

Medford Daily Tribune

A LIVE PAPER IN A LIVE TOWN.

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Roberts Makes Report

(Continued from page 1.)
it will aid us in rendering a report.

First—Can the city, by purchase of the Slinger ranch and water rights, divert the water now used by Slinger on his upper place, and apply it to other use than by irrigation?

Second—An abstract of the Slinger ranch shows 700 inches recorded for the two ditches now in use. Can the city, if purchase of this ranch is made, divert more than the present ditches carry, if that amount should be as low as 180 inches?

Third—Can the point of diversion be changed, so long as such change does not interfere with any vested rights?

Fourth—In selling the city the water rights of the Slinger place, is the city at all safeguarded against riparian demands?

Respectfully yours,
W. J. ROBERTS,
Engineer for Medford.

Reply:
Medford, Or., Sept. 24.—Medford City Council, City—Gentlemen: I have been requested by Mr. W. J. Roberts, the engineer for Medford, to answer certain questions pertaining to the Slinger water rights and ditches appurtenant to his upper ranch on Butte creek, viz.:

Can the water from those ditches be purchased and used for purposes other than irrigation? It can. A person acquires a right to a given quantity of water by appropriation and use. Place of use and character are not tests of his right. When he has made his appropriation, he becomes entitled to the use of the quantity which he may choose to convey it, and for any useful or beneficial purpose to which he may choose to apply it.

In answer to the second question, it is my opinion that the city, if it purchases these rights, will not be permitted to divert any more water through them than has been beneficially used through them by the present owner. If the ditches are in bad condition, or if the head box is destroyed, so that it does not receive the amount originally appropriated these may be repaired, and the owner will have the right to use the amount of the original appropriation.

In answer to the third question, the point of diversion may be changed if it does not interfere with intervening rights.

Fourth, if the city should purchase the water rights belonging to said ranch there is little, if any, danger of trouble with riparian owners below. It is my opinion that under the law they would have no standing before the courts.

Gentlemen, while this opinion is brief, yet it is well settled in my mind, and I think is abundantly backed by the decisions of the supreme court of Oregon.

I am, very respectfully,
WM. M. COLVIG,
Attorney for Dick Slinger.

Quality. Of the quality of the water from Wasson canyon there can be no question. It is above suspicion. The tributary water shed, 11 or 12 square miles, has only one inhabitant, and he is a half mile from the stream.

A chemical analysis gave the following results:

C. E. Bradley, Assistant Chemist Oregon Experiment Station, Corvallis Or., March 31.—Mr. T. W. Osgood, City Engineer, Medford, Oregon—Dear Sir: The samples of water have been analyzed with the following results:

Big Butte-Wasson creek, canyon	Parts per Million	Parts per Million
Free ammonia	.01	.01
Albuminoid ammonia	.50	.50
Nitrates	.50	.50
Chlorine	low	low
Total solids	100.00	69.00

These results show both waters to be exceptionally free from organic matter, and, so far as our analysis shows, are of the highest purity. If they lie, as you state, removed from sources of contamination, they could be unquestionably recommended for drinking purposes.

Very truly yours,
C. E. BRADLEY.

But even better than the chemical analysis, and more important is the certain knowledge that the isolation, high altitude, heavily timbered slopes and rugged character of the drainage area, assures freedom from accidental pollution from human sources.

The Hooley offer contemplates taking over the Slinger ranch and applying that right to supplement the low-water flow of Wasson canyon. At the point where Wasson canyon water would be diverted is a ditch one and a half miles long, which might be used temporarily, but which would have to be replaced by a pipe of considerable capacity at an early date. The pipe line was estimated to cost \$4,000,000 and would be 100 to 150 feet deep and 10 to 15 feet wide. It would be 100 to 150 feet deep and 10 to 15 feet wide. It would be 100 to 150 feet deep and 10 to 15 feet wide. It would be 100 to 150 feet deep and 10 to 15 feet wide.

about four months in the year the flow of Wasson canyon falls below the 200 inches required, and the actual gaugings gave as low as 150 inches during the summer. For eight months of the year it is estimated that the flow exceeds 300 inches. It is to be regretted that in the consideration of any stream flow, a series of annual low water gaugings is not available. A single low water gauging may mislead. However, it appears from the records that the season has been one of unusual drouth, and if this be true, then the ordinary low-water flow may be even greater than the full amount needed. The Wasson canyon project covers all the water of Wasson canyon and so much of the Slinger rights as will assure 300 inches in all.

