

# EXTENSION MAY NOT BE GRANTED

## LAND OFFICE WANTS MORE FACTS

Tallman Says State Must Explain Conditions Before Getting Renewal of Morson Contract—Situation Similar to Benham Unit.

The following article, which appeared in the Oregon Journal on Friday of last week, is of so much importance in connection with the Benham Falls project question now being agitated, as well as on account of local interest in the Morson project situation, that it is reprinted here in full.—Ed.)

The 16 year period allowed for the reclamation of the lands segregated under the Carey act for the Deschutes and Company Irrigation project, known as the J. E. Morson project in Crook county, expired October 31, 1915. The Desert Land Board has applied to the department of the interior for an extension of time to October 31, 1918. Before the extension can be granted, Clay Tallman, commissioner of the general land office, has submitted to register and receiver of the Lakeview land office a number of searching questions which he says he expects the state to answer before action is taken.

In view of the high percentage of the funds of the company that in the past have gone into overhead charges to the extent to which the resources relied upon for the completion of the project must, if needed, be actually and beneficially extended to that end should be fully disclosed," is a significant statement. Commissioner Tallman makes.

**Project Much in Limelight.**  
The Deschutes project has been very much in the limelight during the few years because it was the subject of many heated controversies between members of the Desert Land Board and at one time the board, at the insistence of Oswald West, then governor, brought suit against J. E. Morson, president of the company, to join him from selling options on the land in the project before the land was reclaimed. The suit was carried to the state supreme court and Morson won.

In the Desert Land Board controversy West used every means at hand in his efforts to force Morson to cease disposing of the lands until the water was ready for them, while State Treasurer Kay was most active in support of Morson.

**State and Government.**  
When a Carey act project is undertaken, the state enters into a contract with the government for the reclamation of the lands within a seven period of years, and the state in turn enters into a contract with the individual or company to construct the project. Morson's contract was made with the state under the old law applicable to Carey act projects in this state and it did not prohibit the sale of the lands before reclamation.

But now that a new contract is desired, all the questions that had been raised by West are again raised by Commissioner Tallman and must be satisfactorily answered within 90 days.

"Should the state fail to comply herewith within 90 days, or to appeal herefrom within 30 days," says Commissioner Tallman. "Its prohibition for extension of time under the act of March 3, 1901, hereby held for rejection, will be rejected without further notice, and appropriate steps looking toward the cancellation of the segregation for expiry will be taken."

**Lands of Non-Desert Style.**  
Commissioner Tallman says the application for an extension of time is not supported by a showing as required by the regulations. He also points out that there is serious question of whether the lands in the segregation are subject to desert entry anyway.

"Over half of the lands in list 11, as originally filed," writes Commissioner Tallman, "were eliminated before segregation on account of its non-desert, timber character. After segregation it has been urged that the segregated lands are non-desert in character and would, without irrigation produce profitable crops. This contention appears to be supported by a special agent of this office that the moisture is within two or three inches of the surface, is sufficient to support a dense growth of black pine and a scattering growth of underbrush where the timber is not too thick, and a fairly good growth of grass on the open meadow lands. Land that produces a natural growth of timber is not subject to desert entry."

**Morson Had Hearing.**  
Commissioner Tallman points out that when the probable non-desert character of the land was reported to the department Mr. Morson was given an oral hearing on the matter. The department took the position that as a practical matter it would not disturb its action of October 21, 1905.

"But the department," says the commissioner, "further advised: 'If, within the statutory time, the terms of the Carey act shall not have been carried out, the government will have occasion to act.' Accordingly this question must be considered."

After referring to the changes in the plan of reclamation and that the state will have 90 days in which to make a full showing, Mr. Tallman says:

"It should be shown that the lands segregated were, at the date of selection, desert in character, and that all the segregated lands can be reclaimed under the system as now contemplated. Any lands as to which such showing cannot be made should be relinquished. The contemplated plan of reclamation should be fully disclosed, particularly as relates to the land to be reclaimed by pumping systems, the capacity of the plants, their efficiency and the source, adequacy and permanency of, and what arrangements have been made for a perpetual, or perpetually renewed right to the use of, the necessary power for operating the pumping plants."

