

# The Heppner Gazette

## LAND NOT ARID.

**So Says Inspector Green of Deschutes Valley.**

Washington, Nov. 21.—Inspector Green reports to the Secretary of the Interior that the lands selected by the State of Oregon under the Carey act, and known as list six—that is, the lands intended to be reclaimed by the Pilot Butte Development Company—are not arid. He reports well developed juniper trees scattered over the area; therefore, he concludes, the lands are not subject to entry under the Carey act. This report will undoubtedly lead to a prolonged wrangle and may be the means of preventing for some time reclamation in the Deschutes valley, either by the Government or by private enterprise.

Before the Pilot Butte Company closed its contract with the state, as the records show, it took the precaution to secure the opinion of the department as to whether or not the growth of juniper trees would be held as an indication that the lands selected by the state were or were not arid. The State Land Agent simultaneously asked the opinion of the department as to the character of these lands. He stated in his letter that the land "is entirely destitute of water and is practically a desert, but on certain portions there is a scattering growth of junipers. The juniper, and especially the scrubby variety growing on this desert, is not suitable for lumber, can be used only for wood and fence posts, and there is no more of such wood on any quarter section than will be necessary for the use of the settler on the quarter section. It cannot be made into lumber and be shipped away, and can be used only in the immediate vicinity of its growth."

In transmitting this letter to the Secretary, Commissioner Hermann expressed the opinion that the rule of the department, which holds that "lands containing sufficient moisture to produce a natural growth of trees are not to be classed as desert land" should be liberally construed, "for the reason that the land is doubtless unfit for cultivation without irrigation, or else it would have been entered long ago."

In reply to Commissioner Hermann's letter, Secretary Hitchcock issued instructions in which he said:

"A growth of ordinary forest trees on land in the arid region may, as a general rule, be accepted as evidence of the non-desert character of the land. It is, however, a mere presumption that lands containing sufficient moisture to produce trees will produce agricultural crops, but, like all presumptions of fact, it may be rebutted by proof showing that the land is actually desert in character

and will not produce agricultural crops without irrigation. A sparse and stunted growth of trees which may exist with little moisture, and is frequently found upon arid lands actually unfit for ordinary agricultural purposes, is not within the spirit and intent of the rule."

These instructions were reported to the State Land Agent and to the Pilot Butte Company, all of which is cited to show the precautionary steps taken by this company to ascertain, before making a contract, whether the lands it had in view would be held subject to the Carey act.

No action is likely to be taken on Green's report for two or three weeks. The case is awaiting its regular turn. There is on record, along with this report, a great mass of affidavits filed by the Pilot Butte Company showing the land to be arid and not capable of producing crops without irrigation. These affidavits were filed under the Secretary's instructions above quoted, and are from Congressman-elect Williamson, the Oregon State Engineer, ex-Surveyor General Pengra, President Lytle, and Chief Engineer Hammond, of the Columbia Southern Railway; Hydraulic Engineer Clark, of Portland; J. M. Moore, of Portland, and many others of known reliability who have personally gone over the ground. There is also filed an exhaustive analysis of the soil and statement of precipitation, by months, on the Upper Deschutes. This mass of testimony is all diametrically opposed to Green's report, and shows the land to be arid.

## WOOL MEN MEET.

**Reorganize Under New Constitution and By-Laws.**

A meeting of the Umatilla County Woolgrowers' Association was held at the parlors of the Pendleton Commercial Club, Thursday afternoon, President Douglas Belts presiding.

There was a splendid attendance of sheepmen from outside points, as well as from the immediate vicinity of this city. President Belts announced that the object of the meeting was to reorganize the county association to conform to the new constitution of the State Woolgrowers' Association, recently adopted in this city.

The members present represented the larger part of the sheep of Umatilla county and all were enthusiastic in renewing the organization which has already been so beneficial to the industry and which promises greater returns in the future. Many new members from the Pilot Rock and other outside points were taken in, and the association is in a flourishing condition. Ranges are reported to be in first-class condition. Sheep are better prepared to begin the winter than for several years and taken throughout the county, the sheep and wool questions are most

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Forest reserve, range allotments, irrigation and salt, as being associated with the sheep raising industry, were ably discussed by those present.—East Oregonian.

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