

BETTER WATER LAWS ONE OF OREGON'S MOST URGENT NEEDS



Hydraulic Mining. A Giant Under High Pressure Working a Bank From a Distance of 550 Feet. One of the Illustrations From Conservation Commission's Report.

Need of irrigation legislation in Oregon is treated at length in the report of the Oregon conservation commission which has just been issued. In this report the commission has taken up the different remedies for the state and has discussed them separately, showing the need of the state in each direction. Because of its importance to the future development of the state, a good deal of space has been given to the irrigation question and much important data has been collected dealing with this subject.

It is pointed out in the report that any person in the state who acquires a water right by posting a notice of the claim at the proposed point of diversion from the stream, showing the amount of water to be diverted and the use for which it is intended. If for irrigation purposes a copy of the notice should be filed with the state engineer. In commenting on this condition the report says:

"It makes no difference if the waters of a stream have already been fully utilized at points below. The notice can specify any amount, even though it may be impossible to use the water beneficially for the purpose claimed. Under the present law, the appropriator may be limited to the quantity thus applied within a reasonable time, but the law makes no difference, so far as the prima-facie right thereto may be concerned. So long as construction of the works is commenced within six months, the title to the water susceptible of appropriation and included in the notice is thus apparently complete. In fact, however, is not informed of this fact, because there is no provision for the filing of final proof. By relying every six months on a new right can be held indefinitely without use, and legitimate development retarded."

Regulation is Difficult.
The report then shows that because of these conditions it is hard to regulate water power development or irrigation project work because of the uncertainty which would result from any attempt to use water claimed by these notices. It is therefore almost impossible for a legitimate investor to secure a water right without paying a hold price for the right to use the water, and then his right is indefinite because of the condition of the law.

In speaking of the remedy the report says that the condition could be overcome by requiring a fee to be paid to the state by persons holding irrigation or power rights, the fee to be determined by the amount of water claimed. At the expiration of half the time allowed by law for holding a claim proof should be shown that at least one fifth of the intended project had been completed. Upon completion of the work final proof should be made and a water right issued by the state.

After showing by statistics the amount of water that has been claimed by various men in the state the report says:

"It will be noted that a total of 3428 notices of appropriation of water have been recorded in the above five counties of eastern Oregon, claiming a flow of 10,026 cubic feet per second. The absurdity of these claims is apparent, as the aggregate amount is hundreds of times the combined low water flow of all the rivers on which the claims are made. The total filings on the Malheur river amount to 63 times the maximum flow of this stream at Yale. A person unacquainted with the worthless character of such records would naturally assume that no further unappropriated water exists in any of our streams. These are typical of the entire state."

System Utter Failure.
Further illustrations could be given in detail, but these are sufficient to show the utter failure of the present system of water filings to give any information of value to anyone who desires to know what rights are vested, what rights are initiated and likely to be perfected by the state, and the amount already appropriated is unknown."

As an illustration of the condition of the present laws in the state attention is called by the report to the present litigation among the settlers of the Walla Walla river district in the vicinity of Milwau. This suit involves avert water from the river within a distance of 10 miles. In 1905 a suit was begun in the circuit court involving 400 parties and requiring 25 lawyers to carry on the case. This suit is still pending. In time it will be taken to the supreme court, and the rights of these parties adjudicated.

Since the beginning of the suit, however, new water rights have been claimed and more will be filed before the final settlement of the suit. Then the whole adjacent area will have to be retitled, unless remedial legislation is enacted in the meantime which will make the law definite and adjudication certain.

As a result of these conditions investment is discouraged and the development of the country is held back. In tracing this phase of the situation the report says:

"There is another grave question which a conservative use of water for irrigation purposes will sooner or later bring forcibly to the public mind as our irrigated areas are increased. The low water flow of many of our streams will have to be supplemented by artificial storage. In fact, the time is already ripe for extensive works of this nature on a number of streams of the state. Specific instances can be cited where the conditions are so aggravated that the construction of storage reservoirs is the only remedy for the situation."

Is Fully to Invest.
"Yet in the face of this necessity and the recognized efficacy of the remedy, it would be folly for anyone to invest even moderate sums of money in storage works. The present law offers no protection nor provides a means whereby stored water can be reclaimed from a stream by the owners of the adjacent lands. This protection can be secured only through the employment of administrative officers who have authority to lock headgates so as to admit water to the water to which each ditch

is entitled, leaving the balance, including the stored water, to flow on to the intended place of use.

