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OPENING HARNEY VALLEY

IRRIGATION ENTERPRISE UNDER THE CAREY ARID LAND ACT.

First Since Oregon Accepted The Federal Law Last Winter—Opposition From Marshland Owners.

(Daily Oregonian.)

Drake C. O'Reilly has just returned from Harney county, where he has been for two months in the interest of an irrigation enterprise that has been organized for that section. The project includes watering 100,000 to 150,000 acres of arid land in the Harney valley, under the provisions of the Carey arid land act, which the Oregon legislature made available in this state by a statute passed last winter. That statute formally accepted the conditions of the Carey act, with all the grants of land to the state under the provision of that law.

The gist of the law is that any person, association or corporation may enter into contract with the State Land Board to reclaim any tract of desert government land. The applicant must at his own expense make a survey of the section to be reclaimed and submit with his application for contract a map and plan of the proposed reclamation project, and estimates of first cost, and for maintenance, statements of the amount of water to be rendered available, the area to be covered, etc. The contract, when entered into by the State Land Board, shall create a lien for the cost of construction and maintenance, which shall be valid against the separate legal subdivisions of the land reclaimed for the amount due as agreed upon, with interest at 6 per cent from date of reclamation. Congress grants the lands to the state upon certain conditions, and these conditions must be fulfilled as required by law, to the satisfaction of the Secretary of the Interior, before the transaction is completed.

It is under this grant of congress and the statute that the Harney Valley Improvement Company has begun operations. The corporation was organized a short time ago with William Hanley, the Burns cattle king, as president; L. R. Webster, of Portland, vice president; and D. C. O'Reilly, of Portland, secretary. Its authorized capital is \$100,000. The surveys preliminary to filing application for the contract are now in progress.

The water supply will be taken from Silvie's river chiefly, though the construction of storage reservoirs for emergency service is contemplated. The water taken from Silvie's river for irrigation is expected to reduce the volume of the stream so that it will not overflow and create so much marsh land about its mouth. The marsh covers thousands of acres on the west side of Lake Malheur, and north side of Lake Harney, and at certain seasons the water overflows and damages adjacent farm lands. Taking water from the upper stretches of the Silvie's to irrigate arid land will reclaim to cultivation at both ends, making the dry soil moist and taking excessive moisture from marsh and overflowed land.

This process, however, will arouse the hostility of those who profit from the present condition of the country, and it is not improbable that the courts will be asked to decide where the equities and rights lie. Stockmen own the marshland, which produces heavy hay and is excellent pasture when the outlying range is parched and barren. They do not want the country to become thickly settled and tilled for general crops, for that would restrict the open range, and, in the circumstances found there, it would materially change the character of the entire region. The valley would be rendered more productive and would give homes and employment to a large number of people, whereas it is largely unsettled now, and must remain so indefinitely if present conditions are not to be changed. It is estimated that the water to be obtained from the Silvie's is suf-

ficient to irrigate all the land in the valley lying under it, but this must operate to dry up the extensive marshes about the lakes and the marshes will then become plow land.

About 50,000 acres of the arid lands of the Harney valley are in the grant to the Willamette Valley & Cascade Mountain Wagon Road Company. This concern, which is now owned by Charles Altschul, of San Francisco, is said to be in sympathy with the proposed improvement, for under irrigation the land will be rendered valuable, and there will be a market for it. Settlers are now going into the valley and taking up land, on the prospect that water will soon be available there. Mr. O'Reilly says the charge for water has not yet been definitely fixed, but he believes it will not exceed 50 cents per acre per year.

This is the first move to take advantage of the Carey law that has been made by Oregon citizens. In the Upper Deschutes country, to the westward of Prineville, two or three irrigation projects are on foot and at least one of them has progressed far toward completion. These were begun before Oregon had accepted the conditions of the Carey law, but it is presumed that their operations will come under the provisions of that act. Still a large part of the land affected by the Crook county enterprises lies within the grant to the Willamette Valley & Cascade Mountain Wagon Road Company, and there is comparatively little to be gained by getting under the Carey law in that section. It is only land still belonging to the government that is subject to the contractors' lien for irrigation improvements. For benefits to accrue to land that has passed to private owners, the irrigation company must make other arrangements for compensation.

