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THE OREGON WATER LAWS IN JEOPARDY

The Adoption of a Proposed Initiative Measure Would Destroy Workings and Effect of Law, Leave Water Right at Sea and Indefinitely Delay and Retard Development.

By C. B. McConnell in Burns Times-Herald.

Our water code was adopted after long consideration, exhaustive research and careful deliberation. The matter was before several sessions of the legislature, which had the assistance of the best technical, engineering and legal talent that the law might be efficient and conform to the various supreme court decisions pertaining to water rights. The law has proven most efficient and its legality has stood the test in every case before the courts.

The adoption of the proposed initiative measure (Nos. 346 and 347 on official ballot) would as completely destroy the working and effect of the law as if same was entirely repealed. It would cut off all fixed appropriations, upset and destroy all organized departments under the law, leave all matters of pending adjudications and determination and record of existing water rights "up in the air," and indefinitely retard and delay development. Its adoption would not save a dollar to the state, put on the other hand would cause an incalculable loss and waste to both the state and the individual citizen.

Section 1 of the measure abolishes the Desert Land Board and throws the duties of that board back to the State Land Board.

The Desert Land Board was created in 1909. It consists of Governor Secretary of State, State Treasurer, Attorney General and State Engineer, who serve without additional compensation to their respective salaries as fixed by law. This board has charge of all reclamation work and all matters pertaining to water rights of the Carey Act projects.

The State Land Board consists of the Governor, Secretary of State and State Treasurer, constituting a Board of Commissioners to dispose of the state lands and invest the proceeds arising therefrom.

Prior to 1909 the State Land Board handled the Carey Act projects and made a dismal failure of them. This was largely due to the fact that its members did not have the time nor the legal and technical qualifications to prepare proper contracts and to see that the work under the contracts was being properly done and carried on to the advantage of the settler. These defects were provided for by calling in the Attorney General, the legal adviser of the state, and the State Engineer to pass upon and be in direct charge of the technical and engineering features.

The members of the State Land Board are fully occupied with the duties of their respective offices. In the past the Board has been so busy that it has practically given away the valuable school, swamp and tide lands of the state, the heritage to the school fund.

It will be seen that the change contemplated in Sec. 1 of the proposed measure abolishes no official and produces no economy. It simply changes the combination of the present state officials and does not save a dollar of state funds.

Sections 3 and 4 of the proposed measure attempts to legislate the present State Engineer out of office; provides that the engineer of the Tumalo project shall perform the duties of the State Engineer until 1916, at a salary as now fixed by the Desert Land Board, and that thereafter a hydraulic engineer shall be appointed by the State Land Board at a salary of \$2400 per annum.

The present State Engineer receives a salary of \$300 per annum. The engineer on the Tumalo project receives a salary of \$4200 per annum as now fixed by the board.

If it is necessary to have an engineer on the Tumalo project (some 8 to 15 miles off the Deschutes railway lines,) can we depend upon him being able to look after the reclamation matters in other parts of the state?

Can a competent engineer who has devoted the necessary time and expense in acquiring a technical education be found to take the office at \$2400 per annum?

There is no permanent fund or appropriation for the Tumalo Project. The present appropriation is exhausted and the next legislature must provide for its future maintenance. Will it provide for a competent engineer?

This cannot be considered a political issue as Mr. Lewis, the present incumbent, goes on the ballot as the regular nominee of the Republican and Democratic parties. Mr. Laurgard, the Tumalo project engineer, registered last Spring at Redmond as a Republican and later changed the party designation to the Democratic party.

Sections 5, 6, and 7 of the proposed measure provides that the State Water Board shall be abolished and one Water Commissioner appointed by the State Land Board, at a salary of \$2400 per annum, to perform all the duties now imposed upon the Water Board.

The present Water Board consists of the State Engineer and two Water Superintendents. As the proposed

measure provides for a State Engineer and a Water Commissioner, it really only does away with one official; but that is one of the most IMPORTANT OFFICIALS of the State.

