

Summary Given on State Water Rights Legislation

Editor's Note: This is the first of a series of articles to be run on the farm page on irrigation. Today's story results from adoption of material from a booklet published for Nevada vocational agriculture students. Other information was obtained from D. C. Hendrix, county watermaster. Nevada water rights law is very similar to Oregon's.

By **JOE COWLEY**
Mail Tribune Farm Editor

One of the big problems in irrigation is to decide who actually has water rights. Prior to the 1909 Oregon Water Code people could acquire water rights same as people acquired land through the Homestead Act merely by squatting on it and using it. Since 1909, however, people must file any water rights with the state engineer. Before 1909 people merely had to show proof by construction of ditches, etc.

When the courts acted on this problem, water users had to establish priority of right by showing the amount of ground irrigated and water used. This could be done through witnesses or by showing legal documents for proof. Now, those wanting to appropriate water must make application to the state engineer for a permit to appropriate public waters for their use. This must be done by applying for a definite amount of water on standardized forms. Holder of an approved application must make certain reports. After completing proof of beneficial use he is en-

titled to a certificate from the state engineer showing evidence of his appropriation. **Belongs To Public**

Oregon law provides that the water supply within the boundaries of the state whether above or beneath the surface of the ground belongs to the public and is subject to appropriation for beneficial use. This applies to spring water, also.

The law provides further that all water used in the state for beneficial purposes shall remain "appurtenant" to the place of use. If the water is changed to another place, certain definite conditions must be followed. Appurtenant means a right, privilege or improvement belonging to and passing with the property.

Another stepping stone in establishing more definite water rights, particularly in this area, was the Rogue River decree which became final in 1919. A number of water rights were not completed when the court made its first adjudication or ruling so a grace period or time for making supplementary findings was allowed. This gave people more time in which to complete irrigation projects then under construction.

The supplemental findings are still not final. Now, the state engineer must make findings in fact, but the court must confirm his findings.

Further Complication

As a further complication, the state water resources board authorized by the last legislature makes policies for the state engineer to follow.

The board does not allow any new permits on Bear creek or its tributaries because the stream flow water there is already over-appropriated. Estimated average per acre yield is 100 cubic feet per second. Permits already issued total more than 400 cubic feet per second.

All surface water in the state is regulated according to priority. For instance, the watermaster might have to shut off 20 water users to allow one user his prior right to draw surface water from a certain stream. However, if these rights are not used in five or six years they can be lost through abandonment. All water must be used beneficially and not wasted or it can be taken from the water user.

The oldest water right in the county belongs to the Edgar B. Barron property on Hill creek above Emigrant reservoir. First water priorities in the county were established in 1852 for Neil creek, above Ashland and Wagner creek in the Talent area.

How do you divide water being diverted from the river? All people who have primary rights or senior appropriations have first call at their headgates for a definite specified amount of water. Any additional water can be appropriated and used by junior appropriators. Neither can claim to more than they can use beneficially.

When the state engineer sets the duty water or the amount which a farmer can use beneficially he considers

losses due to seepage, storage and evaporation. In Oregon, as in some other states, the first person to get a definite appropriation of water must demand a definite amount or request it at a definite time.

Waste Water Points

Here are some main points of law regarding waste water: The farmer owning the water must control it and not permit damage to the farmer below. Once the water leaves the farm that farmer has no further control over its use. The user of waste water cannot demand a definite amount or request it at a definite time.

Finally, the state engineer, located in Salem, has jurisdiction over acquisition of water rights. All applications, decisions and investigations on any water right, including natural flow, underground or spring comes through his office. Application forms, data, bulletins and information on water can be obtained in his office.

Conditions Set For Shipping Oregon Cattle

Salem-Pending removal of the California quarantine against Oregon cattle because of discovery of scabies in one herd in Baker county, cattle from this state may enter if three conditions are met.

Dr. A. G. Beagle, in charge of federal veterinarians in Oregon, and the state department of agriculture, make this announcement to guide cattlemen for the duration of the quarantine.

The three requirements, each of which must be fulfilled:

1. A veterinarian's inspection and health certification showing freedom from evidence of scabies. (Scabies is commonly known as mange and is caused by a mite.)
2. Treatment for scabies by an approved method, either through a spray chute or dipping in a vat.
3. A permit from the California department of agriculture prior to entry.

The dipping agent generally used is lindane. Cattle should not be slaughtered for 60 days after dipping, Dr. Beagle points out, because the animals absorb some of the lindane.

The California ban went into effect Feb. 2. Baker county was quarantined by the state department of agriculture as soon as the scabies condition was diagnosed and 22 exposed herds have been quarantined for dipping.

Dr. Beagle confirmed his directions when contacted by the Mail Tribune Wednesday noon. He said he had heard from California state officials Wednesday morning.

"I have received only one notice from California and there has been no official notification of any changes in the quarantine regulations set by California," Beagle said.

