

6/13/12

Filing Serial No. 61075

AMENDED THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Cumberland and Layson Creeks
Name of natural water source

Through various ditches
Name of ditch, flume, or pipe line

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

Attorney for claimant
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 H. C. Warren
Address San Mateo County of San Mateo
State of California

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

(3) The date of the survey of ditch, canal, or pipe line was May 18th, 1912

(4) The construction of the ditch or other works was begun 1897
and completed same year

(5) The dimensions of the ditch or canal as originally constructed were: AS shown on map sent
to your office on June 7th., 1912 Width on bottom feet, width on top feet, depth 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.

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 Patent and
Placer claims

(11) Crops of Hay and vegetables
have been grown upon the land irrigated.

(12) The water has been used for irrigation from April to September
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 1887
when 0.04 acres were irrigated in the SE 1/4 NW 1/4 of Sec. 20
T. 34 N., R. 40 E., E., 10.42 acres in the E 1/2 SE 1/4 Sec. 20 and
2.56 acres in the SW 1/4 SW 1/4 Sec. 21, same township and range.

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.

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

Remarks:
Append a sheet if necessary

(15) The maximum acreage irrigated in any year was 13.02 ~~13.02~~ acres.

(16) The water claimed ~~has~~ ^{has not} ~~(1911-1912)~~ 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 (~~unrecorded~~) recorded in the office of the County Recorder of County, said record being at page 282 of Book A of Water Notes and being a claim for 250 of water for the irrigation of 160 acres acres of land in the following legal subdivisions: not named

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 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:.....
.....
.....

(21) Remarks:

Affiant says further that he is familiar with the said water ditch and the ground irrigated thereby; that once yearly at least in each and every year since the and including the year 1893 and each and every year since the year 1893 affiant has been along the entire course of said ditch and the lands irrigated thereby; that occasionally no crop was raised thereby that is to say there has been since said time some years when no crops have been raised by said water, but that that at time during the period since 1893 that there has been any time longer than two years when no crops have been raised; ~~that during all said time that is since 1893 the ditch has been enlarged, that is to say it was enlarged in 1893 and its capacity increased to 550 inches mo2 assured under a 6 inch head and that the~~ water has to wholly used every year since that time to the actual knowledge of affiant sometimes exclusively for mining purposes and sometime in *H. Howard* exclusively for agricultural purposes.

Subscribed and sworn to before me this 12th day of May 1912

R. G. Weston

Notary Public in and for the County of Humboldt

My commission expires March 14, 1915

This part of form to be left blank by claimant

Filing Serial No. 01075

STATE OF NEVADA

Proof of Appropriation of
Water for Irrigation

Water Source Cumberland & Layson
Creeks
Through Ditches Flumes

Claimant H.C. Warren

Filed in the Office of the State Engineer on
June 14th, 1912, 191

W.M. Kearney
State Engineer

Certificate No. issued hereunder
191

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE STATE OF NEVADA.

Proof of the Appropriation of water.

- 1. My name is H.C. Warren;
- 2. Postoffice address, San Mateo, San Mateo County, State of California.
- 3. The water has been used during all the time covered by this proof, for irrigating purposes, raising grain, hay, and vegetables, and for livestock purposes and domestic use; but principally for hydraulic mining purposes, by means of ditches, diverting dams and one reservoir bedded in stone and cement having a capacity of three million gallons, with under dam conduit of steel and cement.
- 4. The names of the ditches through which the water has been used are as follows:
 - Slater Ditch begun and finished in the year 1882.
 - Gold Gulch Ditch began construction January 14, 1887 and completed March 1888;
 - Stony Basin Ditch, began and completed in the year 1893.
- 5. Gold Gulch ditch enlarged in the year 1893, work begun and completed same year.