The Water Superintendents have direct charge of the adjudication and determination of the water rights on all streams and the administration and distribution of all waters. The rights in a few of our water-sheds have been determined, while on some of the largest and most important streams proceedings are now pending. On these the claimants, settlers and those seeking the development of our water resources have paid their per acreage fees and are entitled to a speedy determination of their respective rights. During this period of adjudication the Water Superintendents and means to carry on this work should be increased rather than diminished. As a matter of fact, during the next three or four years there will be a greater volume of evidence to be taken and considered by the Water Superintendents than will come before all the Circuit Judges of all the counties of the state. One Water Commissioner sitting at Salem, for whom no assistants are provided by the measure, could not complete these adjudications within the next ten years. After the water rights throughout the state have been determined one Water Commissioner will, perhaps, be sufficient, but that time is distant four or five years.

Section 9 of the proposed measure cuts off all of the fixed appropriations for the offices of State Engineer and the State Water Board and provides, "the needs of these departments left for the consideration and action of future legislatures," notwithstanding that the departments referred to have been "abolished" by the proposed bill.

Cannot the departments be best permanently organized and most consistently and continuously operated if their needs are properly provided for in advance?

An examination of the affairs of the departments affected shows that the expenses of the State Engineer's office are more than offset by the fees collected, and the other two departments affected by the bill pay large sums into the State Treasury, the aggregate from the three departments affected for 1913 amounting to \$39,690.

At present the State and Federal governments have a co-operative plan for carrying on water and land surveys throughout the state and which work is paid for, dollar for dollar, by the two governments. The proposed bill, by cutting off the state's appropriation, would automatically repeal the Federal allowance, and this necessary and important work would immediately stop in its half unfinished condition.

An excellent argument against the proposed measure, initiated by the Portland Chamber of Commerce, and joined in by other commercial and business organizations throughout the state, appears on page 77 of the official pamphlet and should be read by every voter in the state.

This is one of the most important measures before the people at the coming election. It affects, directly or indirectly, every section of the state and acts directly upon the immediate development of our resources and prosperity.

ON NO. 347 VOTE NO.

CARD OF THANKS.

We desire to extend to all our friends and neighbors our sincere thanks for the kindness and assistance rendered us during the prolonged sickness, and at the time of the death and burial of our beloved husband and father, Robert Van Horn, Mrs. Abbie A. Van Horn and Family.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF AUGUST 24, 1912, OF THE Gazette-Times published weekly at Heppner, Morrow County, Oregon, for October 1st, 1914.

Name of Editor, Managing Editor, Business Manager and Publisher, Vawter Crawford, Heppner, Oregon; owners, Cora D. Crawford and Vawter Crawford, Heppner, Oregon.

VAWTER CRAWFORD.
 Sworn to and subscribed before me this 1st day of October, 1914.
 C. E. WOODSON,
 [SEAL] Notary Public for Oregon.

My Commission expires Oct. 5, 1914.

County Superintendent S. E. Norton visited the schools in the Eight Mile and Rhea creek districts the last of the week.

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HEPPNER . . . OREGON

Mrs. L. E. Cohn and daughter, Mrs. Gladys Slaughter arrived Sunday last from Walla Walla on a visit to friends in Heppner.

Chas. and Omar Stanton and Mrs. Fred Ashbaugh returned on Thursday last from Walla Walla where they were called by the death of Elihu B. Stanton.

I have for sale several head of Jersey cows and heifers. Some of these fresh now and others to become fresh soon. This is select stock. Im. O. J. COX, Heppner, Ore.

Harlan Stanton, formerly of this county, but now a resident of Centralia, Wash., visited in and about Heppner several days this week, coming down from Walla Walla where he had been with other members of the Stanton family to attend the funeral of their father, E. B. Stanton.

Ralph Justus came down from the Heppner forest on Friday. He reports a dry season in the mountain and many of the usual watering places dried up, making it pretty hard on the flockmasters. This condition was relieved largely when the rains set in, and stock is now coming out of the mountains in excellent shape.

The European war situation, in the opinion of military experts both in this country and in such of those of Europe whose opinions have escaped the severe censorship, indicate that the involved powers are likely to be in a prolonged death struggle. The theory of a short and decisive war seems now to be abandoned, and unless conditions materially change the experts say the contest will be prolonged, but none hazards a guess as to how long.