**Water Rights at Issue.**  
"The present legal status of the water rights rolled upon should be shown, particular attention being given to the question of intervening adverse rights initiated subsequent to the original locations relied upon, and as to whether or not the right of relation to such original locations can be asserted."

"In a project depending in part upon direct diversion, and in part upon storage, it is necessary to know the water requirements at different periods of the irrigation season."

"Estimates of the water requirements for the period by months or such shorter periods as may be necessary for determination of the sufficiency of the water supply, should be submitted. This will depend, in a large part, upon the total area of lands for which equal or superior rights in the water supply have been, or may be, acquired, the percentage of such area which will be irrigable, the allowance for the irrigable area for lands not irrigated in a given year from which data the irrigable area requiring water in any one year can be deducted."

"Due weight must be given to the water requirement on the land by months or shorter periods, seepage and evaporation losses in transmission and in storage. The relation between the requirements and the leg-

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ally available water supply must be shown. It is suggested that this can be more clearly done by means of hydrograph on which are plotted the

flow during each year, the total amount needed to supply prior rights and the diversion requirements of this project.

**State Should Revise Data.**  
"It should be shown that the project can be completed by October 31, 1918. The present condition of the project should be fully disclosed including the percentage of completion of the east and west units and the general system. Data relative to the cost of completion of these units and the general system, sufficiently detailed to permit of a check on the estimates of cost should be furnished. The resources relied upon for the completion of the system should be disclosed."

"In view of the high percentage of the funds of the company that in

the past has gone into overhead charges, the extent to which the resources relied upon for the completion of the project must, if needed, be actually and beneficially applied to that end, should be fully disclosed. A certified copy of the new contract with the company should be filed."

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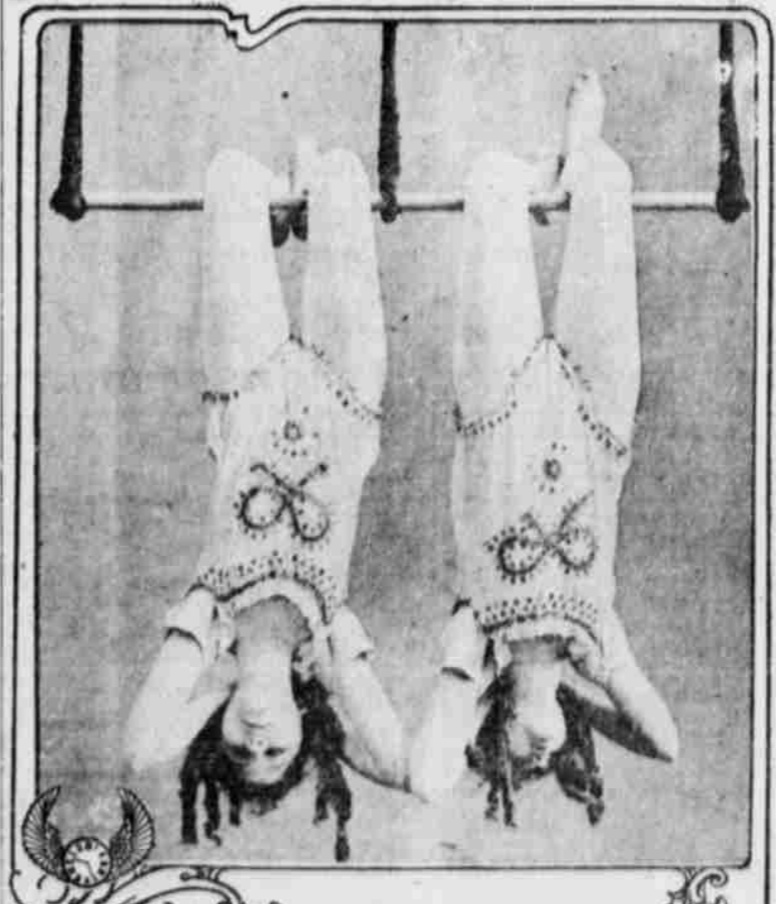
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