

## THE KIBBEY PLAN

(Continued from Third Page.)

user to use less water than is necessary under the most economical and skillful cultivation and irrigation, to make his lands the most productive, is a policy that leads to universal ruin. It is not intended to say that it might not be good policy in a time of unexpected and sudden but temporary shortage of water to provide for a distribution of water that will save permanent growths as distinguished from annual or temporary ones—but this would be simply to meet an emergency and it is not obnoxious to, but rather proves the rule stated.

There is another consideration that is of very practical importance, and that is the question, who shall be the beneficiaries of the construction of the proposed reservoir?

It would seem that it would be the policy of the government to make up by means of stored water the deficient supply for those lands already imperfectly cultivated, because of this deficiency.

There is, it may safely be stated, more than 1,000,000 acres of land in this valley to which water could be distributed from the proposed Tonto reservoir, by the existing means of distribution if there were a sufficient supply of it. Some of it is absolutely unreclaimed, some partially reclaimed and others more nearly so, but none in practice as it has lately prevailed here, completely so.

If the reservoir is built and fulfills our expectations there will be no distinction in practice, in the distribution of stored water and other water, whatever its source, by the general reservoir and canal system. All will have the benefit of the water as it did naturally, and would again if not for the reservoir, naturally flow in the river, a large but indefinite part of which never has been appropriated. If it can be obtained for the 1,000,000 or more acres susceptible of service. But there can be no such thing as a free lunch.

Then how shall applicants be served? It is the most logical, the most natural, the most just and the most practicable plan to meet the demands in the order of the existing appropriations until they are supplied, and if there be a surplus then to new lands acquired by homesteading under the provisions of the Newlands law.

Enough has been said to demonstrate the necessity of speedy and finally settling the question of priority of rights of land owners within the territory proposed to be supplied by the Tonto reservoir. Two plans suggest themselves, the selection of one or the other much depending upon the readiness with which the proposed beneficiaries approve of either.

One is by agreement of all the water users to submit the question of the date of appropriation, the manner of use to arbitrators selected under the statute, for award, for with a provision that the award shall be final, without appeal, and that the award be made a decree of court.

The other is to institute a suit in the district court for that purpose, having all the water users parties plaintiff or defendant with the incidental right of omitted parties, to make themselves parties; then have the case submitted to a referee to report to the court his conclusions as to time and extent of the appropriation of each party, and in due course a decree of the court thereon.

Of course it must be understood that nothing can be done or attempted to regulate the course of business of the courts by such an agreement.

Diligent work can accomplish this in a comparatively short time and the question laid away as settled.

It should be made a condition precedent to the acceptance of a subscription to the capital stock of the proposed association heretofore outlined, that the subscriber shall have agreed to submit these questions for settlement as proposed so that the extent and time of his appropriation shall have been determined by one or the other of these proceedings. After the determination of these rights the owners of them should be classified, each by the year of his appropriation.

Then, when the government is ready to issue rights under the reservoir, preference should be given to applicants therefor according to the class in which their appropriations are found, giving preference to the oldest, thence in order of time to the newest.

Reasonable limitations of time should be imposed within which this preference should be exercised, imposing upon the delinquent the penalty of postponement to await his turn at the last.

It is of course contemplated that after the plan here proposed shall be in operation, that there will be no pecuniary benefits accruing to the stockholders by way of profit of operation, and that when the cost of maintenance and operation shall have been provided for there can and will be no further charge to the water user.

It would rather, others than the compilers of this to make even an approximate estimate of the cost of and maintenance and operation and the probable income from sources other than the assessments against the stockholders.

The association will have no interest bearing debt to be charged up against the water user. The cost of management and administration can be reduced to the lowest possible limit by concentration and systematization. Taking these things into consideration it is conservative to say that the cost of water to the user ought not to exceed 75 cents per acre to the user per year. And this cost can be still further reduced from various sources of income.

