

# The Bend Park Company

now has three well equipped offices in different cities and is planning to open more. They are widely distributing information about Bend. They are going to do all they can to help build a fine city here. They want your help and cooperation, their interests are yours and yours are theirs. No one can possibly make a mistake investing at Bend and the present investors are going to make very handsome profits in the near future. Let them tell you why they have sold 500 lots in less than two months.

Large lots \$100 to \$300 on terms of \$10 down and \$10 per month.

# Bend Park Company

R. G. SHRADER, Local Agent.

860-861 Empire Building, Seattle, Washington, or  
BEND PARK COMPANY---Portland Hotel, Portland, Ore.

## TAKING FAST CURE

Mrs. Ada B. Millican Has Gone For Fifteen Days Without Food.

Fasting as a means of restoring impaired health is becoming rather common over at the county seat these days. Recently J. H. Windom ended an eighteen-day abstinence from food, coming out with his health much improved, he said. At present Mrs. Ada B. Millican is undergoing the no-food treatment and today is the fifteenth that she has gone without more nourishing diet than lemonade and water. For some time she has been ill and consented to try the fast cure in hopes of getting some relief from suffering. Mrs. Millican has many friends in Bend who will watch the outcome of this unusual kind of physical treatment.

Mrs. Millican's sister, Mrs. Ella M. Bussey, came over from Prineville by stage Monday and will tomorrow offer final proof before Mr. Ellis on her homestead claim 35 miles southeast of Bend.

## MASONIC LODGE AT MADRAS.

MADRAS.—Local Masons are considering the organization of a lodge here in the near future. The necessary number of members required to obtain a charter have signed a petition and this will be forwarded to the Grand Lodge at Portland for approval. With the arrival of the charter it is probable that a delegation of

Prineville Masons will come here and help in the work of organization.

## COLONY IS PROSPEROUS.

BUTTE, Ore.—Establishment of a postoffice here is another mark in the progress of northern Lake county, and is a welcome innovation to the people of the Rye Grass Valley south of Wagon tire Mountain, who will be able to get their mail much more promptly than heretofore. Joseph L. Polk has been appointed postmaster. C. T. Bartling brought a number of people to this territory in the spring of 1919 and they settled every available acre that could be taken up under the 160 and 320-acre homestead laws. The colony has progressed remarkably well, having claims now cleared, fenced, homes built and a school established.

## OPAL CITY PASSES.

OPAL CITY.—The busy scenes which prevailed here last summer when this was the terminus of the Oregon Trunk are no more. Since the line was extended south there has been but little business here, and Supt. Rogers of the O. T. closed the station January 5, making this a non-agency point.

## Old Papers for Sale.

Old papers tied up in bundles may be had at The Bulletin office. Just the thing to go under your carpet.

## STATE WINS CONTEST

Washington Supreme Court Rules Against United States.

OLYMPIA, Wash.—The State Supreme Court has decided that the act of Congress granting to the state of Washington sections 16 and 36 in each township of Federal land for school purposes became effective in November, 1889, on the day the state was admitted, and that the 139,900 acres of land in those sections which the government after that day allowed to be settled on and patented belong to the state.

The decision was in the case of the State vs. E. R. Whitney, a settler in one of the sections 36 in Skagit county, permitted to gain title as a homesteader who was a squatter when the land was surveyed by the United States, in 1906. If the Federal Supreme Court sustains this decision, the United States will be called on to make compensation to the state for lands taken up after admission to statehood.

## EXCHANGE IS PROVIDED

Hawley Bill Would Permit States to Make Lieu Selections.

WASHINGTON, D. C.—Realizing that Western states can derive no practical benefit from school sections scattered through forest reserves, Representative Hawley has introduced a bill which permits the exchange of these lands for compact bodies of equal area, so situated as to be of value.

His bill provides that where any state owns lands within a national forest or where its right of indemnity selection in respect to school sections within such boundaries has not been fully exercised, the state, subject to the approval of the Secretary of Agriculture, may exchange such lands for, or make indemnity selections of other national forest lands of like quantity and value to be selected in reasonably compact bodies, which lands shall thereafter be excluded from national forests for the benefit of the state.

## Notice of Annual Meeting.

The annual meeting of the North Irrigation Company will be held at 7:30 p. m. Saturday, Jan. 13, in the office of H. C. Ellis at Bend.

L. D. WIEST,  
Secretary.

The largest and best loaf of bread in town for 5c at the Star Bakery. If

# MAY ABOLISH WATER RIGHTS

## CHIEF JUSTICE FORESEES SUCH

Judge Eakin Holds That Burnett's Argument in La Grande Case Gives Riparian Privilege to the Appropriator Only.

