

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From WALL CANON CREEK
Name of natural water source.

Through No. 1 Ditch and natural channel used as ditch.
Name of ditch, flume, or pipe line

J. D. Finley, the undersigned, being first
duly sworn, deposes and says that the facts relative to the appropriation of water by
him are full and correct to the best of his
knowledge and belief.

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant

(1) Name of claimant J. D. Finley
Address 945 Orange St. Los Angeles, County of Los Angeles
State of California

(2) The means of diversion employed Dam and ditch
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was None made.

(4) The construction of the ditch or other works was begun 1879
and completed 1879

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 3
feet, width on top 5 feet, depth 1.5 feet, on a grade of 10 feet per thousand feet.

(6) The conduit has (has not) been enlarged.
NOTE--If enlargement or extension of ditch was made, supply information under (7) and (8)

(7) The work of enlargement of the ditch or canal was begun
and completed

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom feet, width on
top feet, depth feet, on a grade of feet per thousand feet.

(9) The claimant is (is not) an owner in the above-described conduit.
Sole owner
If claimant is an owner in the conduit, state interest held on this line

(10) The nature of the title to the land for which the water right is claimed is
All patented land.

(11) Crops of Natural grass pasture
have been grown upon the land irrigated.

(12) The water has been used for irrigation from March 1st to October 31st
of each year. Day of month Day of month

(13) The water was first used for irrigation by claimant or his grantors in the year 1879
when 48.28 acres were irrigated in the of Secs. 12 & 13 of

T. 38. N. R. 19 E. & T38N. R20E as follows:
NW 1/4 NE 1/4 Sec. 13, T38N. R19E. -- 7.03 A. NE 1/4 SE 1/4 Sec. 12, T38N. R19E. -- 11.24 A.
NE 1/4 NE 1/4 " " " " -- .66 A. Lot 2, Sec. 7, T38N. R20E. -- 6.20 A.
SW 1/4 SE 1/4 Sec. 12, " " -- 3.65 A. Lot 3, " " " " -- 1.40 A.
SE 1/4 SE 1/4 " " " " -- 18.10 A.

Map filed under this no.

(14) The additional number of acres first irrigated in subsequent years was as follows:

Year	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....
	..... acres in the.....	of Sec.....	T.....	R.....	E.....

Remarks:
Append a sheet if necessary

(15) The maximum acreage irrigated in any year was 48.28 acres.

(16) The water claimed has ~~has not~~ been used for irrigation each and every year since the right was initiated.
Strike out one not wanted

(17) The years during which no water was used for irrigation or during which the full water right was not used were.....
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given, appending a sheet if necessary

(18) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of..... County, said record being at page..... of Book..... of..... and being a claim for..... of water for the irrigation of..... acres of land in the following legal subdivisions:.....

NOTE—Failure to record in the county in no way invalidates a water right, but if ditch or right was so recorded, supply full information under (19)

(19) The map provided by the claimant State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or irrigation works diverting or conveying the water claimed and the lands irrigated.

(20) Water from the source given and through the works described is also used for the following purposes other than irrigation: Stockwater and domestic uses

(21) The character of the soil is gravelly loam (Sandy, gravelly, loam) The soil needs 4.00 acre-feet per annum to properly irrigate the crops. A continuous flow of .825 cubic feet of water per second, during the irrigation season of 8 months, is needed to irrigate each 100 acres of land.

(22) Remarks:

J. A. Finley

Subscribed and sworn to before me this 14th day of October 1914

J. A. Finley

Notary Public in and for the County of

My commission expires

NOTARY PUBLIC
for the County of Los Angeles, State of California
My Commission Expires April 18th, 1915

This part of form to be left blank by claimant

Filing Serial No.

STATE OF NEVADA
PROOF OF APPROPRIATION OF
WATER FOR IRRIGATION

Water Source.....

Through.....

Claimant.....

.....

Filed in the office of the State Engineer on

....., 192.....

.....
State Engineer

Certificate No. issued hereunder

....., 192.....

Form No. B 

STATE ENGINEER
MAY -8 27
RECEIVED
ANS.

0720

THE STATE OF NEVADA.

0720

PROOF OF THE APPROPRIATION OF WATER.

