

0468
THE STATE OF NEVADA.

Proof of the Appropriation of Water.

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MASON-JOGGLES 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. Now called the Joggles 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) The Mason Ditch was constructed in March, 1861, and was completed and used for the irrigation of lands in the irrigating season of that year. The Joggles Ditch was constructed for the irrigation of the same lands, in part, which were irrigated from the Mason Ditch. The construction of the Joggles Ditch was begun in December, 1863, or January, 1864, and completed about the month of March, 1864. The head of the Mason

Ditch was ultimately washed out, and thereafter water was turned into what remained of that ditch from the Joggles Ditch, and used to irrigate the lands first irrigated from the Mason Ditch, and other lands. The Joggles Ditch carried water into the Mason Ditch from the time the Joggles Ditch was first constructed. We claim that the rights acquired by the appropriation and use of the waters of Walker River through the Joggles Ditch were initiated by the appropriation and use of water made through the Mason Ditch; that the prior right of appropriation of the waters of Walker River, acquired by the construction and use of the Mason Ditch, has been maintained through the Joggles Ditch, and that the date of the appropriation and use of said waters through the Joggles Ditch relates back to the date of the appropriation and use of said waters through the Mason Ditch.

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

A. See answer to next question.

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

A. The Mason Ditch, as originally constructed, was cut about 75 to 100 yards to a slough, ^{ditch} which headed in the N.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 13, Tp. 14 N., R. 25 E., M. D. B. & M., and ran through the N.W. $\frac{1}{4}$ of Sec. 18, and W. $\frac{1}{2}$ of Sec. 7, and W. $\frac{1}{2}$ of Sec. 6; Tp. 14 N., R. 26 E., and intersected the old channel of the river in the N.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Sec. 31, Tp. 15 N., R. 26 E. This ditch was originally 6 or 8 feet wide on the bottom. It was enlarged prior to 1864 by the high water to a width of 8 or 10 feet on the bottom. The Joggles Ditch ran from a point in the N.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 25, Tp. 14 N., R. 25 E., on the East side of the river, to a slough, and thence through the N.E. $\frac{1}{4}$ of Sec. 25, and the E. $\frac{1}{2}$ of Sec. 24 to a point in the S.E. $\frac{1}{4}$ of Sec. 13, Tp. 14 N.,

R. 25 E., where the water entered the Mason Ditch, and a branch of the Joggles Ditch was carried across by a flume to the west side of the river in the N.E. $\frac{1}{4}$ of Sec. 24, Tp. 14 N., R. 25 E., and thence down to the northern boundary of the N.E. $\frac{1}{4}$ of Sec. 13, Tp. 14 N., R. 25 E., The Joggles Ditch was originally about 8 feet wide on the bottom, and averaged about $2\frac{1}{2}$ or 3 feet in depth. Prior to 1881 the Joggles Ditch was widened to about 15 feet on the bottom; time of enlargement not now known. Between 1881 and 1891 (time now unknown) a branch ditch was constructed from the Joggles Slough, part of the Joggles Ditch, at a point in the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. 25, Tp. 14 N., R. 25 E., and carried northeasterly to the ditch called the Mill or Wheeler Ditch. By November, 1899, the Joggles Ditch was about 16 to 20 feet wide on the bottom for a distance of about 200 yards to the head of the branch ditch called the Sandridge Ditch. The Sandridge Ditch was then about 8 to 10 feet wide on the bottom, and the other branch of the Joggles Ditch called the Mill or Wheeler Ditch was about the same width.

We do not know when these dimensions were first established. In 1904 the head of the Joggles Ditch was moved about $1\frac{1}{2}$ miles higher up the river to a point near the center of the west line of Sec. 36, Tp. 14 N., R. 25 E., and the ditch from the new head down to the head of the Sandridge Ditch was then widened to 40 feet on the bottom. The Sandridge Ditch was then widened to about 16 feet on the bottom, and the Mill or Wheeler Ditch to about 20 feet on the bottom. The Sandridge Ditch was constructed in 1874. It connected with the Joggles Ditch in the N.E. $\frac{1}{4}$ of Sec. 25, Tp. 14 N., R. 25 E., and ran to a point one-quarter of a mile north of the southern boundary of Sec. 6, Tp. 14 N., R. 26 E. It was originally 6 feet wide on the bottom, and

