A STATE IRRIGATION CONVENTION

A call was issued for a State Irrigation Convention to be held at Riverside on March 12th, 13th and 14th. The storm interfered with the attendance and the place of meeting was not well chosen. It was proposed to hold an a journed meeting at Los Angeles, but Riverside being in preponderance finally settled that it should be held in that colony on May 14th.

Mr. Holt, of the *Press and Horticulturist*, has offered to give in his valuble paper a stenographic report of the proceedings. Such a report we are sure will be read with great interest in many counties of the State. In an editorial published at the same time as the report of the Convention, the *Press* said:

"We repeat here what has been frequently stated in these columns before, that the system of distributing water in Riverside is a disgrace to a civilized community."

The Convention was called to order by Mr. Holt, of the *Press*, and A. P. Johnson was elected President, and L. M. Holt, Secretary. W. H. Hall, State Engineer, telegraphed that he could not attend. Professor C. H. Dwinelle could not attend, but expressed his sympathy with the movement by telegraph.

Hon. J. W. Satterwhite thought discussion would do much good but did not think legislation would help matters.

The decisions of the courts must be relied upon to remedy whatever evils there may exist between riparian ownership and prior appropriation. The use of water under prior appropriation or prescription under statues of legislation is rapidly settling these questions as against riparian ownership.

Legislation cannot interfere to say how much water should be used on an acre of land. Courts and juries must decide whether water is wasted or not. People will differ in opinion as to how much water is necessary. How much land a given quantity of water will irrigate is a question of fact. Courts cannot act arbitrarily, but their decisions will continually tend to settle these disturbed questions.

But the Legislature can act on the question of eminent domain—the public use of water. While in the Legislature he tried to amend the codes by making the construction of a ditch for one or more persons a public work, and the use of the water a public use, but he found it would not do. The code of civil procedure says that the supplying of water to a farming neighborhood is a public use; the Legislature can say that a number of farmers—say ten—constitute a farming neighborhood.

The San Bernardino Court, a few days since, had a case from San Timeteo for the division of water; the water had been used for twenty-five years; he appeared for the defense; he relied on prescription, prior appropriation, and statutes of limitation, but the judge decided on the basis of riparian rights, he divided the water according to the frontage of the land upon the stream. If it is impracticable to cut the stream up into small subdivisions, it can be divided by hours, giving each claimant the whole stream, making time the basis of division, according to the amount of irrigable land owned by each claimant. He was not so afraid of riparian rights as he used to be.

The new comers of California had demonstrated the fact that we could accomplish more with water than the old settlers had thought possible. In some localities it has been discovered that we can accomplish much without any water at all, while other localities need but comparatively little. The doctrine now is to economise the water and make it do as much duty as possible.

T. H. B. Chamblin thought the attendance too slim to do much.

John G. North thought that the question of eminent domain could be made to take care of the doctrine of riparian rights.

Mr. Satterwhite replied that such was the case; that riparian claims had been already condemned by legal process.

Capt. W. T. Sayward said: During the past five years nearly all legislation on water matters in this State, so far as irrigation waters were concerned, had been made with a view to affect Riverside and suit the interests of her people. Four years ago a meeting of irrigators was held in Los Angeles, and a bill was gotten up, but on some points they could not agree, and the bill was not presented. Soon after the State Grange attempted the work, but conflicting interests interfered, and the work was abandoned. The members of the Legislature, as a rule, don't know or care anything about this question. If a bill could be carefully prepared and backed up by a committee of intelligent men, it would be passed.

The question of riparian rights was carefully, fully and ably discussed in a report prepared by ex-Governor Downey. He ignored riparian rights; they were inconsistent with our laws and customs and wants. This country was originally under Mexican laws, and these laws were different from those of England. He had in his possession a copy of Spanish laws, touching irrigation, for the past 800 years. In most irrigated countries the ownership and management of the irrigating system were in the hands of the government. Where it was not, capital was protected. Spain, since 1866, had appropriated $5,000,000 for irrigation purposes, and Spain now owns all the canals in the country. The works were so expensive that the government had to take hold of the matter. The cost of water was an important one. It was not right to fix the price of water the same when the canals cost $100,000 as when they cost but $5,000. Spain fixes the price according to the cost of the works. In one case the cost is $1,865 per year for one cubic foot of water per second—50 inches perpetual flow under four inch pressure. In Fresno county one canal charges $800 a year for the same amount.

Mr. North of the Riverside Irrigation Company corrected Mr. Sayward with the statement that the $800 was for the first cost of the water right of 50 inches, and that the annual charge thereafter was but $100 a year. He further stated as a reason for the united action of water consumers that the President of the Riverside Canal Company had informed him that the water companies of the State had formed a combination and subscribed money to procure proper legislation at the next session of the Legislature.

Mr. Holt stated that so far as Southern California was concerned, Riverside had the only water company selling water for irrigation purposes where the stock of the company was not held by the consumers of water.

Mr. North referred to Fresno county as having companies also, whose stock was not held by the consumers.

Capt. Sayward referred to his management of the canals, when Arlington was first put upon the market. He had no other idea in selling land in Arlington, but to sell the water stock with the land. The company, when organized, so decided. He thought they could irrigate 12,000 acres of land, and that the canals would cost $120,000—$10 per share, or acre. He thought the price of water stock should be fixed at $10 per share, and then they could sell the land for all they could get for it. Water contracts were proposed by him and endorsed by the company; these contracts compelled the company to sell the water stock to purchasers of land at their option, but did not compel them to buy; the idea was to sell the land and contract the stock, giving their purchasers time in which to take the stock,—they not to take the stock till the canals were completed. Pending construction of canals the company furnished water to owners of land on government tracts. The Satterwhite bill was then passed which compelled the company to sell water to all consumers at the same price, and then it was no object for the people to take the stock as they could get their water at bedrock price and save their $10 per acre. Had the people taken the stock the differences of to-day would not have existed.

Mr. Satterwhite stated that the Legislature had the power to regulate rates, as that would not interfere with any vested rights. He referred at some length to the proposition that so far as regulation was concerned, an individual stood the same as