

KLAMATH REPUBLICAN

E. J. MURRAY, Editor.

LEADING NEWSPAPER OF INTERIOR OREGON.
TWO DOLLARS PER YEAR IN ADVANCE

All communications submitted for publication in the columns of this paper will be inserted only over the name of the writer. No non de plume articles will be published.

UPPER PROJECT WILL NOT BE COMPLETED UNLESS LAND OWNERS DESIRE IT

Reclamation of Marsh Lands Will Be Undertaken As Soon As Compliance Is Made With Requirements.

The work of the committee appointed by the Water Users at their last annual meeting is ended, and with the completion of its labors has come a satisfactory adjustment of all the questions that have been agitating the land owners under the Klamath Project. On the 23d of last month this committee submitted to Director Hopsen a list of questions to which they desired replies. These embraced all of the problems that have confronted the land owner. Answer to these questions have been received, and were submitted to the board of directors of the Association at a special meeting Friday afternoon noon. Each answer was carefully considered and discussed, and after due deliberation they were approved and accepted without a dissenting vote. This one act means more for the county than anything that has occurred since the government entered the field.

To the members of the committee the land owners owe a debt that will be hard to pay. Every step of the negotiations were gone over thoroughly, and nothing was left undone that would promote the interests of the land owner and at the same time harbor the good will of the officials. Its work has been successful far beyond expectations. When it was appointed there was a feeling that the end of their deliberations would mark the close of operations on the project, and mean a long and bitter struggle with the government. Instead of this, every difference has been adjusted, and the prospects for the pushing to completion of the project were never better.

In connection with the negotiations Judge Noland expressed the sentiment of the committee when he said:

"We sincerely appreciate the courteous treatment accorded us by the government officials. Mr. Hopsen was particularly obliging and evinced at all times a desire to meet the wishes of the land owners in every detail. The same is true of both Mr. Patch and Mr. Wylie, and we believe that from now on there will be no further cause of friction."

After the acceptance of the letter from Mr. Hopsen the board of directors proceeded to prepare a formal acceptance of the same and pass resolutions thanking the committee for its fidelity and public service.

Following is the letter of transmission from the committee to the board of directors, together with Mr. Hopsen's letter containing answers to the questions submitted:

To the Board of Directors, Klamath Water Users' Association.

Gentlemen: Your committee reports: That pursuant to the resolution of the stockholders, we have held various conferences with Messrs. Hopsen, supervising engineer; Patch, project engineer, and Attorney Wylie of the United States Reclamation Service. As a result of the conferences we submitted to Supervising Engineer Hopsen a list of questions, herewith submitted, and have received answers, herewith submitted.

This is the result of our conferences, and we feel that your committee, having nothing further to accomplish, should be discharged.

Respectfully submitted,
GEORGE NOLAND,
E. S. TERWILLIGER,
J. B. GRIFFITH,
L. F. WILLITS.

Department of the Interior,
United States Reclamation Service,
Portland, Ore., July 19, 1909.

To the Special Committee Appointed by the Klamath Water Users' Association, Klamath Falls, Oregon.

Gentlemen: I am in receipt of your letter of July 13th containing a list of questions on matters relating to policy of the government at the Klamath Project, the requirements of the government as outlined in my letter of June 24, and other subjects.

During the recent conference at Klamath Falls between Messrs. Noland, Willits, Griffith and Ady, representing the association, and Messrs. Patch, Wylie and myself, representing the Reclamation Service, the greater part of these were considered and discussed. It was agreed, however, that you submit these questions to me in writing in order that the points covered by our conference could be presented to the directors and shareholders in a concise and definite manner.

I will, therefore, deal with your questions serially, but before doing so I desire to call your attention and the attention of all shareholders of

the Association to the impracticability of our laying down any definite line of policy. The greater part of the points referred to in your letter are in themselves indeterminate, and the government policy regarding them will necessarily be subject to growth and development. It is a well established rule of the Department to refrain from settling matters of general policy until specific cases requiring decisions are presented. It may, therefore, be expected that the Department will refuse to make definite rulings on many of the points brought forward by you until the proper occasion arises. You are aware that building costs of work under the Reclamation Service are met by a fund derived from land office receipts, which differs greatly in amount from year to year, and is impossible to estimate in advance. The work done by the Reclamation Service being absolutely dependent upon this uncertain factor cannot, therefore, be fixed in advance.

