

THE BEND BULLETIN.

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PLAN STATE CARE OF WATER RIGHTS

Bill Introduced at Salem for a Modern Irrigation Law.

SPECIAL BOARD OF CONTROL

Bill Fixes Requirements for All Water Users and Provides a Complete Adjudicating and Distributing System for the State.

A bill for a new water law has been introduced in the House at Salem, and in view of its great importance to this section of the state. The Bulletin reprints a synopsis of the measure as reported by the Oregonian.

SALEM, Jan. 22.—Determination of existing water rights and provisions for a system of regulating, controlling and distributing the unappropriated water supply of the state, are the purposes of a bill introduced by Representative Bryant, of the irrigation committee, in the House this morning. Before being introduced, the bill, which was drafted by a subcommittee of the Oregon Conservation Commission, was revised and slightly amended by the irrigation committee, which favors the measure unanimously.

The bill places the control and administration of the water wealth of the state in the hands of a Board of Control, of three members, its action being subject in all cases to appeal to the courts. This Board will consist of the State Engineer and two Division Superintendents, one of whom shall be appointed from each of the two districts into which the state will be divided for the convenience of administering the system. The three members of the Board are to be appointed by the governor, subject to confirmation by the Senate.

An annual appropriation of \$15,000 is provided in the bill. Of that amount \$10,000 is to be expended in payment of the salary of the two Division Superintendents, who shall receive \$2,400 per annum and their traveling expenses. The additional \$5,000 is to be used in payment of a salary of \$2,400 to the State Engineer and in the making of surveys as a basis for adjudication by the Board. Each member of the Board is required to file a bond in the sum of \$5,000. The measure provides fines ranging from \$10 to \$250.

Range Dividing Line.

In dividing the state into two water divisions, the first, or Division 1, consists of all lands west of the summit of the Cascade Mountain range and all of the lands in Klamath and Lake counties, except those drained by the Deschutes river. Division No. 2 includes all of the other lands of the state. Each of the two water divisions is to be divided into water districts as the rights are determined for the satisfactory administration of the waters. The Board of Control is authorized to appoint a Water Master for each of the districts so created, to be paid by the county where engaged. These officers shall be paid \$5 for each day they are employed, while their assistants will be paid \$4 a day.

Section 1 of the bill provides that "subject to existing rights, all waters within the state may be appro-

riated for beneficial use, as herein provided and not otherwise; but nothing herein contained shall be so construed as to take away or impair the vested right of any person, firm, corporation, or association to any water."

The State Engineer, with one member each from the faculties of the State University and the State Agricultural College, are to constitute an examining committee which shall conduct examinations at different times for candidates for the position of Division Superintendent, and all appointments by the Governor shall be made from that list. Division Superintendents shall have general control over the water masters of their respective divisions; and are authorized to make reasonable regulations, consistent with state law, to secure the equal and fair distribution of water in accordance with the determined rights, as may be needed. The right to appeal from the orders of this officer is reserved to the dissatisfied water user.

The two Division Superintendents and the State Engineer, as the Board of Control, are authorized to employ a secretary at an annual salary of \$1,200, and such other assistance as may be necessary.

Board May Judge Claims.

Upon the petition of one or more water users upon any stream, requesting a determination of the relative rights of the various claimants, the Board of Control shall make surveys and hold a hearing to determine such relative rights. When suits to determine water rights are filed in the circuit court, the trial judge may, in his discretion, remand these controversies to the Board of Control for settlement. Notice by publication of the proposed hearing, for two weeks, must be made, and all testimony at the hearing must be taken by the Division Superintendent in whose district the water users reside. The Division Superintendent shall send by registered mail notice of such hearing to every person, corporation or association claiming rights on the disputed stream. A blank form shall accompany this notice to the claimant, upon which he shall designate the date, amount, and character of his claim to water and give such other information necessary to determine his right. The maps and these blank forms executed under oath are then submitted for inspection by all interested parties, and contests allowed.

At the time of submission of proof of appropriation or at time of taking testimony for determination of rights to water, the Division Superintendent shall collect from each claimant or owner a fee of \$1 for the purpose of recording the water right certificate in the office of the county clerk. He shall also collect additional fees as follows: 15 cents an acre for each acre of irrigated land up to 100 acres; five cents an acre for each acre from 100 to 1,000 acres, and one cent an acre for each acre in excess of 1,000; five cents for each theoretical horsepower developed, as set forth in the proof, with a minimum fee for such claimants of \$2.50 and a fee of \$5 for any other character of claim for water. Other fees allowed are: Making certified transcript of all records, \$1 for first folio and 10 cents for each additional folio; attaching certificate of seal, \$1. All fees so collected, less fees paid to county clerks, shall be turned into the general fund in the state treasury.

