

AMENDED APPLICATION RECEIVED 9/29/27

For full information regarding the filling out and filing of this form send for Rules and Regulations of the Division of Water Rights governing appropriation of water

APPLICATION No. 5769 Amended

APPLICATION FOR A PERMIT To appropriate Unappropriated Waters of the State of California FOR AGRICULTURAL PURPOSES

(USE THIS FORM ALSO FOR PURELY DOMESTIC OR INDUSTRIAL PURPOSES)

I, L.H. Taylor, assignee of C.S. Wheeler, of 309 Nevada State Life Bldg, Reno, County of Washoe, State of Nevada, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

SOURCE, AMOUNT AND USE APPLIED FOR

1. The source of the proposed appropriation is Little Truckee River located in Nevada County, tributary of Truckee River

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use without storage cubic feet per second, to be so diverted from October 1 to July 1 following of each season.

(b) For diversion to be stored temporarily and later applied to beneficial use 40,950 acre-feet per annum, to be collected between October 1 and July 1 following of each season.

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. It is important that the answers be complete and accurate. A permit can not be issued for a larger quantity than as described therein.

3. The use to which the water is to be applied is Irrigation and domestic

4. The point of diversion is to be located Storage Dam in NE 1/4 of SE 1/4 of Sec. 4 T. 18 N. R. 18 E. M. D. M. from south end of which S.E. Cor. Sec. 4 bears S. 19° 30' E. 1645 ft. distant. Thence Water flows down Little Truckee and Truckee Rivers to be re-diverted by Steamboat Canal in the California-Nevada Boundary line at 1200 ft. north of south line of Sec. 3 T. 19 N. R. 18 E. M. D. M. by Highland Ditch at point N. 57° W. 102.5 ft. from S.E. Cor. of Sec. 9 T. 18 N. R. 18 E. M. D. M. and by Lake Ditch at point N. 30° W. 150 ft. from S.E. Cor. between Secs. 18 & 19, T. 19 N. R. 18 E. M. D. M. being within the Lot 21 of Sec. 36 T. 18 N. R. 18 E. S.E. 1/4 of SE 1/4 of Sec. 9 T. 18 N. R. 18 E. and SE 1/4 of SW 1/4 of Sec. 18 T. 19 N. R. 18 E. M. D. M. in the County of Washoe State of Nevada

5. The 3 Main Ditches to be from 10 to 2.5 miles in length terminating in the SE 1/4 SW 1/4 of Sec. 34, SE 1/4 SW 1/4 of Sec. 36 T. 18 N. R. 18 E. and SW 1/4 of NE 1/4 of Sec. 6 T. 20 N. R. 21 E. M. D. M. the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works, if named, is to be Steamboat Canal, Lake Ditch and Highland Ditch and Highland Ditch Extension

DESCRIPTION OF PROPOSED WORKS

(NOTE: AN APPLICATION CAN NOT BE APPROVED FOR AN AMOUNT GROSSLY IN EXCESS OF THE ESTIMATED CAPACITY OF THE DIVERSION WORKS)

Diversion Works

7. (a) Diversion by gravity:

(1) Height of dams 2 to 5 feet; length on top 12.5 to 160 feet; length at bottom 12.5 to 160 feet; material to be used and character of construction Timber and Stone Crib and Loose Rock Waste ways over dams

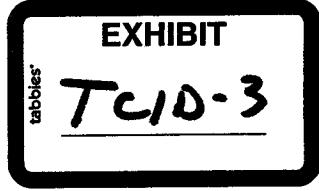
(2) Description of headgate Timber gates each with 3 openings

4 ft x 4 ft number and size of openings

(b) Diversion by pumping plant: Type of pumps

number of pumps; size of each; capacity of each cubic feet per second; total capacity of plant cubic feet per second

lifting lift feet; source of power horsepower; transmitters in attach etc



Conduit System (Main Conduits only)

8. Give dimensions, length, grade (feet fall per 1000 feet length), and character of construction of diversion conduit.

(a) Canal, ditch, flume: Width on top (at water line) 10 to 19 ft at heads to 9 ft at end feet; width on bottom 10 ft to 2 feet; depth of water 1.5 ft to 1.4 feet; length 5280 to 18500 feet; grade 0.4 to 1.0 feet per 1000 feet; materials of construction earth and rock excavation
(Earth, rock, timber, etc.)
timber flumes and wood stave pipe inverted siphon

(b) Pipe line: Diameter Siphon 72 inches; length 800 feet; grade 2.0 feet per 1000 feet; total fall from intake to outlet 1.6 feet; kind Wood Stave
(Riveted steel, cement, wood-stave, etc.)