I desire also to emphasize the fact that the opinions and views which I have expressed herein are individual to myself and may not be considered as binding on the Department in any sense. I have believed, however, that a frank expression of my views may have a beneficial effect by removing misunderstandings that may have existed in the minds of some of the shareholders of the Association as to the intent and purpose of the local officers. I have therefore gone as far as possible in explaining my views on these subjects so that misunderstandings of this character may be removed.

The complete success of the Klamath Project must, after all, rest upon a solid basis of mutual confidence and hearty co-operation between the settlers and the Reclamation Service, and if the result of our recent conference will be to strengthen these bonds our labor will not be wasted.

Questions and Answers.

Q.—First.—(a) To what amount does the Government desire the Water Users' Association to increase its capital stock?

(b) To what sum does the Government desire the par value of each share increased?

A.—(a) The capital stock of the Klamath Water Users' Association should be increased from a capitalization of two million dollars to six million dollars. The necessity for this material increase will be readily seen: The board of directors of the Association in question has acted favorably upon stock subscription contracts approximating 150,000 shares, which at the proposed par value of \$30 per share would mean a present capitalization of \$4,500,000 without the addition of any new subscriptions whatever. If to that figure be added 50,000 shares, representing 50,000 acres at a par value of \$30 per share, the additional capitalization of \$1,500,000 will make the total capitalization of \$6,000,000. It is believed that room in the capital stock should be provided at this time for at least 50,000 additional acres, since there are considerable areas unsubscribed in Langelle valley, Lower Klamath marshes, both private and public lands, under the proposed Keno canal, and in other localities, to which should be added the large body of land proposed to be uncovered and later subscribed by homestead entrants, consequent upon the draining of Tule Lake.

(b) The par value of each share should be increased at this time from \$20 to \$30. This is the cost per acre under the first unit, and it is believed represents more nearly than any other figure the average cost of water rights under the project. It is possible, and even probable, that some rights will cost less than this, but on the other hand some will cost more. It will be within the power of the Association, subject to the approval of the Secretary of the Interior, to make subsequent adjustments as later on may be found desirable, but at the present time the above increase of value appears essential.

It will not be necessary to have the subscriptions already made by the stockholders and approved by the board of directors nullified and substituted by new ones in order to validate the increase of the capital stock and par value above referred to. In other words, the present stock subscriptions hold good, and the only step required of the stockholders in this connection is to take the action necessary to increase the capital stock and par value of shares. This can be done by a vote of the shareholders alone.

Q.—Second.—(a) What lands not subscribed does the Government wish subscribed?

(b) What is the estimated cost per acre for the Upper Project?

(c) The East branch.

(d) The West branch, leading from the Upper Lake to Keno.

(e) How soon is the Upper Project to be completed?

A.—(a) The Beekman, Ralston and other unsubscribed lands lying within the irrigable area of the Upper Project should be properly subscribed to the Association; also, all unsubscribed irrigable lands within the boundaries of the Lower Klamath marshes should be duly subscribed. The matter of securing the subscription of public lands within the Lower Klamath Lake marshes and elsewhere throughout the project will necessarily be deferred until the lands are taken up by homestead settlers.

There are in addition a number of minor matters requiring attention. Certain subscriptions were tendered

in a defective form, and were in the main rejected by the board of directors of the Association. Several of these have not been satisfactorily resubscribed. Other subscriptions containing a condition were made. All of these matters so far as the lands affected are within the limits proposed to be irrigated should be attended to and valid subscriptions made and approved by the directors. At this time it is not deemed necessary to go into these matters in detail, but if the general outline of the government's requests are favorably viewed by the Association, a list of these miscellaneous matters can readily be prepared with the help of the secretary of the Association.

(b) I am unable to state at this time what the estimated cost per acre for the reclamation of the Upper Project will be. Surveys are in progress, and estimates of cost will probably be completed within a few months. We will probably consider the reclamation of the lands in question upon two cost bases, (1) with the Beekman, Ralston and conditionally subscribed areas omitted, and (2) with these lands included. It is my desire when these estimates shall have been completed to submit them to the consideration of the Association and the settlers. It is plain that the cost of water rights in the Upper Project will be much more per acre if the Beekman, Ralston and other lands now unsubscribed remain out than if all irrigable lands should come into the project. I would like the settlers themselves to decide by a vote after they have the estimate of cost whether they want work to go ahead on the Upper Project or not. For my own part I will frankly state that I will recommend that all plans for development of the Upper Project be given up if the settlers so desire, and would further recommend that in such a case all stock subscriptions under the Upper Project be canceled and the lands released from obligation. It should be distinctly understood, however, that I am voicing my own opinion only and cannot commit the Director or the Secretary of the Interior on a matter of general policy of this nature. It is my present belief that the unsubscribed lands in the Upper Project will become subscribed shortly after the estimated cost of the work shall have been announced. I base this belief on the necessities of the Upper Project lands for water at any reasonable cost, and the fact that no land owner can afford to withhold from large areas of prospectively valuable property its only practicable betterment. Economic reasons will, I trust, constrain all lands to become subscribed or induce purchasers prepared to subscribe the lands to secure possession of such as still may remain out.