When the taking of testimony in such cases is concluded, the Division Superintendent shall not later than 10 days thereafter by registered letter, notify all claimants to the water rights involved as to the time and place when the records of that examination will be open to inspection. The same notice shall also give the date when the order of the Board of Control shall be considered by the circuit court.

Contests may be instituted between 30 and 60 days following the completion of the original hearing of the Board. A deposit of \$5 from each party is to be required by the Division Superintendent for each day he is engaged in taking evidence in contest cases, and the deposits of the losing party go into the state treasury to cover the cost of contest. The evidence taken at all such hearings must be forwarded to the office of the Board of Control at Salem.

When called upon so to do, the State Engineer shall make a measurement of the stream petitioned for and decide on the distribution of its water. The determination of the Board shall be in full force and effect from the date of its entry on the books of the Board unless its operations be stayed, conditioned that

(Continued on last page.)

AID GRANTED FOR CROOK COUNTY FAIR

Legislature Passes Bill Allowing Annual Appropriation of \$750.

GET GOOD APPOINTMENTS

Senator Merryman and Representatives Belknap and Brattain Are Put on Important Committees.

Representative Belknap has succeeded in getting a bill passed by the legislature appropriating \$750 per annum to the Central Oregon Livestock and Agricultural Association—the Crook county fair. The bill stipulates that none of this money can be used for race purposes, but must be put up as premiums for agricultural and livestock exhibits.

The bill passed at the preceding session of the legislature, but was vetoed by the governor. The present legislature passed it over his veto. The appropriation will be a great aid to the county fair, and should bring good results.

Our Legislators are Busy.

Senator Merryman and Representatives Belknap and Brattain have been appointed to the following committees at this session of the legislature:

Senator Merryman, chairman of Irrigation; and membership on Enrolled Bills; Medicine, Pharmacy and Dentistry; Public Lands; Ways and Means. Ways and Means is always one of the most important committees, and the Irrigation committee is one of great importance this session as a new water code will be up for adoption.

Representative Belknap, chairman of Medicine and Pharmacy; membership on Elections and Public Lands.

Representative Brattain, membership on Alcoholic Traffic; Assessment and Taxation; Banking.

Petition to Build Fishways.

A petition was circulated at Bend this week asking the state fish and game warden to secure, if possible, an appropriation from the present legislature sufficient to build fish-

RAILROAD SURE TO COME

The Bulletin is in receipt of a letter from a Portland man who is keeping close tab on the railroad situation of Central Oregon, and who is in a position to obtain authentic information. He said in the letter, under date of January 20:

"Mr. O'Brien had a long talk with Mr. Harriman while in New York, and while there has been some delay in getting the work started in the building of the line up the Deschutes, it is sure to come and within a short time. At present it is almost impossible to do anything in the matter of commencing actual construction, but as soon as the weather permits, I believe that the work will be begun."

ways around falls and obstructions in the Deschutes river wherever needed, so that salmon and other fish may ascend to the headwaters of the stream. It is believed that if fishways are put in at Cline Falls and at Lower Falls the salmon can then easily ascend the river even as far as Crane Prairie, and would add greatly to the fisherman's sport in this section.

The Bend petition carried 90 signatures. Petitions were sent to Laidlaw and Prineville for signatures.

New Power Company at Cline Falls.

The report reached Bend this week that 16 Redmond men have formed a corporation and will install a power plant at Cline Falls, for the purpose of lighting Redmond and developing power for other uses. Filings have been made on the river at the falls. It is understood that J. G. McGuffie is at the head of the new company.

One Million Dollars in Virgin Gold.

One million dollars in virgin gold that will sink automatically every night into a steel vault to reappear with the same precision in the morning will be the central feature of the Alaska exhibit at the Alaska-Yukon-Pacific exposition next summer. Piled in glittering heaps of dust, nuggets and bricks this brilliant display will be one of the greatest attractions on the exposition grounds. The gold pavilion, where the million dollars will be on display, will be enclosed with a heavy wire cage and special guards will patrol the section night and day to protect the treasure.

Take a look at The Bulletin's township plats before you buy—two sizes.

WILL SPEND \$500 ON COW CANYON

Wasco County Will Expend That Sum for a Better Road.

WANTS CROOK TO HELP

The Road Through the Canyon Is Really a Crook County Highway. Many Rabbits Killed by Hunters—Other Newsy Items.

Wasco county will spend \$500 on the Cow Canyon road during the coming spring toward reducing the grade and improving that much-traveled highway. This was decided upon at the last meeting of the county court at The Dalles, and an effort will be made to secure some co-operation from the Crook county authorities.

