Sec. 30 lying west of Walker River - about  
200 acres.

About 130 acres in S. E. 1/4 of Sec. 19 lying west  
of Walker River.

About 40 acres in N. 1/2 of S. W. 1/4 of Sec. 20 lying

west of Walker River.

Lands irrigated by J. B. Gallagher.

In Township 14 N., Range 25 E.

W. 1/2 of the S. W. 1/4 and S. W. 1/4 of N. W. 1/4 of Sec. 35.

E. 1/2 of E. 1/2, and about 80 acres in W. 1/2 of the N. E. 1/4, and N. E. 1/4 of the S. E. 1/4 of Sec. 34.

About 260 acres in S. 1/2 of Sec. 27.

About 75 acres in E. 1/2 of the N. W. 1/4 of Sec. 27.

About 150 acres in E. 1/2 of Sec. 28 (excepting S. E. 1/4 of the N. E. 1/4).

About 70 acres in W. 1/2 of the S. W. 1/4 of Sec. 23.

About 230 acres in S. 1/2 of Sec. 22.

About 70 acres in S. 1/2 of N. E. 1/4 of Sec. 22.

About 120 acres in N. W. 1/4 of Sec. 22.

About 460 acres in Sec. 21.

The following lands in the last mentioned township are also irrigated by means of water diverted by said Spragg, Alcorn & Bewley Ditch:

By Chas. Snyder, about 150 acres in N. E. 1/4 of Sec. 27.

By Patrick Gallagher, W. 1/2 of the N. W. 1/4 of Sec. 27.

N. E. 1/4 of S. E. 1/4 of Sec. 28.

About 30 acres in S. W. 1/4 of S. W. 1/4 of Sec. 22.

About 160 acres in W. 1/2 of Sec. 15.

By Mrs. Jos. Brisson, about 110 acres in W. 1/2 of the E. 1/2, and in the N. E. 1/4 of the N. E. 1/4 of Sec. 15.

About 100 acres in S. E. 1/4 of Sec. 10 and N. W. 1/4 of the S. W. 1/4 of Sec. 11.

By J. P. Parker, about 10 acres in S. W. 1/4 of the S. W. 1/4 of Sec. 11.

By William Rollins, about 130 acres in S. W. 1/4 of Sec. 10.

About 30 acres E. 1/2 of the N. E. 1/4 of Sec. 16.

By Fred Wade, about 40 acres in E. 1/2 of the S. E. 1/4 of Sec. 9.

By \_\_\_\_\_ Meadows, about 100 acres in W. 1/2 of the N. W. 1/4 of Sec. 11 and E. 1/2 of the N. E. 1/4 of Sec. 10.

By A. E. Cummings, about 50 acres in N. W. 1/4 of the N. E. 1/4 and the N. E. 1/4 of the N. W. 1/4 of Sec. 10.

By Mrs. W. T. Warren, W. 1/2 of the N. W. 1/4 of Sec. 10.

About 200 acres in the N. E. 1/4 and the E. 1/2 of the N. W. 1/4 of Sec. 9.

By H. F. Swasey, about 30 acres in S. E. 1/4 of the S. E. 1/4 of Sec. 4.

By Alexander Vein, W. 1/2 of the S. E. 1/4 and the E. 1/2 of the S. W. 1/4 of Sec. 8.

By Fred Welling, W. 1/2 of the S. W. 1/4 of Sec. 8.

About 220 acres in the N. E. 1/4 and the E. 1/2 of the S. E. 1/4 of Sec. 7.

By J. C. Farrell, W. 1/2 of the S. W. 1/4 of Sec. 5. N. 1/2 and the S. E. 1/4 of the S. E. 1/4 and the S. E. 1/4 of the N. E. 1/4 of Sec. 6.

By Perazzo Bros., about 260 acres in N. 1/2 of Sec. 6 (excepting S. E. 1/4 of the N. E. 1/4)

About 140 acres in S. W. 1/4 of Sec. 6.

About 200 acres in W. 1/2 of Sec. 7.

In Township 15 N., Range 25 E.

By Perazzo Bros., about 360 acres in N. 1/2 of Sec. 31 (excepting N. E. 1/4 of the N. E. 1/4) and S. E. 1/4 of Sec. 31.

The waters of the Spragg, Alcorn & Bewley Ditch which flow down Mason Slough to the Penrose & Cleaver Ditch near the center of the east line of Sec. 12, Tp. 14 N., R. 25 E., are used by W. R. Penrose, together with waters flowing to the same point from the Gold Hill Ditch, to irrigate lands belonging to him in Secs. 23, 24, 25, 26, 35 and 36, Tp. 15 N., R. 25 E., and are also used by the Laws Estate to irrigate lands belonging to said Estate in Secs. 26, 27, 34 and 35, Tp. 15 N., R. 25 E.

We are unable to state the area of land irrigated by Penrose and the Laws Estate by means of the water thus flowing from the Spragg, Alcorn & Bewley 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 Spragg, Alcorn & Bewley 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 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 southeast 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 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 36, 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. In addition to the lands now irrigated from the Spragg, Alcorn & Bewley Ditch said ditch can be made to irrigate the following lands: owned by the Pacific Live Stock Company:

~~Owned by the Pacific Live Stock Company~~ All land in Secs. 4, 5, 8, 9 and 16, Tp. 14 N., R. 25 E. and in Secs. 19, 20, 27, 28, 29, 30, 32 and 33, Tp. 15 N., R. 25 E., not now irrigated.

The Pacific Live Stock Company is unable to state the total acreage said Spragg, Alcorn & Bewley 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, part abode land and part river bottom land. Sandy loam predominates. cultivated by the Pacific Live Stock Company, Character 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. Pacific Live Stock Company owns an undivided 7/16 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 months 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 <sup>the</sup> 26<sup>th</sup>, 1907.

PACIFIC LIVE STOCK CO.

By

*J. Leroy Nickel*  
Its Vice President.

Sworn to before me by J. Leroy Nickel, the Vice Pres-

ident of said Pacific Live Stock Company. at the City and County  
of San Francisco, State of California, this 26<sup>th</sup> day of  
June, 1907.

*Hugh J. Sime*

NOTARY PUBLIC IN AND 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.

Date of Appropriation.....  
0467

Priorities.

General ..... Stream.

Name of Stream.  
SPRAGG, ALCORN & HEWLEY DITCH.

Tributary of

Name of Claimant.

Pacific Live Stock Company.

Filed in this office this

day of \_\_\_\_\_, 1907.

State Engineer.