The water impounded in the reservoir will afford power at a cost of one-fourth of that now paid for many times the amount now used in this valley, and even then produce a handsome income.

The cities and towns in the valleys will need a supply from which an important income can be derived. Power could be transmitted to pump water for the Pima Indians and the requirements for that purpose would hardly make an appreciable diminution of the whole amount developed, and would afford a more constant and more reliable supply of water than they ever had. The power could be used to raise the water now stored and constantly renewed in the gravelly strata underlying the surface

of the valley—an amount of important magnitude.

Viewing the matter from that of the extreme pessimist the prospect is almost dazzling. Taking the cost of the reservoir and of the system of distribution at the highest it can be expected, Reduce the amount of land to be irrigated to the least extent, within the certain knowledge of the most incredulous. Make liberal allowance for faults, improvidence, carelessness, mistakes and unskillful management and administration. Take into consideration disaster by flood, ignore possible income from other sources other than from the stockholders themselves, and yet the result is of such magnificent proportions as to be alluring.

There are dangers, too, some of them already realized, that have crept insidiously upon us, and are yet more insidiously and steadily increasing, that we will be at least better equipped to confront.

For more than fifteen years under our very eyes, but seemingly unnoticed, there has been a constant diminution of the water flowing into this valley. Aside from unusual meteorological conditions, prevalent for the three or four years last past, this is due to the constantly increasing diversion of water from the tributaries to our supply. And it is going on unchecked. It would be one of the most important functions of the proposed association to check this encroachment. That no attempt has heretofore been made to remedy this sufficiently suggests that while the present conditions of diversity and antagonism of interests continues in this valley it need not be expected. With unity of interest it may be hoped for.

We cannot console ourselves with the hope that matters with us cannot grow worse than they now are. Simple inactivity will make them worse. How much the prophet will tell you leaves a result not worth the computation. Whether the government builds or aids in building the Tonto reservoir or not, to stay our progress to a disastrous end, there must be a unification of the interests of the water users of this valley. Instances of utter ruin that is inevitable under a continuance of the present conditions in this valley may easily be pointed out within easy reach.

The plans and suggestions here submitted are tentative. It has not been attempted to work out every proposal in detail to its ultimate result. The result has been anticipated in each instance as desirable; the general means to the end has been suggested, and the filling in left for time for more and varied deliberation.

If the plans and suggestions do not, or some of them do and others do not, meet with approval, yet if they have the effect of pointing out other and better ones, this work will have justified itself.

## ARTICLES OF INCORPORATION OF THE INDUSTRIAL TRUST AND SECURITIES COMPANY.

Know All Men By These Presents, That we, whose names are hereunto affixed, do hereby associate ourselves together for the purpose of forming a corporation under the laws of the Territory of Arizona, and to that end make the following statement:

First: The names of the incorporators are: Wm. R. Drake, Thos. C. Brinkley, John Whitehead and Clark S. Edwards, and the name of the corporation shall be the Industrial Trust and Securities Company. The principal place in which the business of said corporation within the Territory of Arizona is to be transacted is Phoenix, Maricopa County, Arizona, and the principal place of business of said corporation outside of the Territory of Arizona shall be the City of New York, at which meetings of the Board of Directors may be held, and the corporation may have such branch offices either within or without the Territory of Arizona as may be established by the Board of Directors.

Second: The general nature of the business proposed to be transacted by this corporation is as follows, to-wit: To purchase, lease, bond, locate or otherwise acquire, own, exchange, sell or otherwise dispose of, pledge, mortgage, hypothecate and deal in real estate and any and all kinds of personal property, including, but not limited to, lands, mineral lands, coal lands, timber lands, oil, gas, asphaltum, petroleum, water and water rights, develop the same; to do a general vessel, real estate, manufacturing and mercantile business; to own, handle and control letters patent and inventions; and to make and execute all kinds of contracts, to borrow money and execute notes, bonds, mortgages or deeds of trust to secure the same, and to exercise in respect of all such bonds, mortgages, notes, shares of capital stock and other securities and obligations any and all rights, powers and privileges of the owners thereof, including individual ownership thereof, including the right to vote upon any shares of stock held by it to the same extent that a natural person might or could do.

