# **WILL NOT DISTURB OLD WATER RIGHTS**

Proposed New Water Code Provides for Existing Conditions.

COMMITTEE MAKES REPORT

Bill Contains 60 Sections Defining Regulation, Distribution, Right of Use of Water and Fixing Penalty for Violation.

SALEM, Or., Jan. 1 .- (Special.)-The proposed new water code, concerning which there has been considerable dis-cussion and more or less misunderstanding, has been completed by the committee naving it in charge, and has now been

The bill is a lengthy one, comprising 60 sections, and, as shown by its title, proposes an "act providing a system for the regulation, control, distribution, use and right of use of water, and for the determination of existing rights thereto within the State of Oregon, providing penalties for its violation and appropriating money for the maintenance thereof."

It has been many times asserted that this bill proposes to destroy existing water rights, but that this is not so is shown by the first section, which contains the clause, "subject to existing rights to their use." The bill is here-with given in full, except that some of the less important sections are briefly of the United States. Sec. 13, (Suit for Adjudication of Water

Be it enacted by the People of the State of Oregon:
Section L. All waters within the state
from all sources of water supply belong to

the public, and, subject to existing rights to their use, may be appropriated for bene-Priority.) Beneficial use shall be the basis, the measure, and the limit of the right to

be beneficially used thereon. Priority in shall relate back to the initiation of the claim, upon the diligent prosecution to com piction of the necessary surveys and con-struction for the application of the water to a beneficial use. All claims to the use of water initiated after the passage of this act

regulations established thencunder.
Sec. A. (Eminent Domain.) The beneficial use of water is a public use, and the United States, the state, or any person, foreign or domestic corporation or association, may exercise the right of eminent domain to acquire for a public use any property or rights now or hereafter existing when found necessary for the application of water to beneficial uses, including the right to enlarge existing structures and use the same in common with the former owner. Any canatight of way so acquired shall be so located as to do the least damage to private or public property, consistent with proper and economical engineering construction. Such property or rights may be acquired in the stream system involved, and the Altorney-General may bring suit as provided in this act in any court having stricklesion over any part of the stream system, which shall likewise have exclusive jurisdiction for such and of such mirrors, shall be charged to the charged of the proportion to the amount of the water right adjusted to the amount of the water right and proportion to the amou

The right to conduct water from or over the taking of private property for public use, provided, further, that if it is neces aqueduct to give 30 days' notice in writing the owner or owners of such railway of eir intention to construct a ditch, flume. said ditch, flume, pipe or aqueduct will cross the ratiroad; also the time when the construction or said ditch, frome, pipe or aqueduct will be made. If the owner or owners of such railroad or their agent fails to appear and attend at the time and place fixed in said notice, it shall be lawful for the owner or owners of said flume, ditch pipe or aqueduct to construct the same across the right of way of such railroad, without further notice to said owner or owners of the railroad.

(Reclaiming Water.) Water turned into any natural or artificial water subject to existing rights, due allowance for

(State Engineer, Dutles, Powers and Salary.) The State Engineer shall have surveys and engineering work in which the state may be interested and for which funds are provided, and shall receive a salary of \$3000 per annum and actual necessary traveling expenses while away from his office in the discharge of official duties.

Section 7 requires that claims under the

make a biennial report. Sec. 9. (Fees of State Engineer.) The state Engineer shall receive the following fees, to be collected in advance and to be paid by him into the general fund of the State Treasury on the last day of March,

tion for permit to appropriate water, map and field notes of the same, which shall in-clude the filing of the proofs of publication and all other papers relating to the applica-tion up to the recording of the permit to appropriate water, \$5.

(b) For recording any permit, certificate of construction or license issued, or any other water right instrument. \$1 for the first 100 words, and 10 cents for each additional

100 words, or fraction thereof.

(c) For filing any other paper necessarily forming a part of the permanent record of the water right application, permit fleense, 50 cents. (d) For issuing certificates of construction, or license to appropriate water. \$1

each 100 words or fraction thereof.

each 100 words or fraction thereof.

