

GOVERNOR MORRIS READS ADDRESS TO LEGISLATURE

(Continued From Page Seven.)

than the legislative assembly, legally authorized to take such further action in the premises, and all matters relating to such sales and the hearing had, are submitted and referred to you for such action as you may deem advisable.

Alaska-Yukon-Pacific Exposition.

The Alaska-Yukon-Pacific exposition will be held in Seattle this year, commencing in June. Judging from information received concerning the management and the financing of the exposition, I believe it will be a most successful undertaking.

A proper exhibit of the resources of the state would undoubtedly prove of value. My judgment is that the condition of the general fund will not permit of an appropriation sufficient to make a creditable showing. If you deem otherwise, your action should be prompt, as the time is very short for the gathering of exhibits.

Employers' Liability.

The wisdom of the fellow servant law heretofore enacted has been demonstrated in actual practice. The extension of like provision to all vocations, dangerous to life and limb, is in my judgment advisable.

The state can only discharge the duty it owes to the large number of its citizens who labor in places dangerous to life and limb and detrimental to health by giving them all possible protection and securing to them in case of injury, and to their families in case of death, adequate damages, and such damages should not be denied by reason of the negligence of a fellow employe. Aside from the question of humanity, which is in itself sufficiently controlling, the economic value of the skill of a trained workman to the state is too great to be sacrificed.

The humanitarian tendency of the age demands, and the economic value of skill and training justifies the enactment of laws which definitely dealing with the rights of the employe.

MINE VENTILATION

IMPORTANT MATTER

The development of the mineral wealth of Montana is so great that a larger number of people are engaged in mining than in any other industry. Laws pertaining to that industry are therefore of the greatest interest and concern.

The state mine inspector and his deputy, who are men experienced in mining, have submitted their reports, which will be placed upon your desks. In that report many valuable suggestions and recommendations are made, and to those recommendations your special attention is called.

The importance of the question of providing for the employes of the safest and most healthful places for employment by labor, possible under given conditions, has heretofore been referred to, and your attention is again called thereto in connection with the recommendations of the mine inspector, relative to the ventilation of the Butte mines.

I recommend that you most carefully investigate and look into the means used in ventilation of mines, and that such laws be passed and the mine inspector be given such authority as will insure the speedy adoption and use of the best possible means of ventilation.

STATE'S COAL FIELDS

SHOULD BE DEVELOPED

The growth and development of the coal mining industry has been rapid and the increasing output has scarcely kept pace with the consumption. The demands of the consumer will constantly increase, and every reasonable encouragement should be offered for the development of the immense coal measures known to exist in Montana.

The number of fatalities in our coal mines during the past year is of most serious moment and concern, and demands the passage of such laws as will eliminate insofar as is possible the dangers attendant upon coal mining.

There is a general consensus of opinion that means for the protection of the lives and health of coal miners have not been as rapidly provided as the means for increased output; in other words, safety has been sacrificed to production.

The coal mine inspector has made many valuable recommendations in his report, and I hope you will carefully consider the same, and enact into laws such thereof as seem of benefit.

CONSOLIDATION PLAN

IMPRACITABLE NOW

Many of our citizens hold that the segregation of our institutions of higher learning was unwise, that the cost of maintenance is on that account largely increased and that such institutions should now be united. Admitting the foregoing statements to be true, the fact remains that the present financial prospects of the state render the uniting of the institutions now impossible.

The state has an investment of at least \$1,000,000 in four of its educational institutions. It would cost at least \$750,000 for additional buildings and equipment to unite any three of these with a fourth, and \$1,000,000 for buildings and equipment to unite the four in a place different from any of the present locations. The permanent funds of the institutions cannot be used, nor can the land grants be bonded to obtain the necessary money. The cost of uniting the institutions must come from the general fund, an improvable source under the present tax levy allowed by the constitution.

Are Advisable.

A closer co-operation between the institutions, the stopping of all duplication in the subjects taught and the consequent reduction in the expenses of maintenance, are feasible and advisable.

The state board of education at its regular meeting last month appointed a committee to suggest ways and means to that end. I think that this matter can be safely left to the judgment and discretion of the state board of education, with the assurance that the wisest possible action under the circumstances will be taken.

