

Crook County Journal

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SUITS FILED AGAINST TWOHY BROTHERS

Seven Land Owners File Suits for Claims, Alleging Construction of Dam Hampered Irrigation, Injuring Crops of Farmers. Action by Owners Under Table Land Ditch, Combs-Slayton Ditch and Other Old Rights on the Ochoco.

SEVEN SEPARATE SUITS TO BE PRESSED BY JUDGE WALLACE AND W. H. WILSON, ATTORNEYS

Wilful Diversion of Water While Constructing the Dam During Season of 1918 is the Charge Brought by Farmers Who Have Brought Action.

Seven separate actions for damages, brought by as many farmers who claim to have been damaged during the season of 1918 because of diversion of water from their various irrigation systems at and near the site of the Ochoco Project Dam, were filed this week against Twohy Bros. Company for a total sum aggregating about \$41,000.00.

The action for damages has been threatening for some time, and was no doubt precipitated by the attitude of the contracting firm in its recent attempt to delay the construction of the dam.

Parties to the various actions mentioned above are: E. T. Slayton, Chas. C. O'Neil, Wm. Marks, T. H. Lafollette, H. S. Cram & Sons, Morgan & Allen and H. F. and Archie Powell.

Attorneys for these men are Judge N. G. Wallace and W. H. Wilson of The Dalles.

The suits are separate actions and are based upon the allegations that the canals mentioned were torn up and the water otherwise diverted from them under the rights granted the land owners by the state.

Among other things these complaints allege in part:

"That in constructing said dam across said Ochoco Creek, the defendant, through its officers, agents, and employees, went upon said Table Land Ditch and tore up and destroyed said conduit, and in said months of February, March, April and May of the year 1918 wilfully, purposely and wrongfully, carelessly, negligently, unnecessarily and in violation of plaintiff's said rights and with knowledge, obstructed, and prevented the waters of said creek from flowing into said ditch and through the same to and upon the lands of the plaintiff, and purposely and wilfully diverted and conveyed therefrom water flowing therein and caused the same to run and flow elsewhere than to and upon the lands of the plaintiff, and failed and neglected to carefully or otherwise protect from injury the works, ditch and conduit above mentioned, by means of which the plaintiff utilized his said vested water

right and obtained and procured the water for irrigating his premises, as above set forth, and failed to carefully or otherwise protect plaintiff's interest, right and property therein and thereto, or plaintiff's said vested water right and his right to convey said water through said Table Land Ditch for the purposes aforesaid; and by reason and on account of all of the acts and things done and performed by the defendant, its officers, agents, and employees, as above alleged and set forth, the plaintiff's said lands were deprived of water for irrigating the same and the crops growing thereon, and by reason thereof said crops were stunted and retarded in their growth, and were damaged and injured and lessened in quantity and depreciated in quality, and the alfalfa growing on said premises was permanently injured and damaged thereby, all to the loss, injury and damage of the plaintiff.

JOHN MONTGOMERY FOUND DEAD IN BED

Saturday morning about 10:00 a. m. our county authorities were called to the ranch of John Montgomery, where he was found by his brother, Charles, lying dead in a pool of blood on his bed.

The deceased was in Prineville on Wednesday paying all bills and settling up his business as far as he could without exciting suspicion. Wednesday night he spent at his cabin alone as usual as he is unmarried and has resided alone on his ranch on Crooked river for the past seven or eight years. Thursday he went down to see his brother Judd and stayed all night, returning home Friday. Friday evening he partially undressed as though to retire but evidently changed his mind, took his 25-35 carbine, lay down on his bed and shot himself in the left temple, the shot ranging upward and blowing the top of his head completely off. Death was instantaneous. Not noticing any stir around the place Saturday morning, his brother, Charles, who lives across the river, went over to the cabin and found him dead. Charles immediately telephoned to the authorities. It was decided that he had been dead about twenty hours.

There was no doubt as to the fact of suicide, although no one suspected it and he left no note of his intentions or reasons. His health has been poor for years and it was probably this fact which caused the dependency leading to the taking of his own life. He was buried Monday at 2:00 p. m. at the local cemetery.

—W. S. S.—

The case of R. M. Powell, who was accused of burning a house on McKay creek a couple of months ago, was dismissed by the grand jury, as insufficient evidence was found to make a true bill.

PASSENGER SERVICE ON RAILROAD SOON

Passenger service will be established in less than thirty days on the City of Prineville railway. The exact date is not announced but will be well within that time.

The coach for the Prineville-Prineville Junction run will arrive today or tomorrow from Portland, and will be ready for the service when it starts.

This coach is a gas-driven car, having a capacity of 25 to 27 passengers and is capable of making the run in very good time. Accompanying the motorman on its run from Portland is Dr. Chas. S. Edwards of the railway commission.

A two story depot 21x36 feet, is being completed at Prineville Junction by J. B. Shipp, who has the contract for the building. It is a modern structure, plastered and equipped with all necessary plumbing and other up-to-date conveniences.

At the Prineville end of the road a freight warehouse and office is being built, the foundations now being laid by City Engineer Kelly and a crew of assistants.

The round house with three tracks for the accommodation of the equipment of the railroad is already completed and is being occupied.

Regular freight service has been maintained for some time on this road, including a weekly livestock train.

