

La Grande Evening Observer

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Calendar for August 1908 showing days of the week and dates.

WATER RIGHTS.

The fact that a large irrigation project is now under way in this valley, which will of necessity involve certain water rights and owing to an article written by Bert Huffman, which was published in the Oregonian asking for legislation providing for the use of the natural channels of streams to convey water where practicable, applies directly to our own project.

The gist of Mr. Huffman's article is contained in the following paragraph, taken from his article: "As it is, we have laws regulating the turning of the usual flow of water out of streams, transporting it by canals and ditches to the land, but we have no law by which water may be stored on the upper rivers and transported down the channel to the property of those storing it."

When David Eccles was here a few weeks ago, not being conversant with the riparian laws of this state, Walter Pierce had Attorney T. H. Crawford prepare a brief of the laws as he understood them. This Mr. Crawford did, and while it covers a wide scope and several pages of typewritten paper, we quote as follows from this brief, which shows the trend of the general law, also our state law, which leaves no doubt whatever but that the channels of streams can be used.

"Henry P. Farnham, author of 'Farnham on Waters and Water Rights,' and assistant editor of the L. R. A., in discussing this question, says: 'When the immense cost and waste involved in the conveyance of the appropriated water to its place of use confronted the appropriator, the desire to take advantage for that purpose of any natural stream flowing in the right direction was, of course, strong, and it, from the beginning, received encouragement from the courts, so as such encouragement could be given without injuring the rights of others. Indeed, the right to use natural streams as part of a ditch system is so reasonable that it has rarely, if ever, been questioned.'"

"The only limitations upon the right appear to be as follows:

- 1. "The water must be turned into the stream for the express purpose of conveying it and with no intention of abandoning it.
2. "There must be no interference with the rights of others.
3. "The capacity of the stream must be considered and no more water turned into it than can be safely carried within its banks, together with the water naturally flowing therein, without overflowing adjacent property to its injury.

Statutes of Oregon Covering Points. "The legislature of the state of Oregon in 1881 passed an act covering the subject under consideration. This act is embraced in sections 4993-5019, inclusive, of Beilinger & Cotton's Annotated Codes and Statutes of the State of Oregon. Section 1 of this act, being section 4993 of the Code, pro-

vides that The use of the water of the lakes and running streams of the state of Oregon, for general rental, sale, or distribution for purposes of irrigation, the supplying of water for household and domestic consumption, and watering livestock, upon dry lands of the state, is a public use, and the right to collect rates of compensation for such use of said water is a franchise."

"Section 2 of this act, being section 4994 of the Code, provides that 'A corporation organized for the construction and maintenance of a ditch or canal or flume for general irrigation purposes, and other purposes above prescribed, may appropriate and divert water from its natural bed or channel, and condemn right of way for its ditch or canal or flume, and may condemn the rights of riparian proprietors upon the lake or stream from which such appropriation is made, upon complying with the terms of this act. Such corporation shall also have the right to condemn lands for sites for reservoirs for storing water' for future use, and for rights of way for feeders carrying water to such reservoirs, and for ditches carrying the same away, and distributing ditches, and shall have the right to take from any running stream in this state and store away any water not needed for immediate use by any person having a superior right thereto."

"Section 14 of the act, being section 5006 of the Code, provides that 'Any corporation constructing a ditch or canal, flume, distributing ditches, or feeders, under the provisions of this act, may make use of natural depressions in the earth along the line thereof to all intents and purposes as parts of said ditch or canal, flume, distributing ditches or feeder; and it may conduct the water appropriated by it along the channel of any natural stream, but not so as to raise the water thereof above ordinary high-water mark, and may take the same out again at any point desired without regard to the prior rights of others to water from said stream; but, due allowance shall be made for evaporation and seepage.'"

"The other sections of this act provide a complete system for effecting the appropriation and completing the same together with provision for suits of condemnation in the courts. While this act is no doubt imperfect, yet it is thought to be clearly sufficient and ample to authorize a corporation organized for the purpose, to appropriate and store away in reservoirs on the upper sources of the Grande Ronde river its flood waters flowing therein at high water stages for use in the dry season for the irrigation of the dry arid lands of the Grande Ronde valley, and to use the main channel of said stream from said reservoirs to the point where said stream debouches into the valley, for carrying said stored water to a point where they can be diverted into distributing canals and distributed to the lands to be irrigated. Certainly, if the legislature has authority to enact this law, the law itself as enacted is broad enough in its scope and intent to authorize this to be done by a corporation organized for the purpose and to fully guard and protect its rights in the premises."

CONTEST NOTICE.

Department of the Interior, U. S. Land Office, La Grande, Ore., August 13, 1908.

A sufficient contest affidavit having been filed in this office by Benjamin Bowman, contestant, against H. E. No. 11061, Serial No. 17, made February 8, 1902, for N 1/4 SE 1/4, NE 1/4 SW 1/4, section 4, township 4 south, range 35 E., W. Meridian, by George E. Price, contestee, in which it is alleged that said George E. Price has wholly abandoned the above described land for more than six months last past, and further that he has not resided upon, improved or cultivated said land or resided upon said land as required by the homestead laws at any time, and that said alleged absence from the said land was not due to his employment in the army, navy or marine corps of the United States, said parties are hereby notified to appear, respond and offer evidence touching said allegation at 10 o'clock a. m., on September 22, 1908, before the register and receiver at the United States land office in La Grande, Oregon.

The said contestant having, in a proper affidavit, filed August 13, 1908, set forth facts which show that after due diligence personal service of this notice can not be made, it is hereby ordered and directed that such notice be given by due and proper publication. F. C. BRAMWELL, Register. J. T. WILLIAMSON, Attorney for Contestant. WA218Sept18

MILL WHEELS ARE TURNING

In accordance with an announcement made by The Observer last week the La Grande flouring mill commenced operations today. A large quantity of wheat has been received during the past few days and this will be converted into flour by running one shift for the present. In a few days the wheels will be turning night and day.

