

THE BEND BULLETIN.

VOL. VIII

BEND, OREGON, WEDNESDAY, MAY 11, 1910.

NO. 9

WATER RIGHTS ARE CONTESTED

Wurzweiler is After the Squaw Creek Settlers

THEY WILL MAKE DEFENSE

Hearings Ordered at Sisters June 1, Before the State Board of Control—Story of the Origin of the Controversy.

Valuable water rights are to be adjudicated in the Squaw Creek district, in the western part of Crook county. The Squaw Creek Irrigation Company has contested the water claims of settlers who irrigate their lands from that stream and the State Board of Control has ordered hearings upon the contest and cited the parties to appear at Sisters June 1 for that purpose.

The Squaw Creek Irrigation Co. was incorporated in 1892 as a mutual company to irrigate the lands of its stockholders who fixed the annual maintenance fee at 15 cents per acre. A few years later W. Wurzweiler of Prineville obtained control of the organization. The annual maintenance charge was then raised to 35 cents an acre and many of the original stockholders became displeased and dropped out. Several of these subsequently organized the Cloverdale Company, another mutual concern also deriving water from Squaw creek. The Squaw Creek Irrigation Co. is said to have greatly harassed and annoyed the settlers ever since it fell into the hands of Wurzweiler. About 1905 it applied for a segregation under the Cary act, but its water rights were not then deemed sufficient to warrant the allowance of its application.

Among those whose water claims are now contested by the corporation are James Meeker, Arthur Templeton, Newt Cobb, Charles Carson, Mr. Chapman, Mr. Job, Elwood and Milton Roberts, John Wilt, Frank Paul, Richard Griffith, George McFarland and Lewis McCallister. All these base their claims on prior actual appropriation of the water to beneficial use, some of them dating back 25 years.

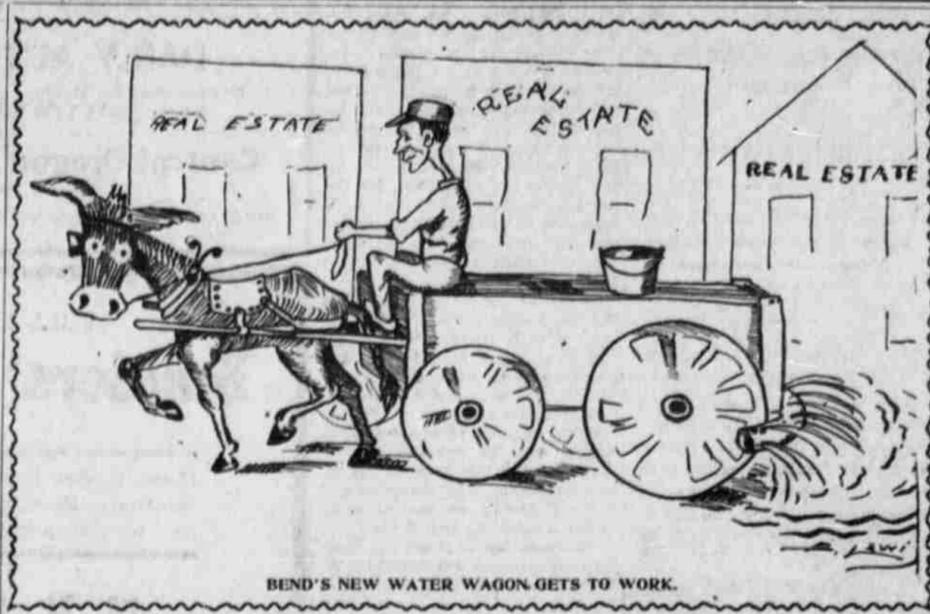
Following is a statement of the case by one of the settlers familiar with the controversy:

In order to show how the trouble in the district commenced it will be necessary to bring in the Black Butte Company, a live stock concern, which gradually expanded from a mushroom to a wash tub and secured considerable land by desert claims, and various ways that might not bear inspection. A few by the name of Will Wurzweiler, banker from Prineville, became affiliated largely with the Black Butte Co. He of course took up desert claims together with the rest of the family. The Squaw Creek irrigation troubles started there and then. Not satisfied with squeezing out the mutuals, the Wurzweiler company filed a notice for more water than runs in Squaw creek. He thought he had his monopoly complete but a good many level-headed farmers quit the company that he had got control of and banded together and took out another ditch and used the water in spite of his big filing, just as a good many others have done.

