

# Lake County Examiner

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## WATER RIGHTS CASE.

**Supreme Court Decides on Privileges of Owner of Land Contiguous to Stream--The Chewaucan Case, Jones-Conn.**

The Supreme Court of Oregon, on April 29th, handed down an opinion in the Lake County water case, in which the judgment of Circuit Judge Benson was affirmed. The opinion is as follows:

George Jones et al., appellants, vs. George Conn., respondent, from Lake County, Henry L. Benson, Judge; affirmed. Opinion by Chief Justice Bean.

This was a suit to enjoin the defendant Conn from diverting the waters of Chewaucan River through a ditch recently constructed by him. The plaintiffs are riparian proprietors on the river, and the owners in severalty of divers tracts of arid land, aggregating several thousand acres. These lands are level, and when irrigated, very fertile, but valueless without. Conn is an upper riparian proprietor, owning 875 acres, through which the river flows a distance of nearly two miles. The upland he proposes to irrigate is somewhat lower than a bluff between it and the river, and slopes slightly away therefrom, so that it was contended that any water used thereon for irrigation cannot find its way by percolation back into the river. Part of the land contiguous to the stream, but not bordering it, was acquired by different conveyance from that by which he obtained the rest of the land. The Supreme Court says:

"There is virtually but one question involved in this case, and that is whether the lands which the defendant seeks to irrigate are riparian in character. It is common learning that every person through whose premises a stream of water flows, has a right to use and enjoy it as it passes through his land; but, as all other proprietors have a similar right, it necessarily follows that one cannot use or divert the water to the injury of another. The right of each must be exercised in subordination to that of all the others. As we understand the law, lands bordering on a stream are riparian, without regard to their extent. The fact that the owner may have procured the particular tract washed by the stream at one time, and subsequently purchased land adjoining it, will not make him any the less a riparian proprietor, nor should it alone be a valid objection to his using the water on the land last acquired. The only thing necessary to entitle him to the right of a riparian proprietor is to show the body of land owned by him borders upon a stream. By virtue of the ownership of land in proximity to the stream, he is entitled to a reasonable use of the water, which is defined as, 'any use that does not work actual, material, and substantial damage to the common right which each proprietor has, as limited and qualified by the precisely equal right of every other proprietor.' In the determination of what will be considered such an use, each case must depend entirely upon its own facts and circumstances. . . . The right to use the water belongs to the owner of the land, and the extent of its exercise is not to be determined by the area or contour of his land, but its effect upon other riparian proprietors."

The decree of the lower court, having been in accordance with these rules of law, the decree is affirmed.

### Daily Mail From South.

Postmaster Wilcox is circulating a petition to the authorities at Washington praying for a seven-times-a-week mail via the Southern. The N-C-O Ry. Company has already put on a Sunday train and it is thought the prayer of petitioners for a new schedule will be granted. This will be a great convenience to the people of Lakeview and way points, as heretofore the Sunday mail for the north laid over at Reno, and a double mail arrived on Monday evening. Doubtless the change will be made within thirty days.

## LAKE COUNTY!

**A Brief Description of One of the Big Counties of Oregon.**

**Some of the Resources of Southeastern Oregon, the Possibilities of Lake County--The Locality That Home-Seekers Should Not Overlook.**

Lake county, Oregon, is the third largest county in the State. Its length is 115 miles and its breadth 80 miles. The country is mountainous, interspersed with numerous large and countless small fertile valleys. On the mountains is an abundance of grass and hundreds of thousands of head of stock are pasturing there continuously. The land is well adapted to agricultural purposes, but scarcely sufficient has been cultivated to supply local demands. It has been considered useless, heretofore, to cultivate more than necessary for the growing of cereals for home consumption, as the expense of sending the surplus to market would not be a paying industry, owing to remoteness from railroads. However, a railroad--the Nevada, California & Oregon--will, we are assured, have its rails laid to Lakeview from the present terminus at Termo, Cal., within the next fifteen months. Engineers are already in the field selecting the best route. When the railroad reaches Lakeview, through the extensive and rich Goose Lake valley, then will agriculture, fruit and the garden produce industry be extensively engaged in. There is a promise within the next few months of the establishment of a creamery on a large scale for the manufacture of butter and cheese. There are many new industries contemplated for

mountain canyons nearly all the year round, and for sport and pleasure the finest fishing pools and camping places on the coast; all kinds of big and little game are here also in abundance. Bands of antelope, numbering in the hundreds, scurry over Lake's hills, and the big mule-tail deer can be found anywhere in the mountains and foothills.

