

THE STATE OF NEVADA.

PROOF OF THE APPROPRIATION OF WATER.

State your name J. A. Rogers

1. Q. Postoffice.

A. Wellington, Nevada.

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

A. irrigation and agriculture

3. Q. State the means of diversion employed.

A. dam and ditches

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

A. Wellington 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) about April 1862, as near as I can learn

(b) commenced about November 1862, completed about March 1863.

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

A. No enlargements except such as have been made by cleaning or erosion.

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

A. upper ditch is 6 ft. wide + 6 ft. deep capacity carrying 1,000 inches under a six inch pressure. Lower ditch is 5 ft wide + 4 ft. deep. same capacity.

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. Daniel Wellington built them. George Tolton is present owner of the fee, subject to a mortgage to me for unpaid balance of purchase price of land and said water rights.

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. George Tolton owns the land in fee, subject to a purchase price mortgage to me for unpaid balance on purchase price.

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. First used for irrigation in spring of 1863, by Daniel Wellington and Geo. E. Wellington. The entire piece of land owned by said Wellingtons, comprising about 1400 acres, was irrigated the first year, namely, 1863.

As near as I can now state the subdivisions were:

N 1/2 of S.W. 1/4 + S.W. 1/4 of S.W. 1/4 of Sec 2 + S.E. 1/4 of S.E. 1/4 of Sec. 3, T. 10 N. R. 23 E. S.E. 1/4 of N.W. 1/4 + Lots 3 + 4 or N. 1/2 of tract of S.W. 1/4 of Sec. 2 + S.E. 1/4 of Sec. 3 + W. 1/2 of S.E. 1/4 + W. 1/2 of N.E. 1/4 of Dec. 3. N.R. 23 E. W. 1/2 of Dec. 26 + W. 1/2 of S.E. 1/4 of Dec. 26.

S.E. 1/4 of S.W. 1/4 of Sec 23, T. 11 N. R. 23 E. all M.D. B.M. I think also there were other subdivisions which I can not give.

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. Same lands have irrigated ever since.

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. There has been a number of small fractions traded or sold from time to time so as to straighten fences. I can not give subdivisions or descriptions of these. But Geo. Folston owns practically the subdivisions given above, & possibly some others, subject to a mortgage to me as aforesaid.

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. Can not do this. I do not know.

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

A. Soil differs. Some sandy, some alkali. Crops cultivated mostly wild grass, some barley & wheat, also vegetables. Some alfalfa, possibly 100 acres.

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

A. owned all until I sold to Geo. Folston, now own an equity by way of mortgage.

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

A. yes.

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

A. Begins generally in April, ends about November, but seasons vary.

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. None.

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

A. From April to November, generally, but seasons vary somewhat.

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. Some seasons have not had sufficient water. Cannot give dates. Scarcity would generally occur in September. Do very little water that month most any year. Reason for scarcity is no snow in mountains.

Signed:

J. C. Rogers

Reno

, Nevada,

May 2

, 1907.

Sworn to and subscribed before me at

Reno, Nevada, this

2

day of

May

, 1907.

Albert Hayes

, Notary Public.

Remarks:

For further particulars regarding appropriation and subdivisions of land irrigated, also size and course of ditches, see pages 350 + 351. Book A. Pre-emption claims, Records Esmeralda County, Nevada. Also see page 46 Esmeralda Transcripts of Surveys. & Book A Page 350 Pre-emption.

0304 ✓

PROOF OF APPROPRIATION

Date of Appropriation

PRIORITIES

GENERAL. STREAM.

NAME OF STREAM.

Walker River

TRIBUTARY OF

NAME OF CLAIMANT.

J. A. Rogers

Filed in this office this *30th*

day of *May*, 190*7*.

State Engineer.



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