STATE OF CALIFORNIA, } ss.
County of San Mateo

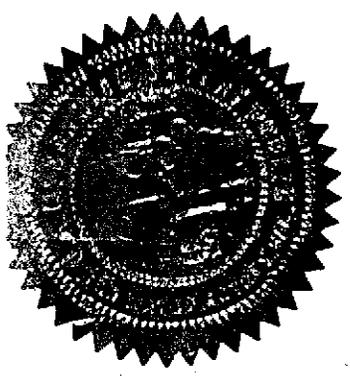
On this 23rd day of September in the year One Thousand Nine Hundred and eleven before me, J. A. McCormick, a Notary Public, in and for the said County, residing therein, duly commissioned and sworn, personally appeared

H. C. Warren

known to me to be the of the Corporation that executed the within Instrument, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of San Mateo, the day and year in this certificate first above written.

J. A. McCormick Notary Public
In and for said County of San Mateo, State of California.



1 THE STATE OF NEVADA.
2

3 Proof of the Appropriation of water.
4

- 5
- 6 1. My name is H.C. Warren;
- 7 2. Postoffice address, San Mateo, San Mateo County, State
- 8 of California.

9 3 The water has been used during all the time covered by
10 this proof, for irrigating purposes, raising grain,
11 hay, and vegetables, and for livestock purposes and
12 domestice use; but principally for hydraulic mining
13 purposes, by means of ditches, diverting dams and
14 one reservoir bedded in stone and cement having a
15 capacity of three million gallons, with under dam condu
16 conduit of steel and cement.

17 4. The names of the ditches through which the water
18 has been used are as follows:

19 Slater Ditch begun and finished in the year 1882.

20 Gold Gulch Ditch began construction January 14, 1887
21 and completed March 1888;

22 Stony Basin Ditch, began and completed in the year 1893.

23 5 Gold Gulch ditch enlarged in the year 1893, work
24 begun and completed same year.

25 6. Originally Gold Gulch Ditch was 2½ feet on bottom,
26 three feet on top and 18 inches deep, having a grade
27 of as much as two inches to the rod.

28 7. Gold Gulch Ditch was originally constructed by W.S.
29 Bonnifield who now resides at Winnemucca, Nevada, and
30 Paul Pinson, who now resides at Golconda, Nevada;

31 8 The present owner of H.C. Warren, of the city and County
of San Mateo, State of California.

1
2 9. The title to the land for which an appropriation is
3 claimed, is as follows:

4 80 acres thereof is held under a patent from the State
5 of Nevada; the balance being about 850 acres is held
6 by location under the laws of the State of Nevada and
7 the United States for placer mining purposes; the
8 location work, assessment work and all other require-
9 ments of the law with respect to the location and
10 holding of placer mining claims has in all respects
11 been complied with; the above named H.C. Warren is the
12 owner of all and singular the said lands and placer
13 mining claims.

14 10. The water was first used by Wm Slater, deceased for
15 agricultural purposes, domestic use and watering live
16 stock in the year 1882; about forty five acres were
17 watered that year and thereafter until his death
18 some time in the year 1889 or 1890. or 1891; he died at
19 said Golconda, but the exact date is unknown to me.
20 His estate was ~~administered~~ administered in the District
21 Court of the State of Nevada for the County of Humboldt
22 and said W.S. Bonfield succeeded to said 80 acres
23 and his said water right to wit- the said Slater Ditch

24 II. Further than the irrigated hereinbefore shown, there
25 was no irrigation except to a garden patch of about
26 8 acres situated in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 28, in
27 Township 34 N. range 40 East; the 80 acres mentioned as
28 patented being in section 20 of said township.

29
30 12. No other or further irrigation.
31

1 To the best of affiants knowledge the water was fixtax
2 used for mining purposes in the year 1889 or 1890;
3 that it was so used in part during the years 1891, 1892
4 as well as for agricultural purposes domestic use and for
5 watering live stock.

6 That in 1893 after the construction of the said Gold
7 ~~the~~ Gulch Ditch and the said enlargement thereof, the
8 said waters, being all the watsr of Cumberland, Layson and
9 Gold Run Creeks, said creeks being under the control
10 of said ditch, and the flow of said creeks falling into
11 and being diverted into said ditch by dams, the said
12 waters were and ever since the year 1893 have been
13 used continuously for mining purposes and intermitently
14 for agricultural purposes; also for watering live stock
15 and domestic use

16 13. The water is claimed for irrigating purposes, for
17 domestic use and for watering live stock, as well as for
18 hydraulic and other mining purposes; for irrigating
19 purposes and for which an appropriation is ~~claimed~~ *claimed*
20 the land to ~~wh~~ which the use aforesaid ~~and~~ has been
21 applied, and for which appropriation is claimed for
22 irrigating purposes is particuluarly described as follows,
23 to wit: the East $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20, in Township
24 34 N. ^{range} ~~range~~ $\frac{1}{2}$ 40 East, M.D. & M. also 8 acres garden
25 in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 said township.