8 feet wide on the top. Some branch ditches leading from the Sandridge Ditch were constructed in 1878. In November, 1899, the Mill or Wheeler Ditch ran to about the center of the N. line of Sec. 30, Tp. 14 N., R. 26 E., and connected there with the Hinkson Slough. In the winter of 1901-02, the Mill or Wheeler Ditch was extended to the land known as the Vanderhoof Ranch in Secs. 21 and 22, Tp. 14 N., R. 26 E., a distance of about five miles. This extension is about 12 feet wide on the bottom. In 1904 another extension of the Mill or Wheeler Ditch was constructed running northeasterly about 4 or 5 miles. This extension is about 20 feet wide on the bottom and is called the Bowland Ditch. In 1905 another extension of the Mill or Wheeler Ditch was constructed from a point near the center of the north line of Sec. 20, Tp. 14 N., R. 26 E., through Secs. 17 and 8, Tp. 14 N., R. 26 E., a distance of about $2\frac{1}{2}$ miles. This extension is 10 feet wide on the bottom and bears no name.

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 Mason Ditch was built by N. H. A. Mason and brothers and J. F. Hale. The Joggles Ditch was built by N. H. A. Mason, W. T. Wright and J. O. Birmingham. Present owner, Pacific Live Stock Company.

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 was first used from the Mason Ditch for irrigation in 1861 by N. H. A. Mason and J. F. Hale, W. T. Wright and J. O. Birmingham. The number of acres irrigated in that year, ^{was} about 400 or 500, in the W.¹/₂ of the W.¹/₂ of Sec. 18, W.¹/₂ of Sec. 7, and W.¹/₂ of Sec. 8, Tp. 14 N., R. 26 E., and S.W.¹/₄ of Sec. 31, Tp. 15 N., R. 26 E. Cannot state number of acres irrigated in each legal subdivision. The Joggles Ditch water was first used for irrigation in 1864 by N. H. A. Mason, J. F. Hale, W. T. Wright, Richard Mason and J. O. Birmingham. Number of acres irrigated in that year on the east side of the river up to the point where the water diverted by this ditch emptied into the Mason Ditch, about 300 or 400. The water turned into the Mason Ditch from the Joggles Ditch was used to irrigate the land last above described. The water carried from the Joggles Ditch across the river to the west side as above stated, was used in 1864 to irrigate 200 or 250 acres of land in the N.E.¹/₄ of Sec. 24, the E.¹/₂ of Sec. 13 and the E.¹/₂ of Sec. 12, Tp. 14 N., R. 25 E. Cannot state number of acres irrigated in each legal subdivision. Total area irrigated in 1864 from Mason-Joggles Ditch, 900 to 1150 acres.

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 was a gradual increase of the use of the water for irrigation from year to year on the land susceptible of irrigation from the Mason-Joggles Ditch, including lands lying between Walker River and Hinkson Slough, and on the east side of Hinkson Slough. We cannot trace the development of the use of the water from year to year excepting as follows:

In 1874 there was an increase of the area of the land irrigated from the Joggles Ditch by means of the Sandridge Ditch.

In 1878 the water was spread over wider areas in the northern part of Sec. 17, and in Secs. 8 and 5, Tp. 14 N., R. 26 E., and in Secs. 32 and 33, Tp. 15 N., R. 26 E., by means of levees constructed in the sloughs, swales and low lying lands. The branch ditch ~~was~~ constructed from Joggles Slough at a point in the S.E. ¹/₄ of the N.E. ¹/₄ of Sec. 25, Tp. 14 N., R. 25 E., to the Mill or Wheeler Ditch, increased the supply of water for the irrigation of the lands in Secs. 20, 17, 8 and 5, Tp. 14 N., R. 26 E., and lands lying east of Hinkson Slough, and this supply was further increased by the construction of the Bowland Branch Ditch in 1904, and by the extension of the Joggles Ditch made in 1905 from the north line of Sec. 20, Tp. 14 N., R. 26 E., through Secs. 17 and 18 in that township. The branch ditch to the Vanderhoof Ranch in Secs. 21 and 22, Tp. 14 N., R. 26 E., made in the winter of 1901-02, brought this land and other land lying to the north under the Joggles and the Merritt Ditch, but the Vanderhoof Ranch and substantially all of the land of the Pacific Live Stock Company in Tp. 14 N., R. 26 E., lying east of the north and south quarter section lines running through Secs. 20, 17, 8 and 5 in that township had been irrigated in prior years from the Merritt Ditch.