(f) For blue print copy of any map or drawing, 10 cents per square foot or fraction thereof. For other copies of drawings, actual cost of the work.

(g) For certifying to copies, documents, records or maps, \$1 for each certificate.

(h) For examining, in connection with water right applications, plans and specifications for any dam, not exceeding ten feet in extreme, height from the foundation, \$10; for a dam higher than ten feet and not exceeding 30 feet, \$20; for a dam higher than ceeding 30 feet, \$20; for a dam higher than 30 feet and not exceeding 50 feet, \$30; for than 100 cubic feet per second, \$20; for an safety of plan, or as to the showing of the estimated capacity exceeding 100 cubic feet stimated capacity exceeding 100 cubic feet ability of the applicant to carry the coner second, \$800.

(i) For inspecting dam sites and conwith a statement of the corrections, amend-

provisions of this law, \$10 per day and actual and necessary traveling expenses. The fees for any inspection necessary by the State, Engineer and not paid on demand shall be a lien on any land of the owner of the works, and may be recovered by the State Engineer in any court of competent jurisdiction.

jurisdiction.

(f) Rating ditches or inspecting plans and specifications of works for the diversion, storage and carriage of water, at the request of private parties, not in connection with an application for right to appropriate water, actual cost and expenses; and the State Football out and expenses; and the State Engineer shall attach his approval to such plans and specifications if found satisfactory.

(k) For such other work as may be re-quired of his office, the fees provided by

(i) In ascertaining actual cost of any work, as the term is used in this section, the salary of any salaried officer for the time employed shall be included.

Sec. 10 makes the records of the State En-gineer's office public records.

Sec. 14. (Rules and Regulations.) The State Engineer's shall make all necessary rules and regulations to carry into effect the duties decolved upon his office, and may change the ame from time to time in his discretion. All uch rules and regulations relating to amplica-ions for permits to appropriate water, for the nepection of works, for the issuance of license, and for the determination of rights to the use of water shall be modified by the State Eagl-near, if required by a vote of Water Com-missioners hereinarier established, at least two of the three Water Commissioners voting in favor of such modifications. Provided, such nodification of the rules and regulations of th State Engineer shall be voted upon by a Water Commissioners only on appeal from decision of the State Engineer. All rules a regulations shall be recorded in the office he State Engineer and no modifications, either by the State Engineer or by the Water Com-nisationers, shall take effect until 30 days after co-wling such modifications.

#### Determination of Water Rights.

Sec. 12. (Hydrographic Surveys and Cooperation.) The State Engineer shall make hydrographic surveys and investigations of each stream or stream system and source of water supply in the state, beginning with those most development and adjudication of the water sup-ply of the state, including the location and survey of suitable stree for dams and reser-voirs and the determination of the approximate water supply, capacity, and cost of each. He shall be authorized to cooperate with the spencies of the United States engaged in simithe work of his office, and may accept and use Rights.) Upon the completion of any hydro graphic survey for the determination and ad-judication of rights to the use of the water of any stream of stream system, the State Engli eep shall deliver a copy thereof, together with oples of all data in his possession necessary the determination of all rights to the us hall within so days thereafter enter solt on chalf of the state for the determination of all rights to the use of such water, and shall dilimired to bring sult; provided, however, that public interest requires such action.

Sec. 14. (Parties and Costs of Suita Jurisdiction) In any suit for the determined of a right to the use of the waters of Expansion surroun system, all those who the right to the use of such water, so far as water initialed after the passage of this act they can be ascertained with reasonable diligence, shall be made parties. When any successful relate back to the date of receipt of gence, shall be made parties. When any successful relate Engineer, subject to compliance with dily entered, direct the State Engineer to the provisions of this act, and the rules and | make or furnish a complete hydrographic sur vey of such stream or stream system as herein provided, in order to obtain all data necessary to the determination of the rights involved. The cost of such suit in all decrees hereafter entered, including the costs on behalf of the

property or rights may be acquired in the manner provided by law for the taking of private property for public use.