The Madras Pioneer says that some time ago the people at Shaniko asked that a special tax of two mills be levied in their district by the county court, for the purpose of creating a special fund to be spent in improving the Cow Canyon road. The levy in the county for road purposes in the previous year had been three mills and the Shaniko people desired to have their levy increased to five mills, the increase to be set aside for this special purpose. At the meeting of the county court at which the tax levy was fixed, however, it was decided to increase the tax for road purposes throughout the county to five mills, and the Shaniko people were notified that out of the taxes collected from this levy, an appropriation would be made by the county court equal to the amount which would have been raised by the desired two-mill special levy, for use on the Cow Canyon road. This appropriation will be approximately \$500, and it will become available the coming spring.

Snow Storm Destroyed Rabbits.

A benefit from the recent snow storm not to be underestimated, was the destruction of thousands of rabbits in this vicinity. Each day while the deep snow lay on the ground saw dozens of local nimrods out after the rabbits, and reports of a hundred rabbits being shot in one day by one man were not uncommon.

mon. In the aggregate several thousand rabbits must have been slain. The most successful way of hunting them was to find a beaten rabbit trail in some draw, and following up this to slaughter the rabbits by the dozens where they had congregated near the head of the draw. The rabbits stick closely to the trail, avoiding the necessity of running through the deep snow on either side, where they can make little progress.—Pioneer.

Three Coyotes Attack Calf.

T. J. LaBrie while down at Paisley recently looking after his cattle, saw early one morning three coyotes have a calf of Martin Lauritzen's down, trying to kill it. He drove them off, but as soon as he would start to go away the coyotes would come back to renew the attack. The calf finally got into another field and whether the coyotes finished their job he was unable to say. A bounty should be placed on coyotes as the damage they do yearly is beyond all knowledge.—Silver Lake Leader.

Ice Jam on Crooked River.

There is an immense ice gorge up Crooked river at Steward's. It is about three miles long and in places 60 feet high, stretching from one wall of the canyon to the other, and is almost solid ice. The gorge formed during the cold snap two weeks ago, and it will probably take two or more months of warm weather to dissipate it. People living along the river below the gorge are somewhat uneasy, but the telephone is at hand and in case of danger from a rapid thaw of the huge iceberg, every ranch could be notified at once.—Review.

Quite a Genius.

The meanest man on earth lives in Prineville. Last week his wife put him to work shoveling snow off the front sidewalk, and while cleaning off two feet of it he picked up three silver dollars. His wife stood by and the husband showed his find to her and then started down town to spend it. When he returned, two hours later, he found that his wife had completed the job while looking for more dollars.—Review.

Shorter Items of Interest.

The Alaska-Yukon-Pacific Exposition has appropriated \$100,000 for premiums in the livestock show to be held in connection with the 1909 exposition.

Jack rabbits to the number of 4,371 were killed recently in a drive on Poverty Flat seven miles west of Prineville. The Review says the drivers purchased firearms and ammunition amounting to \$450, but considered it money well spent as the number of bunnies would have destroyed fully \$1,000 worth of grain and hay in a single year.

Mrs. Wm. McCarty sold 160 acres of land lying in the Christmas Lake valley, on Tuesday to George Vick for \$1,400. This same land three years ago, like all the land lying in that vicinity, was considered only fit for grazing purposes. There is only a small piece of this land just sold that is cleared and fenced, and has a small house and barn upon it.—Silver Lake Leader.

Fred Fisher, who was in town yesterday from his ranch six miles northeast of Madras, brings encouraging reports concerning the growing crops in that locality. He says the fall sown grain was not damaged in the least by the severe cold, as the snow covered and protected it, the grain continuing to grow under the snow. When the thaw came, he says the water all soaked into the ground. Mr. Fisher thinks the prospects were never better in that district for a bountiful harvest next season.—Madras Pioneer.

You would not delay taking Foley's Kidney Remedy at the first sign of kidney or bladder trouble if you realized that neglect might result in Bright's disease or diabetes. Foley's Kidney Remedy corrects irregularities and cures all kidney and bladder disorders.—C. W. Merrill, druggist.

VIEW OF D. I. & P. CO.'S LARGE FLUME NEAR BEND.



THE above is a view of the Deschutes Irrigation & Power Company's flume where the water from the river is discharged into two large canals—the Pilot Butte and the Central Oregon canals. These canals are small rivers in themselves, and carry water to the thirsty land for many miles in this section. The Pilot Butte canal waters 84,000 acres lying between Bend and Redmond and extending several miles north of Redmond, while the Central Oregon canal furnishes water for 50,000 acres that lie in an easterly and northeasterly direction from Bend and taking in the Powell Buttes section. It is an interesting sight to stand by this flume and see it discharging such a great amount of water into the canals when it is considered that the water thus pouring forth is the chief agent in converting hot, dry, barren wastes into fertile farms on which many prosperous and happy homes are being built.