By 1891, practically all of the irrigated land now owned by the Pacific Live Stock Company on the east side of Walker River was under irrigation.

The Merritt Ditch water is used in conjunction with the Joggles Ditch water to irrigate lands of the Pacific Live Stock Company in Tp. 14 N., R. 26 E., and in Tp. 15 N., R. 26 E., and it is not possible to definitely state what lands is irrigated alone from the Joggles Ditch. The following is a statement of the lands irrigated from the Joggles Ditch so far as the same can be set forth:

In Township 14 N., Range 25 East.

All of the north half of Sec. 36 lying east of the river - about 200 acres. (Part of this land was formerly irrigated from the Merritt Ditch.)

All of Sec. 25 lying east of the River - about 250 acres.

All of Sec. 24 lying east of the river (excepting about 30 acres) - about 250 acres.

About 40 acres in that portion of the east half of the S.E. $\frac{1}{4}$ of Sec. 13 lying east of the river.

In Township 14 N., Range 26 E.

80 acres in the west $\frac{1}{2}$ of the W. $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ of Sec. 30.

The W. $\frac{1}{2}$ of Sec. 19.

The N.E. $\frac{1}{4}$ of Sec. 19.

The N. $\frac{1}{2}$ of Sec. 20.

The N.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ and the N. $\frac{1}{2}$ of the S.E. $\frac{1}{4}$ of Sec. 20.

All of Sec. 21, excepting about 40 acres in the S. $\frac{1}{2}$ of the S.E. $\frac{1}{4}$ of said section.

About 80 acres in the W. $\frac{1}{2}$ of the W. $\frac{1}{2}$ of Sec. 22.

About 20 acres in the W. $\frac{1}{2}$ of the W. $\frac{1}{2}$ of Sec. 15.

All of Secs. 16, 17 and 18.

All of Sec. 7 lying east of the river - about 600 acres.

The S. $\frac{1}{2}$ of Sec. 8; about 120 acres in the N.W. $\frac{1}{4}$ of Sec. 8, and about 80 acres in the N.E. $\frac{1}{4}$ of Sec. 8.

The S.W. $\frac{1}{4}$ of Sec. 9; about 100 acres in the N.W. $\frac{1}{4}$ of Sec. 9, and about 120 acres in the E. $\frac{1}{2}$ of Sec. 9.

About 140 acres in the W. $\frac{1}{2}$ of Sec. 4.

About 320 acres in Sec. 5.

About 400 acres in Sec. 6.

In Township 15 N., Range 28 E.

About 80 acres in the W.1/2 of Sec. 33.

About 200 acres in Sec. 32, mostly in the S.1/2 of the W.1/2 of said Section.

About 250 acres in the parts of Secs. ^{30 and} 31 lying east of the river.

About 120 acres of the W.1/2 of the W.1/2 of Sec. 29.

About 40 acres in Secs. 19 and 20, lying east of the river.

Total area irrigated, about 7300 acres.

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 the water which it is 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 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 north-
west 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 Sec-
tion 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. The Joggles Ditch as now constructed, together with the Merritt Ditch, is capable of watering all the lands of the Pacific Live Stock Company in Township 14 N., R. 26 E., and Tp. 15 N., R. 26 E., lying east of Walker River, excepting the W. 1/2 of the W. 1/2 of Sec. 31, the S.W.1/4 of Sec. 30, the E.1/2 of the N.W.1/4 and the N.E.1/4 of Sec. 29, and the S.W.1/4 of the S.E. 1/4 of Sec. 20, Tp. 14 N., R. 26 E., - these last described lands being irrigable alone from the Merritt Ditch. As these two ditches have been used jointly by the Pacific Live Stock Company for the irrigation of these lands lying east of Walker River, we cannot state the maximum amount of land the Joggles Ditch alone 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 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- sole owner of ditch.

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 26th, 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 26th day of June, 1907

Hugh T. Sims

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.

PROOF OF APPROPRIATION.

Date of Appropriation.....

Priorities.

General. Stream.

Name of Stream.

MASON - JOGGLES DITCH.

Tributary of

Name of Claimant.

Pacific Live Stock Company.

Filed in this office this _____ day of _____, 1907.

State Engineer.