Sec. 15. (Fund for Hydrographic Surveys.)

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For the purpose of advancing the money required for any surveys for the determination of water and the second surveys for the determination of water and the second surveys for the determination of water and the second surveys for the determination of water and the second surveys for the determination of water and the second surveys for the determination of water and the second surveys for the determination of the second surveys for the and adjudication of rights to the use of water the land of another for any beneficial use, and adjudication of rights to the use of water by including the right to raise any water by means of dams, reservoire or embankments to a sufficient height to make the same available for the use intended, and the right available for the use intended, and the right next (und and which shall be used only for the the direction of the State Engineer in the prosecution of said work, shall be approved by

> count of such surveys shall be paid to the sufficient to carry on all surveys under the manner above provided, and returned to the parties advancing the same.
> Sec. 10. (Filling of Decree Adjudicating Water Rights) Upon the adjudication of the rights to the use of the waters of a stream or stream system, two certified copies of the decree shall be prepared by the clerk of the court, at the cost of the parties. State Engineer, and the other in the office

State Engineer, and the other in the other of the water commissioner of the water division in which the stream system is situated. Such decree shall in every cass deciare, as to the water right adjudged to each party, whether riparian or by appropriation, the priority, amount, purpose, periods and place of use, and, as to water used for irrigation, the specific tracts of land to which it shall be appurtenant, to gether with such other conditions as may be necessary to define the right and its pri-ority, including inchonte rights dependent upon future application to beneficial use.

#### Appropriation of Water.

Rec. 17. (Application for Water Right) hay person, association or corporation here-ifter intending to acquire the right to the beneficial use of any waters, shall, before priate, in the form required by the rules and regulations established by him. Such rules and regulations shall, in addition to providing the form and manner of preparing and presenting the application, require the applicant, within six months from the amount of water to be used, whether throughout the year or for a portion or portions thereof; and if for a portion or por-tions thereof, the particular portion or por-tions in which the water is to be used; and all other data necessary for the proper description and limitation of the right applied ticability of the construction, All such maps, field notes, plans and specifications shall be from actual surveys and measure-and shall be retained in the office of atte Engineer after the approval of the ation. The State Engineer may require additional information not provided r in the general rules and regulation y case involving the diversion of bic feet of water per second, or mothe construction of a dam more than 30 feet high from the foundation. The owners of works proposing to store or carry water in excess of their needs for beneficial use may make application for such excess for sale, rental or distribution, and shall be held as rental or distribution, and shall be held as trustees of such right for the parties applying the water to a beneficial use; and shall be required to furnished the water for such parties at reasonable rates for storage or carriage, or both as the case may be. The appropriation shall be regarded as made only for the mouth of the year in which the appropriations from the same source of supply for the remaining months of the year. Sec. 18: (Filing and Correction of Application.) The date of receipt of such application.) cation.) The date of receipt of such appli cation in the State Engineer's office sha be indorsed thereon and soted in his re-ords. If the application is defective as a form, or unsatisfactory as to feasibility

ments or changes required, within 30 days after its receipt, and 60 days shall be allowed for the refiling thereof. If refiled, corrected as required, within such time, the application shall, upon being accepted, take priority as of date of its original filing, subject to compliance with the further provisions of the laws and the regulations thereunder. Any corrected application filed after the time allowed shall be treated in all respects as an original application received on the date of its refiling; provided, that the plans of the construction may be amended, with the approval of the State Engineer, at any time, but no such change shall authorize any extension of time for constructhorize any extension of time for construc-tion beyond five years from the date of the permit, except as provided in section 28: provided, further, that a change in the pro-posed point of diversion of water from a stream shall be subject to the approval of the State Engineer, under the provisions of section 48 hereof, and shall not be allowed to the detriment of the rights of others who have valid claims to the use of water

from said stream.

Section 19 requires that notice of application shall be published four weeks.

