

## A Good Overcoat

That is what you will get if you put your money in a K. N. & F. Its a guarantee of style and quality.

### Tomorrow by Express

You will receive sixty-five of the new and best cut. In Overcoats—something out of the ordinary. If you haven't purchased an overcoat see what you think of it.

**SPECIAL**—During the week all **BOYS' OVERCOATS** Twenty per cent Discount.

OUR TICKETS FOR THE \$375 PIANO

## ALEXANDER'S DEPARTMENT STORE



Good smoke? Try Pendleton Biquet and Pride. Made at Home. A. RONDE, Maker.

## ADVANCED OPTICAL KNOWLEDGE

Commonly used in the examination of your eyes and the furthest if necessary. Best of the most modern instruments. **GLENN WINSLOW** Near Post Office.

**The Best is Always The Cheapest**

The genuine imported quadruple coated **STRANSKY STEEL WARE** is superior to any ware made. It's in a class by its l. Examine Stransky Steel Ware at **MARKER & Co.'s 211 Court Street**

**MURPHY**

YOUR—  
and Paper  
ing.  
at the  
k  
est prices  
to  
Clean  
from  
sh  
instru  
n com  
age of  
your leisure  
billiards  
Every-  
REFRESH  
Musical  
evening.  
Parlors  
Depot.

**INSURE IN Reliable Companies**

That pay their losses promptly. Our companies stand at the head of the list.

**FRANK B. CLOPTON AGENT**  
112 EAST COURT ST.  
**Walter's Flouring Mills**  
Capacity, 150 barrels a day. Flour exchanged for wheat. Flour, Mill Feed, Shopped Feed etc., always on hand.

## JUDGE LOWELL'S ABLE ADDRESS

(Continued.)

by the water diverted onto land, but by the amount applied to useful industry and actually needed therefor.

3. The appropriation of water is not absolute but is determined by its diligent beneficial application. It is limited both by the use made of it and the reasonableness of the time within which it is applied.

4. The appropriation of the waters of a stream include the appropriation of the waters of the tributaries thereof above the point of diversion.

5. The doctrine of riparian ownership is incompatible with the appropriation of water for beneficial purposes and therefore it is presumed that an appropriator of water has appropriated sufficient both for his natural wants and beneficial needs. He cannot claim rights both as an appropriator and riparian owner.

6. The reasonable use of water comprises a number of elements, namely, the character of the use itself, the size and velocity of the stream, the country through which it flows, the character of the soil and the purposes for which it is used, and other facts as varied and numerous as the cases under consideration.

7. The right of action for damages rests wholly upon the injury and if the needs of a riparian proprietor or appropriator of water are supplied, he cannot be damaged and the courts will so declare.

These principles thus generally stated, demonstrate our rapid departure from the domain of the common law riparian theories and our rapid approach to that higher law which is founded upon public needs in the great arid empires of the world.

### Present Needs of Oregon.

Our state at this time is confronted with a pressing need of legislation upon seven cardinal points.

1. Some statutory provision is necessary by which the actual flow of the various streams in the various months of the year shall be determined and the status of each fixed as to the vested rights of appropriators of the waters thereof.

It is possible that the summer flow in all the rivers of the state, east of the Cascade mountains, is already utilized, but, on the other hand, it is not a violent presumption to assume that under a just and vigorous law, which would hold each user of water to his measured rights and actual needs, there would be found a flow yet available even in summer, while it is a fact apparent to all that in the most of our rivers, not one-twentieth part of the winter floods are applied to any beneficial use whatever.

2. A method of determination by proper authorities of the amount of water which the various kinds of crops and varieties of soil tributary to any stream may require for proper watering.

Intelligent and experienced irrigators have demonstrated that over irrigation is the tendency in most irrigated districts. That some soils require little water while others require much, and unless there is some authoritative repressive force, there will occur a costly and unnecessary waste of water.

