Filing Serial No. 04633

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source ROSE CREEK
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source .....
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

(1) Name of claimant JAMES GALLAGHER

Address 433 BELLEVUE AVE, County of ALAMEDA

State of CALIFORNIA Telephone No. (415) 832-3585

(2) The means of diversion employed SMALL DAMS & DITCHES
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was ABOUT 1872

(4) The construction of the ditch or other works was begun 1872

and completed —

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 3. OR A 6.% GRADE feet, width on top 3' TO 4' feet, depth 2' feet, on a grade of 60.00 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 U.S. PATENTS
Fee simple, public domain, etc.

(11) Crops of .....
have been grown upon the land irrigated. (e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)

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

(13) List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

1872 - 1877 0.8 acres in the N.E 1/4 OF S.E 1/4 of Sec. 14, T. 34 N, R. 36 E.
Year 5.7 S.E. 1/4 OF N.E 1/4 " " "
GRASS & SAGE 1.5 acres in the S.E 1/4 OF NE 1/4 of Sec. 14, T. " , R. " E.
1.85 N.E. 1/4 OF NE 1/4 14 " "
1872 - 1877 1.7 acres in the NW 1/4 OF NW 1/4 of Sec. 13, T. " , R. " E.
10.2 NW 1/4 OF NW 1/4 13 " "
GRASS & SAGE 2.7 acres in the SW 1/4 OF SW 1/4 of Sec. 12, T. " , R. " E.
" " 5.9 SE 1/4 OF SE 1/4 " " "
, 9.5 acres in the NE 1/4 OF SE 1/4 of Sec. " , T. " , R. " E.
" " 8.5 SE 1/4 OF NE 1/4 " " "
, 7.3 acres in the NE 1/4 OF NE 1/4 of Sec. " , T. " , R. " E.
" " 6.9 SE 1/4 OF SE 1/4 2 " "
, 0.4 acres in the SW 1/4 OF SE 1/4 of Sec. 2, T. " , R. " E.
" " 3.8 NW 1/4 OF SE 1/4 2 " N " E
, " acres in the of Sec. , T. " , R. " E.
" " 0.45 SW 1/4 OF NW 1/4 13 " "
, 67.20 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.

(14) The maximum acreage irrigated in any year was NOT KNOWN 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 HAVE NO KNOWLEDGE

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 PERSHING County, said record being at page 389 of Book D of WATER CLAIMS & NOTICES, and being a claim for

of water for the irrigation of

acres of land in the following legal subdivisions:

AUG. 28, 1886 - 1877 THE DATE WHEN THE LAND WAS FIRST IRRIGATED & THE DITCHES DUG -

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:

(19) The character of the soil is (Sandy, gravelly, loam). A continuous flow of cubic feet of water per second has been used to irrigate acres of land and acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: After a lengthy litigation (1974 - 1987) the Final Decree or Nunc Pro Tunc order was duly signed by District Judge Llewellyn Young, giving me clear title of these 400 acres of patented and improved farming lands. I am, therefore, submitting this Proof of Appropriation of Water for Irrigation, which is the historical record of water rights for the property, Rose Creek.

Also attached is a copy of a letter dated September 4, 1985 from the Department of Conservation and Natural Resources confirming that, as current Owner of Record, I own 56.7% or 38.1 acres from Proof No. 01364.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by James Gallagher 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

James Gallagher
433 Bellevue Ave Oakland Ca.

Telephone No. (415) 832-3385

Subscribed and sworn to before me this 29 day of December, 1987

Barbara J. Miller

Notary Public in and for the County of Alameda

My commission expires April 5, 1991

OFFICIAL SEAL
BARBARA J. MILLER
Notary Public-California
ALAMEDA COUNTY
My Comm. Exp. Apr. 5, 1991

$50 FILING FEE MUST ACCOMPANY PROOF

(Rev. 10-83)

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