

PROPOSED NEW IRRIGATION LAW FOR OREGON

Following is the complete draft of the irrigation law compiled by Morris Bion of the reclamation department of the United States government which he recommends to the Oregon state irrigation commission for its investigation and final adoption...

The law is presented to the press for the public by John T. Whistler, government engineer for Oregon.

Unappropriated Waters Public.

Section 1. All unappropriated waters within the limits of the state from all sources of water supply, not navigable, belong to the public and are subject to appropriation for beneficial use.

Beneficial Use, Apportionment, Priority

Sec. 2. Beneficial use shall be the basis, the measure, and the limit of the right to the use of water, and all waters appropriated for irrigation purposes shall be apportioned to specified lands owned by the person claiming the right to use the water...

Sec. 3. The beneficial use of water is a public use, and any person, corporation or association may exercise the right of eminent domain to acquire any right now or hereafter existing to the use of water for beneficial purposes...

Sec. 4. Water turned into any natural or artificial water course by any party entitled to the use thereof may be reclaimed below and diverted therefrom by such party, subject to existing rights.

Sec. 5. There shall be a state engineer who shall be appointed by the governor and confirmed by the senate. He shall hold office for the term of six years...

Sec. 6. The state engineer shall have the power to employ an assistant state engineer at a salary not to exceed \$1800 per year and may employ other assistants and purchase supplies at a total additional expense not to exceed \$2000 per year...

Sec. 7. The office of the state engineer shall be in the state capital. The state engineer and the assistant state engineer shall be allowed actual and necessary traveling expenses while away from the office on official business.

Sec. 8. The state engineer shall prepare and deliver to the governor, on or before December 31 of the year preceding the regular session of the legislature, and at other times when required by the governor, a full report of the work of his office...

Sec. 9. The state engineer shall receive the following fees: (a) For filing and examining an application for permit to appropriate water and map of the same, two dollars.

(b) For recording any permit, certificate of construction or license issued or any other water right instrument, one dollar for the first 100 words and 15 cents for each additional 100 words or fraction thereof.

(c) For filing any other paper, one dollar.

(d) For issuing certificates of construction, or license to appropriate water, one dollar each.

(e) For making copy of any document recorded or filed in his office, 15 cents for 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 such copies, one dollar for each certificate.

(h) For examining and approving plans and specifications for any dam, not exceeding 10 feet in extreme height from the foundation, ten dollars; for a dam higher than 10 feet and not exceeding 30 feet, twenty dollars; for a dam higher than 30 feet and not exceeding 50 feet, thirty dollars; for a dam higher than 50 feet, fifty dollars.

(i) For inspecting dam sites and construction work when required by law, or when necessary in the judgment of the state engineer, ten dollars per day and actual and necessary traveling expenses. The fees for any inspection deemed necessary by the state engineer and not paid on demand, shall be a lien on any land or other property of the owner of the works, and may be recovered by the state engineer in any court of competent jurisdiction.

(j) For such other work as may be required of his office, the fees provided by law.

Records of State Engineer. Sec. 10. The records of the office of the state engineer are public records, and shall be open to the inspection of the public at all times during business hours. Such records shall show in full all permits, certificates of completion of construction, and licenses issued, together with all action thereon, and all action or decisions of the state engineer affecting any rights or claims to appropriate water.

Bond of State Engineer. Sec. 11. Before entering upon the duties of his office the state engineer shall give bond, to be approved by the attorney general, for the faithful performance of the duties of his office in the penal sum of \$5000.

Rules and Regulations. Sec. 12. The state engineer shall make all necessary general rules and regulations, to carry into effect the duties devolved upon his office. All such rules and regulations relating to applications for permits to appropriate water, for the inspection of works, for the issuance of license, and for the determination of rights to the use of water shall be modified by a two-thirds vote of the board of water commissioners hereinafter established.

Appeal to Water Commissioners. Sec. 13. Such modification of the rules and regulations of the state engineer shall be voted upon by the board of water commissioners only on appeal from a decision of the state engineer.