3. An equitable and economical apportionment and distribution of water among the several users upon a stream according to their respective rights should be assured, with such provisions as will prevent over diversion and assure application to beneficial use.

### Selfish and Antiquated Doctrine.

It is the usual experience in every country where artificial watering is essential, to find concrete illustration of the ancient doctrine of the survival of the strongest, and without the intervention of the protecting arm of court or state, dwellers high upon the stream are inclined to take water because their location gives them the opportunity, not because of any right, and too often the appropriator below, whose actual right may be superior, sees his crops ruined and his labor lost because the assertion of his claim would mean friction and expense.

It is safe to assert that in most localities water supervision and distribution under public authority would not only assure a supply for all present uses, but would disclose a surplus which might reclaim unnumbered barren acres and assure the establishment of many homes.

4. A definite legislative declaration as to what riparian rights in irrigation are.

### Good California Doctrine.

The California Irrigation Commission recommended the following which certainly is moderate and could properly be declared the law of Oregon.

"The riparian rights to irrigate is limited to land riparian to a stream which is irrigable therefrom and would be benefited by irrigation and which is within the water shed of such stream, and may be used only to a reasonable extent and consistent with the equal use thereof by all others entitled to use the waters of such stream, and the surplus must be turned back into such stream on such owner's land."

It is not probable that there remain many riparian rights of any material value upon the streams in the arid region because most of the settlers thereon have themselves become appropriators and under the decisions of our courts have thus abandoned their riparian rights, but a statute should be comprehensive enough to cover all possible contingencies which the future may possess.

### Shut Off Speculation.

5. There is requisite a prohibition of the appropriation of waters for speculative purposes and a definite

(Concluded on page 6.)

## BIG SALE CONTINUED

Owing to the late delivery of our bills advertising our Big Reduction Sale last week, we have concluded to continue the sale one week longer. The bills you now have, give the prices that will hold through this week, until Saturday night November 14th. This is a great opportunity to buy goods just in the proper season at greatly reduced prices.

### NEW MILLINERY ALSO

A nice lot of new hats arrived Monday morning, and those who are in need of a Fall Hat are invited to call and see ours. The styles are the latest and prices right.

## THE FAIR

McCALL'S PATTERNS HERE.

# GRAND OPENING

## Failing's New Music Store

Therkelson's Old Stand, 315 East Court St.

The New Music Store is now open and in readiness to supply the public. Two car loads of

# Pianos and Organs

Have been received and are on display in our room. This is the largest and finest collection of pianos and organs ever shown in Pendleton. We will inaugurate a grand introductory sale and will offer prices 20 to 25 per cent lower than ever given here, during this sale.

We bought our stock for cash and are not a consignment house, hence we are in position to sell at the lowest price possible which will mean a big saving to you if you contemplate buying a piano. We cordially invite you to call and see the new stock, all new. We have been among you for years and our personal guarantee, as well as that of the high standing firms we purchase of, is back of every instrument we sell.

# JESSE FAILING

A. J. Smith, the expert piano tuner is with us. Leave orders at our store.

**Its** THE BEST THE MOST WHOLESOME PROPERLY MILLED WITHOUT A SUPERIOR

## BYERS' BEST FLOUR

The Standard of Excellency.

## PENDLETON ROLLER MILLS

W. S. Byers, Proprietor.

PROMPT, RELIABLE SERVICE

## A. J. BEAN

### HAULING OF ALL KINDS

Goods taken best of care of. Leave orders at THURSON'S. Phone Main 1771.

Oil and Sweet Spirits of Eden Are guaranteed to cure any case of Rheumatism—Money back if they fail. A. C. Koepfson & Bros., Agts. for Pendleton

WANTED—YOUR ORDERS FOR ENGRAVED CARDS, WEDDING INVITATIONS, etc.; 100 engraved visiting cards with plate, \$1.50; additional cards in future, \$1 per hundred. The East Oregonian.