

## UMATILLA RAPIDS MEASURE READY

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utilizing the flow of the Columbia River, improving navigation, providing for the delivery of water for reclamation of public and private lands and other beneficial uses and for the generation of electrical energy as the means of making the project herein authorized a self-supporting and financially solvent undertaking. The Secretary of the Interior is hereby authorized to construct, operate, and maintain a dam capable of raising the water to an elevation of 310.5 feet and incidental works in the main stream of the Columbia River at Umatilla Rapids and to construct and equip, operate and maintain at or near said dam a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the normal flow of the river, also to construct in connection with such dam a suitable lock or locks for the improvement of navigation; and to acquire by proceeding in eminent domain, or otherwise, all land, right of way, and other property necessary for said purposes.

Sec. 2 (a) There is hereby established a special fund, to be known as the "Umatilla Rapids Fund" (hereinafter referred to as the "fund") and to be available, as hereinafter provided, only for carrying out the provisions of this Act. All revenues received in carrying out the provisions of this Act shall be paid into, and expenditures shall be made out of, the fund, under the direction of the Secretary of the Interior.

(b) The Secretary of the Treasury is authorized to advance to the fund, from time to time and within the appropriations therefor, such amounts as the Secretary of the Interior deems necessary for carrying out the provisions of this Act, except that the aggregate amount of such advances shall not exceed the sum of \$45,000,000. Interest at the rate of 4 per centum per annum accruing during the year upon the amounts so advanced and remaining unpaid shall be paid annually out of the fund.

(c) Moneys in the fund advanced under subdivision (b) shall be available only for expenditures for construction and the payment of interest, during construction, upon the amounts so advanced. No expenditures out of the fund shall be made for operation and maintenance except from appropriation therefor.

(d) The Secretary of the Treasury shall charge the fund as of June 30 in each year with such amount as may be necessary for the payment of interest on advances made under subdivision (b) at the rate of 4 per centum per annum accrued during the year upon the amounts so advanced and remaining unpaid, except that if the fund is insufficient to meet the payment of interest the Secretary of the Treasury may, in his discretion, defer any part of such payment, and the amount so deferred shall bear interest at the rate of 4 per centum per annum until paid.

(e) The Secretary of the Interior shall certify to the Secretary of the Treasury, at the close of each year, the amount of money in the fund in excess of the amount necessary for construction, operation, and maintenance, and payment of interest. Upon receipt of each such certificate, the Secretary of the Treasury is authorized and directed to charge the fund with the amount so certified as repayment of the advances made under subdivision (b), which amount shall be covered into the Treasury to the credit of miscellaneous receipts, and shall be available for the purposes specified in subdivision (e).

(f) In order to make the advance to the fund, the Secretary of the Treasury may, if he deems it advisable, exercise the authority granted by the various Liberty Bond Acts and the Victory Bond Act, as amended and supplemented, to issue bonds, notes, and certificates of indebtedness of the United States; and any bonds so issued shall be disregarded in computing the maximum amount of bonds authorized by Section 1 of the Second Liberty Bond Act, as amended.

(g) The Secretary of the Treasury is authorized and directed to use, upon such terms and conditions as he may prescribe, for the payment, redemption or purchase, at not to exceed par and accrued interest, of any bonds, notes, or certificates of indebtedness of the United States, the money covered into the Treasury under subdivision (e) in repayment of the amounts advanced.

Sec. 3. There is hereby authorized to be appropriated from time to time out of any money in the Treasury not otherwise appropriated, such sums of money as may be necessary to carry out the purposes of this Act, not exceeding in the aggregate \$45,000,000. Sec. 4. Before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, in accordance with the provisions of this Act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment within fifty years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon.

Section 5. That the Secretary of the Interior is hereby authorized, under such general regulations as he may prescribe, to contract for the delivery of water at such points on the river as may be agreed upon, for irrigation and domestic uses, and delivery at the switchboard to municipal corporations, political subdivisions, and private corporations of electrical energy generated at said dam, upon charges, that will provide revenue which, in addition to other revenues accruing under the reclamation law and under this Act, will cover operation and maintenance expense of work constructed under this Act and the payment to the United States under the provisions of section 4. Contracts respecting water for irrigation and domestic use shall be for permanent service. No person shall have or be entitled to have the use for any purpose of the water stored as aforesaid

except by contract made as herein stated.

After the repayment to the United States of all money advanced with interest, charges shall be on such basis and the revenue derived therefrom shall be disposed of as may hereafter be prescribed by Congress.

General and uniform regulations shall be prescribed by the said Secretary for the awarding of contracts for the sale and delivery of electrical energy, and for renewals under subdivision (b) of this section, and in making such contracts the following shall govern:

(a) No contract for electrical energy shall be of longer duration than fifty years from the date at which such energy is ready for delivery.

