

Imperial Press

AND FARMER.

"Water is King—Here is its Kingdom."

VOL. I.

IMPERIAL, CAL., SATURDAY, DECEMBER 21, 1901.

No. 36.

WRIGHT IRRIGATION DISTRICT LAW

THOROUGHLY TESTED BY THE COURTS—PRONOUNCED
CONSTITUTIONAL BY THE UNITED STATES SUPREME
COURT—DOUBTFUL POINTS ADJUDICATED BY
THE STATE SUPREME COURT—BROUGHT
INTO DISPUTE BY CONSCIENCELESS
SPECULATORS.

SATISFACTORY IN ITS WORKINGS WHEN GIVEN A FAIR TRIAL

California has upon its statute books a law passed in 1887, and amended more or less every two years ever since, that has been discussed and cussed by the general public to a greater extent than any other law ever enacted in this State.

This law at the time of its enactment was decidedly a new departure so far as irrigation laws go in the United States. It was, however, demanded by several irrigation State conventions which were composed of the leading irrigationists of the State.

That the law was imperfect in some respects has always been conceded by its friends, and that it is an impossibility to enact a perfect system of irrigation laws for irrigation districts is also a true statement, because no human laws are perfect and because there were features that should have been incorporated into the law that the people were not ready to concede.

One of the weak points of the law was the fact that a board of directors selected from ordinary farmers of limited experience in financial matters were called upon to negotiate a million of dollars worth of bonds and then construct an irrigation system out of the proceeds received therefrom. Another weak point was the fact that for speculative purposes a few men would locate in an arid country, file on a water right, organize a district, authorize the issuance of bonds, and then sell the water right filing to the district for a large block of the bonds.

In other cases the transaction would not be so bare-faced, but still the dealing between the district and certain leading citizens would have all the elements of speculation regardless of the rights or interests of the persons who owned the land or to whom the land might afterwards be sold.

There are other weak points. The district bonds were often issued for many times the assessed value of the district when organized, and the burden of taxation fell so heavily on the land owners who could not sell their land as rapidly as they hoped, that financial ruin stared them in the face.

In such cases the bonds were not considered of value by investors, and they were frequently hawked about for any old thing that they might bring, generally in absolute violation of law.

These are the weak sides of the question. Because of these weak points, there were many districts that went to ruin before they had an opportunity to issue any bonds, and

still others that were wrecked after such issue of bonds.

Out of about forty districts organized in this State, only four or five are today in good running order and on a solid financial foundation.

These few districts are standing monuments of the fact that the law is a good one, and the wrecked districts are monuments of the fact that a good law may work ruin by its maladministration.

That the law is a good law from a legal point of view is demonstrated

were outstanding for a partially constructed system.

That there are several districts now in successful operation is evidence that the law rightly administered is susceptible of good results. It is a system in which the owner of the land to be irrigated absolutely owns and manages the system, and controls the water to irrigate that land, and such owners of land get their irrigating water at cost—if there has been no mistakes made in securing or building the irrigation system.

The Alta Irrigation District in Tulare county, is an illustration of one of the successful irrigation districts formed under the Wright Irrigation District Law. This district, when formed, purchased the '76 canal and its distributing system, paying therefor with the bonds of the district. These people had no experiments to try in the construction of a great system. It was already mostly com-

pleted. The people under this system are satisfied and contented with the present district program.

The Turlock and Modesto districts, located in Merced and Stanislaus counties, are also very successful. The Turlock system is completed for the irrigation of 176,000 acres, and the success is so great that the district is now able to refund its bonded debt at five per cent.

The Modesto district system is not yet quite completed, but it soon will be, when its debt will also be refunded at five per cent. This district is nearly as large as the Turlock district.

Both of these districts united in constructing a dam across the Tuolumne River, ninety feet in height—both districts taking water from the same source of supply, dividing the stream equally between the two districts.

Most of the districts illegally formed, or corruptly formed in some cases, are dead, and there are no runs to mark the fact that they ever

had an existence, while a few districts that ought to have been dead long ago are still lingering ghosts in the courts not having been decently buried as yet.

Now that the wheat has been separated from the chaff—and there is always more chaff than wheat—public attention is again being turned to the benefits of the irrigation district system. The mistakes that were so numerous in the forming of the forty districts which were formed during the late boom, when nothing could be done without a tinge of wild speculation being connected therewith, can now be avoided. These mistakes have all been pointed out by the courts in numerous cases of litigation.

There should be no more wild speculation in irrigation matters. There should be no irrigation systems formed that do not furnish cheap water to those who desire to use it.

Prior to 1875 the only irrigation companies in California were close corporations, where a set of capitalists owned the system and sold the use of the water to those who desired to use it. For the control of this class of corporations a law was afterwards enacted requiring boards of supervisors and boards of trustees of incorporated cities and towns to annually, in February, fix the rates at which companies should sell water to consumers in their respective jurisdictions.

In 1875 the system of mutual water companies gradually came into existence as a necessity of the times. These companies were incorporated to furnish water to their stockholders only at cost. Such corporations, when so formed, could not deliver water to any one not a stockholder at any price.

Most of the prominent irrigation water companies now in Southern California are formed on this basis. Over such corporations, according to a decision of the State Supreme Court, the Board of Supervisors have no jurisdiction so far as fixing water rates is concerned.

There were and are serious objections in many localities to the Mutual Water Company system. A person may own a tract of land in a locality that is irrigated by a mutual water company system and he may conclude to buy no water stock and therefore he can get no water. In such a case there is a dry desert in the midst of a large cultivated area.

In the case of an irrigation district all land owners in a given area must come into the district and their lands must bear their proportion of the burden to reclaim the entire area.

This is right. This is just. The Wright District Irrigation Law has passed through a fiery ordeal and has come out as one of the tried laws of the land. A better law might be procured, but no better law for the management of irrigation systems has as yet found its way upon the statute books of any of the States of the Union.



THE IMPERIAL DISTRICT SCHOOL—SUMMER OF 1901, HELD UNDER A RAMADA—WITH TENT FOR USE WHEN NEEDED—FORTY SCHOLARS IN ATTENDANCE.

by the fact that the Supreme Court of the United States has pronounced it constitutional.

Not only has the highest court in the land sustained the validity of the law, but nearly, or quite, every clause in the law subject to attack has been adjudicated by the Supreme Court of the State of California.

There was a time when the law was so popular that bankers and financiers—while they were sometimes afraid of it—dare not come out openly and criticize it or criticize the irrigation district bonds.

At a later date the fight against the law became so vigorous and persistent, urged on by the large land owners of the San Joaquin Valley, that there were few who dared to openly defend the district system and all sale of bonds was stopped, which caused the utter ruin of many irrigation districts, and the financial ruin extended to individuals who were land owners in irrigation districts where there was no system of irrigation, although in some cases bonds