Of course that made the little Jew mad, as his filing and stock monopoly could not keep the water from running and he could not use it himself, thus securing title to it. However, his ditch came out above all the rest and he ordered that the creek be turned into it and a steady flow be maintained. What they did not want would go out into the Deschutes river. By doing that the little monopoly worked for a while, but it was necessary to do something to put the waters to beneficial use; for other people who were honest went ahead and used it without paying tribute to the little Jew.

At length Wurzweiler thought he stood in with the State Land Board enough to secure a segregation but got turned down, as the people had put so much of his monopoly water to actual use that he did not have much left for a segregation. What little there was he held by getting a bunch of people out in what is called Gist district to sign up an agreement to use the water providing he put the ditch to them, they to pay him so much per inch. From that time he took the notion to turn as much water through his ditch as it would carry. There is where the trouble began for the old settlers who started irrigation in that district.

One of the oldest rights on the creek, by reason of it being lowest down, was injured for two years. The town of Sisters was dry half the time. Conditions became unbearable. All peaceable means to have water turned down the creek channel were exhausted. Someone could be delegated to go up and shut down their gates for them, as the managers would say, after useless entreaties. To hell with Sisters and the old settlers. The company finally locked



BEND'S NEW WATER WAGON GETS TO WORK.

their gates. Many and many a time it became necessary to go up and tear their dam out in order to get the water justly belonging to settlers. The company got tired fixing their dam after the old settlers would tear it out and published a reward in Prineville papers of \$250 for anyone caught molesting the dam, and kept on turning water away from old settlers and people who were actually putting it to use. They knew they could not go into court with such right as they had. The old settlers knew that the water was theirs, consequently decided to settle it for good until some code was passed by the State. After being out of water and when the usual appeal failed to bring it, a few good honest citizens went up and took out their dam. This had to be done twice last year. The managers of the Squaw Creek Co. were notified that their dam would be blown so high it would rot before it struck the earth if they did not allow sufficient water to run down the creek to satisfy rights below. From then on the old settlers have had water.

Recently, under the state law, the settlers filed formal claims to water from Squaw creek. The company has set up counter claims and denied the rights of the settlers. This is the matter now to be adjudicated. The matter may go through the State Board of Control and the Circuit and Supreme courts before final result is reached. The settlers desire the water for their own use on the land where they have their homes. The contesting company wishes to take the water and sell it for profit to use on distant lands. The settlers are determined and will make no feeble defense.

ENGLAND'S KING IS NO MORE

Edward VII. Died Last Friday. George V. Now Ruler.

At 11:30 p. m. on May 6th King Edward VII. died at Buckingham Palace in London, and the reins of government fell to the hands of his son, Prince George of Wales, now George V.

The exact cause of death was not announced by the physicians. All the King's relatives were at his bedside, from which the dying monarch's last words were "I know it is all over but I think I've done my duty."

Pleasant Ridge.

L. B. Franklin, the census taker, is busy around this country this week.

Mrs. Alex. Chase has a fine hotbed which is furnishing their table with green stuff.

A. A. Green dressed a hog last week and sold it to E. M. Ely the butcher. It brought him \$21.65, weighing 195 lbs.

Henry Huebs made a business trip to Bend last week.

Weather Statistics Will Be Kept.

It is understood that J. A. Vye hereafter will take charge of the recording of weather and climatic statistics with the instruments provided by the Government Weather Bureau. F. O. Minor, who has done the work since the installation of the instruments, finds it impossible to devote the necessary time to the work. Temperature and rainfall will be recorded carefully, and the monthly records published in The Bulletin.

Strayed or stolen from Kellam ranch, 7 miles northeast of Bend, one dark brown mare, 7 years old; weight 1,000 pounds, branded 70 on left shoulder, scar on right flank. Had on a silver bell and hobbles when last seen. One light brown gelding, 11 years old, branded B E with the B reversed and connected at the top with a slant E on right side. Saddle marked. Had hackamore on when last seen. Suitable reward for return or information.

H. E. STEWART.
Bend, Or.

CONTRACT IS LET

BEND DOCTORS IN CHARGE

Local Physicians Get Medical Contract on Railroad—Hospitals and Headquarters Here—Surveyors on Job, Workers Come Soon.

It has just been announced that the railroad medical contract for the work from Madras to Klamath Agency has been awarded to local physicians, and that Bend will be the headquarters for all the medical work.

Drs. U. C. Coe and B. Ferrell of Bend have been awarded the contract. Dr. Coe has just returned from Seattle, where he completed arrangements for the work with J. C. Moore, surgeon for the Northern Pacific.