This corporation shall also have power to transact a general Trust Company business; to transfer, register and countersign certificates of stock, bonds, notes, and to accept and execute any other municipal or corporate trust, and to transact any business in relation thereto; to act as registrar of stocks, bonds, certificates and debentures, and as transfer agent thereof for corporations or individuals; to act as the trustee for the holders of or otherwise in relation to any bonds, stocks or debentures issued or to be issued by any State, municipality, body politic or corporation. To buy, sell, deal in bonds, stocks and securities of all kinds, to loan money on real estate, stocks, bonds, or other collateral securities, and in general to do all things necessary to the proper conduct of the business of this corporation in the Territory and elsewhere, not inconsistent with the laws of the United States and the Territory of Arizona.

Third: The authorized amount of capital stock of this corporation shall be One Million (1,000,000) dollars divided

into Ten Thousand (10,000) shares of the par value of One Hundred (100) Dollars each. At such times as the Board of Directors may by resolution direct, said capital stock shall be paid into this corporation, either in cash or by the sale and transfer to it of real or personal property, for the uses and purposes of said corporation, in payment for which shares of the capital stock of said corporation may be issued, and the capital stock so issued shall thereupon and thereby become and be fully paid up and non-assessable, and in the absence of actual fraud in the transaction the judgment of the Directors as to the value of the property purchased shall be conclusive.

Fourth: The time of the commencement of this corporation shall be the date of the filing of these Articles of Incorporation in the office of the Secretary of Arizona, and the termination thereof shall be twenty-five years thereafter.

Fifth: The affairs of this corporation shall be conducted by a Board of not exceeding nine Directors and the following named shall constitute the Board of Directors until their successors are elected: W. R. Drake, E. M. Barnes, T. C. Brinkley, A. L. Austin, John N. Gilden, G. S. Edwards, J. Whitehead, and

Thereafter the Board of Directors shall be elected from among the stockholders as the by-laws of the corporation may provide.

Sixth: The highest amount of indebtedness or liability direct or contingent to which this corporation is at any time subject shall be Six Hundred Fifty Thousand (\$650,000) Dollars.

Seventh: The private property of the stockholders of this corporation shall be exempt from corporate debts of any kind whatsoever.

In Witness Whereof, We have hereunto set our hands and seals this 29th day of August, 1902.

WM. R. DRAKE (L. S.)  
THOS. C. BRINKLEY (L. S.)  
JOHN WHITEHEAD (L. S.)  
CLARK S. EDWARDS (L. S.)

In the presence of  
LEON LASKI,  
M. L. CURLEY,  
State of New York.

County of New York, ss.

On this 29th day of August in the year of 1902, before me, Leon Laski, a Notary Public, in and for the State and County aforesaid, residing therein, duly commissioned and sworn personally appeared Wm. R. Drake, Thos. C. Brinkley, C. S. Edwards and J. Whitehead, known to me to be the persons described in, whose names are subscribed to and who executed the annexed instrument, and they acknowledged to me that they executed the same for the purposes and consideration therein expressed.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office in the said State and County, the day and year last above written.

LEON LASKI,  
Notary Public (14) N. Y. Co.

(Notarial Seal.)

Territory of Arizona.

County of Maricopa, ss.

I, B. F. McFall, County Recorder in and for the County and Territory aforesaid, hereby certify that I have compared the foregoing copy with the original Article of Incorporation of the Industrial Trust and Securities Company, filed and recorded in my office on the 3rd day of September, 1902, in Book No. 11 of Incorporations at Page —, and that the same is a full, true and correct copy of such original and of the whole thereof.

In Witness my hand and seal of office, this 3rd day of September, 1902.

