

# THE STATE OF NEVADA.

## PROOF OF THE APPROPRIATION OF WATER.

State your name Albert Perkins.

1. Q. Postoffice.

A. Dayton, Lyon County, Nevada.

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

A. Irrigation.

3. Q. State the means of diversion employed.

A. Ditch and three reservoirs.

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

A. Berry 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) 25 years ago ditch completed.

(b) \_\_\_\_\_

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

A. Cleaned out last Spring.

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

A. 1-1/2 ft. wide by 1 ft. deep; 85 or 90 rods long.

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. A. G. Berry built ditch. Present owners Palen Walmsley and Albert Perkins, the latter applicant herein.

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. Deeds in fee simple from J. L. Campbell, Wm. E. Annis and A.G. Berry.

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. Used by Albert Perkins first in 1893. About three acres comprising the property known as the I. A. Hanes' property and also the lot and premises of L. Morrill, all situated in or near the town of Dayton, Lyon County, Nevada.

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. About 10-1/2 acres first irrigated in 1895, in the N.E. 1/4 of Sec. 23, Tp. 16 N. R. 21 E;

Also about 1/3 of an acre lying 46-1/2 ft. North and 1 ft. 8 inches West of the N. W. 1/4 of the J. A. Hanes residence on the north side of the road in or near the town of Dayton, Lyon County, Nevada, first irrigated in 1895.

*Applicant has done 3/4 of the work on the ditch & reservoirs owned jointly by Galen Walmsley and himself and has been using and claims the surplus water after Walmsley has irrigated his land and will continue to use the surplus water. Applicant owns a one-half interest in all the water from the Berry Ditch and reservoirs*

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.

All that certain piece or parcel of land, situate, lying and being in the town of Dayton, Lyon County, Nevada, described as follows, to wit: Commencing at Louis Janin's Stake No. 1 on bank of tailings East of and near the Rock Point Ditch and running thence 1st N. 47 deg. W. 2.33 Chains along the bank of ditch in part and crossing road leading to Slaughter House on line; thence 2nd N. 63 deg. W. 2.26 chains; thence 3d N. 37 deg. W. 5.20 chains; thence 4th N. 1 deg. W. 5.21 chains to fence 40 feet South of L. Janin's Stake No. 5 on East side of Bridge over ditch on Leet and Birdsall's old Toll Road; thence 5th, 51 deg. 30 min. E. 4.54 chains; thence 6th, N. 01 deg. W. 2.15 chains; thence 7th, S. 52 deg. E. 7.82 chains; thence 8th, S. 04 deg. E. 3.10 chains; thence 9th, S. 18 deg. W. 9.54 acres, and situated in the N.E. 1/4 of Section 23, T. 16 N. R. 21 East, M.D. B. & M, except the following described lands: Commencing at the Bridge, crossing the Rock Point Ditch, South of said Slaughter House and following the line of said ditch northerly 293 feet more or less to a point where Albert Perkins diverted water from the Rock Point Ditch in the year 1895; thence easterly 396 feet more or less; thence southerly 227 feet, more or less; thence westerly 209 feet, more or less, to the place of beginning, all of said land being described in Deed from J. L. Campbell to Albert Perkins, dated April 2, 1895 and recorded in Book L of Deeds, page 764, Records of the County of Lyon at Dayton, Nevada.

Also that certain tract or lot of land commencing at a point 46-1/2 feet North and 1 foot 8 inches west of the Northwest Corner of the premises on which J. A. Hanes resides, it being on the north side of the road leading across Rock Point Mill Race, running thence 1st North 187 feet 1 inch; 2nd East 71 feet 3 inches to the West margin of Race; 3rd Southerly along the West Margin of Race to a point due East of Station No. 1; 4th West 97 feet 8 inches to place of beginning, all in the Town of Dayton, County of Lyon, State of Nevada, and described in Deed from William E. Annis to Albert Perkins, dated December 28, 1895, and recorded in Vol. M of Deeds, page 141, Lyon County Records, at Dayton, Nevada.

Also all that certain lot, piece or parcel of land, situate, lying and being on the East side of Pike Street, in the Town of Dayton, Lyon County, State of Nevada, and particularly described as follows, to wit: Commencing at a point from which the North East Corner of W. W. Byron's Card (Gentry's Lot) bears S. 19 deg. 20 min. W. distant 230 feet and running thence 1st North Two Hundred and Three feet (203) three (3) inches; 2nd East one hundred and twenty two (122) feet nine (9) inches to fence of Winsells; 3rd Southerly along fence of Fox and Winsell to a point due East of Station one; 4th, West eighty-eight feet six inches to place of beginning and formerly known as the property and residence of J. A. Hanes.

Also the following described land held under quit claim deed, to wit: That certain lot, piece or parcel of land situate on the West side of Pike Street 206 feet northerly from the South East Corner of Block 2 Mineral Rapids Survey and running thence northerly 344 feet; thence westerly 145 feet; thence southerly fifty feet; thence westerly 155 feet; thence southerly 294 feet; thence 300 feet to the place of beginning, and formerly known as the lot and premises of L. Merrill.

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. Only for irrigation.

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

A. From April 1st to October 15th.

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. Water is scarce almost every year in July and August.

Signed:

*Albert Perkins*

*Dayton,*

, Nevada,

*March 17*

, 19 *10*.

Sworn to and subscribed before me at

*Carson City Nev.*

, this

*17th*

day of

*March,*

, 19 *10*

*James D. Finch*

, Notary Public.

Remarks:

0725

**PROOF OF APPROPRIATION**

Date of Appropriation .....

**PRIORITIES.**

GENERAL.                      STREAM.

NAME OF STREAM.

*Gold Canon.*

TRIBUTARY OF

*Cont. 595 } 9th. 21-10.  
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NAME OF CLAIMANT

*Albert Perkins  
Dayton.*

Filed in this office this

**FILED MAR 19 1910**

day of ....., 19 .....

State Engineer.