Sec. 20. (Approval of Application.) Upon the receipt of the proofs of publication, the State Engineer shall determine from the evidence presented by the parties interested from such surveys of the water supply as may be available, and from the records whether there is unappropriated water available. able for the benefit of the applicant. If so, he shall indorse his approval on the application, which shall thereupon become a permit to appropriate water, and shall stare in such approval the time within which the in such approval the time within which the construction shall be completed, not exceeding five years from the date of approval, and the time within which the water shall applied to a beneficial use, not exceeding four years in addition thereto; provided, that the State Engineer may, in his discretion, approve any application for a less amount of water, or may vary the periods of annual use, and the permit to appropriate water shall be regarded as limited accordingly.

cordingly.
Sec. 22 (Rejection and Appeal. If, in the opinion of the State Engineer, there is no unappropriated water available, he shall reject such application; except, however, upon ject such application; except application and appeal. such streams where no complete adjudica-tion has been had the State Engineer shall stamp on the face of the application as fol-lows: The appropriator, under this permit, is hereby notified that there has been no grants the right to divert and use the surplus or waste water of the stream and onfers no rights which will interfere with r impair vested rights. He shall decline o order the publication of notice of any ppilication which does not comply with the requirements of the law and the rules and regulations thereunder. He may also to consider or approve an application order the publication of notice there his opinion, the approval thereof would contrary to the public interest. Any ap luding the fixing of time for completion of construction as provided in this act. In the struction of the works shall be diligently prosecuted to completion, and if one-fifth of the work as determined by the State Engineer shall not be completed within one-half the time allowed, the State Engineer may accept and approve, as herein provided an application for the use of all or any of the waters included in the permit issued to the prior applicant and the right to use such waters under the former permit shall thereupon be forfeited; provided, that the State Engineer shall allow an extension of time on request of the prior applicant, equal to the time during which werk was pre-tented by the operation of law or causes beyond the power of the said applicant to

prior thereto, upon notice from the that the work has been completed, the State Engineer shall cause the work to be inspected, after due notice to the owner of the permit. Such inspection shall be there cugh and complete, in order to determine the actual capacity of the works, their safety and efficiency. If not properly and safety constructed the State Eugliser may require the necessary changes to be made within a reasonable time, as determined by the State Engineer, and shall not issue his certificate of completion until such changes are made. Failure to make such changes shall cause the postponement of the priority under the permit for such time as may elapse from the date for completing such changes. date for completing such changes until made to the satisfaction of the State Engineer, and applications subsequent in time shall have the benefit of such postponement of priority; provided, that for works involving the diversion of not exceeding twenty cubic feet of water per second or a dam not exceeding ten feet in the extreme height from the foundation, the State Engineer may, in his discretion, accept the report of an in-spection by a reputable hydraulic engineer, Sec. 24. (Certificate of Completion.) When

the works are found in satisfactory condition, after Inspection, the State Engineer shall leave him certificate of construction, setting forth the actual capacity of the works and such ilmitations upon the water right as shall be warranted by the condition of the works, but in no manner extend-ing the rights described in the permit. Sec. 25 authorizes the State Engineer to inspect works to ascertain whether they are

nue the use of condemned works without taking needed repairs. Sec. 27. (Application to Beneficial Use. On or before the date set for the application of the water to a beneficial use, the State Engineer shall cause the works to be in-spected, after due notice to the owner of the permit. Upon the completion of such inspection, the State Engineer shall issue a icense to appropriate water to the and under the conditions of the acti-plication thereof to a beneficial use, no manner extending the rights described in po manner extending the rights described in the permit; provided, that the inspection to determine the amount of water applied to a beneficial use shall be made at the same time as that of the constructed work, if requested by the owner, and if such action is deemed proper by the State Engineer. Sec. 28. (Extension of Time.) The State Engineer shall have power to extend the time for the completion of construction, or for application to beneficial use, for three years and two years, respectively, but only on account of delays due to physical, engineering or other difficulties which could not have been reasonably anticipated, or by may be assigned, but no such assignment shall be binding, except upon the parties thereto, unless filed for record in the office of the State Engineer. The evidence of the right to use water from any works constructed by the United States, or its duly authorized agencies, shall in like manner be filled in the office of the State Engineer, up-on assignment; provided, that no right to appropriate water for irrigation purposes shall be assigned, or the ownership the in any wise transferred, apart from the its which it is appurtenant, except in manner spicially provided by law; provi further, that the transfer of title to land