This mill is one of the first in the valley to be put to work on the new wheat crop and will set loose a liberal quantity of money.

RED SPECIAL STARTS WEST

Chicago, Aug. 31.—Eugene V. Debs, the socialist candidate for president, left here today on the socialist "red special," on a tour of the west. The train was shorn of its colors in the depot by order of the company. As soon as the train was out of the yards, it was stopped and redecorated with red hunting. Debs stood on the car platform and watched the proceedings.

A Harrisburg firm paid \$380 freight on one car of wire fencing shipped from Indiana. Are freight rates too low?

The weariest man in this world is the one who is running from work.

NOTICE FOR PUBLICATION.

Department of the Interior, U. S. Land Office, La Grande, Ore., August 24, 1908.

Notice is hereby given that JOHN H. BLUMENSTEIN, of La Grande, Oregon, who, on October 23, 1901, made homestead entry No. 19744—Serial No. 61023, for SW 1/4 SE 1/4, E 1/2 SW 1/4 and lot 7, section 6, township 2 south, range 35 E., W. M., has filed notice of intention to make final five-year proof, to establish claim to the land above described, before the register and receiver of the U. S. land office at La Grande, Oregon, on the 8th day of October, 1908.

Claimant names as witnesses: Frank Beinhoff, Ambrose Wright, Ed Dial, M. A. Kaelin, all of La Grande, Ore. F. C. BRAMWELL, Register. 7-10-9-13

WOOD AND COAL

Now is the time to think about your winter supply

We have the supply and the price and quality is right

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NOTICE FOR PUBLICATION.

Department of the Interior, U. S. Land Office, La Grande, Ore. July 13, 1908.

Notice is hereby given that KATHRYN CONNORS, of Sioux Falls, South Dakota, who, on July 8, 1908, made timber and stone sworn statement No. 6142, for N 1/4 NE 1/4, SE 1/4 NE 1/4, Sec. 31; SW 1/4 of NW 1/4, Sec. 32, Tp. 4 S., R. 35, E. W. M., has filed notice of intention to make final timber and stone proof, to establish claim to the land above described, before the register and receiver at La Grande, Oregon, on the 25th day of September, 1908.

Claimant names as witnesses: Amanda Miller, of Sioux Falls, S. D.; Charles F. Clency, of Sioux Falls, S. D.; John K. Wright, of La Grande, Ore.; Walter Spenser, of La Grande, Ore. F. C. BRAMWELL, Register. 7-24-9-25

notice.

Notice is hereby given, that pursuant to an act of the legislative assembly of the state of Oregon, approved February 25, 1889, the following county warrants which were issued more than seven years prior to the first day of July, 1908, but have not been paid, will be paid by the county treasurer of Union county, Oregon, if presented for payment within 60 days from July 1, 1908, and if said warrants or any of them, are not presented for payment within 60 days from July 1, 1908, they will be cancelled by the county court of said county and payment of the same will be thereafter refused:

- Class HH, No. 1929, City of Union, \$4.15.
Class II, No. 1155, Ambrose Wright, \$1.50.
Class II, No. 1480, A. Wright, \$7.40.
Class II, No. 1759, Steve Correy, \$2.20.
Class JJ, No. 141, G. C. Horton, \$7.
Class JJ, No. 347, J. E. Moore, \$1.20.
Class JJ, No. 1714, Union Electric Light Co., \$25.
Witness my hand and seal of said county court this 27th day of June, A. D. 1908. (SEAL) J. B. GILHAM, County Clerk.

NOTICE FOR PUBLICATION.

Department of the Interior, U. S. Land Office at La Grande, Ore. June 30, 1908.

Notice is hereby given that HARRY J. HOCKENBERRY, of La Grande, Union county, Oregon, who, on June 25th, 1908, made timber and stone sworn statement No. 6072, for SE 1/4, Sec. 16, Tp. 5 S., R. 36 E. W. M., has filed notice of intention to make final timber and stone proof, to establish claim to the land above described, before the register and receiver at La Grande, Oregon, on the 21st day of September, 1908.

Claimant names as witnesses: John T. Williams, Adna P. Rogers, Oscar R. Coolidge, Vincent R. Reeves, all of La Grande, Oregon. F. C. BRAMWELL, Register. 7-10-9-13

Fruit Season is Now On Phone Us Your Orders for ECONOMY JARS

- Pints \$1.10 dozen
Quarts \$1.55 dozen
Half gallons \$1.75 dozen
Extra clamps 10c dozen
Extra caps 20c dozen

EXTRAS FOR EASY VACUUM JARS

- Caps 18c dozen
Rubber rings 20c dozen
Clamps 10c dozen
Extra large Jelly Glasses 45c dozen

These are an attractive size and shape, and are easily worth 60 cents per dozen

F. D. HAISTEN

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FRUIT GROWERS ATTENTION

The Ramsey-Oldenburg Company are agents for the Grande Ronde Lumber Company and are now prepared to take orders for large and small lots of apple boxes. Call at the office in La Grande National Bank Bldg and see samples of new stamp on box.

Stock Will be Delivered at the Company's Warehouse.

PHONE: Pacific States Main 86 Vergere 1402.

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LUMBER

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The only kind of ice that we handle in retail trade is artificial ice, made from pure artesian water—the only pure ice in the city. A delivery wagon will bring this PURE ICE to your door on notification by telephone or otherwise. To regular patrons our prices are one-half cent per pound. NATURAL ICE handled in wholesale lots. Look out for the Grandy ice wagon. Phone Black 571.

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