Wall Canyon Creek.

State your name W. H. Patterson.

1. Q. Postoffice. Cedarville, Modoc County, California.

A.

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

A. Irrigation and domestic uses.

3. Q. State the means of diversion employed.

A. Dams and ditches.

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

A. "Clark" and also "Patterson" ditches.

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) Clark ditch was constructed in 1879 and the Patterson ditch

(b) in 1902. The latter is really an enlargement of the natural channel for the flow of the flood waters of the stream through which a portion of the flood waters normally flowed to my lands.

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

A. The capacity of these ditches was enlarged year by year in cleaning them

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

A. Clark ditch six feet wide and three feet deep; Patterson ditch eight feet wide and two and a half feet deep.

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. ~~Clark and Martin~~ Clark and Martin built Clark ditch; W. H. Patterson built Patterson ditch. W. H. Patterson the present owner.

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. Patents from the United States and from the State of Nevada.

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. Irrigation of these lands was begun not later than 1865, probably in 1864. Its use did not then extend to more than 200 acres in the north portions of sections 17 and 18, Tp. 37 N., R. 19 E.; but as early as 1879 and before the location of any others than my grantors on the stream water was being applied to at least 1000 acres in sections 17, 18 and 7, Tp. 37 N., R. 19 E. and in Sections 11, 12, 13, Tp. 37, R. 18 E.; also, through what is now the site of the Patterson ditch, then a natural channel, to many hundreds of acres in sections 13, 14, 23, 24, 25 and 26 Tp. 37 N., R. 18 E. This latter was done largely to improve grazing on uninclosed lands, only a portion of which was then really owned by my grantors, but all of which has since come into my ownership. This use of the water was gradually made more regular and systematic as ownership was had and was never objected to by any one. No protest against my use of all the water this

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. stream was ever made by any one located on the stream below my lands.

At one time B.F. Murphy, then the owner of certain lands now mine, further up the stream, in sections 3, 10, 15, 22, 23, 14, 13 and 12, T. 38 N., R. 19 E., did attempt to use water for the irrigation of said lands against my protest, and I instituted legal proceedings to protect my rights, as a result of which he disclaimed all right to use of said waters except for "household and domestic uses". That disclaimer is of record in Washoe County. At that time said Murphy was the owner of the lands below mine on Wall Canyon Creek for which he is now claiming water. I afterward, some ten or more years ago became the owner and am still the owner of the lands then owned by said Murphy above me on the stream and have used the waters of the stream to irrigate the same without protest from any one. For more than forty years my grantors and myself have used all the normal flow and much of the flood waters of said stream without objection or protest from any one, except in the one instance above referred to, in which case my complete rights were ultimately established.

In answer to Q. 11 it is impossible to answer with any approach to accuracy further than that my grantors and myself have at all times for more than forty (40) years had peaceable possession, except as told above of all of the normal flow of the stream and of a large part of the flood waters, and have utilized the same for the irrigation of more than half of the eight thousand one hundred and fifty acres (8150) of patented lands on and adjoining the stream for the irrigation of which I claim it.

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. NW 1/4, SE 1/4 of NW 1/4 and NE 1/4 of SW 1/4 and SW 1/4 of SE 1/4, S 2; W 1/2 of NE 1/4 and E 1/2 of SE 1/4, S 11; S 1/2 S 12; NW 1/4 and E 1/2 of NW 1/4 and SE 1/4 sec 13; SE 1/4 and SW 1/4 and SW 1/4 and E 1/2 of SE 1/4 of Sec 14; all of Sections 23, 24 and 25; all of sec 26 except the S 1/2 of SW 1/4; N 1/2 NE 1/4 sec 35; N 1/2 of sec 36, all in Tp 37 N., R. 18 E.

S 1/2 SW 1/4 sec 7; E 1/2 SE 1/4 sec 9; SW 1/4 NW 1/4 and NW 1/4 of SW 1/4 sec 10 N 1/2 of NE 1/4, E 1/2 and SW 1/4 of NW 1/4 of sec 16; all of N 1/2 of sec 17 except NE 1/4 of NE 1/4; N 1/2, W 1/2 of SE 1/4 and S 1/2 of SW 1/4 of sec 18; W 1/2 of sec W 1/2 of sec 30; NW 1/4 of NW 1/4 sec 31, all in Tp 37 N., R. 19 E.

