

# THE IMPERIAL PRESS

"Water is King—Here is its Kingdom."

VOL. IV.

IMPERIAL, CAL., SATURDAY, JANUARY 14, 1905.

NO. 39

Published at the center of the greatest irrigated territory in America, in the heart of the Colorado desert, San Diego county, Southern California, 67 feet below the level of the sea. Under present canals, 250,000 acres: under irrigation system when completed, 400,000 acres. Adjacent to irrigated land in Arizona and land to be irrigated by the National Government from the same grand Colorado river which will make a combined body of more than a million irrigated acres.

## A DEAD ONE

### The Three Million Dollar Deal Advocated By the California Development Company Through Its Imperial Valley Organ

The Conservative Advocated By The Corporation---The Corporation Advocated By The Conservatives---"Birds of a Feather Will Flock Together"

Since Mr. F. C. Paulin became the owner of the Imperial Valley News, that journal has become a very strong advocate of government ownership on California Development Company terms. Its issue of January 6 was so replete with this sort of pabulum, and contained such a complete expose of the argument for government ownership from the conservative standpoint, that we feel that it should be given a wider publicity than the "News" circulation will give it.

We were particularly struck by the ingenious argument against litigation and in favor of arbitration. This is the gospel of "business methods and diplomacy" brought down to date. In view of the fact that on December 1, 1904, every debtor of the California Development Company in this Valley received a bill from said company, across the face of which was printed in red ink a notice signed by A. H. Heber and reading to the effect that unless the recipient met his contract within ten days from the day it became due, the bill would be turned over to their legal department with instructions to enforce collection. We would like to ask our conservative friends what advice they have to give the poor unfortunate who unable to meet his payment on account of crop failure caused by the California Development Company not furnishing water to him, finds himself sued by said company. Would they deprive him of the right of defense on the grounds that he is plunging the Valley into litigation? If so, a very unjust judgment might be given against him. NO! emphatically NO: What is sauce for the goose must be sauce for the gander. The California Development Company being composed of business men, know that the law suit is the backbone of business, and the only sure method of enforcing contracts and collecting bills. If the California Development Company uses this method, why should it not be used by others.

Another thing that we feel merits attention is the naive and misleading argument in favor of paying the California Development Company three million dollars. This is gotten up on the hypothesis that the California Development Company owns the Colorado river and has a right to exact from the land owners a base charge for a water right, represented by "water stock" in some one of the mutual water companies, and also the right to charge fifty cents per acre foot for all water served to such water stockholders.

There are very grave doubts of this all being true in the face of the California laws and late Supreme Court decisions, not to mention the opinion of the Attorney General of the United States, who holds that all of the water of that river belongs to the United States as long as it is in American Territory and that all diversions of water from said stream by individuals and corporations are illegal. So far as the California Development Company's Mexican contract is concerned, it is not an asset to be reckoned at all. The Mexican government has decreed that no base or "water stock" charge shall be made against the lands the California Development Company have contracted to irrigate in Mexico, and that fifty cents per acre foot for water actually used shall be the charge for the present, but they have the power to cut that down to any figure they please (see section 18 of the contract.)

The Reclamation Service has always advised that a contract be made with the Mexican land owners for an equitable division of the water and its use for irrigation. Said contract to provide the Imperial people with a free right of way through Mexico for their water. Also to limit the amount of water Mexico shall have, and provide that all the remainder may be used in the United States. If we ever get government ownership it will be on such terms as the United States government considers fair to itself and to the people of the Imperial Valley.

In this connection we would say, that the Reclamation Service advises that the Imperial Valley Water Users' Association purchase the EXISTING PLANT of the California Development Company and its associated (Mexican) corporation. They do not say for us to purchase their water appropriation, nor their Mexican concession, nor any of the franchises, etc., they claim to have. It is simply their EXISTING PLANT, which means their main canal in the United States and Mexico, and the headgates and structures that are parts of it.