Each of the institutions must be largely or wholly supported by appro-

priations from the general fund. The amount required for maintenance will constantly increase, and from time to time additional buildings and equipment will be required.

Be as liberal with the institutions as the financial condition of the state will permit, but at all times bear in mind the many demands on the general fund, and that all departments of the state government must be conducted.

Not Economical.

In nearly every instance each institution is now managed by a separate local board, over which the state board of education has only the most general and confirmatory jurisdiction. We have, therefore, nearly as many boards of control as we have institutions. This does not produce either an economical or wise administration.

I recommend the abolishing of all local boards; the placing of full management, other than financial, of the educational institutions in the state board of education, and of the reform school in the state board of prison commissioners, and the financial management of the state board of examiners. And I recommend that you authorize each of the state boards to appoint a local committee to perform such duties as may be designated by the appointing state board.

Financial Policy.

Until such course as suggested is provided for, no consistent financial policy of general application can be pursued; nor will there be a cessation of the expenditure by local boards of more money than the legislature appropriates. To illustrate: An appropriation is made for an educational institution for building purposes. The plans for the building are selected and the contract for the construction is awarded by the local board, and as to such action the state board of education has confirmatory power only. All bills are audited by the local board and sent for the state board of examiners for allowance. The board has no information concerning the contract, the progress of the work, whether or not the contract calls for an expenditure in excess of the appropriation, the reasonableness of the bill, or, in fact, any information upon which to base intelligent action. The members of the state board of examiners are, therefore, merely figureheads to perfunctorily indorse the claims.

To further illustrate: The tenth legislative assembly appropriated \$50,000 to build, equip and furnish a library building for the state university. The building has been erected, the \$50,000 have been expended and no equipment or furnishings have been provided.

The same assembly appropriated \$5,000 for the construction, equipment and furnishing of a hospital for the state reform school. The last annual report of the trustees of that institution contains the information that the appropriation was too small to provide facilities demanded by the institution, that a larger building was planned, that the \$5,000 have been expended and that the building has not been completed. Note that the appropriations were for the completion, equipment and furnishing of the buildings, and that in the first-named case the building had been completed but not equipped or furnished, while in the second case the building has not been completed, equipped or furnished.

Only One Alternative.

This assembly will be asked in each instance to make an appropriation to complete something which the last assembly, in its judgment, amply provided for. You have the option of making the appropriations requested, permitting the large expenditures already made to serve no useful purpose.

Many of the institutions have exceeded their maintenance appropriations and are asking deficiency appropriations. This is but the continuation of a practice that has become almost habitual.

The constitution of the state gives the legislature only the authority to appropriate money, but the actions of the local boards of many of the institutions are in effect an entire disregard of this provision of the constitution and make the local boards, rather than the legislature, the appropriate authority.

Under such conditions no state officer can accurately estimate expenditures, and no legislative assembly can determine the tax levy necessary to defray the expenses of the state.

Would Be Bankrupt.

The strongest business house employing such business methods would soon be in the bankrupt courts. I most strongly urge the giving to the state board of examiners direct control of and supervision over all expenditures made for the state institutions, and in no other way is it possible to prevent the use of more money for given purposes than the legislature appropriated therefor.

The local boards of the institutions also purchase and audit bills for supplies used by the respective institutions, and the state board of examiners, as above mentioned, perfunctorily allows the same without any knowledge of their reasonableness or correctness. The local boards also frequently fail to make the best possible bargains for the state, due to local influence in order to prevent conflicts with acquaintances or friends of the board members.

A Representative.

A traveling representative of the state board of examiners should be provided for at a salary sufficient to procure the services of a capable man, to meet with, check up and supervise the actions of the local boards, and advise the state board of examiners in relation thereto. The abolishing of the local boards, as suggested, would not obviate the necessity for the traveling representative, as there will always be some local representative of the state board to purchase supplies for the different institutions.

A traveling representative would, in my judgment, save the state each year many times his salary and expenses.

On July 1, 1906, the state board of

prison commissioners, under authority conferred by statute, took over the management of the state prison, rented the property belonging to Conley & McTague used in connection therewith, for the sum of \$1,200 per year, and appointed Frank Conley warden at a salary of \$3,000 a year. Since taking over the management of the prison the cost of keeping the prisoners per capita per day has been slightly decreased from the sum of 45 cents a day, the former contract price.