SALEM—In a specially concurring opinion by Chief Justice Eakin in the case of Caviness against the La Grande Irrigation Co., the Chief Justice put another angle on the opinion of Judge Burnett, declaring in his specially concurring opinion that the effect of one statement in the opinion of Justice Burnett is to do away with riparian rights as heretofore recognized in this state.

In his opinion the Chief Justice says:

"I concur in the result of this decision, but I cannot give my assent to the following statement: 'Primarily any use of the water of a natural stream for beneficial purpose is free to him who has an opportunity to take it without infringing upon the property rights of another.'\*\*Concerning the mere diversion and use of water there is no difference between a non-riparian appropriator and a riparian user, provided the former has a lawful right of access for that purpose to stream form which the diversion is made. The essential condition of appropriation in the first place on public lands was the consent of acquiescence of the then riparian owner, the general government. The reason of the rule is not changed by the fact that the riparian owner is a private person, provided the appropriator has his consent, or what is equivalent, that the appropriator and the riparian owner are the same person. The deduction, then, is that if anyone can lawfully gain access for that purpose to a non-navigable stream and water is there not subject to use by another such a one may appropriate it for his own use."

## Riparian Rights Go.

"The effect of that statement is to abolish or do away with riparian rights as heretofore recognized in this state."

By this opinion the Chief Justice says absolutely that his interpretation of the opinion as written by Justice Burnett and concurred in by the other three members of the court is to abolish riparian rights.

Should the case go to a rehearing and the stand taken be reiterated, it promises to have a vastly important bearing, especially on the question of adjudicating water rights.

The board of control believes it will be a decided factor in future water questions coming before the board. Attorneys throughout the state who have been connected with litigation and adjudication of water rights have almost universally used the doctrine of riparian rights as a defense.

Under this opinion, according to the interpretation of Chief Justice Eakin, only the appropriator has a legal right to the use of water.

Earlier water cases have brought out the fact that the common law doctrines are applicable in this state only where there is an apparent necessity for them. The doctrine of riparian ownership is a common law doctrine, and under the interpretation in the specially concurring opinion it is evidently abolished as far as Oregon is concerned by the majority of the court.

## CHAMBERLAIN BUSY

Farmers of Country Wanting Agricultural Information.

ST. PAUL.—The demand for agricultural information and addresses seems to be almost unlimited judging from correspondence reaching the office of the development commissioner of the Great Northern Railway. Mr. Chamberlain made addresses on January 2 and 3 at Geddes, S. D., two on January 5 at Crookston, Minn., and is booked for the following places and dates: South Dakota Conservation and Development Congress, Sioux Falls, Jan. 9-11; South Dakota State Corn Growers Association, Mitchell, the 14th; Tri-State Grain Growers' Association meeting at Fargo, the 16th to 19th; Ontario, Canada, Corn Growers' Association, two addresses January 31 and February 1; Mid-winter Fair and Agricultural Meeting at Grand Forks, D. S., early in February; Commercial Club, St. Cloud, Minn., February 5.

Requests are still coming in and he expects to continue this line of work until May 1. Mr. Chamberlain attributes the increased interest in better agriculture very largely to the fact that the commercial interests of the country have at last awakened to its importance to them, and are therefore getting strongly behind the movement.

The profitable marketing by the farmer of his crops as well as the growing of profitable crops is attracting special attention throughout the Northwest.

## NOTICE FOR PUBLICATION.

Department of the Interior, U. S. Land Office at The Dalles, Oregon, November 29th, 1921.  
Notice is hereby given that Ella M. Bussey, of Bend, Oregon, who on April 22nd, 1900 made homestead entry No. 6536, for 1/4 section 20, township 20 south, range 16 east, Willamette Meridian, has filed notice of intention to make final commutation proof, to establish claim to the land above described before H. C. Ellis, U. S. Commissioner of his office, at Bend, Oregon, on the 24th day of January, 1922.  
Claimant names as witnesses: George Millican, John Kopper, U. S. Hoffman and O. C. Heiskie, all of Bend, Oregon.  
C. W. MOORE, Register.

## NOTICE FOR PUBLICATION.

Department of the Interior, U. S. Land Office at The Dalles, Oregon, November 13th, 1921.  
Notice is hereby given that Walter Daniels of Bend, Oregon, who on November 24th, 1900 made homestead entry No. 15386, actual No. 6044, for 1/4 section 11, Township 17 South, Range 12 East, Willamette Meridian, has filed notice of intention to make final proof, to establish claim to the land above described before H. C. Ellis, U. S. Commissioner of his office at Bend Oregon, on the 24th day of December, 1921.  
Claimant names as witnesses: James H. Boham, of Ladbaw, Oregon; Adam Kalamita, Charles Boyd and Charles R. Low, of Bend, Oregon.  
C. W. MOORE, Register.

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