Cost. The cost of the Wasson canyon project can be given closely, based upon figures submitted by contractors August 6, and is as follows: Water rights, 300 inches. \$ 25,000 Diversion 2,913 Regulation 1,422 22.6 miles pipe line, 16-inch capacity 4,900,000 gallons 165,651 Same, trenching and backfilling 50,754 Additional cast iron pipe extension in city 6,918 2,000,000-gallon reservoir. 19,118 Clearing right of way 1,340 Engineering, surveys, superintendence 12,000 Right of way and lands 3,000 Telephone line 1,000

Total \$289,053

Second. The Slinger project in combination. This project can be handled in either of two ways, (1) by accepting the Hanley proposition, (2) by combination with the Fish Lake company's offer to sell a part of the 200 inches of water in the same ratio as for all.

In either case the quality is the same as would be supplied by the Fish Lake company, and will be considered under that project. The quantity is probably somewhat in excess of 180 inches, as the flumes and ditches were not in good repair when the measurement of that amount was made. This supply alone was considered as of doubtful sufficiency in itself.

Third. The Fish Lake company's project. Rights, quality, quantity and cost of same. The following letters are self-explanatory.

The following letters are self-explanatory:

Medford, Or., Sept. 22.—Mr. V. T. McCray, Engineer, Fish Lake Ditch Co., Medford, Oregon—Dear Sir: Having returned from an inspection of your property, including Fish lake and Four Mile lake, and having looked over your plan of diverting the flood waters stored in these reservoirs, I am ready to prepare my report for the city council, and would like your assistance in preparing some figures on the holdings, capacity, drainage area, legal rights, etc., of the Fish Lake Water Co.

First—As to your legal rights in the premises: What are they? I would esteem it a favor if you would set this out pretty fully.

Second—What is the drainage area tributary to both lakes, and to the creek above the 1800-foot contour? At Slinger's lower place?

Third—What are the respective areas of the two lakes, both before and after the dams are constructed?

Fourth—What amount of flood waters in acre feet do you intend to impound in the two lakes?

Fifth—What measures, if any, will the company take to remove timber and brush from the shores where over-flooding?

Sixth—What is your estimate of the low water flow of the north fork of Little Butte creek at your present intake?

Seventh—Is any of this low water flow available for diversion?

Eighth—Please state the nature and height of the dams to be built, and now under construction.

Yours truly,
W. J. ROBERTS.

Reply:

Medford, Or., Sept. 23.—W. J. Roberts, Consulting Engineer, Medford, Oregon—Dear Sir: In reply to yours of the 22d inst. I beg leave to submit the following in reply to your various questions, which are here considered and answered in their numerical order, and while I may not have gone fully into all the details and submitted an elaborate report, instead of this, we invite the most rigid examination into our ability to "produce the goods," and the feasibility of our offer is quantity, quality and cheapness and permanency of supply.

First—As to our legal rights in the premises. The Fish Lake Water company is a corporation duly created and existing under and by virtue of the laws of the state of Oregon, with its principal office and place of business in the city of Medford, Oregon.

Appropriation. In the month of October, 1906, we filed notice of appropriation on the north fork of Little Butte creek for 10,000 miners' inches, and on the south fork of Little Butte creek for 10,000 inches of water; said appropriations being made under the

provisions of an act of the legislature of the state of Oregon filed in the office of the secretary of state on the 18th day of February, 1891, and reported in the session laws of the legislature of the state of Oregon for the year 1891, at pages 52 to 60, inclusive, and entitled generally "An act to provide for the appropriation of water from the lakes and running streams of the state of Oregon, for purposes of irrigation, commercial, domestic and other purposes," the provisions and requirements of said laws being fully complied with by our company in the matter of appropriation.

