SECOND AMENDED
Filing Serial No. 01236

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Wilson Creek
Name of natural water source

Through Dam in main channel and ditches to the land - irrigated as
Name of ditch, flume, or pipe line

shown on cultural map made a part hereof, *the undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by* A. M. Swallow, A. C. Hyde and other predecessors in interest *are full and correct to the best of his knowledge and belief.*

(This proof made by Jo G. Martin, Attorney and Agent for A. M. Swallow,
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant
and in his behalf, being duly authorized.

(1) *Name of claimant* A. M. Swallow
Address 932 Military Drive, *City and County of* Salt Lake, Utah
State of Utah

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

(3) *The date of the survey of ditch, canal, or pipe line was* About 1880

(4) *The construction of the ditch or other works was begun* in 1880
and completed the same year

(5) *The dimensions of the ditch or canal as originally constructed were: Width on bottom* 16 inches *feet, width on top* two *feet, depth* two *feet, on a grade of* 15 *feet per thousand feet.*

(6) *The conduit* ~~was~~ *(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* none
and completed none

(8) *The dimensions of the ditch or canal as enlarged are: Width on bottom* 16 ins. *feet, width on top* two *feet, depth* two *feet, on a grade of* 15 *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* Fee simple - through deeds running from original patentees

(11) *Crops of* gardens, grains, alfalfa, hay and pastures *have been grown upon the land irrigated.*

(12) *The water has been used for irrigation from* April 10th (Day of month) *to* October 1st (Day of month) *of each year.*

(13) *The water was first used for irrigation by claimant or* his *grantors in the year* 1880 *when* 62.01 *acres were irrigated in the* on unsurveyed land *of Sec.* Tps 5 N, Rs 67 & 68 E M. D. B. & M. as appears from previous records in State Engineer's Office, and on the following page under statement No. 14 as determined from survey by me.

FILED
May 28, 1942
STATE ENGINEER'S OFFICE

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

Year							
1880	7.49	acres in the	Lot 5	of Sec. 6	T. 5 N	R. 68	E.
1880	3.12	acres in the	Lot 5	of Sec. 6	T. 5 N	R. 68	E.
1880	4.20	acres in the	Lot 6	of Sec. 6	T. 5 N	R. 68	E.
1880	0.20	acres in the	Lot 6	of Sec. 6	T. 5 N	R. 68	E.
1880	4.33	acres in the	SW¼SE¼	of Sec. 6	T. 5 N	R. 68	E.
1880	0.22	acres in the	SW¼SE¼	of Sec. 6	T. 5 N	R. 68	E.
1880	6.61	acres in the	NW¼NE¼	of Sec. 7	T. 5 N	R. 68	E.
1880	6.05	acres in the	NW¼NE¼	of Sec. 7	T. 5 N	R. 68	E.
1880	0.64	acres in the	NW¼NE¼	of Sec. 7	T. 5 N	R. 68	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

Summary of Cultivated Acreage:		
	Alfalfa	22.07
	Grain	3.12
	Orchard & Garden	1.03
	Pasture	0.64
	Total	26.86

(15) *The maximum acreage irrigated in any year was* 62.03 *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* none

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* ~~(Note)~~ ....., *and being a claim for* (Certificate No. 208 - State of Nevada to A. C. Hyde, covering the water mentioned in this proof of appropriation together with other water not mentioned herein, is recorded in the office of the County Recorder of Lincoln County, Nevada under date of April 2, 19[illegible] in Book of Water Appropriations, page 79. This proof is submitted to correct error in Certificate No. 208 in which the land irrigated is improperly described). *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, st full information under (19)

(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:* Since 1880 A. M. Swallow and his predecessors in interest have been the owners of this water and have used it, particularly since about the year 1900 for irrigation and domestic purposes and for watering approximately 12,000 head of sheep and approximately 1,600 head of cattle

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

(22) *Remarks:* The flow of this stream varies as to the condition of the winter. In years when there is a heavy fall of snow in the mountains, the stream will flow to the amount of two second feet, while in other seasons of small precipitation it may never reach 1/2 second foot. In the latter case the crops of the ranch suffer, and many years there is not sufficient water to irrigate the crops that have been planted.

(The purpose of filing this Amended Proof of Appropriation is to obtain a determination and record of appropriation which will show the true place of application and use of the waters appropriated. Certificate No. 208 heretofore mentioned erroneously shows the irrigated land in other subdivisions than that on which the water has been used for irrigation since its original appropriation, probably due to the descriptions having been made previous to official survey of the area).

(This amended proof is amendatory of all proceedings had in connection with previous Certificate No. 208, and supplementary thereto and is not to be deemed an abandonment or relinquishment of any rights secured under previous applications and proofs by A. M. Swallow and his predecessors in interest, particularly A. C. Hyde.)

Cultural map as surveyed by F. W. Millard & Son, Ely, Nevada, submitted herewith.

J. J. Martin
Attorney & Agent for A. M. Swallow

Subscribed and sworn to before me this 16th *day of* May, *19*42.

Johnson W. Lloyd

Notary Public in and for the County of.....

My commission expires.....

COUNTY CLERK & Ex-Officio Clerk
of the Eighth Judicial District
Court of the State of Nevada, in
and for the County of Lincoln

(13)

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

....., 19.....

.....

State Engineer.

Certificate No..... issued hereunder

....., 19.....

Form B 12-12-31

OFFICE
STATE ENGINEER
MAY 28 '42