

C. O. I. REQUEST RAISES ISSUE

COMPANY WOULD SELL SMALL TRACT

Applies to Desert Land Board for
Permission to Dispose of Tract in
Territory Where Sales Have
Been Forbidden By Board.

SALEM, Jan. 6.—The Central Oregon Irrigation Company submitted a contract of sale of additional 80 acre tract under the Central Oregon canal for the Desert Land Board's approval. On December 14th, the Board's inspector, John Dubuis, was instructed to prepare a statement setting forth the condition of this canal's ability to meet the requirements of the lands patented or listed for patent thereunder. The following statement was submitted to the Board on January 3 and copy of the same forwarded the Irrigation Company with the request that they submit any additional data they may have showing the canal's ability to serve lands additional to those already patented or listed for patent.

No action was taken. While in this case only 80 acres is involved the principal is a big one, as approval in this case would virtually mean that the Board rescinds its previous decision to permit no more sales, other than those patented or listed for patent.

The Dubuis Statement.

Mr. Dubuis' statement to the Board was as follows:
"Gentlemen:

"In response to your order of the 14th instant, I submit the following statements regarding the lands included in application contract No. 1046 of the Central Oregon Irrigation Company, which has been presented for your approval.

"1. The lands involved in the application contract No. 1046 are SW 1/4 NW 1/4 and NE 1/4 SW 1/4 of Section 23, T. 15 S., R. 14 E., comprising 80 acres, 34 of which are irrigable. They lie in the Powell Butte district and must be watered by the Central Oregon canal.

"2. The records of the Board show

that these lands have not been sold and are not included in any patent list or in any approved list for patent: the following order was entered December 16, 1914:

"Ordered, that the Central Oregon Irrigation Company shall not make any sales of land under the Central Oregon Canal which have not been patented or included in lists for patent heretofore submitted to and approved by this board, and that all said lands heretofore opened for entry and sale by this Board shall be and the same hereby are withdrawn from entry and sale."

"3. The records of the Board show that the Central Oregon canal is obliged to serve 39,298 irrigable acres including unsold lands that are patented or listed for patent. If the decision of the Supreme Court in C. O. I. Co. vs. Whited is accepted as deciding the question of the reclamation of the 'excess acres' and if the warning of the Commissioner of the General Land Office regarding the issuance of defeasible deeds be disregarded, these excess acres can be subtracted from the 39,298 acres above, leaving the net amount of 27,863 acres which must be served by the said canal, and which are in addition to the lands in the application contract No. 1046. This is upon the assumption that water must eventually be supplied for these excess acres, but the canal must be enlarged before this is done. Mr. Roscoe Howard submitted on June 3, 1915, similar figures, which total 27,361 acres which are the same as the Board's figures, except that he excludes some 775 acres of sold land now being served by the Central Oregon Canal but which are to be served by the North Canal when it is sufficiently constructed. The difference between the Board's figures and those of Mr. Howard, when reduced to the same basis, can readily be accounted for in the various adjustments of acreage in lists for patent and in the sold lands which have occurred since Mr. Howard submitted his figures this past June.

"4. The largest intake capacity which in the records of the Board has ever been allowed the C. O. canal is that reported by the writer of 440 second feet. Granting transmission losses of 40% (present losses 46%) which is about the best that can be expected, this canal might safely supply 26,400 acres of land with 1.8 acre feet per acre, although in 1914 it could scarcely furnish 24,000 acres of land with 1.8 acre feet per acre in 90 days. The Board's figure, therefore, which is the most favorable to the Company's contention, shows the existing shortage of from 1400 to 3800 acres.

"5. The time for the completion of the contract between the C. O. I. Co. and the Desert Land Board expired on October 17, 1915, and no extension has been granted by the Board. It therefore appears that there is no existing active contract between the Desert Land Board and any party for the reclamation of these lands in application contract No. 1046.

"6. In view of the above it seems that to approve such application contracts as No. 1046 which accomplishes the sale of unsold lands not included in any patent list or approved list for patent, would further increase the existing shortage and depreciate the value of the water rights of the settlers now on the project. Respectfully submitted,
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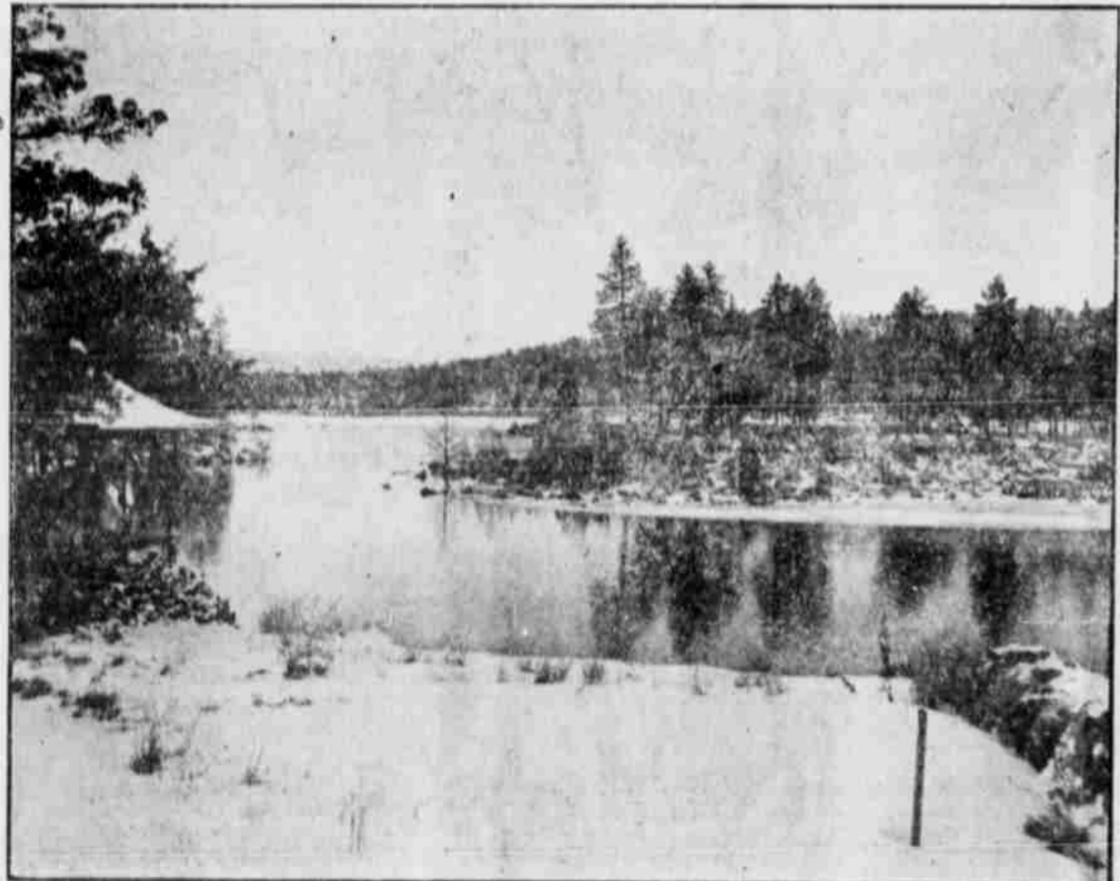
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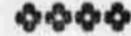
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