(b) The holder of any contract for electrical energy, not in default thereunder, shall be entitled to a renewal thereof upon such terms and conditions as may be authorized or required under the then existing laws and regulations, unless the property of such holder dependent for its usefulness on a continuation of the contract be purchased or acquired and such holder be compensated for damage to its property, used and useful in the transmission and distribution of such electrical energy and not taken, resulting from the termination of the supply.

(c) Contracts for the sale and delivery of electrical energy shall be made with responsible applicants therefor who will pay the price fixed by the said Secretary with a view to meeting the revenue requirements of the project as herein provided for. In case of conflicting applications, if any, such conflicts shall be resolved by the said Secretary, after hearing with due regard to the public interest, and in conformity with the policy expressed in section 7 of the "Federal Water Power Act" as to conflicting applications for permits and license: Provided, however, that no application of

a political subdivision for an allocation of electrical energy shall be denied or another application in conflict therewith be granted on the ground that the bond issue of such political subdivision, necessary to enable the applicant to utilize the electrical energy applied for, has not been authorized or marketed, until after a reasonable time, to be determined by the said Secretary has been given to such applicant to have such bond issue authorized and marketed.

(d) An agency receiving a contract for electrical energy equivalent to one hundred thousand firm horsepower, or more, may, when deemed feasible by the said Secretary, from engineering and economic considerations and under general regulations prescribed by him, be required to permit other similar agencies having contracts hereunder for less than the equivalent of twenty-five thousand firm horsepower to participate in the benefits and use of any main transmission line constructed by the former for carrying such energy (not exceeding, however, one-fourth the capacity of such line), upon payment by such other agencies of a reasonable share of the cost of construction, operation, and maintenance thereof.

The use is hereby authorized of such public and reserved lands of the United States as the said Secretary shall determine to be necessary or convenient for the construction, operation, and maintenance of main transmission lines to transmit said electrical energy.

Sec. 6. The title of said dam, reservoir, plant, and incidental works shall forever remain in the United States and the United States shall always control, manage, and operate the same; provided, however, that the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of said plant, with right to generate electrical energy, or alternatively, to enter into

contracts of lease for the use of water for the generation of electrical energy, in either of which events the provisions of section 5 of this Act relating to revenue, term, renewal, determination of conflicting applications and joint use of transmission lines under contracts for the sale of electrical energy, shall apply.

The Secretary of the Interior shall prescribe and enforce rules and regulations conforming with the requirements of the Federal Water Power Act, so far as applicable, respecting maintenance of works in condition of repair adequate for their efficient operation, maintenance of a system of accounting, control of rates and service in the absence of State regulation for rate-making purposes, transfers of contracts, contracts extending beyond the lease period, expropriation of excessive profits, emergency use by the United States of property leases and penalties for enforcing regulations made under this Act or penalizing failure to comply with such regulations or with the provisions of this Act.

Sec. 7. That all lands of the United States found by the Secretary of the Interior to be practicable of irrigation, and reclamation by or as a result of the works authorized herein shall be withdrawn from public entry. Thereafter, at the direction of the Secretary of the Interior, such lands shall be opened for entry, in tracts varying in size but not exceeding one hundred and sixty acres, as may be determined by the Secretary of the Interior, in accordance with the provisions of the reclamation law, and any such entrymen shall pay an equitable share in accordance with the benefits received, as determined by the said Secretary, of the construction cost of the work from which benefits are received; payments to be made in such installments and at such times as may be specified by the Sec-

retary of the Interior, in accordance with the provisions of said reclamation law, and shall constitute revenue from said project to be covered into the fund herein provided for: Provided, That all persons who have served in the United States Army, Navy, or Marine Corps during the war with Germany, the war with Spain, or in the suppression of the insurrection in the Philippines, and who have been honorably separated or discharged therefrom or placed in the regular Army or Navy Reserve, shall have the exclusive preference right for a period of three months to enter said lands, subject, however, to the provisions of subsection c of section 4, Act of December 5, 1924 (Forty-third Statutes at Large, page 702); and also, so far as practicable, preference shall be given to said persons in all construction work authorized by this Act: Provided further, That in the event such an entry shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, lands so relinquished shall not be subject to entry for a period of six-

ty days after the filing and notation of the relinquishment in the local land office, and after the expiration of said sixty-day period such lands shall be open to entry, subject to the preference in this action provided. Sec. 8. "Political subdivision" or "political subdivisions" as used in this Act shall be understood to include any State, irrigation, or other district, municipality, or other governmental organization. "Reclamation law" as used in this Act shall be understood to mean that certain Act of Congress of the United States approved June 17, 1902, entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and the Acts amendatory thereof and supplemental thereto. "Maintenance" as used herein shall be deemed to include in each instance provisions for keeping the works in good operating condition. Sec. 9. That the short title of this Act shall be "Umatilla Rapids Project Act."

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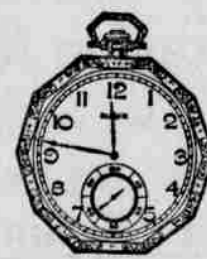
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