

The Times-Herald

The Official Paper of Harney County, has the largest circulation and is one of the best advertising mediums in Eastern Oregon.

VOL. XIX.

## THEY MUST OWN THE WATER

### REPEALING OF STATE LAND BOARD GOVERNING CONTRACTS FOR RECLAMATION UNDER CAREY ACT.

#### Harney Valley Improvement Company Will Make Good on Requirements of State Rules Board will ask for Approval of the Contract Otherwise the Company Should Surrender Contract.

Salem, April 17, 1906.  
C. E. S. Wood,  
Portland, Oregon.

Yours of the 11th at which had the attention of the Board in writing you on the fact that a contract had been signed between the State and Harney Valley Improvement Company was overlooked. The new contract in course of preparation which will be the only one to be made will contain the provisions outlined on enclosed memorandum so far as same are required by law and as many of them will be required under the contracts as are authorized by law and contract, I enclose herewith for your consideration.

The measurement of water and charge for delivery between time of sale to the settler and transfer of management. The limitation of area to be irrigated from the proposed canal, and the method of enlargement, if additional lands outside the segregation will be served. The deposit of a suitable sum with the Clerk of the Board prior to contract to show good faith and the payment from this fund for necessary supervision during construction. The forfeiture to the State for non-compliance with plans and specifications. The description of lands. The detailed estimate of cost. The percentage of cost to be allowed for risk of construction and sale of land.

The time and manner of attaching a lien for this amount with interest from the date of reclamation until the lien is satisfied. The release of lien and end of duties of the construction company and return of any moneys due. Any other detail necessary to completely define the rights and limitations of all parties to the contract as above outlined in general, and which are in accordance with the Acts of Congress and the rulings of the Secretary.

Portland, April 18, 1906.  
The State Land Board,  
Salem, Oregon.  
Mr. G. G. Brown, Clerk.

Dear Sir—Yours of the 17th inst., in the matter of the Harney Valley Improvement Company just at hand. I am merely the attorney for the company and could not answer for the corporation, as to whether all of the suggestions by you would be satisfactory, or not. Of course, you understand this is the equivalent of making a new contract, and I would suggest that it would be better for the state to examine the contract already entered into, and the law applicable thereto, and determine whether it is a contract of any value to the state, or whether the state feels it has made a mistake in entering into the contract, and if so take its own course to remedy the matter. I do not think the corporation will surrender its contract and ask to have it cancelled. That is not its position. Its position is that it has made a contract in good faith. That before entering into the contract with the State it carefully examined the Carey Act and the State laws applicable and tried to formulate a contract strictly in the spirit of those laws. You will find the Harney Valley Improvement Company's contract is not a speculative contract. Perhaps not as much so as it might have been. It is a closely calculated contract with a very small margin of supposed profit, so small that it could be easily wiped out entirely by any miscalculation or mishap.

My understanding is that the contract was thus made on the part of the Harney Valley Improvement Company because it expects to make a legitimate continuous profit from the sale of the water and it was this long time element which it looked to for its reward. Possibly I am in error about this and possibly the Carey Act itself requires that the reclamation system be turned over to the Water Users, but unless it is required by the law, I believe this condition in the schedule you have sent me would be distasteful to the Harney Valley Improvement Company, because it would wipe out that element of the contract from which the real profit was expected.

I am well aware that many of the Carey Act contracts were padded, expanded and stuffed to a degree which gives an enormous profit to the construction company, merely from construction alone but this certainly was not the intention of the Carey Act and if you will examine the Harney Valley Improvement Company's contract and take the estimate of any person familiar with the country, you will find that it is a businesslike contract, just as if it were a bid for a construction of a part of a railroad or canal system. In fact, you have already examined into the estimate before the contract was approved.

I doubt whether capital can be enlisted in private reclamation schemes for merely the ordinary profit on contract work, and perhaps it would be better to leave the whole matter to the government, though my own experience does not lead me to that conclusion, and my own inclinations are toward development by private enterprise, but under suitable restrictions to prevent the exercise of anything like a monopolistic privilege. Another one of the conditions submitted to me, which I think could not be approved by the Harney Valley Improvement Company, is that it must make proof of its ownership of the water it intends to use. What is to be considered proof? Is the State Land Board going to act in a judicial capacity and decide who has superior water rights, or is it going to refuse all contracts where the water rights are disputed? In the latter event, every contract can be defeated by just such an arbitrary dispute as exists in this case. We have filed upon unappropriated spring flood water. The decisions are numerous, that any surplus or unappropriated water, no matter for how short a time it may run, is subject to appropriation. We think we have a good appropriation which will be sustained by the courts, but we expect to have to fight the Pacific Live Stock Company in this matter, as we have met their antagonism through this entire contract. Is the State Land Board going to decide this issue, or is it going to seek to annul its contract because there is going to be litigation over the water? It had its own engineer make his own examination before the State approved the contract. The failure of the Secretary of the Interior to promptly approve this contract has played directly into the hands of the Pacific Live Stock Company. Does the State Land Board expect the Harney Valley Improvement Company to make good its appropriation of water by building dams and canals, before it has a complete contract? and until it begins to take the water out and appropriate it, no one is objecting. As the record now stands, we have made our appropriation of water and no one is objecting to it, therefore, prima facie, we have a right to it, but we frankly say we expect a contest when we begin to use this water. Perhaps we may be disappointed in this. But we cannot set to work to use it until we have a contract.