Determination of Water Rights. Hydrographic Surveys. Sec. 14. The state engineer shall make hydrographic surveys and investigations of each stream system and source of water supply in the state beginning with those most used for irrigation, obtaining and recording all available data for the determination, development and adjudication of the water supply of the state. He shall be authorized to co-operate with the agencies of the federal government engaged in similar surveys and investigations, and in the construction of works for the development and use of the water supply of the state, expending for such purposes any money available for the work of his office.

Suit for Adjudication of Water Rights. Sec. 15. Upon the completion of such hydrographic survey of any stream system, the state engineer shall deliver a copy thereof, together with copies of all data necessary for the determination of all rights to the use of the waters of such system, to the attorney general of the state who shall, within 60 days thereafter, enter suit on behalf of the state for the determination of all rights to the use of such water, and shall diligently prosecute the same to a final adjudication. Provided, that if suit for the adjudication of such rights shall have been begun by private parties, the attorney general shall not be required to bring suit; provided, however, that the attorney general shall intervene in any suit for the adjudication of rights to the use of water on behalf of the state if notified by the state engineer that in his opinion the public interest requires such action.

Parties and Costs of Suits. Sec. 16. If any suit for the determination of a right to the use of the waters of any stream system, all parties claiming the right to use such waters shall be made parties. When any such suit has been filed, the court shall call upon the state engineer to make or furnish a complete hydrographic survey of such stream system as hereinbefore provided. In order to obtain all data necessary to the determination of the rights involved, the cost of such suit, including the costs on behalf of the state, and of such surveys, shall be charged against each of the private parties thereto in proportion to the amount of the water right allotted.

Fund for Hydrographic Surveys. Sec. 17. For the purpose of advancing the money required for any surveys so ordered by the court, there is hereby appropriated and set apart from any moneys in the treasury, not otherwise appropriated, a fund of \$50,000, which shall be used to pay the expenses of such surveys. The amounts paid by the parties to such suits, on account of such surveys, shall be returned to such fund, which shall continue to be available for advancing the expenses of such surveys, as ordered by the court from time to time.

Filing of Decree. Sec. 18. Upon the adjudication of the rights to the use of the waters of a stream system, two certified copies of the decree shall be prepared by the clerk of the court, at the cost of the parties, one copy shall be filed in the office of the state engineer and the other in the office of the water commissioner of the water division in which the stream system is situated. Such decree shall in every case declare, as to the water right adjudged to each party, the priority, amount, purpose, place of use, and, as to water used for irrigation, the specific tracts of land to which it shall be appurtenant, together with such other conditions as may be necessary to define the right and its priority.

Application for Water Right. Sec. 19. Any person, association or corporation hereafter intending to acquire the right to the beneficial use of any waters, shall, before commencing any construction for such purpose, or before taking the same from any constructed works, make an application to the state engineer

for a permit to appropriate, in the form required by the rules and regulations established by him. Such rules and regulations shall require the applicant to state all the data necessary for the proper description and limitation of the right applied for, together with such information, maps, plans and specifications as may be necessary to show the method and practicability of the construction and the ability of the applicant to complete the same. All maps, plans and specifications shall be filed in duplicate, one copy to be retained in the office of the state engineer after the approval of the application. The state engineer may require additional information not provided for in the general rules and regulations, in any case involving the diversion of 500 cubic feet of water per second, or more, or the 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, and shall be held as trustees of such right for the parties applying the water to a beneficial use; and shall be required to furnish the water for such parties at reasonable rates for storage, or carriage, or both as the case may be.

Filing and Correction of Application. Sec. 20. The date of receipt of such application in the state engineer's office shall be endorsed thereon and noted in his records. If the application is defective as to form, or unsatisfactory as to feasibility or safety of plan, or as to the showing of the ability of the applicant to carry the construction to completion, it shall be returned with a statement of the corrections or changes required, within 30 days of its receipt, and 60 days shall be allowed for the re-filing thereof. If refiled, corrected in proper form, 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 law 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 re-filing. Provided, that the plans of construction may be amended with the approval of the state engineer, at any time; but no such change shall authorize an extension of time for construction beyond five years from the date of the permit, except as provided in section 29.