Telephone conversation with California officials Wednesday morning indicate there might be some changes regarding slaughter cattle, but the Oregon state department of agriculture in Salem will be informed of any new conclusions, Beagle stated.

Possible changes might be that slaughter animals shipped into California from Oregon could be sprayed with lime and sulphur and could be slaughtered immediately. Otherwise, animals sprayed with Lindane cannot be slaughtered for 60 days, according to regulations. The resulting toxicity from the spray will not cause cancer, however, Beagle said.

Contact Your Veterinarian

Ranchers should contact their veterinarians as to the right solution of spray material to use. However, the animals should be dipped in a vat or put through a pressure spray chute which has multiple nozzles so the animal will be wet down from all directions.

Beagle recommended use of 25 per cent wettable Lindane powder for the first spray, applied at the rate of 2 1/2 pounds per 100 gallons of water. If the water is to be used again the solution will be weakened since more of the powder is carried out than water. For reused water 2 3/4 pounds of Lindane should be applied per 100 gallons.

Scabies is a mite not visible to naked eye. There are different varieties, local veterinarians said. It is difficult to get rid of once cattle contact them. Oregon is almost rid of them, one veterinarian said. Animals lose a lot of hair and get a lot of itching. Cattle with the mite look half-starved.

At least 75 per cent of the feeders go to California, livestock authorities estimated. Many cattle also go to the Klamath basin feed lots.

Southern Oregon Livestock yard in Phoenix will not be affected much by the California cattle embargo, officials there reported. Most of the cattle going from there to California are slaughter animals. Midway Livestock Auction yard installed a delousing chute as recommended by Beagle since more of the feeders from there go over the state line. Both yards plan to hold sales as scheduled—Midway on Friday and Southern Oregon on Saturday.

Ground water regulation for all water under the ground comes under different regulations. The first ground water code in Oregon was established in 1927 for east of the Cascade mountains. This became effective for west of the Cascades on Aug. 3, 1955.

Under this ground water regulation, a permit must be filed with the state engineer or county watermaster. For domestic water such as used in a house or for stock, the first 15,000 gallons used in a day are exempt. Non-commercial crop irrigation is exempt if it does not exceed a half acre. Water under mining or industrial rights is exempt up to the first 5,000 gallons.

The average American farmer has nearly tripled his production in the past 30 years. In 1930, he produced enough for himself and nine others. Now, due to mechanization, development of higher yielding, hardier crop varieties and improved soil fertility, he produces enough for himself and 25 others.

Heifer dairy calves saved for herd replacements should be housed in pens opening to an outside exercise lot during the winter. Exercise lots should be well drained or paved.

There is no known cure for brucellosis and few animals ever recover from it.

Water is the cheapest livestock feed.

LEGAL NOTICES

NOTICE TO CREDITORS
IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY
PROBATE DEPARTMENT
In the Matter of the Estate of Lena M. Greene, deceased.
NOTICE IS HEREBY GIVEN that I have been appointed Administrator of the above estate by an order made therein on February 5, 1960, all creditors having claims against said deceased are hereby notified to present the same, duly verified, and with proper vouchers attached, to me at the office of Roberts, Kellington & Branchfield, 201-3 U.S. National Bank Bldg., Medford, Oregon, within six months from the date of this notice.
Dated at Medford, Oregon, this 11th day of February, 1960.
Charles R. Greene
Administrator

MAIL TRIBUNE, Medford, Or. Thursday, Feb. 11, 1960 5

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New Small Industry Possible With Sour Cherry Plantings

Jackson county may have a new small industry involving sour cherries if tentative plans are completed, it was reported today.

Some fruit industry people are interested in developing the new sideline. Jackson county housewives probably have noticed the cans with bright labels and the name "Del Rogue red tart pitted cherries." on their grocer's shelves. The processor, Bagley Canning company in Ashland, has indicated it will continue to can these sour cherries next season hoping more orchardists will start planting these trees.

Fred C. Roberts, of Bagley Canning, estimates his firm could handle from 100 to 200 tons in supplying present mar-

kets. Last season the cannery These cherries could be frozen, too, Roberts added.

It's a cinch nobody is going to get rich growing sour cherries, but it will make a nice sideline for orchardists and could start a good small industry in the Rogue Valley," those backing the program say.

Everything Favorable

Everything seems favorable towards producing sour cherries, those promoting the idea point out. Most favorable point is the trees are ready for picking about mid-July when plenty of local help is available in the Rogue valley. The trees can be picked through to August or over a longer period than most fruit trees. This is the only horticultural crop that shows prom-

processed about 10 tons. is on dry land, agricultural authorities point out. The trees will produce a commercial crop. Overall, the trees require less care than other fruit trees.

Eugene and Salem areas have much larger plantings of sour cherry trees but have been having some trouble with virus disease killing trees. The Rogue valley can raise a virus free strain of tree now available in local nurseries.

It has been recommended that the trees be planted in large enough blocks so they can be efficiently sprayed. Such trees make good interplantings in pear and peach orchards, it was pointed out.

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