There are two ways of getting to the Harney valley from the railroad. Since the Sumpter valley line has been extended to Whitney, that is the nearest railroad point, the distance across to Harney valley being 115 miles. From Ontario the distance is about 150 miles over a good road. Most of the travel is through Ontario, which has for years been the gate to the Harney valley.

Tax Penalty Is Illegal.

Judge McBride, of the Circuit Court, at Astoria, has handed down some decisions in connection with tax matters that are of special interest to every county in the state. They were in the case of C. W. Shively vs. Clatsop county, a suit brought to set aside the tax on certain property on the grounds that it had been erroneously assessed. Several days ago the case was decided in favor of the defendant, the court holding that the county was not responsible for an alleged error of the Assessor, but later a rehearing was granted on certain points. Among the questions brought up at the rehearing were the constitutionality of the act under which the special tax levy for the construction of the Young's Bay bridge was made, and whether the warrants drawn in payment for the construction of this bridge should be considered in the county's limit of indebtedness as fixed by law. The court held that the act under which the levy was made was constitutional and that the limit of indebtedness did not apply to the warrants drawn on this special fund. The Judge however, modified his former decree in the case at issue by ruling that the 3 per cent penalty which the county has been collecting on delinquent taxes and the \$1.50 heretofore charged for levying were illegal and could not be collected.

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OBJECTIONS TO LEASING

CONTENTION THAT IT WILL NOT HELP EASTERN OREGON.

Will Stand in the Way of the Agricultural Development of a Great Country, Says a Correspondent.

(J. B. Huntington in Sunday Oregonian.)

Not long ago there appeared in The Oregonian the report of an interview with F. C. Lusk, of California, President of the American Cattle-Growers' Association, on the subject of "The Leasing of the Public Range in the Arid-Land States." On the same day The Oregonian editorially invited expression of views by sheepmen and small cattle owners on Mr. Lusk's proposals. The writer hereof is neither a sheep man nor a cattle-owner, but has been for many years acquainted with the conditions of our extensive stock ranges, and for a period of 15 years was largely interested in the cattle industry, which fact may account for my having received a number of requests to reply to Mr. Lusk.

In attempting to present some of the reasons why Mr. Lusk and his association ought not to succeed, permit me to call careful attention of all citizens interested in this important and serious question to the fact that Mr. Lusk ignores every interest except that of the sheepmen and cattle men now striving for possession of our public domain; the present possessors of the stock ranges; that portion of our citizens now engaged, as Mr. Lusk admits, in converting our said ranges into "open battle-fields"; and to suggest that Mr. Lusk, while professing to speak in the interest of both the contending forces in this irreconcilable war, which he tells us is one of bloodshed, and which he intimates is not only to continue but also to become more intense and sanguinary, until the general government interposes to settle the war by giving such decision in its arbitration as will fulfill the demands and meet the approval of the contestants, seems to have for his object a defense of the righteousness of the cause of the cattlemen in this "irrepressible conflict."

If the only question involved was one the solution of which would placate the present owners of sheep and cattle on our public ranges, the subject would be less important and one of little interest to any one except the belligerents.

But there are other interests in the arid-land states. All the conventions held in recent years having for their object the reclamation of our arid lands from their condition of aridity to one of fertility have memorialized congress to enact laws to create, encourage and promote scientific irrigation systems. All the laws enacted and proposed pursuant to these memorials have found advocates because it has always been urged that the areas to be thus reclaimed will invite settlement, and that these desert wastes, under the operation of wise irrigation laws, will become the source of great additional wealth, their rich products a prominent factor in our commercial progress. All effort in this behalf has been greatly accelerated by bright visions of happy homes, of prosperous, contented people, attracted thither to transform the vast regions, barren of all vegetable life except sage-brush, into a succession of countless smiling farms.

Lease these vast stretches of territory to the stockmen, and the immigration which these visions contemplate will never appear, and irrigation and reclamation will be confined to the needs of the stock-grower.

Nor can this deduction be claimed to be unfair to the stockmen. No one acquainted with the requirements of the cattle business will pretend to disclaim the fact that settlement is undesirable to them. May not this be one of the chief reasons inducing the cattle-men to united effort to secure for themselves such control of the ranges as will preclude the possibility of [Concluded on second page.]

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