Work trains are at work constantly ballasting and otherwise improving the condition of the roadbed preparatory to the heavy spring and summer traffic.

—W. S. S.—

Jim Mace returned Saturday from Summit Prairie, where he has been looking after business interests for several days. There are between four and five feet of snow at the Prairie.

COUNTY CHAMBER OF COMMERCE COMING

A meeting was held last night at the Hotel Prineville for the purpose of taking the initial steps towards the organization of a county chamber of commerce. L. P. Hewitt of Portland gave an outline of the workings of the State Chamber of Commerce and its purposes, and the benefits to be derived from membership in such an organization. A membership drive is on throughout the entire state next week. Crook county's quota is 119 members at a minimum membership fee of \$5.00. The organization for our membership drive will be perfected at the club luncheon tomorrow at the Hotel Prineville. A large attendance is solicited as this is a matter of great importance to the citizens of this county.

—W. S. S.—

ADDITIONAL NAMES OF CROOK COUNTY SOLDIERS

Our correspondent at Barnes has kindly called our attention to the fact that these names were omitted from the list of Crook county soldiers which we published a short time ago: Frank O'Kelly, Lincoln Kyle, Ira Cox, John Holland, and Thomas O'Kelly, deceased, who died at Vancouver, Washington, last year. If there are any other names which have been omitted from the list, notify us and we will see that they are added and published.

—W. S. S.—

An entertainment consisting of a vaudeville performance, followed by dancing will be given free to their friends by the members of the United Artisans on March 17. A special invitation is extended to all returned soldiers and sailors. Program will start promptly at 8 o'clock in their lodge rooms over the Prineville Meat Market. Good music will be furnished and a good time is assured.

PROSPECTS ARE GOOD FOR CROPS AND RANGE

SNOW SIX FEET DEEP IN MOUNTAINS—LATE RUN-OFF

GRASS AND GRAIN GROWING

Forest Service Makes Survey Of Situation Throughout The Mountain Districts Surrounding

Central Oregon is confronted with the fact that the mountains contain a record snow fall, that the melting of these snows is starting weeks later than usual, and the soil throughout the country contains a good supply of moisture to start the crops and ranges growing for the early spring in excellent shape.

In fact the hills are green where they are not white, and many men have already turned some cattle onto the ranges while sheep have been out of the feed lots for at least a part of each day for several weeks.

Prospects, in fact, were never better, and in the memory of the oldest inhabitant, but few if any seasons have started with so glowing an outlook as the coming summer offers for the stockmen and farmers of this part of the state.

From Camp Creek, Beaver, Summit, and in fact all parts of the country come the same glowing reports of conditions. Commenting on the moisture supply the local forest office yesterday issued the following statement:

"Reliable information as to snow conditions has been obtained by the local Forestry office from all sections of the mountains easterly and southeasterly from Prineville. The figures are surely encouraging. Stockmen and ranchers in general are walking with a firm step and are beginning to realize already that their income tax statement for next year will make the Collector of Internal Revenue smile along with the local banker. The "dry" farmers have every reason to believe that they must not neglect to provide a few extra acres on which to place the massive stacks of rye hay that the weather man has guaranteed.

Recent first-hand reports on snow depths for the different sections follow:

Prineville-Mitchell road, Summit—6 feet. Ranger Blake and James Boyd, who arrived in Prineville Monday evening after a horseback trip across the mountains are willing to swear or affirm before a Notary Public (or anybody else) that the above figure is no exaggeration.

Summit Prairie—3 feet, Ochoco Summit Prairie Divide—5 feet. (Ask Lynn Nichols, Fred Merritt et al.). Suplee—18 inches. Jesse Allison of Howard valley (extreme head of Silver Creek at base of Snow mountain) advises by telephone that if there is less than three feet in his neighborhood that he will never again attempt to tell the truth.

Albert Onkerman and Herb Angell, who just found Prineville a day or so ago, after a trip via Millican from Burns, report that in Bald and Green Mountain district snow has fallen to a depth of four feet.

Harney county stockmen are worried for fear that they will not have cattle and sheep enough to consume the grass that is sure to follow melting of the snow.

The Maury Mountain cattlemen are no less worried than those on Silver Creek and at Burns. They know perfectly well that all "small" rye in their locality is ruined and also that unless the Prineville Railway is extended it will be difficult to market their fat steers next fall. Generally speaking, therefore, the outlook for summer range and both dry land and irrigated crops for next season is exceedingly bright."



LEWIS & WILEY INC. JACKSON STREET REGRADE LOS ANGELES, CALIF. FEBRUARY 1908

Above is an illustration of some of the big sluicing work done by the Puget Sound Bridge & Dredging Co., who are completing the Ochoco dam.

The photograph is of a part of the Jackson Street Regrade in Seattle, where the company moved 3,400,000 cubic yards of earth or about seven times the amount of earth specified for the Ochoco dam. The four hydraulic giants in the illustration are throwing water at the rate of twenty-six million gallons (about forty second feet) in twenty-four hours, and moving from six to ten thousand yards of earth per day.

This work was done by Lewis & Wiley, Inc., of which Mr. William H. Lewis was President. This company has now been associated with the Puget Sound Bridge & Dredging Co., as its sluicing department, of which Mr. Lewis is manager.