"The court records show the abandonment of a \$500,000 irrigation project on the Umatilla river in 1902, because the supreme court refused to decide the question of relative rights between two companies who had commenced construction. Both of these companies had complied with our present law, but had not applied the water to beneficial use. Owing to the fact that neither had been injured by the overt act of the other, the court ruled that it had no jurisdiction in the matter. The companies' bonds could not be sold, on account of the great uncertainty of the water right, and the project was accordingly abandoned."

"It is, therefore, impossible, under present conditions, for an investor to secure the necessary information as a basis for such investments in Oregon. He must first expend his money, divert the necessary water, and take his chances on securing a favorable decree in case he is attacked in the courts for some real or imagined injury."

Stronger Laws Needed.
The report goes into the water legislation of other countries and other states, showing that there must be strict governmental regulation of water supply either by general government or by state laws before the investor and

the property holder can be protected equal justice administered and development fostered.

In summarizing the result of its findings the report makes the following suggestions:

"A water right should be as easily ascertained, as clearly defined, as secure, and in all respects as definite as a perfect title to land.

"It is apparent that without a definite system of water right titles, and adequate protection by the state, our water users are burdened with costly and apparently unending litigation; our present constructed works are depreciated in value; the United States hesitates to construct irrigation systems; private capital declines to invest; homeseekers go to other states and countries, where the purchase of an irrigated farm does not mean the purchase of a lawsuit, and thus our development is seriously retarded.

"Our present water laws cannot be found by a study of the statutes alone, but must be sought for in a long series of decisions by our supreme court. And apparently are so conflicting that our ablest lawyers differ in opinion on the most fundamental points.

"Based upon the experience of other states and countries in the enactment of effective water laws, we believe that the conservation and use of Oregon's water resources will lag until such time

as a law is enacted covering the following fundamental principles:

What Is Needed.

"1. Complete state control of diversions from streams. No water right in the future should become vested except by appropriation under the laws, rules and regulations prescribed by the state, and the diversion of water without right from a public stream, including all knowingly wrongful interference with the rights of others, to the injury of another, should be made a misdemeanor.

"2. A system whereby the priority and limitations of every existing right to the use of water can eventually be ascertained.

"3. Provision for a reliable record in some central office of all rights to the use of water as determined, and of new rights as initiated.

"4. That actual measurements of ditches and streams be made as a basis for the adjudication of existing rights and for the initiation of new rights.

"5. To provide a definite procedure whereby rights to the use of water can be acquired.

"6. That beneficial use be made the basis, the measure and the limit of all rights to the use of water, and that water for irrigation purposes should be made appurtenant to the land irrigated.

"7. All rights to the use of water for power development should be lim-

ited to some specified time, subject to renewal under certain restrictions.

"8. An efficient administrative system, with proper officers for the distribution of the water supply among those entitled to its use.

"9. An adequate system of fees payable to the state by those benefited, so that eventually the system shall become self-supporting."

KEYHOLE WATCHERS MAY GET MEASLES

Police Officers Porter and Burri on Saturday earned for themselves the title of "keyhole detectives" and incidentally threw the entire police station into a state of consternation and apprehension from which it has not yet recovered.

The sleuths, who really are not real sleuths but only "harness bulls," that is, uniformed patrolmen, were first sent to the room, squatting before the door of that room, gazed long and lingeringly through the keyhole. When this excitement passed, they got a pass key and entered the room, where they arrested Ethel Stevenson and a man named Ronald. The prisoners were taken to the station and lodged in jail.

And then, after they had been there some time, Dr. Parker made the startling discovery that Ethel Stevenson had the German measles. In wild haste she was bundled out and into a wagon and sent to St. Vincent's hospital.

Porter and Burri spend most of their time now examining their little for symptoms. A small pimple would send either of them on the run to the hospital. And the rest of the police force squirms uneasily and wonders if fumigation and disinfection is a sure preventive of the measles.

WHY SUFFER? Breathe Hyomei and Kill the Loathsome Catarrh Germs.