Section 30 requires the State Engineer to gather in his office copies of all existing records of title to the use of water, and to furnish each Water Commissioner with copies of the rec-

ords pertaining to his district. Sec. 31. (Attorney-General and District At-torney-General and the District Attorney of the county in which legal questions arise, shall be the legal advisors of the State Engineer, and shall perform any sud all legal duties recessary in connection with his work, without other compensation than their salaries as fixed by law, except when otherwise provided.

Sec. 32. (Charge for Carrying and

Delivering Water.) The owner or own any works for the storage, diversion ringe of water, which contain water cess of their needs for irrigation or other beneficial use for which it has been apbeneficial purposes. In case of the re-al of such owner or owners to deliver such surplus water at reasonable rates determined by the State Engineer, they

Sec. 33. (Each Person or Corp Liable for Proportionate Expenses.) (Each Person or Corporation two or more persons, companies or corpora-tions are associated by agreement or other-wise, in the use of any dam, canal, reservoir ditch, flume or other means of conserving or conveying water for the irrigation of land, or far other purposes, each of them shall be liable to the other for the reasonable expense of maintaining, operating and controlling the same, in proportion to the share of the use or ownership of the water to which he is entitled. If any person, company or corporation refuse or neglect to pay his proportion of such expense, after five days' notice in writing demanding such payment, he shall be liable therefor in an action for contribution; provided, that in any company or corporation owning or controlling more than one canal or ditch, for the purpose of improving or keeping the same in repair, the users of water shall not be required to pay any expense or assessments in any canal or ditch, other than the one in which they are directly interested. they are directly interested.

Water Commissioners. Sec. 34. (Water Divisions.) The state shall be divided into water divisions as follows:
Division No. 1 shall consist of all lands drained by Snake River and its tributaries and all streams in Harney and Maiheur

Lake drainage basins, excepting lands in the the Columbia River east of the town of The Dalles, including all tributaries, except all lands drained by Shake River outside the transe Ronds drainage basin.
District No. 3 shall consist of all lands in Lake and Klamath Counties and all

lands west of the summit of the Cascade Mountains. Sec. 33. (Water Commissioners.) A Water Commissioner shall be appointed by the Supreme Court for each water division, as hereinbefore established, to serve for the term of four years, or until his successor shall have qualified, and shall be subject the Water Commissioners first appointed after the passage of this act shall serve for the terms specified as follows: Water Di-vision No. 1, four years, Water Division No. 2, three years, Water Division No. 3, two 2, three years; Water Division No. 3, two years; provided, further, that during any temporary vacancy in the office of Water Commissioner, the powers and duties of such Water Commissioner shall devolve on the State Engineer.

Sec. 36. (Duties of Water Commissioners.) Each Water Commissioner shall have the supervision of the apportionment of water in his division, according to the licenses issued by the State Engineer and the adjudioffice and give a bond with good and suffi-cient sureties, to be approved by the Su-preme Court, in the sum of \$2000, for the falinful performance of the duties of this office, which oath and bond shall, upon approval, be filed in the office of the Sectorary of State.

Sec. 37. (Board of Water Commissioners.)

The Water Commissioners of all the water divisions, together with the State Engineer,

apportionment of the waters of the state. The board shall adopt general rules and regulations to govern its proceedings and regulations to the various divisions. The State Engineer shall have a vote on all matters coming before the board, except meet on the first Monday in March of each year, at the office of the State Engineer and at such other times and places as may be agreed upon by two of its members whereupon the State Engineer shall give

notice of such meeting to all members.