26 14. The acreage which said Gold Gulch Ditch is capable
27 of watering depends on the streams aforesaid which are of
28 variable flow; but in the opinion of the undersigned
29 the said ditch would during favorable seasons irrigate
30 as much as five hundred acres, and produce crops thereofn
31 of grain, hay and vegetables; that the undersigned is the

7/2

~~§~~

1 owner under the aforesaid titles of over nine hundred
2 acres lying under said ditch and which could be irrigated
3 thereby.

4 $N\frac{1}{2}$ of $SE\frac{1}{4}$, $S\frac{1}{2}$ of $SE\frac{1}{4}$, $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$, $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of $SE\frac{1}{4}$,
5 $S\frac{1}{2}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$, $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$, and $S\frac{1}{2}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$
6 of section 18; also $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of $SW\frac{1}{4}$,
7 $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$, $SW\frac{1}{4}$ of $SW\frac{1}{4}$, and $S\frac{1}{2}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of
8 section 17; also $NW\frac{1}{4}$, $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$, $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of $NE\frac{1}{4}$,
9 $S\frac{1}{2}$ of $SW\frac{1}{4}$ of $NE\frac{1}{4}$, $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $N\frac{1}{2}$ of $SE\frac{1}{4}$, $SE\frac{1}{4}$ of $SE\frac{1}{4}$,
10 and $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 20; also $NE\frac{1}{4}$ of $NE\frac{1}{4}$, $N\frac{1}{2}$ of
11 $NW\frac{1}{4}$ of $NE\frac{1}{4}$, $S\frac{1}{2}$ of $SE\frac{1}{4}$ of $NE\frac{1}{4}$, $N\frac{1}{2}$ of $SE\frac{1}{4}$, $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $W\frac{1}{2}$ of $SE\frac{1}{4}$ of
12 $SW\frac{1}{4}$ and the $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of section 19; also the $NW\frac{1}{4}$ of
13 $NW\frac{1}{4}$ of $NW\frac{1}{4}$, $E\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$, $S\frac{1}{2}$ of $NE\frac{1}{4}$ of $NW\frac{1}{4}$, $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of
14 NW , $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$, $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $NE\frac{1}{4}$, $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of $SE\frac{1}{4}$,
15 $W\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$, $N\frac{1}{2}$ of $SE\frac{1}{4}$ of $SE\frac{1}{4}$, section 28 ; also the
16 $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$, and $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of section 27
17 and other lands all in township 34 north , range 40 East
18 Mount Diablo Base and Meridian.

19 14. The soil is a sandy loam covered with a growth of
20 sage brush except on creek bottoms where the soil is
21 a deep , rich black loam; underlying all the above described
22 land is banks of clay and strata of auriferous gravels;

23 15. The undersigned is the legal owner of all and singular
24 said lands and said ditches. No plat of said lands or
25 ditches has been prepared by a ^{State} ~~said~~ engineer to knowledge of
26 owner; a plat is in course of preparation on application
27 for the unpatented part of said lands and lands adjoining
28 thereto for which application has been made to patent;

29 16. The irrigation season varies in duration, also as to
30 the time of commencement; the water commences to flow usually
31 by the middle of March and ceases to flow in the month of

4

1 August usually; occasionally after the month of August
2 and during September and October fall rains prolong a
3 light flow of water; when any crops are raised, which for
4 several years has been limited to garden truck, the water
5 is applied whenever in the judgment of the man in charge
6 it is beneficial to the raising of crops.
7