My own private opinion is that the delay in this matter has been of far more serious injury to the state of Oregon than it has to the Harney Valley Improvement Company, and my own private opinion is that this delay has been largely due to a belief in the Interior department that everything in Oregon is a graft and that there are no honest men in Oregon. Certainly the contract is there for investigation, and the people making up the corporation are here for investigation.

All the Harney Valley Improvement Company asks is for a decision one way or the other, and it was believed that the State Land Board, upon due examination of the contract, would see that it was to the interest of the state to have this matter settled. I don't like, on my own responsibility, to say that the Harney Valley Improvement Company would be better off to be out of the whole affair, and I do not say so. I do not say anything which can be construed into a request that the contract be annulled or disapproved, but I repeat that we would like a decision, one way or another. I will say, speaking for myself, that the conditions which will hereafter be made by the State Land Board in these contracts seem to me in the public interest and something no right-minded corporation ought to object to excepting the two points which I have discussed.

Yours very truly,  
C. E. S. Wood.

\$25.00 REWARD \$25.00.

Notice is hereby given that hunting and shooting upon the enclosed lands of the American Land & Live Stock Co located in townships 39 & 40 S Range 35 E and township 39 S, R 36 E W M, Harney Co Oregon (better known as the Trout Creek and Colony Ranches) is strictly forbidden. Any person or persons found hunting or trespassing with a gun in their possession on above described property will be prosecuted to the full extent of the law. A reward of \$25 is hereby offered for evidence that will lead to their arrest and conviction.

AMERICAN LAND & LIVE STOCK CO.  
By E. B. HILL, RANCH MANAGER.

#### An Alarming Situation

frequently results from neglect of clogged bowels and torpid liver, until constipation becomes chronic. This condition is unknown to those who use Dr. King's New Life Pills; the best and gentlest regulator of Stomach and Bowels. Guaranteed by City Drug Store. Price 25c.

For Sale—Five choice lots in Ontario, 40 lots in Lawen, 10 lots in Burns; 160 acres of good land a part of it natural meadow 10 miles east of Burns, unimproved; 160 acres near Saddle Butte with present crop of wild grass standing, has a house and good fence. Particulars can be obtained at this office.

The Times-Herald will make this a bargain month in the way of subscriptions and has arranged to give the Semi-Weekly St. Louis Republic free to all who pay up arrears and one year in advance to The Times-Herald. New subscribers who pay in advance will also receive this great national semi-weekly newspaper and family magazine in the United States. The two papers one year for \$2— for this month only.

Look Out—Get the safety incubator, now it runs without a lamp. See W. T. Smith about it, Burns Oregon.

#### Following The Flag.

When our soldiers went to Cuba and the Philippines, health was the most important consideration. Willie T. Morgan, retired Commissary Sergeant U. S. A., of Rural Route 1, Concord, N. H., says: "I was two years in Cuba and two years in the Philippines, and being subject to colds, I took Dr. King's New Discovery for Consumption, which kept me in perfect health. And now, in New Hampshire, we find it the best medicine in the world for coughs, colds, bronchial troubles and all lung diseases. Guaranteed at City Drug Store. Price 50c and \$1.00. Trial bottle free."

WANTED—Agents, Hustlers, Salesmen, Clerks and everybody who wants to enjoy a good hearty laugh to send 50c for "Tide to Agents." Worth \$50 to any person who sells goods for a living. If not satisfactory your money back. Circular by stamp. The Dr. White electric Comb Co., Decatur, Ill.

**Hot-Breads  
Light and  
Sweet  
are made with  
ROYAL  
BAKING  
POWDER**  
Absolutely Pure  
Bland-dyspeptic; may be eaten without inconvenience even by persons with delicate digestion.  
ROYAL BAKING POWDER CO., NEW YORK.

## SHOULD MAKE IT A HUMMER

THE CELEBRATION CAN BE MADE A HOWLING SUCCESS

Up to The Business Men of Burns to Make An Interest-A Lash Prize for the Most Representative Float.

The Times-Herald would suggest that those in charge of the celebration program for July 4 offer a substantial cash prize for the best and most representative float gotten up by local business houses and taking part in the parade.

Burns should make an especial effort this year. We are inviting the entire population of Harney County to be present and we should give them everything in our power. This can be done if the business men will enter into the spirit of the occasion and do their part. A big parade has been planned with many interesting features. It will be headed by two brass bands with military cars, fire departments, officers of the day and floats. This last feature should be made particularly good, as it will add much to the effect. The committee has asked the Sunday schools to participate and will have a chariot for George and Martha Washington, "Uncle Sam" and Columbia will also have a place in the line of march.

