TITLE VIII.

WATER RIGHTS.

§ 1410. Rights to water may be acquired by appropriation.
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§ 1422. Prior title not to affect rights of riparian proprie-
tors.

§ 1410. The right to the use of running water flowing in a river or stream, or down a canyon or ravine, may be acquired by appropriation.

See Polit Code, sec. 3446.
Rights of appropriators as between themselves: See sec. 1414.
Riparian rights affected by appropriation: See sec. 1422.
Posting notice: Secs. 1415 et seq.

§ 1411. The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such a purpose, the right ceases.

Appropriation must be evidenced by physical acts: See sec. 1416.
Amount of property appropriated: See sec. 1415.

§ 1412. The person entitled to the use may change the place of diversion, if others are not
injured by such change, and may extend the ditch, flume, pipe, or aqueduct by which the diversion is made to places beyond that where the first use was made.

§ 1413. The water appropriated may be turned into the channel of another stream and mingled with its water, and then reclaimed; but in reclaiming it the water already appropriated by another must not be diminished.

§ 1414. As between appropriators, the one first in time is the first in right.

When right begins: See sec. 1418.
Use of water, nature of: See sec. 1411.
Change of use: See sec. 1412.
Rights of appropriators as against the government and its grantees: See sec. 1410.

§ 1415. A person desiring to appropriate water must post a notice, in writing, in a conspicuous place at the point of intended diversion, stating therein:

1. That he claims the water there flowing to the extent of (giving the number) inches, measured under a four-inch pressure;
2. The purposes for which he claims it, and the place of intended use;
3. The means by which he intends to divert it, and the size of the flume, ditch, pipe, or aqueduct in which he intends to divert it;

A copy of the notice must, within ten days after it is posted, be recorded in the office of the recorder of the county in which it is posted.

§ 1416. Within sixty days after the notice is posted the claimant must commence the excavation or construction of the works in which he intends to divert the water, and must prosecute the
work diligently and uninterruptedly to completion, unless temporarily interrupted by snows or rain; provided, that if the erection of a dam has been recommended by the California Debris Commission at or near the place where it is intended to divert the water, the claimant shall have sixty days after the completion of such dam in which to commence the excavation or construction of the works in which he intends to divert the water. [Amendment approved March 23, 1895; Stats. 1895, 55. In effect immediately.]

Time from which right of appropriation becomes vested: See sec. 1418.

§ 1417. By "completion" is meant conducting the waters to the place of intended use.

§ 1418. By a compliance with the above rules the claimant's right to the use of the water relates back to the time the notice was posted.

§ 1419. A failure to comply with such rules deprives the claimants of the right to the use of the water as against a subsequent claimant who complies therewith.

§ 1420. Persons who have heretofore claimed the right to water, and who have not constructed works in which to divert it, and who have not diverted nor applied it to some useful purpose, must, after this title takes effect, and within twenty days thereafter, proceed as in this title provided, or their right ceases.

§ 1421. The recorder of each county must keep a book in which he must record the notices provided for in this title.

§ 1422. [Repealed March 15, 1887.]