B. F. McFALL,  
County Recorder.

By A. S. ARTHUR, Deputy.

Filed and recorded in the office of the Secretary of the Territory of Arizona this 3rd day of September, A. D. 1902, at 2 p. m.

ISAAC T. STODDARD,  
Secretary of Arizona.

First publication September 6, 1902.

MINING APPLICATION NO. 778.

Survey No. 1614.

U. S. Land Office, Tucson, Arizona.

July 11, 1902.

Notice is hereby given that the Relief Gold Mining Company, by George Hamlin, its attorney-in-fact, whose postoffice address is Phoenix, Arizona, has made application for patent for

1500 linear feet each on the Relief, Venus and Relief No. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

VENUS LODGE.

Beginning at cor. No. 1, identical with the S. W. cor. of the location, a porphyry stone 6x10x24 ins. set 12 ins. in the ground chiseled 1-V-1614 with mound of stones alongside.

Thence S. 3 deg. 55 min. W. 123 ft.

Thence N. 3 deg. 55 min. W. 25.6 ft. Intersect N. line of sec. 10, T. 4 N. R. 1 E. Sec. cor. brs. west 123.6 ft. and east 519.3 ft. Impossible to find 3 sec. cor.

300 ft. To W. E. C. C.

600 ft. To cor. No. 2, identical with the cor. of the loc., a granite stone 6x10x24 ins. set 12 ins. in the ground chiseled 2-V-1614 with mound of stones alongside.

Thence N. 3 deg. 55 min. E. 1500 ft. To cor. No. 2, identical with the cor. of the loc. and with cor. No. 2 Relief Lode of this survey, a granite stone 6x10x24 ins. set 12 ins. in the ground, chiseled 3-V-2-R-1614 with mound of stones alongside.

Thence S. 3 deg. 55 min. E. 300 ft. Mon. E. E. C. C.

600 ft. To cor. No. 4, identical with the cor. of the loc. and with cor. No. 1 of Relief Lode of this survey, a porphyry stone 6x10x24 ins. set 12 ins. in the ground chiseled 4-V-1-R-1614 with mound of stones alongside.

Thence S. 16 deg. 05 min. W. 1126.1 ft. Intersect the north line of sec. 10, T. 4 N. R. 1 E. G. & S. R. B. & M.

Sec. cor. brs. west 496.6 ft. and east 478.3 ft. 1500 ft. To cor. No. 1 the place of beginning.

RELIEF LODGE.

Beginning at cor. No. 1, identical with the S. W. cor. of the loc. and with cor. No. 4 of Venus Lode of this survey, hereinafter described, whence

Cor. to sec. 3-4-9-10, T. 4 N. R. 1 E. G. & S. R. B. & M., brs. S. 87 deg. 17 min. W. 1623.7 ft.

Thence N. 3 deg. 55 min. W. 500 ft. Mon. W. E. C. C.

600 ft. To cor. No. 2, identical with the cor. of the loc. and with cor. No. 2 of Relief Mine No. 2, lode of this survey, a granite stone 6x10x24 ins. set 12 ins. in the ground, chiseled 3-R-2-R. No. 2-1614 with mound of stones alongside.

Thence N. 3 deg. 55 min. E. 300 ft. Mon. E. E. C. C.

602.9 ft. Intersect the north line of sec. 10, T. 4 N. R. 1 E. G. & S. R. B. & M.

Sec. cor. brs. west 3101 ft. and east 2182.9 ft.

600 ft. To corner No. 4, identical with the cor. of the loc. and with cor. No. 1 of Relief Mine No. 2, lode of this survey, a granite stone 6x10x24 ins. set 12 ins. in the ground chiseled 4-R-1-R. No. 2-1614 with mound of stones alongside.

Thence N. 3 deg. 55 min. W. 325.8 ft. Intersect the N. line of sec. 10, T. 4 N. R. 1 E. G. & S. R. B. & M.

Sec. cor. brs. west 227