Deeded lands in Lake county, Oregon, may be purchased at \$2.50 to \$7 per acre, and intending purchasers may address The Examiner at any time for a list of places for sale. The vacant lands may be acquired under the desert, homestead or timber land laws of the United States. A United States land office is located in Lakeview for the accommodation of settlers. Considerable state land can be had in this county at \$1.25 per acre on easy payments. All kinds of hardy fruits grow abundantly here and berries are very prolific. Persons desiring to acquire homes, either improved, partly improved or otherwise, should not rest until they see this portion of the State of Oregon.

The altitude of Lake county is at an average of 4,500 feet. One can reach here, coming from the East, over the Central Pacific to Reno, Nevada, thence by the Nevada, California & Oregon Railway to Termo, Cal., 120 miles distant from Lakeview, or by the Southern

here in the winter, and about sufficient snow falls to insure good range feed for stock in summer. Cattlemen usually feed their herds, or the most of them, about sixty or seventy days in the winter. Partly improved places of 80 to 320 acres can be had near Lakeview at \$4 to \$12 per acre. For information regarding these places Eastern people should address "The Examiner," Lakeview, Oregon.

The merit of Lake county is attested in the fact that people once attracted here seldom go elsewhere, for they proclaim it the best section in which to make money in the entire Northwest. A few of the things that Lake county possesses: Cheap lands; plenty of water; cool nights in midsummer; picturesque scenery; good mail and telegraph facilities; pure, cold mountain water the year round; innumerable hot springs; great lakes fed by mountain streams, and beautiful fertile valleys; a mine that produces good salt; the finest fishing pools and hunting grounds on the Pacific Coast; fine schools and churches; thirty-five sheep, 3 horses and 10 head of cattle for every man, woman and child in Lake county. We have jails that are unoccupied 365 days in the year, and churches filled every Sunday. We have not any paupers--our people are self-sustaining; we have not a single day in midsummer too hot to work in the sun; we have not any cyclones, hurricanes, blizzards or floods. We want ten thousand more people in Lake county.

## TIMBER LANDS.

**People of Lake County Who Still Hold Rights Should Use Them.**

The demand for timber land is moving a number of Portland citizens to make use of their homestead rights and quite a number will take up quarter sections this summer, says the Oregonian. Vacant quarters are not so numerous as they were two years ago, and those desiring to obtain timber land from the Government will have to go into the remote parts of Southern Oregon. A hotel clerk who expects to use his homestead right, said yesterday: "I shall get me a quarter upon which there is 7,000,000 or 8,000,000 feet of good Oregon fir. I can obtain title by simply sleeping on the place once in six months, while the improvements I put on will not be very expensive. By and by I can sell my quarter section to a syndicate for \$3000 and thus make quite a raise by a little effort. I have already secured a quarter in Washington, under the Timber Land act, at an outlay of \$400 and I refused \$3000 for it the other day."

William Rasmussen, a prominent lumberman of La Crosse, Wis., who is at the Imperial, predicts a big demand for Oregon lumber in the East within a few years. "The pine of the Southern States," he said yesterday, "is inferior to the Oregon fir and lasts only two years, when exposed to the weather. The pine of Michigan, Wisconsin and Minnesota will be pretty well exhausted within four or five years, and then the East must look to the Pacific Coast for its structural timber."

Mr. Rasmussen is in Oregon with a view to purchasing timber lands while they are cheap.

It behooves the citizen of Lake county, who has not already used his or her homestead right, to "get in on the ground floor," before everything in the timber line is taken.

Mr. and Mrs. A. Y. Beach start next week as delegates from Lakeview to the I. O. O. F. and Rebekah Grand Lodges, which convene at Baker City on May 22d and 23d. Before returning Mr. and Mrs. Beach will visit the Pan-American Exposition at Buffalo, New York, going on the special train that carries the Oregon Press Association. They expect to be absent two months or more.

Miss Rose B. Coleman, one of the teachers of the Lakeview public school, starts next week for Eugene, where she will reside for some time. Miss Coleman made numerous warm friends during her stay here, and especially will the pupils of her school room miss her, as she was very popular with them. Miss Coleman is not only an estimable and brilliant woman, but a teacher of the first rank, and The Examiner speaks for her success wherever she goes.

## RAIL ROAD SPARKS.

**Vice President Dunaway Says Lakeview is the Objective Point and the N-C-O Will Get Here as Early as Possible.**

Alturas Plaindealer: "We have received a bit of railroad news of the very greatest importance to the people of Modoc and Lake counties. The news comes to us from a reliable source, and, though we are not at liberty to give the name of the informant, we regard it as absolutely reliable. Mention has been made from time to time of the control of the Sierra Valley Railway by the N. C. O. Last week the engineer corps was taken off the Termo extension, presumably to do a little work on the Sierra division. It now transpires that the N. C. O. Railway people have obtained possession not only of the Sierra division, but of the franchise down Feather river, and that the line will be extended direct to navigable water on the Sacramento, where it will connect with boats to and from San Francisco.