Storage. Application was made on the 10th day of June, 1905, to the secretary of the interior at Washington, D. C., for the right to impound water at Fish lake, and the same was granted on the 25th day of June, 1906. Application was made October 15, 1906, to the secretary of the interior at Washington, D. C., for the right to impound water at Four-Mile lake, and the same was granted June 18, 1907.

Appropriation of the water from Fish lake and Four-Mile lake was made also under the provisions of the laws of the state of Oregon, and all the requirements of said laws fully complied with by our company.

Second—The drainage area tributary to both lakes and the creek near the lower Slinger place is about 80 square miles.

Third—Area of Four Mile lake before construction of dam, 675 acres; area of Four-Mile lake after construction of dam, 976 acres; area of Fish lake before construction of dam, 100 acres; area of Fish lake after construction of dam, 450 acres.

Fourth—The volume of water to be impounded in the two lakes is 22,150 acre feet.

Fifth—Our company proposes to saw al merchantable timber and remove undergrowth.

Sixth—Four thousand (4000) inches available for diversion by our company.

Eighth—Height of Four-Mile lake dam will be 25 feet and mostly constructed this season; will be of loose earth and stone with metal and timber cores.

Height of Fish lake dam will be 30 feet, partly constructed, will be completed next season; will be of loose earth and stone with metal and timber cores.

Respectfully submitted,
V. T. MCCRAY,
Engineer Fish Lake Water Co.

Analysis: Sample taken from Little Butte creek, Slinger ranch.

Oregon State Experiment Station, Corvallis, Or., Feb. 19.—Mr. P. E. Merrick, Medford, Oregon—Dear Sir: The water you submit for analysis gives the following:

Total solids 76.5 parts per million
Free ammonia02 parts per million
Albuminoid ammonia10 parts per million
Chlorine (low) 1.90 parts per million

The solids consist of carbonates and sulphates of lime, a small amount of alkaline chlorides and silica. The free ammonia is low and about what is usually found in a pure water. The albuminoid (undecomposed organic matter) is higher than it should be, ordinary pure waters running about half this amount. The chlorine is very low, and if the organic matter in the water were from sewage the chlorine would run much higher. The organic matter is probably of vegetable origin and therefore harmless.

These are the conclusion we would draw from the analysis, but you understand no chemist can tell you absolutely whether a water is dangerous or not. We are always guided in our conclusions by a study of the surroundings of a water supply, and if in this case they seem unquestionable our conclusions would be that the water is suitable for drinking.

Very truly yours,
C. E. BRADLEY,
Assistant Chemist.

A similar analysis was made of Little Butte water at Berkeley and the chemist wrote: "These analyses show that the water is of exceptional purity and can be used without deleterious effects for drinking and domestic purposes. It will be a great advantage to the city of Medford to be able to draw their water supply from such a pure source."

This analysis was made March 9, 1908, of a sample taken at the head of the Slinger ditches from Little Butte creek.

Quality. To make clear what the nature of the water is, which it is proposed to sell to the city, reference will be made to the map accompanying this report.

The north fork of Little Butte creek has its source in some springs at the head of Fish lake, near the summit of the Cascades at an elevation of 4687 feet, about 40 miles by wagon road from Medford. Better water never issued from a spring than that which flows into the lake from the porous lava at the base of Mount Pitt. At the present time the water in the lake has been raised by a dam of timber and loose rock about ten feet at the lower end and about six feet at its upper end, flooding the uncut timber along the shores of the lake. At the present time there appears to be a slight difference in color of the water at the upper end of the lake and that near the outlet, due to the flooded timber along the shores. When the company removes all timber and brush between the natural low-water mark and the 30-foot contour to which level it is proposed to raise the surface, the greater depth of water will assure a reservoir of fine water. From the lake to the company's present intake for their irrigation system the creek falls nearly 3000 feet in 30 miles, and flows in a narrow channel over a rocky bed shaded by trees on both banks. Between the Slinger ranch and the lake there are but three farms and a few small buildings. I consider that it grows entirely suitable

(Continued on Page 2)

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