Conley & McTague own the water supply, the material used in the supply and distributing system, nearly all of the personal property used in conducting the prison, and the state is due them considerable sums for certain permanent improvements made by them under the terms of a contract entered into with a former prison board in 1904. The work of constructing the water supply and distributing system was performed by the convicts, and the state is to that extent a part owner in the system. The personal property necessary for conducting the prison should be owned by the state.

Water Rights.

The interest of Conley & McTague in the permanent improvements, their interest in the water system and a sufficient right to supply the present and reasonable future needs of the prison should be purchased and owned by the state.

I refer this matter to you for such action as may appear to you advisable and suggest that if the purchase is made as above advised you appropriate the money necessary therefor and appoint a commission to make the purchases.

On December 26, there were confined in the state prison 594 state and federal prisoners. The capacity of the prison, with two in a cell, is 496. Some arrangement must be made by this assembly for increasing the capacity of the prison.

State Reform School.

Section 5781 of the revised codes states that the reform school is established for the keeping and reformatory training of youths between 8 and 18 years of age. My investigation leads me to believe that as much has been accomplished by the school as has been possible under the conditions and facilities provided by the state. For the largest number of youths reach this school on account of the lack of, or improper, home training and environment. After a year's, or at least a few years' confinement, they are released with a small additional amount of academic training, without occupation or knowledge of how to earn a living, and return usually to the same environment. Too frequently a criminal career or life of shame follows.

Cause of Failure.

The failure to secure a much larger percentage of lasting reformations is occasioned by not teaching them some means of earning a living before they are released.

I earnestly recommend that means be provided for teaching all youths sent to the reform school some useful occupation whereby an honest living can be earned, and not releasing them until it is earned. The prevention of boys and girls from entering upon criminal careers or lives of shame, where possible, is of the highest economic value to the state and the discharge of a duty we owe to society. Some additional expense will have to be incurred, but I believe that the beneficial results from such expenditures will more than compensate the state therefor.

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EXPERIMENT STATIONS

ARE VERY EFFECTIVE

The work carried on at the experiment station and at the information given at the farmers' institutes have done much to inform our farmers and fruitgrowers of the productive qualities of our soil and to teach them how to obtain greater results therefrom.

Increased production swells the profits of the producer and adds to the wealth of the state. I heartily approve of the experiment station, the field and his associates, and I recommend that the experiment station and the farmers' institutes receive an ample appropriation as circumstances will permit. In no other way can the money of the state be more profitably expended or produce more beneficial results.

Dry farming has proven successful in many sections, and in others experiments are being conducted upon possibilities. If proper methods are used, the state should give assistance by way of information to those who are setting upon the dry lands heretofore deemed worthless except for grazing purposes, and trying to grow crops thereon.

Public Service Commission.

I think that the time is opportune to put in operation the principle of regulating by law the charges made by public service corporations, and providing a public service commission for such purpose.

For the present this service could be performed by the state railroad commission and no additional expense incurred.

TWENTY-FIVE YEARS

SHOULD BE LIMIT

The advisability of public ownership of public utilities is now almost generally recognized and such actual ownership is rapidly becoming more extensive.

That municipal ownership of public utilities may be encouraged, laws providing therefor should be made plain, specific and easily executed.

No municipal corporation should be permitted to grant a franchise for private ownership of a public utility for a longer period than 25 years. It is a well-known fact that many perpetual or long-time franchises have heretofore been granted. A law should be passed providing that such franchises should expire in 1930, unless sooner expiring under the terms of the franchise.

I also recommend the giving to city councils the authority and power to regulate by ordinance or commission the rates for water and light and street car fares.

URGE AMENDMENTS

TO RAILROAD LAWS

Sufficient and expeditious transportation of freight and passengers and prompt communication of messages at reasonable rates are most necessary for the prosperity and progress of a people.

The effect of the interstate commerce act and the railroad commission law passed by the tenth legislative assembly have been beneficial and will be more so as experience in the application of the laws is gained and the courts have interpreted the provisions

of the acts and informed the commissions of the powers conferred.