8 17. The principal use to which the water is applied is
9 for placer mining purposes; the said owner of his
10 information and belief says; that the water was first used
11 in the year 1888 for ~~say~~ said purpose, but that it was
12 not until after the death of Slater and the acquirement
13 of his rights as aforesaid and after the enlargement of
14 Gold Gulch Ditch as aforesaid in 1893 that the waters of
15 said streams were wholly used for such purposes, except
16 as to the cultivation of garden and part of the time for
17 raising hay and pasture; that except for a small use in
18 the way of raising garden and hay all the flow of said
19 streams have been and are now used for placer mining pur-
20 poses, and that all the flow of said streams is required
21 and is necessary for said purposes; that Gold Gulch Ditch
22 is three miles long; that it is four feet wide at the
23 bottom and two feet high and five to six feet on top;
24 that its grade has been reduced where practicable to one
25 and one half inches to the rod; that it will carry 550
26 mines inches of water measured under a six inch head or
27 pressure; that it takes all the flow of said creeks
28 except in the freshet season, when the freshet water or
29 surplus is used and ever since 1893 has been used for
30 carrying of the debris and is required and is necessary
31 to use for that purpose; that said ditch is also fed by
4.

1100
40/550
120

1 the Stony Basin Ditch aforesaid which flows into Gold
2 Gulch Ditch in what would be if surveyed in the opinion
3 of the owner the NW $\frac{1}{4}$ of Section 25 in Tp.34 N. range 39
4 East, said Stony Basin Ditch as constructed originally
5 being about one half mile long 4 feet wide and 18 inches
6 high, having a grade of $\frac{1}{4}$ inches to the rod and diverting
7 water from a tributary of Clear Creek into the Cumberland
8 Creek.

9 That the course of said Gold Gulch Ditch is as follows;
10 Commencing at a dam and gate in Cumberland Creek
11 in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24, in Tp 34 N Range 39 E
12 or which would be such place if the public surveys
13 were extended thereto ;

14 Thence through the E2 of SE $\frac{1}{4}$ of such section 24;
15 thence through the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 19, Tp34 N.
16 range 40 E.:

17 Thence through the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said section 19 to
18 said reservoir;

19 thence through the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of what would be sect-
20 ion 24 of such township 34 N.range 39 east;

21 thence through W $\frac{1}{2}$ of ~~Section~~ SW $\frac{1}{4}$ of section 18, SE $\frac{1}{4}$
22 of ~~NW~~ NW $\frac{1}{4}$ of said section 18; thence through E $\frac{1}{2}$ of
23 NE $\frac{1}{4}$ of said section 18; thence through section 17, Tp.
24 34 N.range 40 East where ^{the water diverted thereby} it is taken into a pipe line

25 about one mile in length and delivered along the
26 and upon the said described lands wherever it is desired
27 to use the same for the purposes aforesaid or any of
28 them.

29 18. The water usually commences to flow during the
30 month of March, but sometimes earlier, sometimes
31 a little later depending on atmospheric conditions as

1 as to temprature the streams being principlly fed from
2 melting snows; the water is used from the time it comes
3 in sufficient quantity to use; the used is continued
4 until the flow is too diminished to conserve in said
5 reservoir; this is usually in the month of July or August
6 except when fed by summer or fall rainstorms which are
7 neither numerous nor reliable, but which occassionally
8 furnish considerable water after the snow is all melted
9 and the water therefrom exhausted in suply.

10
11 19. In the years 1887.1888 and 1889, the supply of water
12 was insufficnet, the reason being that during those years
13 the precipitation of moisture in the form of snow or
14 otherwise was very small; sine that time with an exception
15 or two, there has been sufficient water usually during the
16 months of March, April, May and June, sometimes extending
17 through the month of July and occasionally a light supply
18 in August; this is rare from snowfall and does not occur
19 except when aided by early fall rain; the scarcity is due
20 to failure of precipitation; the average precipitation being
21 less than nine inches; it is the intencion of the owner
22 or ~~XXXXXXXXXXXXXXXXXX~~ to improve the water supply by drifts into
23 the mountain lands above the reservoir which is situated
24 upon what will be after the public surveys are extended,
25 the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24 Tp 34 N. range 39 E.

26
27 H. C. Maren

28 Dated the 17th day of September 1911.

29 Subscribed and sworn to before me this 22nd day of
30 September 1911.

31 J. J. McCormick Notary Public.