

RECLAMATION CURTAILED

Lower Klamath Lake Will Not Be Drained For the Present

IT MAY AFFECT MARSH LANDS

Cost Per Acre Estimated to be Between \$25 and \$30 an Acre--Engineer Henny Gives Outline of Work

At the regular monthly meeting of the Klamath Water User's association, which occurred in this city last Saturday, was read a letter from Supervising Engineer Henny, a portion of which is of most vital interest to the people of the Klamath Basin. This portion has relation to the draining of the Lower Klamath lake. Heretofore it was understood that the lower lake would be drained and thus bring under cultivation upward of 25,000 acres of lake bottom. Practically all of this was government and would have come under the homestead act.

In his letter Mr. Henny states that the area proposed to be irrigated has been reduced 46,000 acres. Part of this is the lower lake bottom, but there remain 21,000 acres not accounted for. While there has always been considerable doubt as to the number of acres of marsh land that would be reclaimed by the proposed drainage, this change in the plans of the government increases that doubt and makes it practically impossible to figure definitely on the question. The number of acres approximately estimated was surrounded by a wide margin of swamp or marsh land that no one could justly claim would be available for agricultural purposes, for the reason that a few inches of difference in the level of the lake and river would leave unreclaimed thousands of acres of this land. Now that the government has decided that the Lower lake will not be drained, the question naturally arises as to how many acres of the supposed drained marsh land will remain under water. It is practically certain that it will have an important

bearing on the marsh land outside of the lake territory.

When the Board of Engineers met here last October, the Republican was the only paper in the county that published a statement of what its future program would be. In that statement this paper said that the marsh lands would not be reclaimed for many years. That there were many points bearing upon the question of the availability of these lands that must first be settled, and until this was done then reclamation must wait. There was no question in the minds of the members of the Board as to the fertility of the soil and many other well known points, but there yet remained much to be learned, and until some actual demonstrations were made, the reclamation work would have to wait.

Mr. Henny's letter is practically a confirmation of the Republican story of four months ago. It definitely settles the question of expansion of the project, putting it up to the people of the Basin as to whether it will be pushed or move along at a snail's pace. If they put their shoulder to the wheel and push the cultivation of the land that comes under water, then the Service will put its shoulder to the wheel and push the work.

Regarding the cost of the project an important statement is made. Many who have been criticizing the Service have used for their argument that the land is going to cost \$40 an acre. This price was a garbled quotation of the Republican article. Mr. Henny's letter put an official figure before the people. Basing the cost on the figures advanced by him, the cost will not exceed \$30 an acre, and may be as low as \$25. This advance in the price is not due to the increased cost of the project through mismanagement or avoidable mistakes, but wholly and solely to the fact that labor and everything connected with the construction of the project is higher than when the original figure was made.

Mr. Henny's letter follows:

DEPARTMENT OF THE INTERIOR U. S.

Reclamation Service.

PORTLAND, Oregon, January 21, 1907.

Klamath Water Users Association,
c/o E. I. Applegate, Secretary,
Klamath Falls, Oregon.

Gentlemen:

The Chief Engineer has instructed me to advise you of some of the main conclusions arrived at by a recent board of engineers who met in Klamath Falls October 20 to 23, so far as such conclusions are likely to be of immediate interest to you, and I have the honor to make to following statement to you:

The board reported that present construction work has been progressing favorably, but that owing to a large extent to the greatly advanced cost of labor and material the actual cost of the work has exceeded estimates made under normal market conditions by about 35%.

In regard to the areas likely to be ultimately irrigated under this project, the total area is somewhat reduced as compared with the reports of previous boards, and the total acreage now figured on, including land at present irrigated, is about 190,000 acres, the reduction being due partly to the probable omission from the project of the bottom of Lower Klamath Lake. This omission seems desirable because of the excessive cost of reclamation of this land owing to the existence of very hard material in the bed of the river for many miles above Keno, which would have to be dredged. It is also deemed desirable that the agricultural value of lands of this character be determined before considerable expenditures are made for their reclamation.

