

FILED
May 12, 1972
STATE ENGINEER'S OFFICE

Filing Serial No. 02749

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source... Ophir Creek.....
Name of natural water source

The water is diverted from its source... Upper Twaddle Ditch.....
Name of ditch, flume or pipe line

at the following point(s).....
List all points of diversion from this source, appending a sheet if necessary

Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated

NW⁴ SE⁴ Section 34, T 17N - R 19E M. D. B. & M.

or at a point from which the South 1/4 corner of

said Section 34 bears South 3° 14' 55" West 1951.29 feet

(1) Name of claimant... Jack D. Noble & Helen B. Noble, his wife
475 Lakeshore Boulevard
Address... Incline Village, Nevada....., County of... Washoe
State of... Nevada

(2) The means of diversion employed... Ditch & CONCRETE HEADGATE JM
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was... May 1, 1972

(4) The construction of the ditch or other works was begun... about 1856
and completed... about 1856

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom... 2.2'...
0.4 to 1.50
feet, width on top... 2.2'... feet, depth... /... feet, on a grade of... 40... feet per thousand feet.

(6) The conduit has (has not) been enlarged. Unknown
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... Unknown
and completed.....

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom... N/A... 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... Fee simple.....

Fee simple, public domain, etc.

(11) Crops of... Meadow Hay (Harvested).....
have been grown upon the land irrigated.

(12) The water has been used for irrigation from... April 15... to... October 15...
of each year. Day of month Day of month

(13) List the year of priority of acreages irrigated prior to March 1905, from all points of diversion previously described, with corresponding subdivisions. Appending extra sheets if necessary.

- 1856, 9.9[±] acres in the SW 1/4 NW 1/4 of Sec. 3, T. 16N., R. 19 E.
- 1856, 18.6[±] acres in the SE 1/4 NW 1/4 of Sec. 3, T. 16N., R. 19 E.
- 1856, 8.3[±] acres in the NW 1/4 SW 1/4 of Sec. 3, T. 16N., R. 19 E.
- 1856, 17.8[±] acres in the NE 1/4 SW 1/4 of Sec. 3, T. 16N., R. 19 E.
- 1856, 18.8[±] acres in the SW 1/4 NE 1/4 of Sec. 3, T. 16N., R. 19 E.
- 1856, 20.8[±] acres in the SE 1/4 NE 1/4 of Sec. 3, T. 16N., R. 19 E.
- 1856, 19.2[±] acres in the NE 1/4 SE 1/4 of Sec. 3, T. 16N., R. 19 E.
- 1856, 18.4[±] acres in the NW 1/4 SE 1/4 of Sec. 3, T. 16N., R. 19 E.
- 1856, 12.9[±] acres in the SW 1/4 NW 1/4 of Sec. 2, T. 16N., R. 19 E.
- 1856, 13.4[±] acres in the NW 1/4 SW 1/4 of Sec. 2, T. 16N., R. 19 E.
- acres in the of Sec., T., R. E.
- acres in the of Sec., T., R. E.
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- acres in the of Sec., T., R. E.
- acres in the of Sec., T., R. E.

(14) The maximum acreage irrigated in any year was 158.1 more or less acres.

(15) The water claimed has ~~has not~~ been used for irrigation each and every year since the right was initiated. Strike out one not wanted

(16) The years during which no water was used for irrigation or during which the full water right was not used were those years when water was short.
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

(17) The claimant's water right was ~~was not~~ recorded in the office of the County Recorder of Washoe County, said record being at page 219 of Book F of Liens & Miscellaneous, and being a claim for 200" under 6" pressure or 5.5 CFS of water for the irrigation of 600 (other claims of appropriation are also asserted) acres of land in the following legal subdivisions: S 1/2 of Sec. 3, T 16N R 19E. A copy is attached. See also Book B, Liens & Miscellaneous, Page 132, Washoe County records. A copy is attached. See Deed dated May 10, 1865 from J. H. Sturdivant to L. S. Bowers, recorded in Book 1, Page 140, Deeds, Washoe County. A copy is attached.

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 (17)

(18) Water from the source given and through the works described is also used for the following purposes other than irrigation: domestic, stock watering, household

(19) The character of the soil is sandy and loam, 8.448 acre-feet per acre per annum have been used to irrigate the crops. A continuous flow of 4 as defined in decree cubic feet of water per second has been used to irrigate 158.1 acres of land. Cubic feet is as defined in decree hereinafter referred to.

(20) Remarks: In about October of 1902, Noble's predecessors in interest, Alexander and Ebenezer Twaddle, instituted an action in Washoe County against Theodore Winters and Samuel Longabaugh, et al. relating to water rights pertinent to this claimant's land. The action was thereafter tried in Washoe County; certified copies of that action are attached and incorporated. The decision of the Court was appealed to the Nevada Supreme Court and in January of 1906, at 29 Nev. 88, the Supreme Court modified the District Court's decree. A copy of that decision is attached and incorporated as part of claimant's proof. The decree as modified, finds an appropriation to beneficial use of 184 miners inches or 3 and 34/50 cubic feet per second with one miners inch that quantity which would pass through a one inch square aperture of continuous flow under four-inch pressure and one cubic foot of water per second as defined was the equivalent of 50 miners inchs. The Court found the date of appropriation to be 1857 and that was prior to appropriation by Winters or Longabaugh. The appropriation was limited to be used from April 15 to October 15 of each year, but 20 miners inches or 2/5 of one cubic foot could be used from October 15 through April 15 for household domestic purposes and stock watering.

The affidavit of Henry Heidenreich which is attached and made a part hereof shows a continuous usage from 1908 until the present time of the property in question.

A chain of title report is also attached.

3.68 cfs 4/15 - 10/15 ann.
0.4 cfs 10/15 - 4/15

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation in interest of water by claimants and their predecessors are full and correct to the best of his knowledge and belief. This deponent is the attorney for claimants and has researched the foregoing matters which are based upon such research, and he believes them to be true. If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the true.

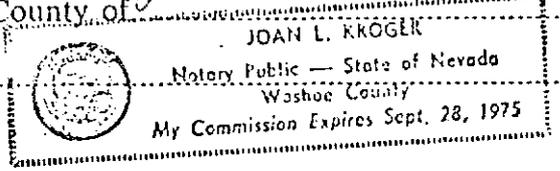
claimant

Jack I. McAuliffe
Jack I. McAuliffe

Subscribed and sworn to before me this 12th day of May, 1972

Joan L. Kroger

Notary Public in and for the County of Washoe
My commission expires Sept. 28, 1975



\$10 FILING FEE MUST ACCOMPANY PROOF