Just as long as you have catarrh your nose will itch, your breath will be foul, you will hawk and spit, and you will do other disgusting things because you can't help yourself. The germs of catarrh get you in the power; they are continually and persistently digging into and irritating the mucous membrane of your nose and throat. They are now making your life miserable; in time they will sap your entire system of its energy, its strength, its vigor and vitality.

If you do not kill the loathsome germs of catarrh, their desperate assaults will in time undermine your reason, rob your brain of its brilliancy and activity, and leave you not only a physical but a mental wreck.

This picture is not overdrawn; the writer has seen thousands of just such cases. He has personally experienced the demoralizing results that come from the ravishing attacks of the horrible catarrh germs, the greatest pest of civilized nations.

But there is one remedy that will kill the germs and cure catarrh, and that is Hyomei, the Australian dry air treatment. There may be other remedies, but they are not guaranteed as Woodard, Clarke & Co. the druggists, will guarantee Hyomei to cure catarrh, or money back. Don't delay this pleasant antiseptic treatment. Every day you show these germs to exist in your system brings you nearer to complete demoralization. Woodard, Clarke & Co. will sell you a complete Hyomei outfit for only \$1.00. Ask them about it. It is also guaranteed to cure bronchitis, asthma, coughs, colds and hay fever.

NOVEMBER WORK OF JUVENILE COURT

One hundred and twelve cases were handled in the juvenile court during the month of November, as shown by the report of Judge Gantenben. The boy offenders outnumber the girls by more than three to one, the total being 85 boys and 27 girls. Thirty of those who were called to answer were not over 10 years of age, 24 were from 11 to 13, 31 were 14 or 15, 19 were 16 and 1 were 17 years of age. Seven were sent to the state reform school, and 3 others were sentenced, but sentence was suspended. Forty-seven were placed on probation, 11 were committed to the care of the Boys and Girls Aid society, and 2 committed to the detention home. Four girls were sentenced to the House of the Good Shepherd were released on parole, two who broke parole were ordered back and one was committed there without parole privileges. Many of those cited in court were dismissed with a warning.

Lennon's Glove Orders for Presents

SPECIAL GLOVE SALE

AT

Lennon's

FOR GLOVES AND UMBRELLAS

Ladies' elbow-length Kassar Capes; regular \$3.75 quality, special.....	\$2.45
Ladies' 16-button length French Kid, very latest shades and black and white; regular price \$4, special.....	\$2.15
Ladies' one-class mannish Cape Gloves, of fine quality; regular \$1.50 quality, special	95c
Ladies' French Pique Kids, in the very latest tans and taupe shades, all the rage; regular \$1.75 values, special.....	\$1.15

Lennon's

309 Morrison Street, Opposite Postoffice
Umbrellas Repaired and Re-Covered
Mail Orders Promptly Filled

Tomorrow We Commence Our Sale of Holiday Goods at Lower Prices Than Portland Ever Saw. We Will Not Handle Holiday Goods Another Season, Hence These Tremendous Sacrifices to Clear Out Our Entire Stock

THE BEE HIVE

Big Doll Specials

Here's a regular 25c Patent Doll, with washable face, dressed with chemise, with brown hair, that we offer as a special inducement at **10c**

We also offer a limited number of Full Dressed Dolls,
Regular \$1.75 to \$2.25 Values

Full jointed, movable eyes and with light and dark brown hair, that cannot be approached for value elsewhere for less than \$1.75 to \$2.25..... **98c**

THE BEE HIVE

75c Underwear 36c

Here's your bargain—regular 75c Heavy Fleece Vests and Pants, made of fine combed Egyptian yarns, of good heavy quality fleece, long sleeve vests and ankle length pants, special for the week **36c**

THE BEE HIVE

\$3.98 Waist Patterns \$1.19

Something extra nice for Christmas—Fillet Lace Waist Patterns, enough for an entire lace waist, white and ecru, in fancy boxes for gifts, values up to \$3.98. Special price..... **\$1.19**

THE BEE HIVE

Great Ribbon Sale

RIBBONS

We are closing out our stock of Ribbons. To do so we offer A1 standard goods at a saving of 25 to 40 per cent off regular prices. These ribbons will be much needed within the next few weeks, and these prices must surely appeal to you. All Silk Taffeta Ribbons, in all shades, as follows:

