

Engineer of Colorado, it was stated at a Water Convention, held in California in 1888, that those who were competent to express an opinion were unanimous in conceding to Colorado the honor of being, so far as irrigation was concerned, in a position far in advance of California. It is worthy of note, however, that the authorities of Colorado deplore the condition of legislation there, which they consider to be not nearly so far advanced as might be desired, and as the requirements of their State demand. One of the chief difficulties which have had to be met was the impossibility of getting decisions through the courts as speedily as they desired, decisions which affected materially the water supply—the life of the country. They say that too much time was taken up first in raising the question, and next in deciding it. Colorado started with her irrigation legislation in 1881, and every session of the State legislature—which is biennial—has more or less affected it. So far as my investigation goes, I think that the legislation of Colorado embraces all points of excellence of that of any other State or Territory, and exceeds them so far in progressiveness that a summary of its laws would be amply sufficient for my needs, being absolutely comprehensive, and covering apparently all debatable ground.

I do not think that time should be lost in embodying in our regulations the principle set forth in the Constitution of Colorado, which is as follows:—

"Sec 5. The water of every natural stream, not heretofore appropriated, within the State of Colorado, is hereby declared to be the property of the public, and is dedicated to the use of the people of the State, subject to appropriation, as hereinafter provided.

"Sec 6. The right to divert unappropriated waters of any natural stream for beneficial uses shall never be denied. Priority of application shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the services of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have the preference over those using the same for manufacturing purposes."

The principle above established is opposed to the English law, and it would appear that when first proposed it was most strenuously contested by both bar and bench, but those who were then the most strongly in opposition are now the warmest advocates of the same.

The resolutions passed at an Irrigation Convention of the State of California, held in December, 1884, might perhaps be as well reproduced here.

The following is the complete report of the Committee, and every reader of the Register should study it as though his soul's salvation depended upon the understanding of it:—

1. That the cubic foot per second be adopted as the unit of measurement throughout the State.