The administration of the state railroad commission law has demonstrated that it is defective in many particulars and that amendments thereto are advisable. That the law may be strengthened in its provisions and extended in its application, I recommend the following amendments:

Some Amendments.

1. Extending its provisions to include, and giving the commission power to fix rates and charges and make all proper regulations for telegraph companies and lines.

2. Giving the commission full and explicit power and authority to require railroad companies to furnish promptly to shippers when required, sufficient and satisfactory cars, without discrimination, and the power to fix and require the making of a certain time schedule in the transportation of freight.

3. Authorizing and requiring the physical valuation of all of the property of railroads and telegraph companies in the state by the state railroad commission.

4. Providing for and requiring the inspection of railroad tracks and equipment by and under authority of the commission and conferring full authority to make and enforce any and all regulations to insure the safety of passengers and employes.

5. The enactment of a law making it a criminal offense to give or accept a bribe in the case of actual employes, free transportation or communications by or from railroad, telegraph, express or sleeping car companies.

NATURAL RESOURCES

SHOULD BE CONSERVED

President Roosevelt, in pointing out the rapid consumption and destruction of the natural resources of the nation and in calling the conference of the governors of the states and other distinguished men to discuss the question of conservation, has expressed thoughts of the present time, and his action in calling the conference will result in great benefits to this and coming generations.

It was my pleasure to attend the May conference and I deeply regret that circumstances would not permit my attendance at the meetings of the national conservation commission held in Washington last month. The time has arrived for us as a people to stop and take an inventory of our natural resources; to observe their rapid consumption and to devise means to prevent the unnecessary and wasteful use of the past and present. In no other way can the duty we owe to ourselves and to posterity be discharged.

The length of this message and the many questions which must be referred to will permit only a very limited discussion in detail of this most important problem.

FOREST RESERVES

MOST BENEFICIAL

Very few of our citizens oppose the policy of the federal government in creating and maintaining national forests. The forests protect the watersheds, prevent early spring flooding of the streams, and make more uniform the flow of water in streams at all seasons. These benefits have been clearly demonstrated, and a continuance thereof is most desirable.

Against the policy of the administration of such forests many of our citizens make grave complaints, and with much justification. The reason for the creation and maintaining of the forest reserves by the government is primarily the protection of the timber.

The miner in prospecting for mineral and developing mining claims upon the reserves, does not interfere with the growth of the timber thereon; but by the discovery and development of mines adds to the wealth of the state and nation and should be encouraged and assisted rather than interfered with by unnecessary rules and regulations.

Not Unreasonable.

The demand for the inspection of mining claims on forest reserves by inspectors having a fair knowledge of mineralogy, and the use of such timber without compensation as may be necessary for mining purposes, does not seem unreasonable.

It has been clearly demonstrated that the grazing of livestock upon the reserves does not seriously interfere with the growth of the timber thereon. The grass on the ranges grow from year to year and is temporary in character. This, in my judgment, is a resource of the state, the income from which should be paid to the state and the regulation thereof should be by the state, and such general regulations as congress may impose, insuring that the growth of the timber would not be interfered with. I feel quite assured that only such of our citizens as have received favorable grazing privileges, or are acquainted with the facts, favor the present regulations.

I therefore suggest that you pass a proper memorial to congress asking that the present regulations be changed as herein suggested.

MONTANA POSSESSES

GOOD WATER SUPPLY

Montana is rich—immeasurably rich—in its volume of water for irrigation, power and other useful purposes, and our future growth will be materially aided or retarded by the manner in which this resource is developed.

The unappropriated waters of the state are of right the property of the state and should be so declared. The use of all unappropriated waters should be permitted only in accordance with and strictly regulated by well considered laws which will recognize, protect and preserve the benefits thereof to the people of the state.

This is a semi-arid climate and only by the use of water for irrigation purposes can the best and surest results be obtained. The product of the soil has been and will ever be the greatest and most permanent source of wealth. The supply and use of water for irrigation purposes should therefore receive most careful attention and consideration.

Returns to Source.

A large part of the water diverted for irrigation purposes returns to the contributing stream and can be used again for the same or other useful purpose.