In the event, however, that the estimates of cost prove reasonable and the settlers declare themselves satisfied to bear the prospective building charges I would be prepared to recommend construction of the Upper Project even with the unsubscribed lands omitted.

(c) My belief at present is that the cost under the East branch will be about \$30 per acre. Conditions fixing the cost of water rights for these lands are supposed to be identical with those of the first unit, and unless the unforeseen occurs and the East branch canal construction develops unexpected difficulties this cost should obtain. You will understand, however, that this is only a general opinion based upon approximate estimates. The cost that will be fixed by the Secretary of the Interior will be based only on actual cost as ascertained at the time.

(d) I cannot make any statement in regard to the cost of water rights under the West Side branch, leading from the Upper Lake to Keno. We have met many unforeseen difficulties in obtaining rights-of-way and the necessary franchise; moreover, it is possible we may have to radically alter our plans for this canal. The area under it is small, however, and I would especially like to see the work begun, as it is so close to Klamath Falls. I would like your Association to aid us in securing rights-of-way and a franchise at an early date.

(e) I cannot state how soon the Upper Project will be completed, largely on account of the contingencies above enumerated. The Clear Lake dam will, in all probability, be completed this year. The plan I have in mind, however, is to recommend for early development a unit in this locality as soon as the settlers shall have declared in favor of such action, provided funds are available and the work proves feasible.

Q.—Third.—(a) How soon does the Government propose the closing of the straits at Ady?

(b) Does the Government propose the removal of the obstructions in the Klamath river at Keno?

(c) What is your proposed policy of reclamation of the marsh lands southerly of the California and Northwestern Railway embankment?

(d) What do you require to assist in consummation of such policy?

A.—(a) The early closing of Klamath Strait is dependent upon the satisfactory adjustment of the matters referred to in the answers to your questions numbered one and two, which will permit the Government to proceed with its construction program; the settlement of water rights with the Van Brimmer Ditch Company and other riparian owners, and the execution on the part of the marsh land owners of the instruments referred to in subheadings (c) and (d) to the answer to your third question. The Government, however, reserves the right to exercise complete control over the headgates installed in the culvert crossing the new channel of the straits. I desire to recommend the closing of the old channel at the earliest possible moment.

(b) I do not believe it will be necessary to remove any of the present obstructions from the Klamath river at Keno on account of marsh lands bordering on the Klamath river. Careful studies based on measurements of water in the marshes, however, show that the closing of the Klamath Straits will have little influence in raising the water level on marsh lands along the river. It is

to be hoped, moreover, that all these lands will be diked and drained in conformity with general plans of marsh reclamation.

(c) When full compliance with the Government's request for the increase of the capital stock, the par value of the shares and execution of new instruments has been accomplished, it is my purpose to recommend the commencement of the reclamation of the Lower Klamath Lake marsh lands. It is the opinion of experienced agriculturists and engineers who have studied the proposed reclamation of these marshes that it will be necessary to irrigate the marsh lands after drainage has been accomplished, not only for the purpose of supplying moisture, but to prevent surface accumulation of alkali on account of capillarity of the soil and incidental evaporation of ground waters—dangers which are believed to particularly pertain to this class of lands. The complete reclamation and irrigation of these lands will necessarily be a slow process, and the Reclamation Service will feel its way as it goes, and all development will be preceded by careful experimental effort. It may be assumed with confidence that the Service will not build any irrigation plant that is unnecessary, nor burden the lands with charges that could have been avoided. Should the tests now being made and which will be made later show that certain lands do not need irrigation, this part of the work will be omitted.

(d) Private land owners within the area of the Lower Klamath marshes should execute the new form of stock subscription contract, together with the proper instrument for the donation of rights-of-way, etc., to the Government. It is believed that the greater part of the excess lands have been covered by trust deeds in favor of the Klamath Water Users' association. If not, however, it will be necessary to secure the execution of additional trust deeds.

Q.—Fourth.—What is the policy of the Government in relation to lowering of Tule Lake, or at least preventing the waters from rising?

