

THE STATE OF NEVADA.

0737

PROOF OF THE APPROPRIATION OF WATER.

State your name Isaac Barton,

1. Q. Postoffice.

A. Caliente, Nevada,

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

A. Agricultural, and domestic use watering stock, ect.

3. Q. State the means of diversion employed.

A. one dam; two flumes; one culvert, and a ditch.

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

A. I have never given the ditch any name.

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) Prior to A.D. 1880, as shortly after that date I bought out the squatters, who made the ditch, and have been in possession ever since. (b) It was begun as above stated and has been improved by myself from time to time up to date.

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

A. It has been enlarged and improved from time to time by myself during the past 29 years, but principally in 1908, during March April, and May they were finished in May.

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

A. about one foot wide and one foot deep; two feet wide and about 15 inches 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. Pete Lynch; Isaac Barton and wife Carrie Barton.

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. by purchase from the state of Nevada as to 80 acres, and by possessory desert land entry as to another 80 acres, 40 by myself and 40 by my wife, Carrie Barton.

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. Sometime in the 70's by Pete Lynch; I have always farmed about 7 acres of the original 80 acres squatted on by Lynch, purchased from him by Quit Claim, and afterwards purchased from the state of 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 7 acres on NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Sec. 10 Tp. 4 S. R. 67 E. Mt. Diablo B. & M. and the SW  $\frac{1}{4}$  NW.  $\frac{1}{4}$  of Sec. 11 Tp. 4 S. R. 67 E. Mt. Diablo B & M, Lincoln County, Nevada.

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. about two acres of land mentioned in question 11, the balance having been appropriated by the S.P.L.A. & S.L.Ry.Co., and for about 9 $\frac{1}{2}$  acres in NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Sec. 10 Tp. 4 S. R. 67 E. Mt. Diablo B & M upon which I filed D.L.E., Dec. 30, 1907; and for about 15 acres in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 10 Tp. 4 S. R. 67 E. Mt. Diablo B & M. upon which my wife, Carrie Barton filed a D.L.E., Dec. 30, 1907.

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. By careful and continuous use said ditch is capable of irrigating 26 or 27 acres of land the same and its subdivisions being fully described in answer to question 12, and the land is owned by myself except the Desert Land Entries therein described made by myself and wife and upon these we submitted final proof of reclamation July 22, 1909.

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

A. Loose gravel, sand, and loam.

Corn, cabbage, turnips, potatoes, melons

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

A. The said ditch is the community property of myself and wife.

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. ....

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

A. April 1st September 30eth.

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. For household use; use of stock, ect.

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

A. April, May, June, July, August and September for agricultural purposes, and for stock and domestic purposes the whole 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. Yes.

Signed:

*Isaac C. Barton*

Caliente, Nevada, Nevada, August 5th, 1909.

Sworn to and subscribed before me at Caliente, Nevada, this Fifth

day of August, 1909.

*H. S. Laney* Notary Public.

Remarks: Affiant further represents that the water herein applied for is derived from living springs located on land owned by himself, and that he has made a continual and beneficial use of the same for nearly 30 years, first upon the land purchased from Peter Lynch, and later from the state of Nevada, and when <sup>(the land)</sup> it was to a large extent appropriated for railroad purposes, upon certain desert land lying contiguous thereto; that Dec. 30, 1907, he and his wife Carrie Barton made desert land entries upon the land thus appropriated, and have since that date greatly improved the same; that the reason that two entries were made of 40 acres each, instead of one entry of 80 acres, was because the two 40's did not lie contiguous, to each other.

0737

**PROOF OF APPROPRIATION**

Date of Appropriation.....

**PRIORITIES.**

GENERAL.                      STREAM.

NAME OF STREAM.

*Spring*

TRIBUTARY OF

NAME OF CLAIMANT.

*Isaac Barton*

*Cell. 581-Page-287.*

Filed in this office this

**FILED** AUG 7 1909

day of                      19

State Engineer.