Sec. 38. (Pay of Water Commissioners.)

The Water Commissioners shall be paid from
the state treasury out of the moneys appropriated for such purposes, upon vouchers approved by the State Engineer, at the rate necessary traveling expenses while away from their homes on official business. Sec. 39. (Water Districts.) The State Sugmence shall, from time to time, as may be necessary for the conomical and satis-

factory apportionment of the water, divide each water division in conformity with desinage areas, into water districts to be designated by names, and to comprise as far as possible one or more distinct stream systems in each district. The districts may systems in each district. The districts may be changed from time to time as may in his opinion be meacement for the economical and satisfactory apportionment of the water. Sec. 40. (Water Maxters.) The Water Commissioners of each division shall appoint, subject to the approval of the State Engineer, a water master for each district in his division, who may be removed by the Commissioner, or by a majority of the Board of Water Commissioners. The water master shall have mamediate charge of the apportionment of the waters in his district under the general supervision of the Water Commissioner, and he shall so apportion, regulate and control the waters of the district as will prevent waste.

Sec. 41. (Appeals to State Engineer.)

(Appeals to State Engineer.) Any person may appeal from the acts or de-cisions of the water master to the Water Commissioner, and from the water master and Water Commissioner to the State State elneer, who shall promptly and at a stated time and place, to be fixed by him, upon due and reasonable notice to the parties, private property for the performance of their hear and determine the matter in dispute. cal is taken as provided in this act.

Sec. 42. (Pay of Water Masters.) The gency, upon the specific authority of and by him shall be paid by the county, upon ounts approved by the Water Commission. If the district is in more than on any, each county shall pay its propor Sec. 43. (Reports of Water Masters.)

necessary by the Commissioner, as to the necessary by the Commissioner, as to the amount of water needed to supply the requirements of his district, the amount available, the works which are without their proper supply, the supply required during the period preceding his next regular report, and such other information as the Commissioner may require. These reports shall, at the end of each irrigation season, be filed in the office of the State Engineer. The Water Commissioner shall give directions for correcting any errors of apportionment in his division that may be shown by such reports.

#### Miscellaneous Provisions.

Sec. 44. (Units of Measurement.) The standard of measurement of the flow of wa-ter shall be the cubic foot per second of time; the standard of measurement of the volume of water shall be the acre-foot, being the amount of water upon an acre covered one foot deep, equivalent to 43,560 cubic feet.

Sec. 45. (Abandonment.) When the party Sec. 45. (Abandonment.) When the party entitled to the use of water fails to beneficially use all or any part of the water fails use all or any part of the water failing to be the purpose for which it was appropriated or adjudicated, for a period of five years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

Sec. 46. (Amount of Water for Irrigation.) In the issuance of permits to appropriate water for irrigation or in the adjudication of the rights to the use of water for such purpose, the amount allowed shall not be in excess of the rate of one cubic foot of water mer second for each SO agres, or the

of water per second for each 80 acres, or the equivalent thereof, delivered on the land, for a specified time in each year. Sec. 37. (Water Appurtenant to Land for Irrigation Purposes.) All water used in this state for irrigation purposes shall remain appurtenant to the land upon which it is used; provided, that it for any reason it should at any time become impracticable to beneficially or economically use water for the irrigation of economically use water for the irrigation of any land to which the right of use of the same is appurtenant, said right may be severed from said tand and simultaneously transferred, and become appurtenant to other land, without losing priority of right theretofore established, I such change can be made without detrimen to existing rights, on the approval of an application of the owner to the State Engl neer. Before the approval of such applica by publication once a week for four week in a newspaper of general circulation in the county in which the right originates, in the form required by the State Engineer. Upon the receipt of the proofs of publication, the State Engineer shall render his decision less some party interested in the source of water supply shall, within 60 days of the land to which water has become an purtenant abandons the use of such waters upon such land, said waters shall become public waters, subject to general appropria-

Sec. 48. (Change of Use or Place of Diversion.) Any appropriator of water may use the same for other than the purposes for which of diversion, storage, or use, in the manner, and under the conditions, prescribed in section 47 of this act.