A.—When the dam now under construction at Clear Lake is completed an important source of the water supply of Tule Lake will be cut off. The Service has recently opened an artificial outlet to Tule Lake on the south shore which it is hoped to considerably enlarge this summer. An outlet from Clear Lake at its southern extremity is also being considered, and may be built. All of these methods will divert large masses of water from Tule Lake, and should effect a speedy improvement in conditions on its margin.

Q.—Fifth.—(a) What is the policy of the Government as to supplying the Adams Canal by means of the South branch with fresh water?

(b) Also, as to the extension and time of completion of the East branch?

A.—(a) It is the intention to supply the land owners under the Adams Canal system with fresh water from the South branch canal during the latter part of the season of 1909. Construction work will be begun immediately upon connecting the South branch canal with the Adams canal. It will require approximately three weeks to complete this work. As soon as the South branch canal has been fully primed all water used by lands under the Adams canal will be supplied from this source, the old channel being kept ready only for emergency use.

(b) The construction of the East branch canal involves many difficult engineering features especially in connection with plans for pumping to lands in Sand Hollow. The backward state of these studies has prevented me from recommending any action at the present time.

Q.—Sixth.—What is the policy of the Government in relation to the completion, and time of completion, of the canal west of the Klamath river, leading from the Upper Lake to Keno?

A.—The Service has been unable to arrange satisfactory terms with the land owners along the line of the Keno Canal for the acquisition of right-of-way where this canal is proposed to cross West Klamath Falls. Furthermore, a higher percentage of the irrigable lands under this canal should be subscribed to the Association. When these matters are satisfactorily arranged and funds available, this work will be recommended for construction.

Q.—Seventh.—Does the Government propose to charge each unit with the cost of such unit, or is the cost of the whole project to be equally apportioned?

A.—This cannot be answered today. My personal opinion is, however, that each unit should bear its own cost. This is a question on which opinions may very properly differ, and I can conceive of circumstances that might lead me to change my mind. The Department would, without doubt, be unwilling to rule upon such a point until a specific case is presented to it for decision.

Q.—Eighth.—Please define the policy of the Government in relation to the drainage of the first unit.

A.—The Service is at the present time building drains to remove surplus water. The general policy under consideration is to build trunk drains sufficient to furnish outlets to the smaller drains which the individual farmers will find necessary.

Respectfully,
E. G. HOPSON,
Supervising Engineer.
To the Director and to W. W. Patch.

Ladies Go After Bear

C. M. Ramsby and wife, F. L. Houston and wife, B. E. Withrow and wife left Tuesday for Blue mountain on a bear hunt. The party will go to Wampler's on the Upper Lake and from there take pack horses for a trip to the south fork of Umpqua river. The ladies were armed with rifles and each intends to bring back a bear or deer.

Mrs. M. L. Allison and daughter arrived here Monday to join husband and father, Colonel Allison. They will reside here permanently.

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P. S.—I am carrying same ad in county papers at Grand Junction and Delta, Colo., three counties that in many respects are similar to our Klamath county.

It is there that the highest prices are obtained for lands. Want to bring some of the fellows who sell here to this country.

M. L. ALLISON

Summons.

In the Circuit Court of the State of Oregon for the County of Klamath.

Action at law to recover money. J. M. Batchelder, plaintiff, vs. D. A. McLeod, defendant.

To D. A. McLeod, the above named defendant:

In the name of the State of Oregon, you are hereby required to appear and answer the complaint filed against you in the above entitled action on or before the 5th day of August, 1909, that being the date of the last publication of this summons and the time within which the defendant is required to answer as fixed

by the order of publication of this summons, and if you fail so to appear and answer, the plaintiff will take judgment against you for the sum of \$183.50, with interest at 6 per cent from December 18, 1908; and that the SE ¼ of Section 10, Township 38 South, Range 12 East, Willamette meridian, Klamath County, Oregon, held under attachment in this action, be sold to satisfy the said sum of \$183.50 and interest thereon from the 18th day of December, 1908, and the plaintiff's costs and disbursements of this action.

This summons is published in the Klamath Republican, a weekly newspaper printed and published at Klamath Falls, Oregon, by order dated June 21, 1909, made by the Hon. George Noland, Judge of the above entitled court, requiring summons to be published for six consecutive weeks, beginning on the 24th day of June, 1909, and ending on the 5th day of August, 1909, that being the time within which the defendant is required to appear and answer.

F. H. MILLS,

6-24, 8-5 Attorney for Plaintiff.

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