The question now is, how much is this EXISTING PLANT worth. If they get what it cost them what more should they ask? They have already sold water stock for 217,000 acres of land, and have received at least \$2,500,000 for the same. Besides this, the parties composing the California Development Company own most of the valuable franchises, the townsites, and a great

Continued on page 5.

## NO WATER RIGHTS

### Claim of California Development Company To The Waters of the Colorado River Is Denied by the Government

"Gold Bricks" Are Sold Even In These Days of Wisdom And Conservative Business Methods.—Times Articles Explains Situation—Government Is Master

The Secretary of the Interior, on Monday of the present week, transmitted to Congress his report on the Colorado River. This report, it will be recalled, is made as the result of a resolution adopted at the last session of Congress, directing the Secretary of the Interior to investigate various questions involved in the lower Colorado River for the irrigation of arid lands in California and Arizona, to report the extent to which these waters should be controlled for irrigation under the national irrigation act or by private enterprise; and what legislation, if any, is necessary in the premises.

In transmitting the report, which was prepared by the Geological Survey, Secretary Hitchcock in a letter takes occasion to say (referring inferentially to the Imperial enterprise,) that in the case of waters appropriated and "now being put to beneficial use," he recommends that the appropriation stand, leaving it plain that where water has been appropriated and is not being put to beneficial use the appropriation should not stand.

Mr. Hitchcock merely states with reference to Mexico that the Mexican government has entered a protest against any interference with the navigability of the Colorado River. The report makes no reference to the proposition that the government purchase the Imperial property for \$3,000,000.

Coming down to the report itself, which was written by F. H. Newell, chief of the Reclamation Service, there are many pages devoted to the questions involved in the physical conditions surrounding the entire proposition, and to a discussion of legal questions involved, etc. Finally the report says that under a complete conservation of the waters of the Colorado river and its tributaries, such as would be possible under the Reclamation act by a systematic and logical development, not less than 2,000,000 acres could be irrigated in the comparatively near future, and a good deal more than that later. The report then recommends as follows:

#### INVESTMENT DISCOURAGED.

"Up to the present time all development on the Colorado river has been by private enterprise, the proposed Yuma project being the first investment of national funds. As a rule private enterprise has been greatly hampered by the magnitude of the construction of effectively controlling the stream. Experience with these enterprises has been such as to discourage further investment,

especially in view of the fact that under the terms of the Reclamation act the government probably will construct large and permanent works, utilizing all of the available resources.

"The principal large enterprise is that of the California Development Company, taking water at or below the international boundary on the California side and carrying it through the republic of Mexico for about sixty miles to points where it is returned in part, northerly into the United States.

"Here in the southern end of San Diego county, California, is a great sink, or depression, extending to a depth of nearly 300 feet below sea level. Waters from the Colorado river conducted through Mexico and distributed over a part of this area through canals owned by the farmers. The lands lie in altitudes from those slightly above sea level, sloping very gently toward the north or west to Salton sink. The entire area has been frequently overflowed in recent geological times, both by waters of the Gulf of California and by the waters of the Colorado river. In fact the depression is simply the upper end of the Gulf of California, cut off from salt waters by a broad expanse of fine sands or clays, being sediment brought down by the Colorado river.

#### WASTE, NOT USE.

"This depression being the bed of a former estuary or brackish lake, it contains all of the salts or alkali which was left by the evaporation of the water. This alkaline contents ranges from a slight or inappreciable percentage to 3 per cent or more. Reports of the Bureau of Soils of the Department of Agriculture cover this point fully and illustrate the difficulties and dangers encountered by settlers in this area.

"Lands within and around this depression have been filed upon principally under the terms of the Desert Land Act, and to a less extent under the Homestead act. Holdings are usually from 160 to 320 acres or more, and irrigation has been attempted on many of these with greater or less success, dependent upon the amount of alkali in the soil and the skill of the farmer in distributing the available water supply.

"Use of the waters of this river upon lands which are very strongly alkaline, or which for other reasons can not be permanently reclaimed and made to produce remunerative crops, is a waste and not a beneficial use. The waters of the Colorado river have in some cases been applied to lands of this character,