W 1/2 SW 1/4 of SW 1/4 sec 3; W 1/2 of W 1/2 of sec 10; SW 1/4 of SE 1/4 sec 12; W 1/2 NE 1/4, SE 1/4 of NW 1/4; and SW 1/4 sec 13; SE 1/4 SE 1/4 sec 14; E 1/2 of NW 1/4 and W 1/2 of SE 1/4 sec 15; W 1/2 of NE 1/4 sec 22; N 1/2 of NE 1/4 and S 1/2 of

of NW 1/4 and NW 1/4 of SW 1/4 sec 23; also W 1/2 of SE 1/4 sec 22; W 1/2 of NE 1/4 and NW 1/4 of SE 1/4 sec 27 all in Tp 38 N., R. 19 E.

S 1/2 of NE 1/4 N 1/2 of S 1/2 and SW 1/4 of SW 1/4, sec 5; W 1/2 and SE 1/4 of NW 1/4 and SW 1/4 of SW 1/4 and W 1/2 and SE 1/4 of SE 1/4, sec 6; W 1/2 of NW 1/4 sec 7; and W 1/2 of NW 1/4 sec 8 all in Tp 38 N., R. 20 E.

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 various ditches have now been so enlarged by use and repeated cleanings as to be capable of irrigating almost all of the above described lands. They can safely be said to be capable of irrigating 5000 acres of my lands.

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

A. Alluvial soils, heavy black clay in part, the rest a warmer alluvial. Crops, hay, cereals and vegetables.

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

A. Sole owner.

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 submitted.

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

A. March to August.

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. Watering stock and for domestic uses.

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

A. Through the entire year.

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. In no year has there been as much water as could be used to advantage. The normal flow is insufficient for complete irrigation of all my land even in the best years, but with a possible system of water-storage it could be vastly improved. To do this, title to the water must be secured. At present a large part of the flood-waters run to waste. The years 1888, 1889, 1897, 1905 and 1908 were notable as years of insufficient water supply.

Signed:

W. H. Patterson

Adaville, Nevada Co., Cal. - May 24th, 1909

Sworn to and subscribed before me at

Adaville, Cal.

this

24th

day of

May

, 1909.

R. H. Stanley

Notary Public.

Remarks:

As a matter of justice my belief is that I am entitled to water to irrigate 4000 acres as a first right and that a second and third right for 150 acres each should be granted to other parties (Murphy and Nolad) below me on the stream, and that a fourth right should be mine for all the remaining water in the stream. A peculiar condition exists inasmuch as the water in flood times comes with a rush and lasts but a short time during which there is more than enough for all. The only use that can then be made of much of it is to store it. This I am the only one with land to utilize and with storage facilities to conserve it. If a first right to water for all the 8000 acres of land I have were given me and a second and third right to the others it would not materially affect their right, as the water subsides so suddenly that there would be little if any difference between that and a first right to me for 2000 acres and then a second and third right to them for their 150 acres each.

It is not as though the flood waters came from high mountains and continued for weeks during the irrigating season. They come from low hills and in Surprise Valley there is a river of water which runs to the lake in Surprise Valley and is lost. That can all be stored and put to beneficial uses on the lands I own and for which I claim it. To take those second and third rights out of the middle of the flood-waters is not easy. It is seven miles from my place to the next one below me on the stream and two miles further to the next one. Therefore a great deal of water is necessarily wasted in getting a very little to them. It is only in flood times that enough can be spared to reach them at all and still leave me the minimum amount that could possibly be adjudged me. That is the explanation of the fact that they have never even asked for more than they have heretofore had. At the end of a lawsuit ~~was~~ I was sure to maintain my claim to the normal flow and more, and some of the floodwaters they always got. A slight concession as to priority on flood waters that passed so quickly was not worth contending for, so they made no demands.

As a matter of justice I am entitled to a first right such as I have stated and as a matter of the beneficial use of the water the larger my first right is made the less water will go to waste.