Extensive hospital buildings will be erected here, and all the supplies distributed from Bend. Two assistants will be employed in the work who will be stationed at the north and south ends of the 125 mile stretch of grade. Each week, it is understood, Dr. Coe will make a trip over this portion of the work under his charge, inspecting the sub-hospitals at the various camps and arranging for the transportation of sick to Bend. Already much in the way of medical supplies has been purchased and is on the way here.

Malcolm McPhee, who is in direct charge of the construction under Contractor Henry, is reported to have said that Bend in all probability will be the headquarters for the construction work. Bend's situation at practically the central point of the 125-mile stretch awarded Henry, as well as at the junction point of the east-and-west line, practically assures the location of construction headquarters here.

The medical contractors have been directed to be ready to undertake their work at once. Dr. Coe was officially informed that some 5,000 men would be in this vicinity just as soon as they could be gathered together and transported.

Engineer camps are being established all along the line, that most recently installed being at Wet-weather Spring, six miles south of Bend. The commissary department of the contractors has been organized, and supplies will be directed in from both Shaniko and Klamath Falls. It is understood that preparations at Shaniko are completed for the transportation of steam shovels to the vicinity of Bend, which are expected to arrive there during the coming week.

The engineer who will have charge of the construction work in the Bend residency, J. H. Scott, arrived Monday evening. Mr. Scott has eight miles of grade to look after, extending in about equal distances to the north and south of town. He has been resident engineer at the head of the Deschutes Canyon.

Special Central Oregon Edition.

The special Central Oregon edition of the Portland Chamber of Commerce Bulletin is published this week. The number will be devoted to the Deschutes Valley, its leading article, by G. P. Putnam, dealing with the Bend

country. There will be a double page map of Central Oregon. The Bulletin has arranged to secure several hundred copies which will be on sale at this office.

COUNCIL HOLDS A FRUITFUL MEETING

SURPRISE IN CITY FINANCES

Only One Third the Revenue Expected from Taxes—Policeman Failed to Arrest Fighters and Losses Job—City Street Grades.

Bend is in debt, two of its near beer shops are running without license, it has no policeman, but it does have a City Attorney. All this comes from the regular meeting of the Common Council last night.

There was a full attendance. Mayor Merrill, Recorder Ellis, and Aldermen Hunter, Kelly, Oneill, Overturf, Sellers and Triplett were present. The petition of the Pilot Butte Development Co. for vacation of a small part of the original plat of Bend was granted by ordinance, printed elsewhere. J. A. Vye asked the city to establish a street grade at the corner of Ohio and Bond, where he expected to erect a stone building. This matter was discussed in connection with the verbal application of F. H. May for permission to take earth from the knoll in Bond street between Ohio and Minnesota to fill the hole now occupied by the pond in front of the Aune stable yard. May's request was granted and the committee on streets was instructed to see about establishing street grades for the city, having regard for both surface and sewer drainage.

The following claims were ordered paid:

Fred Saliff, lumber and labor for streets, \$334.15
R. H. Sheritt, policeman one month from April 6, 75.00
Bend Water, Light & Power Co., hydrants for April, 32.08
City Dray, \$29 less \$7.50 for stove, 21.50
J. I. West, moving hose house, 10.00
E. Estelle Ellis, copying, 8.75
C. A. Carroll, hardware for jail, 3.00

Aldridge & Hobbs presented a petition for a license to sell near beer, with receipt from the Treasurer showing payment of the quarterly fee of \$50 dating from May 1. It was found that the ordinance required payment by even quarters and that all such license fees were due April 1. The petition was granted for the quarter from April 1 to June 30. Overturf asked why it was that no other near beer licenses were even asked for, when the ordinance requiring them had been in force since March. Some one remarked that the police officer should see to such things, and the matter was passed.

Upon report of City Treasurer S. J. Spencer that the cash in the treasury April 1 was only \$220.62 the Mayor raised the question why the sum was so small. Judge Ellis, the Recorder, said he had inquired into the matter and found that of the nearly \$300,000 of the taxable value certified by the County Clerk as the basis for the Bend tax levy, \$200,000 was of money, notes and accounts of the Deschutes Irrigation & Power Co., the tax upon which is now deemed uncollectible. This leaves the city with less than

LOUIS HILL IS BEND VISITOR

Great Northern President Tours Central Oregon.

DELIGHTED WITH NEW LAND

Empire Builder's Son Enthusiastically Welcomed—Lunched Here Sunday, Then off for Harney. Purposes Publicity.

On Sunday Bend was visited by Louis W. Hill, son of the "Empire Builder" and president of the Great Northern Railroad Company.

With Mr. Hill was E. C. Leedy, General Immigration Agent of the G. N. and Messrs. Morrison, Atwood and Seton, all connected with the road's publicity department.