"This will give to the counties of Lassen, Modoc and the country north of us direct communication with San Francisco without any change or transfer except from boats, owned by the company, and the railroad. The importance of this move on the part of the N. C. O. people cannot be overdrawn. That it is true we feel confident, as the information comes to us from Reno and from a source we believe absolutely reliable. In the meantime work on the extension from Termo will not be pushed very rapidly for the present. Only sufficient road will be constructed to enable a good shipping point to be reached--probably at Likely."

"The Lakeview Examiner copies an item from the Oregonian to the effect that the N. C. O. Railway will go up the west side of Goose Lake valley, leaving Lakeview out in the cold. Do not consume your soul with anxiety, Bro. McGarrey. The road will do no such thing. It will follow the Goose Lake beach on the east side as nearly as possible. Water and ice have thrown up a ridge of gravel and sand several feet high, making a natural road bed and supplying gravel enough to ballast the road to Reno. The idea that the road would leave this level beach to cut and tunnel through the lava bluffs on the west side is too ridiculous to be entertained for a moment."

Reno Gazette: "The Lakeview Examiner of April 25th, under the caption of 'A Word to the Wise is Sufficient,' speaking of the peobable plans of the N. C. O., said that it was currently rumored that Lakeview was to be left out or to one side. A Gazette reporter was at once detailed to interview the General Manager with a view of finding out if such were the company's intention.

"Mr. Dunaway said that it was not. That his company had never made any other calculations but to run to Lakeview; 'But,' he added, 'I cannot say as to which side of Goose Lake the road will run on--that will have to be determined by the surveyors' compass and level.' He also said that it had been suggested that by taking the west side, what is known as Sugar Loaf Hill would be avoided and a shorter line obtained, but, that, in any event, Lakeview was the objective point.

"Mr. Dunaway is greatly impressed with the go-aheadativeness of the people of Lakeview, and incidentally remarked that he thought the territory should be occupied at the earliest possible moment; 'And you can say for me, if you please,' he added, 'that that will be the policy of the N. C. O.'"

### Two Thousand "Examiners."

Though not an unusual or extraordinary publication, two thousand copies of this issue of The Examiner will be distributed at the Pan American Exposition at Buffalo. These papers may fall into the hands of numerous people who intend to come West to seek new homes.



Lakeview and surrounding country. The town owns its own water and electric light system, and has a population of a thousand people. It has an elegant school building, with high school grade and five teachers. It has two churches--Methodist and Baptist. The business portion is all brick. One year ago, on the 22d of May, the entire business portion of Lakeview was in ashes; to-day the site of that catastrophe, where two hundred and fifty thousand dollars worth of property was destroyed, is graced with beautiful brick structures, a sample of which appears in these columns.

Lakeview is surrounded by extensive valleys, and lies at the verge of the Great Goose Lake, 15x45 miles in dimension. New Pine Creek at the state line (California and Oregon) to the south, and Paisley, in the heart of the great Chewaucan river to the north, are two growing towns with bright prospects ahead. Just across the ridge of low mountains to the east is to be found the great Warner valley, one of the most fertile spots in Oregon. Boring for artesian water is a new industry just started all over Lake county, with good prospects of success. One could not even mention casually in a limited space like this all the industries and possibilities of which Lake county can and should boast. We have fine forests of timber, numerous sawmills, great cattle ranches, an abundance of water flowing from the

Pacific Railway in the Siskiyou mountains, to Ager, Cal., thence to Lakeview, a distance of 160 miles over a good road by stage or private conveyance. Mail reaches Lakeview from San Francisco via the Southern in forty-eight hours. Termo, Cal., the present terminus of the railroad, is now the shipping point for Lake county. There is a bank in Lakeview, and our merchants and stockmen do about one million dollars' worth of business annually. About ten thousand head of fat cattle and fifty thousand sheep are sold in Lake county every year. Stockmen drive to the railroad, but will soon do their shipping from Lakeview. There is an abundance of fine timber land (much of which is now being taken) within a radius of twenty to fifty miles of Lakeview. Good homestead locations can be found within an easy day's drive of the county seat. Lands heretofore considered of little value are being taken up rapidly by a thrifty set of people from other states, who consider it good enough upon which to make homes. Lands of Lake county can be cleared for cultivation without expense, as most of it is dark sandy loam, covered with sagebrush, which is taken up by driving a team attached to a heavy roller over it, pulling the sagebrush up by the roots.

We always have sufficient rains, at about the right seasons, to insure good crops. Seldom does it get near zero