

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Warm Spring, located in NE 1/4 SW 1/4 Section 27, Twp. 41 N., R. 18 E., M.D.M.
Name of natural water source

Through no name
Name of ditch, flume, or pipe line

R. M. Miller, 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 R. M. Miller
Address Cedarville, County of Modoc
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 August 16th to 19th, 1940

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

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 2.5 ft.
feet, width on top 3.0 feet, depth 1.0 feet, on a grade of / feet per thousand feet.
grade not constant

(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/is not) an owner in the above-described conduit.

Entire
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

(11) Crops of hay and garden truck
have been grown upon the land irrigated.

(12) The water has been used for irrigation from March 1st to July 1st
Day of month Day of month

of each year. to irrigate the hay crop; following the harvest the water is again used
continuously to irrigate the pasture.

(13) The water was first used for irrigation by claimant or grantors in the year 1897

when 100 acres were irrigated in the E 1/2 SW 1/4, W 1/2 SE 1/4 of Sec. 5

T. 40 N., R. 18 E., M.D.M.

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

1897	39.22	acres in the NE ¹ / ₄ SW ¹ / ₄	of Sec. 5	T. 40 N.	R. 18 E.
Year					
1897	31.62	acres in the SE ¹ / ₄ SW ¹ / ₄	of Sec. 5	T. 40 N.	R. 18 E.
1897	14.00	acres in the NW ¹ / ₄ SE ¹ / ₄	of Sec. 5	T. 40 N.	R. 18 E.
1897	11.62	acres in the SW ¹ / ₄ SE ¹ / ₄	of Sec. 5	T. 40 N.	R. 18 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: There have been no additional acreage or irrigated land since the
Append a sheet if necessary
 lands were first irrigated.

(15) The maximum acreage irrigated in any year was 100 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 the water has been used every year since about 1897
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 ~~has~~ (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)

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, There was filed on the 4th day of October, 1948, in the District Court, Second Judicial District, State of Nevada, in and for the County of Washoe

Findings of Fact, Conclusions of Law, and Final Judgment and Decree In the Matter of the Determination of the Relative Rights in and to the Waters of Warm and Big Spring and Tributaries in Washoe County, State of Nevada and

WHEREAS, The rights of R. M. MILLER

of the claimants, have been determined by said Judgment and Decree as hereinafter specified;

Now KNOW YE, That the State Engineer, under the provisions of Section 51, Chapter 140, Statutes of 1913, i. e., Section 7936 N. C. L. 1929, pursuant to and in accordance with said Judgment and Decree, hereby defines the extent, purpose, and date of priority of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of owner R. M. Miller
 Post-office address Cedarville, California
 Source Warm and Big Spring and tributaries
 Purpose Irrigation, stockwatering and domestic
 Means of diversion Reservoir and Ditches
 Description of point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T. 41 N., R. 18 E. M.D.M. and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 T. 40 N., R 18 E., M.D.M.
 Amount of appropriation 0.40 c.f.s. or 257.15 Acre feet per season
 Period of use January 1st to December 31st
 Date of priority of appropriation 1897

Description of irrigated land to which water is appurtenant is as follows:

39.22	Acres in the	NE $\frac{1}{4}$	SW $\frac{1}{4}$	Section 5, T. 40 N., R 18 E., M.D.M.
31.62	"	SE $\frac{1}{4}$	SW $\frac{1}{4}$	" 5, " " "
10.15	"	SW $\frac{1}{4}$	SE $\frac{1}{4}$	" 5, " " "
1.47	"	SW $\frac{1}{4}$	SE $\frac{1}{4}$	" 5, " " "
14.00	"	NW $\frac{1}{4}$	SE $\frac{1}{4}$	" 5, " " "
2.00	"	NW $\frac{1}{4}$	SW $\frac{1}{4}$	" 5, " " "
4.40	"	SW $\frac{1}{4}$	SW $\frac{1}{4}$	" 5, " " "
<u>102.86</u>	<u>Acres Total</u>			

Stockwatering right: The right to use the waters of Warm and Big Spring for stockwatering purposes, in an amount sufficient to water all the stock which he is permitted to graze on the public domain within the service area of said stream system, with a priority of 1897.

IN TESTIMONY WHEREOF, I, ALFRED MERRITT SMITH, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this

14th day of January, A. D. 1949

Alfred Merritt Smith
State Engineer.

(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: Domestic Purposes

(21) The character of the soil is sandy (Sandy, gravelly, loam) The soil needs 1.5 to 2 acre-feet per annum to properly irrigate the crops. A continuous flow of 1.0 cubic feet of water per second, during the irrigation season of 12 months, is needed to irrigate each 100 acres of land.

(22) Remarks: This is the only ranch that has every used the water from these springs and the only one that has had a vested water right therein. As near as can be ascertained the water has been used continuously on this land since 1897. There are no changes in the ditches, manner of applying the water to the lands contemplated.

The nearest ranch is approximately six miles distant.

R. M. Miller

Subscribed and sworn to before me this 12th day of November, 1940

Ann Brown

Notary Public in and for the County of Modoc

SEAL

My commission expires April 27, 1941

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 6-28-38-500

OFFICE
STATE ENGINEER
NOV 14 40
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STATE ENGINEER
DEC 11 40
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