The Hill party reached Bend at about eleven a. m., having come over from Prineville in automobiles, and immediately upon its arrival was given a reception which more than made up in spontaneity and enthusiasm what it lacked in formality. Headed by Mr. Hill's car, with the G. N. President at its wheel, the visitors drew into town escorted by the dozen local machines that had gone out to meet them, and by the several that came over from Prineville.

A big "Welcome" sign spanned Wall street at the corner of Oregon, flags fluttered everywhere, the band played and all Bend was gathered by the Pilot Butte Inn to cheer the guests.

As the automobiles came to a standstill, Mr. Hill, speaking from his car, delivered a short address. For Bend he predicted a magnificent future, advised everybody to "hold on to what they had," spoke of the fact that the Deschutes country now holds the center of the stage, and of "the development

one-third the estimated revenue from taxes.

Kelly and Triplett urged the election of a city attorney at \$10 a month, and Vernon A. Forbes was chosen.

The Mayor submitted his appointment of B. H. Sherritt to be police officer, saying that prior to the appointment he had canvassed the town and found no one else willing to take the position, but since then the woods were full of candidates. After a considerable silence Sellers moved to confirm the appointment. A silence still longer was broken by Triplett.

"I am plain spoken," said he. "I have heard complaint against this officer."

"If anything was wrong why was not complaint filed?" asked the Mayor.

and publicity work his road would inaugurate. Then, laughingly saying that he "was going to have a look at the depot" he hurried on to inspect the right of way through the town.

While Mr. Hill was shown somewhat of the town, Mr. Leedy and the others, in Frank Robertson's car, made a brief excursion into the timber, being given some idea both of its character and enormous extent, and seeing the river and irrigation canals.

For lunch the party was divided, one section being entertained in the home of J. M. Lawrence and the other, together with many Bend citizens, enjoying Deschutes trout and other acceptable things at the hospitable board of A. M. Lara.

After lunch Mr. Hill drove down to Redmond via Laidlaw, the rest of the party following. In the evening the party returned to Prineville and the next day proceeded to Burns.

When asked why so much attention was being directed to the easterly lands off the railroad line, when so little time, comparatively, was being devoted to the territory directly tapped by the O. T. Ry., Mr. Hill replied:

"Why, we know all about that country now—otherwise we'd not be building into it—and there'll be lots of chances to see it from the train windows and railroad towns. What we want to see now is the undeveloped agricultural sections."

It is believed that the Hill visit to the Harney country is preliminary to the announcement of the east-and-west road, surveys for which already have been located from Bend easterly.

This trip, the first ever made into Central Oregon by any member of the Hill family, is being made as a preliminary step to the campaign of Deschutes Valley advertising the G. N. is entering upon. Many photographs were taken and samples of soil secured in each district for analysis.

It is understood that much of the space in the Oregon exhibit car, to be put on the eastern roads this autumn, will be devoted to Central Oregon products. Steps are soon to be taken for the collection of exhibits for this year's dry farming congress at Spokane.

"I know nothing about it myself, I personally have no grievance," responded Triplett. "I only report what I have heard."

After a while Sellers inquired for more specific information and Triplett said he had heard complaint because the officer did not make arrests of fighters at Kulp's place some time ago. The officer was present and said he knew nothing of the fight until after it was all over and he had nothing to work on. Triplett expressed the opinion that the city had small use for a peace officer if he was powerless to act in such cases. After much delay the motion to confirm the appointment failed to receive a second and the policeman presented his verbal resignation as the council adjourned.

The First National Bank OF BEND, BEND, OREGON

Dr. U. C. COE, President. E. A. SATHER, Vice President
C. S. HUDSON, Cashier

Capital fully paid \$25,000
Stockholders' liability \$25,000
Surplus \$2,000

HELP the BANK THAT HELPS YOUR TOWN.

First, last and all the time The First National Bank of Bend works for a Bigger and Better Bend.

We give our patrons many accommodations for which we do not make any charge.

THE MEN BEHIND THE GUN at The First National Bank have been identified with the Banking business for ten years, therefore do not lack in that essential quality, ripe experience.

PUT YOUR MONEY IN THE BANK THAT HELPS YOUR TOWN, its capital and influence is used only for your best interests.

Farmers, business or professional men and laborers are all invited to begin now with a strong, substantial, growing Bank.

THE FIRST NATIONAL BANK OF BEND SAFETY BEFORE DIVIDENDS.

DIRECTORS:

U. C. COE E. A. SATHER C. S. HUDSON
F. F. SMITH H. C. ELLIS