Sec. 49 . (Measuring Devices.) Every dit owner shall construct and maintain a achies owner shall construct and my bar the water.

tial healgate at the point where the water to vice, of a design approved by the State Enginear, at the most practical point or points to measuring and apportioning the water as de-termined by the State Engineer. The State Un-gineer may order the construction of such device by the ditch owner, and if not completed withthe 20 days thereafter, the Water Commis-sioner shall upon instructions from the State Engineer, refuse to deliver water to such owner. The taking of water by such ditch owner until the construction of such device and the approval thereof by the State Engi-ner shall be a misdemeaner. Such devices chall be no arranged that they can be becked in place, and when locked by the Water Master or his authorized agent, for the measuremen turbed, or changed shall be prima facie ev turbed, or changed shall be prima facle evidence of the guilt of the person benefited by such interference, disturbance or change.

Sec. 50. (Unlawful Interference with Rights to Use of Water). Any person, association or corporation interfering with or injuring or destroying any dam, headgate, weir, benchmark or other appliance for the diversion, storage, apportionment, or measurement of water, or for any hydrographic surveys, or who shall intere with any person or persons engaged in the discharge of duties connected therewith shall be guilty of a misdemeanor, and shall also be liable for the injury or damage resulting from such unlawful act. The Water Masting from such unlawful act. The W ter or any authorized assistant, w district, shall have power to arrest a oftending against the provisions of the and deliver him to the nearest peace

Sec. 51. (Unlawful Use of Water, and Waste.) The unauthorized use of water to which another nerson is entitled, or the willful waste of meater to the detriment of another, shall be a misdenseance, and the possession or use of such water without legal right, shall be prima facie evidence of the guilt of the person using it. It shall also be a misdemeanor to use, store or divert any water until after the use, under the authority of the United States.

Section 52 makes it the duty of owners of appropriator of water has the right of way for

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obstruction that shall interfers with the use of obstruction that shall interfere with the use of the works, or prevent convenient access there-to. Any violation of the provisions of this section shall be a misdemeanors. See, 54. (Penalty for Misdemeanors Under this Act.) All violations of the provisions of this act, declared herein to be misdemeanors, shall be punished by a fine not exceeding \$250 nor less than \$20, or by imprisonment in the County Jaff not exceeding six months, or by both such fine sax imprisonment; and any justice court of the county in which such mis-demeanor has been consmitted shall have jurie-diction thereof.

Sec. 55. (Liens on Land.) All liens on land,

Sec. 55. (Liens on Land.) All Hens on land occ. 00. (Large on Land.) An item on has provided for in this act shall be superior; right to all mortgages or other incumbrance placed upon the land and the water appurerant thereto or used in connection therewith after the passage of this act.

Sec. 56. (Seepage Water.) In the case of enpage water from any constructed works, any arty desiring to use the same shall make an-lication to the State Engineer, as in the case of unappropriated water, and such party shall pay to the owner of such works reasonable charge for the storage or carriage of such water in such works; provided, that the ap-pearance of such seepage water can be traced beyond reasonable doubt no the storage or car-

riage of water in such works.

Sec. 57. (Appeals.) An appeal from any decision of the State Engineer which deries a substantial right shull be to the Chroni Court of that county having jurisdiction of the water or works involved, the procedure in such appeal to be as required in appeals from justice courts, provided that it shall be instituted within 60 days from the date of such decision by filing in the office of such engineer natice of appeal and an undertaking for costs. The Appellate Court shall hear and determine such appeals promptly and during the pendency thereof the rights of the appellant chail re-main unchanged. Sec. 58. (Appropriations.) There is hereby appropriated out of any moneys in the general fund of the State Treasury not otherwise appropriated the sum of \$25,000 annually, or so much thereof as may be necessary. For the payment of the salaries and expenses of the State Engineer and assistant State Engineer xpenses of the several water divisions as pro

species of the several water divisions as pro-clede by this act.
Sec. 59. (Repeat.) All laws and parts of laws or far as in conflict or inconsistent with the provisions of this act are hereby repeated.
Sec. 89. (Emergency.) An emergency clause of the added if the Governor and Legislature