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

Storage Reservoir

(PARAGRAPHS 9, 10, 11 AND 12 SHOULD NOT BE FILLED IN UNLESS STORAGE IS APPLIED FOR IN PARAGRAPH 2B)

9. The capacity of the storage reservoir will be 40,850 acre-feet; surface area 728 acres

10. The location of the storage reservoir will be in W²NE⁴, W²E⁴, NE⁴SE⁴, NW⁴N⁴SW⁴ and SE⁴SW⁴ of Sec. 4, and E⁴NE⁴ of Sec. 5, T. 19N. R. 17E., M. D. M. (40-acre subdivisions) W²NW⁴ and W²SW⁴ of Sec. 28, S²SE⁴ and S²SW⁴ of Sec. 20, N²NE⁴, SE⁴NE⁴ and E⁴SE⁴ of Sec. 22, E⁴NE⁴ and E⁴SE⁴ of Sec. 32, W²NW⁴, W²SW⁴ and SE⁴SW⁴ of Sec. 33, all in T. 19N. R. 17E. M. D. M. in Nevada and Sierra Counties, California

11. The storage dam will be located in NE⁴ of SE⁴ of Sec. 4 (40-acre subdivisions) T. 19N. R. 17E. M. D. M. It will be 170 feet in height; length on top 165 feet; length on bottom 70 feet; width on top 25 feet; slope of front or water face 3 to 1 (Feet horizontal to 1 vertical); slope on back 2 to 1 (Feet horizontal to 1 vertical); height of dam above water line when full 7 feet.

12. Character of construction of storage dam and the materials of which it is to be built: Earth fill with concrete cut-off to bed rock

Cost

13. Estimated cost of proposed works: \$ 500,000

APPLICATION OF WATER TO USE

14. Construction work will begin on or before two years after granting of permit

15. Construction work will be completed on or before five years after granting of permit

16. The water will be completely applied to the proposed use on or before ten years after granting of permit

17. The land to be irrigated has a total area of 12,215 acres, located in each forty-acre tract as follows:
(State net acreage to be irrigated; not gross area of property)

In T. 19N. R. 19E. Sec. 25	W ² SW ⁴	80	acres
"	26 S ² SE ⁴	80	"
"	26 W ² NW ⁴	80	"
"	26 W ² SW ⁴	80	"
"	26 SE ⁴ SW ⁴	40	"
Total toward		360	"

See Supplemental Sheets 1 & 2

(Note that acreage given here must check map)

18. The crops to be irrigated are: Rice Grass Pasture Unknown acres; alfalfa Unknown acres; orchard Unknown acres; general crops Unknown acres.

19. Irrigation will begin about April 1 and end about October 1 of each year.
(Date) (Date)

Application No.

Permit No.

APPLICATION

AGRICULTURAL

TO APPROPRIATE
THE PUBLIC WATERS OF THE
STATE OF CALIFORNIA

This application was first received in the office
of the DIVISION OF WATER RIGHTS the 25th
day of August 1926
at 9:30 o'clock P.M.

RETURNED TO APPLICANT FOR CORRECTION

CORRECTED APPLICATION RECEIVED

Approved:

Recorded in Book No. _____
of _____
Permits, on Page _____

PERMIT No. _____

STATE OF CALIFORNIA

COUNTY OF _____

ss.

This is to certify that we have examined the application of which the foregoing is a true and correct copy and do hereby grant the same, subject to VESTED RIGHTS and the following limitations and conditions, in addition to those enumerated in Section 20 (Statutes 1913, Chapter 886) set forth above.

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before _____ and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before _____

5. Complete application of the water to the proposed use shall be made on or before _____

Witness the signature of the Chief of the Division of
Water Rights, Department of Public Works of the
State of California, and the seal of said department

this _____ day of _____, 19 _____

GENERAL

20. Are the maps as required by the Rules and Regulations filed with application? Yes. If not, state specifically the time required for filing same.

21. Does the applicant own the land at the proposed point of diversion? No. If not, state what steps have been taken to secure right of access thereto. Owners of land to be irrigated own interests in the 3 existing diversion ditches. Negotiating for other rights-of-way

22. Does the applicant own all the land to be irrigated? No. If not, submit a copy of agreement with owners or state what arrangements have been made with them. Have verbal agreements with owners of all but few hundred acres Government land. Will have written contracts.

23. Has the land to be irrigated any water right or source of water supply for irrigation other than herein applied for? Yes. If so, state the nature and amount of this supply. 1560 acres under Steamboat Canal and Lake Ditch have old water rights but supply short in latter part of season. Other land has permit from Nevada for 67 sec. #1 and application pending for 40 sec. #1 during flood period from Truckee River.

24. What is the name of the post office most used by those living near the proposed point of diversion? Reno, Nevada

25. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? Below Reservoir, Truckee River Power Co, Steamboat Canal & Irrigation Co, South Side Canal Co, Orr Water & Ditch Co, all at Reno, and about 800 individual water users in Washoe, Storey, Lyon and Churchill Counties, Nevada, including the users in the Truckee-Carson Irrigation District or "Newlands Project" of Fallon, Nevada.

26. It is understood and agreed that this application and the permit and license which may be granted hereunder shall be subject to all the conditions set forth in Section 20 of the Water Commission Act (Statutes 1913, Chapter 586), which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional water granted in its said application it may so do upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

L. H. Hoagland
(Name of Applicant)

Signed in the presence of us as witnesses:

Reno, Nevada
(Address)