0920

PROOF OF APPROPRIATION

Date of Appropriation May 24, 1909

PRIORITIES

GENERAL STREAM

NAME OF STREAM

Walt Cannon Creek

TRIBUTARY OF

NAME OF CLAIMANT

W.H. Peterson

Colfaxville, Cal

Filed in San office this

day of May 1909

FILED
MAY 24 1909

State Engineer



THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From WALL CANON CREEK
Name of natural water source

Through No. 2 Ditch and natural channels used as ditches.
Name of ditch, flume, or pipe line

J. D. Finley, the undersigned, being first
duly sworn, deposes and says that the facts relative to the appropriation of water by
him are full and correct to the best of his
knowledge and belief.

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant

(1) Name of claimant J. D. Finley
Address 945 Orange St. Los Angeles, County of Los Angeles
State of California

(2) The means of diversion employed Dam and ditch
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was None made.

(4) The construction of the ditch or other works was begun 1872
and completed 1879

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 3
feet, width on top 5 feet, depth 1.5 feet, on a grade of 2 feet per thousand feet.

(6) The conduit has (has not) been enlarged.
NOTE—If enlargement or extension of ditch was made, supply information under (7) and (8)

(7) The work of enlargement of the ditch or canal was begun
and completed

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom feet, width on
top feet, depth feet, on a grade of feet per thousand feet.

(9) The claimant is (is not) an owner in the above-described conduit.
Sole owner
If claimant is an owner in the conduit, state interest held on this line

(10) The nature of the title to the land for which the water right is claimed is
All patented land.

(11) Crops of natural grass pasture
have been grown upon the land irrigated.

(12) The water has been used for irrigation from March 1st to October 31st
of each year. Day of month Day of month

(13) The water was first used for irrigation by claimant or his grantors in the year 1879
when 104.31 acres were irrigated in the of Sec. 12,

T. 37 N., R. 18 E., as follows:
SW 1/4 SW 1/4 Sec. 12 -- 19.67 A. NE 1/4 SW 1/4 Sec. 12 -- 24.96 A.
SE 1/4 SW 1/4 " " -- 23.72 A. SW 1/4 SE 1/4 " " -- 11.00 A.
NW 1/4 SW 1/4 " " -- 2.73 A. NW 1/4 SE 1/4 " " -- 22.23 A.

Map filed under
this May 10, 1927

(14) The additional number of acres first irrigated in subsequent years was as follows:

Year	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....
	..... acres in the	of Sec.....	T.....	R.....	E.....

Remarks:
Append a sheet if necessary

(15) The maximum acreage irrigated in any year was 104.31 acres.

(16) The water claimed has ~~has not~~ been used for irrigation each and every year since the right was initiated. Strike out one not wanted

(17) The years during which no water was used for irrigation or during which the full water right was not used were.....
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given, appending a sheet if necessary

(18) The claimant's water right was (was not) recorded in the office of the County Recorder of County, said record being at page..... of Book..... of, and being a claim for of water for the irrigation of acres of land in the following legal subdivisions:

NOTE—Failure to record in the county in no way invalidates a water right, but if ditch or right was so recorded, supply full information under (19)

Claimant

(19) The map provided by the State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or irrigation works diverting or conveying the water claimed and the lands irrigated.

(20) Water from the source given and through the works described is also used for the following purposes other than irrigation: Stockwater and domestic uses.

(21) The character of the soil is sandy loam (Sandy, gravelly, loam) The soil needs 4 acre-feet per annum to properly irrigate the crops. A continuous flow of .825 cubic feet of water per second, during the irrigation season of 8 months, is needed to irrigate each 100 acres of land.

(22) Remarks:

J. J. Finley

Subscribed and sworn to before me this 14th day of October, 1924

M. Newman

Notary Public in and for the County of NOTARY PUBLIC in and for the County of Los Angeles, State of California My commission expires April 15th, 1926

This part of form to be left blank by claimant.

Filing Serial No.

STATE OF NEVADA
PROOF OF APPROPRIATION OF
WATER FOR IRRIGATION

Water Source.....

Through.....

Claimant.....

Filed in the office of the State Engineer on

....., 192.....

State Engineer:

Certificate No. issued hereunder

....., 192.....

Form No. B

RECEIVED
MAY - 8 27
ANS.