Publishing of Notice. Sec. 21. Upon the filing of an application which complies with the provisions of this act and the rules and regulations established thereunder, the state engineer shall instruct the applicant to publish notice thereof, in a form prescribed by him, in some newspaper of general circulation in the stream system, once a week for four consecutive weeks. Such notice shall give all essential facts as to the proposed appropriation and use, amount of water, the purpose for which it is to be used, name of applicant and the time when the application will be taken up by the state engineer for consideration. Proof of publication, as required, shall be filed with the state engineer within 60 days from the date of his instructions to make publication. In case of failure to file satisfactory proof of publication in accordance with the rules and regulations applicable thereto, within the time required, the application shall thereafter be treated as an original application.

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HIGH CLASS DRUGGISTS AND — OTHERS.

The better class of druggists, everywhere, are men of scientific attainments and high integrity, who devote their lives to the welfare of their fellow men in supplying the best of remedies and purest medicinal agents of known value, in accordance with physicians' prescriptions and scientific formula. Druggists of the better class manufacture many excellent remedies, but always under original or official names and they never sell false brands, or imitation medicines. They are the men to deal with when in need of anything in their line, which usually includes all standard remedies and corresponding adjuncts of a first-class pharmacy and the finest and best of toilet articles and preparations and many useful accessories and remedial appliances. The earning of a fair living, with the satisfaction which arises from a knowledge of the benefits conferred upon their patrons and assistance to the medical profession, is usually their greatest reward for long years of study and many hours of daily toil. They all know that Syrup of Figs is an excellent laxative remedy and that it gives universal satisfaction, and therefore they are selling many millions of bottles annually to the well informed purchasers of the choicest remedies, and they always take pleasure in handing out the genuine article bearing the full name of the Company—California Fig Syrup Co.—printed on the front of every package. They know that in cases of colds and headaches attended by biliousness and constipation and of weakness or torpidity of the liver and bowels, arising from irregular habits, indigestion, or over-eating, that there is no other remedy so pleasant, prompt and beneficial in its effects as Syrup of Figs, and they are glad to sell it because it gives universal satisfaction.

Owing to the excellence of Syrup of Figs, the universal satisfaction which it gives and the immense demand for it, imitations have been made, tried and condemned, but there are individual druggists to be found, here and there, who do not maintain the dignity and principles of the profession and whose greed gets the better of their judgment, and who do not hesitate to recommend and try to sell the imitations in order to make a larger profit. Such preparations sometimes have the name—"Syrup of Figs"—or "Fig Syrup" and of some piratical concern, or fictitious fig syrup company, printed on the package, but they never have the full name of the Company—California Fig Syrup Co.—printed on the front of the package. The imitations should be rejected because they are injurious to the system. In order to sell the imitations they find it necessary to resort to misrepresentation or deception, and whenever a dealer passes off on a customer a preparation under the name of "Syrup of Figs" or "Fig Syrup," which does not bear the full name of the California Fig Syrup Co. printed on the front of the package, he is attempting to deceive and mislead the patron who has been so unfortunate as to enter his establishment, whether it be large or small, for if the dealer resorts to misrepresentation and deception in one case he will do so with other medicinal agents, and in the filling of physicians' prescriptions, and should be avoided by every one who values health and happiness. Knowing that the great majority of druggists are reliable, we supply the immense demand for our excellent remedy entirely through the druggists, of whom it may be purchased everywhere, in original packages only, at the regular price of fifty cents per bottle, but as exceptions exist it is necessary to inform the public of the facts, in order that all may decline or return any imitation which may be sold to them. If it does not bear the full name of the Company—California Fig Syrup Co.—printed on the front of every package, do not hesitate to return the article and to demand the return of your money, and in future go to one of the better class of druggists who will sell you what you wish and the best of everything in his line at reasonable prices.