This bill was prepared by the following-named committee, appointed by ord; Will R. King, Ontario; John H. Lewis, falent; Stephen A. Lowell, Pendleton Whealdon, The Dulles, J. N. Hart, Bakes City, A. M. Crawford, Salemi, Frank T. Grift nth, Grogon City, J. G. Kelley, Portland William P. Lord, Salem; A. E. Chandler Washington, D. C.; Elwood Mead, Washing-

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Leaves	UNION DEPOT	Arrives,
Dally 11:30 P. M.	Portland and Ban Francisco Express slops only at most important stations between Portland and San Francis- to for all points East and South	Daily 11:30 P. M.
7:45 P. M.	OVENLAND EX- PRESS TRAINS for all local points south. Sac- rame atto. San Francisco en d points East and South	*7:25 A. M
*8:30 A. M.	Morning train con nects at Woodburn daily fixept Sunday with Mt Angel and Silverton la-	*5:30 P. M.
4.15 P. M.	Cottage Grove passenger con- nects at Wood- burn and Albany daily except Eunday with trains to and from Albany. Lebanon and Lebanon and Springfield branch points.	*11:00 A. M.
7:30 A. M.	Corvaills passen-	5:50 P. M.
*4:10 P. M.	Speridan passen-	*10:20 A. M.

15:20 P. M. Forest Grove \$2:50 P. M. \$11:00 A. M. passenger. \$2:50 A. M.

PILOUA M. passenger. 18:00 A. M.

Paliy. IDaky except bundas.

PORTLAND-OSWEGG SUBURBAN

SERVICE AND YAMHILL

Depot. Foot of Jefferson Street.

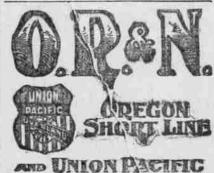
Leave Portland daily for towenge at 7:46

A. M.: 12:50, 2:05, 3:30, 5:20, 6:25, 7:45, 10:19, 11:30 P. M. Daily except Sunday, 5:30, 6:30, 8:40, 10:25 A. M. Sunday enly, 9 A. M. Returning from Osweso, arrive Pertland. 6:05, 11:05 P. M. 18:53, 2:06, 5:10-6:18 and 18:05, 11:05 A. M. Sunday only, 10 A. M.

Leave from same depot for Dallas and in-

Leave from same depot for Dallas and in-errordinte points daily, 7:30 A. M. and 4:15 A. Arrive Portland, 10:15 A. M. and 1:20 P. M. The Independence-Monmouth Motor Line Independence-Monmouth Motor Line operates daily to Monmouth and Airlis, con-necting with E. P. Co.'s trains at Dallas and Interpretations fare from Portland to Secre-Pretations and San Prancisco, \$20; berth. \$5. Fecond-class fare, \$15; second-class berth, \$2.50.
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D:30 A. M.	7-30 P M
Daily.	Dally.
7:00 P. M. Daily.	S:00 A. M. Daily.
ne and Gr	Pan A. M.
8:15 A. M.	5:45 P. M.
HEDULE.	
	7:00 P. M. Daily. ngton. Wane and Gre 8:16 P. M. Daily. 8:15 A. M.

FOR ASTORIA and 8:00 P. M. 5:00 P. M. way points, connecting with steamer for have accept sunday. Beach steamer Hassalo, Ash st dock 10:00 P.M For Lewiston Idaho, and way points from Riperia Wand. Leave Riperia 5 40 A. St upon arrival train No. 4 daily except factures. Arrive Riperia 6 P. M. daily except Friday.

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