The use of water to provide cheap power for the development of our mineral resources and the building up of other great industries is also very necessary. No part of the water used in power development is lost; it is only the fall in a given distance along the stream that is consumed. Under such laws and regulations as will

compensate the state for the value granted, the use of water for power purposes should be permitted and encouraged.

The use, however, should be permitted only after a franchise provided for by law has been granted, which will explicitly set forth the rights granted and will provide that such reasonable percentage of the gross income received from the sale of the power shall be paid annually to the state as will compensate the state for the privileges granted away.

Right to Regulate.

There should at all times be retained the right to regulate by law or public service commission the amount charged consumers for power developed by water.

In my judgment, the federal government has no jurisdiction over the streams of Montana except to the extent of preventing interference with navigation, existing or possible. I cannot look with favor upon the assumption by congress or federal officers of jurisdiction over the streams of Montana at points where navigation is not possible.

I conceive it to be your duty to pass a law declarative of the rights of the state in this respect and authorizing such action in the courts as will determine the rights in this regard as between the state and the federal government.

STATE TIMBER LANDS

OF GREATEST VALUE

Among the natural resources, the property of the state, the timber and timber lands are of great value, and if a correct system of conservation is pursued, the timber of the state will be a perpetual source of income. Realizing that the laws providing for the administration of the state's timber interests are not sufficiently comprehensive and that the time has arrived for a more definite policy, in June of last year I appointed a forestry commission consisting of Hon. Robert B. Smith, Hon. Paris Gibson and Judge Lew L. Callaway to consider the question and make recommendations to this assembly.

Governor Smith has since died and I appointed E. W. Handegge as his successor. The commission has devoted a great deal of time to the preparation of laws for the administration of the timber holdings of the state, and its suggestions and recommendations will be later submitted to you.

Protection Insufficient.

So far the state has provided no sufficient fire protection for its timber. Good business men insure their property against loss by fire, and the exercise of the same judgment would seem to require the adoption of means to protect the state's timber holdings of the state.

The cutting of young and unripe timber is a wilful waste and should not be permitted. The indiscriminate leaving of slashings in logging tends to destroy the young timber and create fire traps from which forest fires may result and cause a washed bare of timber, melts early and the water therefrom serves no useful purpose. A watershed covered by timber acts the same as a reservoir, which turns down its water in the season useful for irrigation and other purposes, and in such a manner, as to assure a larger flow of water in the streams at all seasons.

Too Valuable.

Water is too valuable in this semi-arid climate to be permitted to run to waste. Denuded watersheds cause such needless waste.

The state from a broad business policy should not permit any of the watersheds controlled by it to be entirely denuded of timber, and if reforestation is practicable, it would be the exercise of the wisest judgment to reforest the bare or denuded watersheds.

MONTANA LAND LAWS

SHOULD BE IMPROVED

Land is the most enduring of the natural resources. The holding title to and the administration and protection of lands affect the happiness and prosperity of the whole people. Therefore the state should deal with the greatest care and administer most wisely the immense areas of lands granted it by the federal government for educational purposes.

The law providing for the administration and disposition of state lands are defective, insufficient, contradictory and in some instances directly in conflict with the enabling act.

It should not be a matter for surprise or concern when consideration is taken of the fact that our statute laws upon the subject were made many years ago, and at a time when the immense values involved were not realized.

A Few Defects.

A few of the many defects and insufficiencies of the laws will be pointed out and your attention called to the urgent necessity for a careful consideration of and a most thorough investigation into the subject. I shall be pleased, if it is desired, to meet with the public land committees at any time and discuss in detail proper amendments.

Section 2 of the enabling act provides that all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than \$10 an acre.

Section 2175 of the revised statutes is as follows: "Whenever any state lands have been exposed for sale and lease at auction, any lots or tracts remaining unsold or unleased, the register may sell or lease them to any person therefor, making application therefor, subject to the same terms and conditions as though the applicant were the successful bidder at a public sale and leasing; provided, that all sales under the provisions of this section to be valid shall require the approval of the board."

In my judgment, is in direct conflict with section 2 of the enabling act in this: Section 2161 of the revised statutes provides that the state board may from time to time direct that the lands belonging to the state be offered for sale and lease at public auction to the highest bidder, such sale to be conducted by the register of state lands, at the court house of the county wherein the lands are situated. This is the only provision of the statute providing for a public sale of state lands.