The board further found that mainly owing to change in labor and market conditions as above referred to the entire cost of the project is

likely to exceed by a considerable amount previous preliminary estimates. The work of construction will extend over a period of years, and experience of the last few years has proven that it is impossible to make reliable estimates on work extending over a large period of time. It is certain, however, that the acre cost both for the so-called upper and lower projects will reach figures somewhere between \$25 and \$30 for construction alone, i. e., exclusive of maintenance charges, and the Chief Engineer has deemed it wise to authorize me to make this statement to you at the present time.

The board further outlined a plan for the continuous construction and expansion of the project, the progress of which is to depend to some extent upon the rapidity with which the lands for which water is available are being taken up and placed under cultivation.

Very respectfully,

D. C. HENNY,

Supervising Engineer.

(Sd.)

Notwithstanding the probability that the Lower lake will not be reclaimed, there yet remains a hope that it will eventually be done. As stated by Mr. Henny, this portion of the project was cut out on account of the excessive cost. It is quite evident that the Service is not inclined to place on the shoulders of the land owners higher up the entire

burden of this reclamation, but may later undertake the drainage under a separate project, taxing the cost to that land alone. If this is the purpose of the Service, it is a wise one. A parallel to it is the Butte Valley project, which will in time be brought under irrigation by the Keno pumping plant, yet will not be connected with the Klamath project in point of cost.

TWO SESSIONS OF COUNCIL

Keno Canal Again Goes Over Until the Next Meeting

The City Council held two sessions this week, and at both discussed the Keno canal franchise. It was thought Monday night that the franchise would be passed, but Wednesday night it was passed over until the next regular meeting.

The Conger avenue grade ordinance was passed, establishing the grade previously agreed on between the property owners and the city when the sidewalks were built.

An anti-spitting ordinance was submitted, but none of the members were inclined to father it and it was laid on the table.

The water company submitted a proposition to sell a strip of land to the city for \$250. This strip is owned by this company from its reservoir to Fourth and High and is used as its right of way for the pipe line. It interferes greatly with a good deal of valuable property. The owners of this property have subscribed \$1150 to pay their share of it, and it is now up to the city to meet its part. The bill was read twice and will be up for discussion at the next meeting of the council.

INLAND EMPIRE CLUB

The New Organization Will Soon Incorporate

The regular monthly meeting of the Inland Empire Club was held in the temporary headquarters of that organization last Friday evening and was largely attended. Much routine business was transacted. One of the important actions of the meeting was the instructing of the Board of Managers to purchase a billiard table to be installed in the new headquarters.

The question of incorporating was thoroughly discussed, and it was the unanimous opinion that such action should be taken. Articles of incorporation will shortly be prepared and submitted for the approval of the club. This will bring to the organization financial backing that it would otherwise be unable to procure and will enable the fitting up of rooms commensurate with the importance of the club and the section it represents.

A committee on membership was appointed, consisting of F. E. Ankeny, J. F. Croft and Harry Ackley, for the purpose of increasing the membership of the club.

An adjourned meeting of the club will be held Monday night, the 11th inst., and as matters of importance to the members of the club will be brought before the meeting it is important that every member attend.

The new headquarters will soon be ready and it is proposed to open them with appropriate exercise. For that purpose a banquet will be served and the ladies entertained. It will be a memorable occasion.

If you have not tried the Midway blacksmith shop it will pay you to do so. Try it and see.

10 yards dress gingham \$1, the Brick Store Co's Saturday sale.

DROWNED IN THE UPPER LAKE

J. L. Jones Meets Tragic Death Monday Evening.

While engaged in an attempt to mend a broken boom, J. L. Jones, a logger in the employ of C. S. and R. S. Moore, was drowned in the Upper Lake last Monday evening. He was about half a mile from the shore, but owing to a heavy fog that was prevailing he could not be seen by his companion, P. Southworth. It is presumed he tipped over his boat while endeavoring to fix the broken boom. When his cries for help were heard Southworth hurriedly secured a boat that was nearby, but before he reached the spot Jones had disappeared. His body has not been recovered.