The people should remember that we will have a distinguished gentleman as our guest and orator, in the person of Hon. James Withycombe, who will be here for several days. The gentleman will hold a farmers institute beginning on the evening of July 2 and continue the forenoon of the following day and possibly the evening of the 3d. Farmers and stockraisers from every part of the county will be present to take advantage of this opportunity to receive instructions from this eminent gentleman.

The Fair Association is working in conjunction with the citizens to make the day of the 4th the most enjoyable and satisfactory celebration ever attempted by our city. The afternoon program of horse racing and other sports are under the entire management of the association and the gates will be open free to all who come to Burns to celebrate. The Times-Herald wants it distinctly understood that no charges will be made on that day, the entire grounds, including the grand stand and the pavilion with its handsome exhibit of mounted specimens of animals and birds, are free to our visitors.

It is also being arranged to reorganize the Harney County Stock Association during that time—though possibly not on the day of the 4th. Many of our prominent stockmen will be present to receive whatever benefit possible from Dr. Withycombe's institute and it has

## A WONDERFUL INVENTION.

It is interesting to note that fortunes are frequently made by the invention of articles of minor importance. Many of the more popular devices are those designed to benefit people and meet popular conditions, and one of the most interesting of these that has ever been invented is the Dr. White Electric Comb, patented Jan. 1, '99. These wonderful combs positively cure dandruff, hair falling out, sick and nervous headaches, and when used with Dr. White's Electric Hair Brush are positively guaranteed to make straight hair curly in 25 days time. Thousands of these electric combs have been sold in the various cities of the Union, and the demand is constantly increasing. Our agents are rapidly becoming rich selling these combs. They positively sell on sight. Send for sample. Men's size 35c, ladies' 50c — (half price while we are introducing them.) The Dr. White Electric Comb Co., Decatur, Ill.

Wool growers are invited to call on or write W. A. Goodman, Burns and get terms for shearing with the new plant he has ordered.

**The Lone Star RESTAURANT**  
China George, Proprietor.  
Cor. 5th and B Streets.  
MEALS AT ALL HOURS  
Bakery in connection.  
A Specialty of Short Orders.  
Table furnished with everything the market affords. Your patronage solicited.

**STEVEN'S**  
ON YOUR HUNTING TRIP  
The Stevens Arms and Tool Co., Chicago, Ill., U.S.A.

**E. N. NELSON**  
Has had over 24 years experience as  
**Watchmaker and Optician.**  
Second door north of post office.  
Burns, Oregon.  
The Finest of All  
**MARYLAND CLUB WHISKY**  
For Sale Only at  
**Hotel Burns Bar**  
Agents, Burns, Ore.  
Rothel & Brok, Distributors, Portland, Oregon.

**M. L. LEWIS**  
Will be glad to furnish  
PARTICULARS  
and PRICES  
To anyone desiring INFORMATION.  
See his Handsome DESIGNS.

**M. L. LEWIS**  
WILL BE GLAD TO FURNISH  
PARTICULARS  
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**FIRST NATIONAL BANK**  
ONTARIO, OREGON.  
Interest Paid on Time Deposits.  
We Solicit Your Banking Business.  
STOCKHOLDERS:—M. Alexander, Wm. Jones, E. H. Test, C. E. Kenyon, H. Alexander, Estate of Abner Robbins, William Miller, Frank R. Coffin, Thos. Turnbull.

**First National Bank**  
CALDWELL, IDAHO  
A General Banking Business Transacted  
CORRESPONDENCE INVITED

**THE CARTER HOUSE.**  
AMERICAN PLAN  
ONTARIO, OREGON.  
Fire-Proof, Modern, Elegant.  
Rates \$2.00 and \$2.50 per day.  
All Outside Rooms—Near Depot  
This modern new Hotel was only recently opened to the public. Harney County people will be always welcome and courteously cared for. A first-class bar in connection.  
**LIVERY BARN IN CONNECTION.**

**Napton & Boyd**  
Real Estate. Mines and Mining.  
PAYETTE, IDAHO. ONTARIO, OREGON.  
Ontario office: New Wilson Bldg.

**THE CAPITAL SALOON,**  
TRINCH & DONEGAN, Proprietors.  
Burns, Oregon.  
Make This Headquarters.  
Wines, Liquors and Cigars.  
Billiard and Pool Tables.  
Club Rooms in Connection.

**CHAS. WILSON,**  
SUCCESSOR TO WILSON & ASHTON.  
Blacksmithing and Horseshoeing.  
Wagon Work.  
ALL WORK GUARANTEED.  
Main St., Burns, Oregon

**JOHN DEERE SULKY PLOW**  
**Benicia Hancock Disc Plows.**  
WALKING PLOWS OF ABOVE MAKE  
**Tooth and Disc Harrows**  
**Thomas Disc Drills.**  
Call and get prices before purchasing.  
**C. H. VOEGTLY, Burns, Ore.**