May Be Held.

Section 2173 provides that any lands not sold or leased at the public sale may be sold or leased under the same terms as any person making application therefor, provided such sale is approved by the state land board.

The effect of this provision is to per-

mit sale of those unsold and unleased lands by the register at the office of the register, at any time and without notice, that is to say, at private sale.

I recommend that the statutes be amended to accord with the provisions of the enabling act.

The act granting the lands does not limit the number of acres that they may be sold to any person. Section 2151 of the revised statutes limits the amount to 160 acres. It was evidently the purpose of the statute to provide that not more than 160 acres of state land should pass to any one person.

Deemed Advisable.

If it is deemed advisable or desirable that this provision shall be effective, then some additional laws are necessary.

Section 2167 of the revised codes provide that any purchaser of state lands may assign his certificate of purchase, and that patent to the land shall issue to the assignee. Under the provision, one person through dummy purchasers may acquire title to any number of acres of state lands. To make a limitation upon the amount of lands acquired by one person effective, there should be a provision of law prohibiting assignments of certificates previous to final patent or at least such assignments should not be permitted without the consent of the state board of land commissioners.

Not Necessary.

I do not regard the 160-acre limitation as advisable in all cases. There should be a sufficient quantity of land passed to the purchaser to make a home for the purchaser and his family. In some localities and with sufficient water for irrigation purposes, 80 acres are sufficient for a home, in other sections 160 acres are required; in a dry farming locality 300 acres are desirable, and in a section where hay is the principal crop of value 600 acres are necessary.

I recommend that the lands be classified and provisions be made limiting the amount of land passing to any one purchaser according to the classification made. The classification and reclassification of all state lands are advisable, and full and detailed information in relation thereto should be gathered and recorded in the permanent records of the state land office.

Too Many Duties.

Too many duties, largely clerical in character, are required of the state board of land commissioners. The creation of a subordinate board, composed of the register of state lands, the state land agent and the state engineer, and whose actions should be advisory and subject to the approval of the state board of land commissioners, would not necessitate any additional expense, and would promote a better administration of state lands.

The provisions of the laws relating to the administration of the mineral lands of the state are few and wholly inefficient.

One person well informed as to the relative values of the timber and coal lands has informed me that the coal lands are of the greatest value. Regardless of the value as compared with the timber lands, the coal lands are of sufficient value to warrant adequate laws for their administration and disposition.

The state board of land commissioners has for some time past refused to sell lands known or believed to possess coal values, and has leased on a royalty basis such of the lands as have been disposed of. This action appears to me to be wise.

Prevent Sale.

I recommend that you provide that no known coal land be sold, that provisions be made for leasing the same upon a royalty basis, designating the minimum amount of royalty, and that patents for land sold not known to possess any coal values, but situated in sections where there are some reasonable grounds to believe may possess coal values, or that are designated as coal lands by the geological department of the United States government, reserve to the state all coal therein and the right to mine the same.

Many other defects and insufficiencies could be pointed out but the length of this message will not permit a further discussion in that regard. Realizing from my experience as a member of the state land board that our land laws needed radical changes and amendments, and the result of the extent of the questions involved therein, in the month of August last, I appointed a land commission consisting of Hon. David Hilger, Hon. Charles S. Hartman and Hon. B. F. White, to consider the subject of changes and amendments to the land laws, and make recommendations and suggestions for your consideration. Mr. Hartman resigned, and I appointed Hon. Rudolf von Tschudi as his successor. This board has held several meetings and has given much time and thought to a revision of the land laws, and their suggestions and recommendations will be later submitted to you for your information and consideration.

Water For State Lands.

That there may be unappropriated water in the streams of the state with which to irrigate the state lands, when it is found desirable to reclaim the same, provision should be made for the appropriation of water to irrigate state lands, and the appropriation of water made prior to any appropriation of water made for other than irrigation purposes.

As to the advisability of extending the same provisions to all appropriations of water for irrigation purposes, I have not been able to give sufficient thought to arrive at a well considered conclusion, but I realize that there is merit in the suggestion.