Mr. Jones was a resident of this city and was well known and highly respected. He leaves a wife and eight children, the youngest being 18 months. The bereaved family has the deep sympathy of the community.

The deceased was a member of the local lodge of Odd Fellows.

Teacher's Examinations

Notice is hereby given that the county superintendent of Klamath county will hold the regular examination of applicants for state and county papers at Klamath Falls as follows:

FOR STATE PAPERS

Commencing Wednesday, February 13, at 9 o'clock a. m., and continuing until Saturday, February 16, at 4 p. m.

Wednesday—Penmanship, history, spelling, physical geography, reading, psychology.

Thursday—Written arithmetic, theory of teaching, grammar, bookkeeping, physics, civil government.

Friday—Physiology, geography, mental arithmetic, composition, algebra.

Saturday—Botany, plane geometry, general history, English literature, school law.

FOR COUNTY PAPERS.

Commencing Wednesday, February 13, at 9 o'clock a. m., and continuing until Friday, February 15th, at 4 o'clock p. m.

Wednesday—Penmanship, history, orthography, reading.

Thursday—Written arithmetic, theory of teaching, grammar, physiology.

Friday—Geography, mental arithmetic, school law, civil government.

PRIMARY CERTIFICATES.

Wednesday—Penmanship, orthography, arithmetic, reading.

Thursday—Art of questioning, theory of teaching, physiology.

Yours truly,

J. G. WIGHT,

Co. S. Supt., Klamath County.

Grand Ball

The W. O. W. will give their regular Grand Annual Ball in the Houston opera house Friday evening, February 22. A cordial invitation is extended to everyone to come and have a good time.

JAMES HUGHES,
H. P. SHIDLER,
C. T. OLIVER,
Committee on Arrangements.

Dress goods of all kinds reduced, the Brick Store Co's Saturday sale.

COURTHOUSE BILL IS DEAD

Attorney General Kills Measure by Alleging Illegality

CITES SOME COURT DECISIONS

As a Result the Bill Will Not Become Law and Klamath County Must Go Without New Court- house

Big! And sprawling at the feet of the Attorney General of the State is the courthouse bill, done to death by legal technicalities. When the bill was sent to Representative Merryman he called the attention of the Attorney General thereto and asked for an opinion, and he got it, and wrapped up in a winding sheet of legal phrases was the new courthouse bill. No ante-mortem examination was necessary and no experts were called in to resuscitate the corpse.

The opinion had a disastrous effect not only on the bill but also on the ambitions of a few would-be politicians. No sooner had the announcement been made that the bill was introduced than a number of ears were placed on the ground to hear if there was to be a rumbling against the measure, and when the first sounds were heard, straightway a petition was prepared protesting against its passage. It is now up to the circulators to fold their tents and steal silently away until some other opportune time arrives for the execution of a coup.

Like all such measures, this one was grossly misunderstood, and misunderstanding, the people generally believed that it was an attempt to force the people of the county to stand for the erection of a new courthouse against their will. The publication of the measure in last week's Republican had a quieting effect for the provisions of the bill were read and understood by a great majority. They saw that the bill was not drastic, arbitrarily providing for the erection of the courthouse, but left it entirely to the discretion of the County Court. If there was sufficient opposition to the carrying out of the proposition, which this measure only permitted to be done in case the county officials saw fit so to do, then this could be manifested at home where the situation was fully understood.

The opinion of the Attorney General follows:

"I have examined the bill authorizing the County of Klamath to vote and issue bonds in the sum of \$75,000 for the purpose of building a new court house, and am of the opinion that the legislative assembly of the State of Oregon has no authority to authorize the County Court of Klamath County to issue bonds or the people of said county to vote the same for such purpose. The constitution of this state, section 10, article XI, provides: No county shall create any debts or liabilities which shall singly or in the aggregate exceed the sum of five thousand dollars, except to suppress insurrection or repel invasion.