No. 5 at, per yard .4c	No. 60 at, per yard 19c
No. 7 at, per yard .8c	No. 80 at, per yard 22c
No. 9 at, per yard .8c	Silk Satin Baby Ribbon
No. 12 at, per yard 10c	No. 1, 10 yd. piece 19c
No. 16 at, per yard 12c	No. 1, 10 yd. piece 24c
No. 22 at, per yard 14c	No. 3, 10 yd. piece 39c
No. 40 at, per yard 15c	

THE BEE HIVE

Post Card Albums

Just the thing for a Christmas gift. Post Card Albums with fancy decorated lithographed cover, hold 300 cards, book 9 1/2 x 13 1/4 inches. Regular 75c values for **50c**

THE BEE HIVE

THE BEE HIVE

Labowitch Bros. 169-171-173 Third St., Near Yamhill

French Voile Skirts at \$7.45

Regular \$12.50 and \$15.00 and Fully Worth It

These are Strictly Tailor Made Skirts of Finest French Wike Voile, of the very newest designs of gored, sheath and plaited effects, some trimmed with wide and narrow bands of Skinner satin, ornamented with large satin buttons. Every skirt cut large and full. Complete line of sizes. A very special bargain at **\$7.45**

ALL ALTERATIONS FREE AT THE BEE HIVE

The Bee Hive Continues to Offer the Biggest Values in Portland in Women's Tailored Suits and Furs

\$25, \$30 and \$35 Suits for \$16.85

You will be interested in this splendid suit bargain. We offer 15 different styles of suits of Serge, Cheviot, Broadcloth, fancy Worsteds and Chevrans. Every suit lined with 2 season guaranteed satin lining. Trimmed with braid, buttons, silk and Skinner's satin. Every popular shade—golden browns, grays, blues and fancy mixtures. Regular \$25, \$30 and \$35 suits during this week at

\$3.50 and \$4.00 Furs for \$1.69

SPECIAL—We offer Coney Clusters, Browns, Blacks, Boas, Ties, Throws and Scarfs that cannot be found in any store in Portland for less than \$3.50 to \$4.00, during this week's sale **\$1.69**

All Other Furs at Half Price

We offer all other Furs at half regular prices. Our entire stock of Furs is offered at a tremendous sacrifice at the time when they are most sought after. This includes our finest pieces, and should attract fur buyers this week.

THE BEE HIVE

Fine Teddy Bears, Reduced Prices

No store in Portland can show the value that we have in Teddy Bears for the children. It's your opportunity now to buy, when we are closing out our entire stock at a sacrifice.

35c Bears 19c

Dark Brown Teddy Bears, 8 inches high, with jointed arms, legs and head, that you can't duplicate anywhere for less than 35c, we offer **19c**

Another line of Brown Teddy Bears, 13 inches high, with jointed arms, legs and head, with voice, that will make the children happy, Regular 95c Teddy Bears..... **50c**

THE BEE HIVE

\$1.00 Women's Hose 39c

Ladies' Hose, half lace, gauze, lisle thread and cotton; colors marine blue, smoke, huntersman green, dots and checks and plain black silk plaited lisle, values to \$1.00. Special price **39c**

THE BEE HIVE

Popular Hair Rolls

Another shipment of Hair Rolls, so much in demand right now. Made of fine crimped hair, covered with fine net, in all shades and **SANITARY MADE**. Latest shapes for the prevailing styles of hairdressing, **75c, 50c, 35c** and **25c**

THE BEE HIVE

\$2.50 Toilet Sets 95c

Brush, Comb and Hand Mirror, floral decorated handles, in puff lined fancy celluloid box, beautifully decorated with roses and poppies. This is one of a big assortment that sell regularly at \$2.50. Offered during our sale this week at this special price, the set **95c**

THE BEE HIVE

Sale of Pearl Necklaces

Exceptional values in Three and Four Strand Pearl Necklaces, some with bars of rhinestones and some plain. Regular 75c, \$1.00 and \$1.50 values, while they last, at **50c**

THE BEE HIVE

"Venus" Hair Barrettes

Three different styles "Venus" Hair Barrettes, hair clasps, strictly new, in tortoise color. Sell for as high as \$1.50 by hairdressers; can be had here at **75c, 50c** **35c**

THE BEE HIVE

\$16.85