

Water Concessions in Mexico

J. P. Taylor in Mexican Investor: Roughly speaking it may be said that the method of obtaining a concession for either irrigation or for power is practically the same and I shall, therefore, not attempt to make any distinction between the two, but deal with both under the general name of "water concessions."

These according to the circumstances, are either federal or state.

The federal concessions are obtained under the law of the 4th of June, 1894. The substance of this law is as follows:

The executive is empowered to grant water connection with rivers, etc., within federal jurisdiction."

Naturally the interested party must present a petition to the department asking for the concession, and the petition must be published in the official organ of the federation and also that of the state in which the water is found, before the concession can be granted.

Should any opposition arise this is referred to the courts for decision and every concession is granted, subject to the rights of third parties.

After the concession has been granted, plans, profiles, etc., and the technical report have to be presented to the department of Fomento—the department which has charge of the class of business—within the period allowed for the purpose.

An inspector has to be appointed by the department to see that the undertaking is properly carried out. The salary of the inspector usually amounts to \$200 per month and must be paid by the concessionaire. Of course, when the works have been concluded both the inspection and the salary cease.

The concessionaire is obliged to deposit a certain number of bonds of the public debt by way of guaranty for the due fulfillment of the terms of the concession. There is nothing in the law as to the amount of the bonds necessary for the purpose, but for a long time past it has been the practice of the department to require a deposit of five thousand pesos in bonds of the Public Consolidated Debt," and to have such deposits made within eight days after the promulgation of the concession. It may, therefore be taken that in the future these terms will be exacted in every case, as if an exception is made in one case, it will be asked for and expected in every other. Hence the inclination in all the departments of the government to use common forms in the cases of concessions of every class.

Once the works are finished, the deposit is returned. The value of the bonds, which carry three per cent. interest, is about 70 per cent. The amount of cash necessary to purchase the \$5,000 bonds would, therefore, be about \$3,500.

The exemptions granted concessionaires are the following:

1. Exemptions for five years from federal taxation, stamp duty excepted, on the whole of the capital employed in construction and repairs.
2. Importation, free of duty, for once only, of the machinery, instruments and apparatus necessary for the works and the operations of the same.
3. The right to take without compensation any government lands necessary for the canals, the construction of dams and the forming of deposits.
4. The right to expropriate or pre-empt lands belonging to private individuals or companies, on the same terms as apply in the case of railways. This implies reasonable compensation for the land taken and, of course, no more than is necessary can be expropriated.

Of late, the department sometimes requires as a condition precedent to the granting of water concessions, that the applicant prove sufficient financial ability to carry out the undertaking. This is a new requirement and one which it is not always easy to meet.

An important question is as to what rivers are under federal jurisdiction, in respect of which only a federal concession can be given. This matter is

governed by the law of the 28th day of May, 1888, which says that the interior lakes or rivers which are navigable or "floatable," also the lakes or rivers of any kind which form the boundary line between the republic and any other country, or the boundary line between any two states are "general ways of communication" for their whole length and are, therefore, under federal jurisdiction.

With regard to the other lakes and rivers, that is to say, those not under federal jurisdiction, a person desiring to use them for power or irrigation purposes should obtain a concession from the state in which they are found. Every state in the union has a law on the subject and the applicant would do well to consult such law before applying for his concession.

In many states, if not in all, the difficulty in obtaining such a concession is even greater than it is in securing a federal concession of the like nature. This is occasioned by the fact that the law of the states require the applicant to file his plans, with profiles, etc., at the time he presents his petition for the concession. As has already been shown this is not required in the case of federal concessions, which are granted before the plans, etc., are presented.

Under the existing stamp law, the stamps on water concessions are at the rate of \$5.00 per leaf. Under the new law which will come into force on the 1st of November next, the stamps will be at the same rate per leaf, with an additional \$2.00 for every horse power if the concession is for thirty years or more, and \$1.00 per horse power, if the concession is for less than thirty years, in the case of water power concessions. With reference to irrigation concessions, the new law will require the same stamp per leaf, with an additional \$5.00 for every cubic meter per minute, if the concession is for thirty years or more; if for less, \$2.50 per cubic meter per second.

Naturally this comparatively high stamp duty will act as a deterrent in the matter of water concessions. On the other hand, it seems fair that the government should receive something substantial for the valuable rights and privileges granted concessionaires.

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Colorado River Gage Taken At Yuma

Day	July		August	
	Gage Height	Discharge	Gage Height	Discharge
1	26.50	74,079	20.35	25,630
2	25.55	65,879	20.30	25,450
3	24.35	59,695	20.20	25,000
4	23.35	53,185	20.00	24,520
5	22.85	49,927	20.15	24,800
6	22.40	46,104	20.00	24,000
7	22.00	42,309	19.70	21,870
8	21.90	41,435	19.40	21,700
9	21.85	40,988	19.30	21,620
10	21.85	40,988	19.20	20,500
11	21.80	38,665	19.55	20,480
12	21.55	38,323	19.40	19,500
13	21.40	38,118	19.40	19,550
14	21.30	36,698	19.40	19,500
15	21.10	36,300	19.20	16,890
16	20.95	35,380	19.20	16,900
17	20.95	35,380	19.10	16,500
18	21.25	32,820	19.10	16,530
19	21.50	32,500	19.50	17,350
20	21.20	32,460	19.25	16,500
21	21.35	32,000	19.90	18,480
22	21.50	32,000	19.30	15,600
23	21.60	31,620	19.25	15,550
24	21.40	32,290	19.25	15,510
25	21.50	32,960	19.80	17,870
26	21.40	32,900		
27	21.20	30,400		
28	21.10	29,100		
29	20.90	29,100		
30	20.70	29,055		
31	20.50	27,000		

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DESERT LAND, FINAL PROOF—NOTICE FOR PUBLICATION.
United States Land Office, Los Angeles, Cal., August 14th, 1906
Notice is hereby given that James F. Jackson, of Riverside, Cal., assignee of John R. Havens, has filed notice of intention to make proof on his desert land claim No. 2714, for the E½ of SE¼, Sec. 26, T. 16 S, R. 13 E, S. B. M. before Register and Receiver at Los Angeles, Cal., on Friday, the 12th day of October, 1906.
He names the following witnesses to prove the complete irrigation and reclamation of said land: John S. Phelps, of Redlands, Cal.; Enos H. Ringo, of Riverside, Cal.; Geo. W. Fowler, of Silsbee Cal.; Hattie E. Jackson, of Riverside, Cal.; I. W. Gleason, of Riverside, Cal.
FRANK C. PRESCOTT, Register.
sept-1-sept-29

NOTICE FOR PUBLICATION.
Department of the Interior, Land office at Los Angeles, Cal., July 30, 1906.
Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before register and receiver at Los Angeles, Cal., on September 21st, 1906, viz:
LEWIS E. COOLEY,
Homestead entry No. 9646 for the E 1-2 of NW¼ and E 1-2 of SW¼, Sec. 21, T. 15 S, R 14 E, S. B. M.
He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz: J. S. Kline, of Los Angeles, Cal.; S. M. Bixby, of Imperial, Cal.; Geo. W. Denny, of Imperial, Cal.; F. G. Havens, of El Centro, Cal.; E. A. Slane, of Imperial, Cal.
FRANK C. PRESCOTT, Register.
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