"Said section of the constitution has been construed in the case of Grant County v. Lake County, 17 Or. 453; Burnett v. Markley, 23 Or. 440; Security Sav. & Trust Co. v. Baker County, 33 Or. 338; Wormington v. Pierce, 32 Or. 606; Municipal Security Co. v. Baker County, 39 Or. 396, and later in case of Brix v. Clatsop County, 46 Or. 223, in which they all hold that creating indebtedness in excess of \$5000, except expenses which are necessary and forced upon the county by operation of law, such as salaries of officers, etc., is ultra vires and void, and all of said cases support the language of the constitution and construe it in that way, and in the case last cited, Judge Bean, in delivering the opinion of the court, says, at page 231: 'The assessment and collection of a tax on the property of the inhabitants of a municipality in the future - - in payment of an obligation incurred by the municipal authorities, necessarily, it seem to us, implies a debt or liability against the municipality which the holder is entitled to have paid with money derived from taxation. A contract by it to pay a certain sum of money in the future with interest out of money to be thereafter raised by general taxation from all the people, whether the law be made at one time, covering that future, or had to be made yearly, is manifestly a debt or liability against the municipality; and no technical process of reason-

ing, legal acumen, or jugglery of words can make the fact otherwise. The moment an obligation to pay money is voluntarily incurred by a municipality with no funds or assets in its treasury, nor current fund or revenue collected or in process of collection, for the payment of the same, that moment such obligation must be considered in determining its indebtedness, however carefully the law or the contract under or by which it was incurred may attempt to shift the burden from the corporate entity to the taxpayers.'

"The issuing of bonds is creating an obligation, and if it creates a debt in excess of \$5000, the act authorizing the county to issue bonds is unconstitutional and void, and any contract made in pursuance of such an act would be ultra vires and void."

MERRILL.

Lost river is nearly at high water mark and still rising. The large amount of drift that is running has caused squads of men to be placed at each bridge to keep it clear.

Ralph E. Merrill and W. F. Barrows went to Klamath Falls Wednesday to make final proof on their timber claims. W. P. Rhoads accompanied them as a witness.

Martin Bros. started their flour mill Monday morning and will continue to run throughout the week.

Dick Walsh, the traveling salesman, was in town Tuesday and Wednesday.

C. T. Oliver of Klamath Falls was in town Sunday and Monday.

The Midway Telephone Co. had a fireman in this territory Saturday looking after some trouble on the Falls line.

H. T. Anderson and wife have returned from San Francisco where he was summoned by a telegram announcing the serious illness of his son Herbert. He reports his son much improved and is able to resume his studies in school at Santa Rosa.

Owen T. McKendree sold his band of sheep to the Whitney Bros. Saturday.

Tom Colmes left for Dairy Sunday.

A WEATHER BUREAU

Established at the Republican Block by Heitkemper

If you want to know what the weather is going to be, just come to the Republican block and find out. Here you will find a whole weather bureau in compact form, located between the Republican office and Heitkemper's jewelry store. Mr. Heitkemper has placed a barometer and three thermometers in a small cabinet, and if you will pay a little attention to the instruments you will be able to make a pretty fair prognostication of the weather for twenty-four hours. If it does not work out to your satisfaction, blame yourself, for it is not the fault of the instruments, nor Mr. Heitkemper. The indications at this time are for fair weather.

KENO ITEMS

A. Kinney has sold his sawmill to Higgins & Co. The consideration has not been made known.

A large number of Kenoiters went the Falls Monday to prove up on timber claims. Among those who went were Bruce McCormack and wife, Tom McCormack and wife, Mr. Clinton and wife, Mr. Shur and daughter, Ray Lamb, Henry Chapman, George Morgan and Mrs. Mills. All took passage on the steamer Klamath.

Rufus Moore spent a day or two looking after his timber interests here.

A large amount of rain has fallen in the past week and now the snow is all gone, but mud galore.

THE CONTEST

The vote to date is as follows:
Miss Louise Sargeant..... 79
Miss Stella Campbell..... 74
Miss Archie Keesee..... 42
Miss Ada Erb..... 20