

Written testimony for
Mass Gathering 17-004
Noise Variance 17-001
Conditional Use 17-043
Bi-Mart Country Music Festival
received June 1-7, 2018
(copy is posted on Planning website)

Murphy & Buchal LLP

3425 SE Yamhill Street, Suite 100
Portland, Oregon 97214

James L. Buchal

telephone: 503-227-1011
fax: 503-227-1034
e-mail: jbuchal@mbllp.com

June 7, 2018

BY FIRST CLASS MAIL & E-MAIL (dwight.w.french@oregon.gov)

Dwight French
Water Right Services Division Administrator
Water Right Section
Oregon Water Resources Department
725 Summer Street NE
Salem, OR 97301-1271

Re: *Limited License LL-1739*

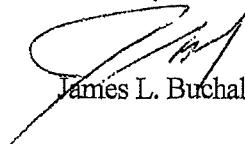
Dear Mr. French,

Please consider the following information in connection with the pending petition for reconsideration.

I have received an e-mail from a member of the Sidney Ditch Cooperative, who reports that the proposed well is within ¼ mile of a waterway. He stated:

“It appears they don't understand the fact that Sidney ditch and Chehulpum creek share sections of Sidney ditch. Part of it is manmade, part is natural drainage. applicants are within 1/4 mile of our waterway at the point where well is proposed. This conflicts with hydrologic requirements documented on application with water resources. I have measured the distance along Wintel Rd., total length is 1850, from ditch north to end of Gross property, 1/4 mile is 1260 ft. They have the well along the Rd at approximately 900 ft north of ditch.”

Sincerely,



James L. Buchal

cc: *via e-mail only:*
Brandon Reich, Senior Planner, Marion County Planning Division
Sidney Irrigation Cooperative
Tim Flowerday, Willamette Country Music Concerts LLC

Brandon Reich - Bi-Mart Music Festival case

From: Kim Davis <k.mdavis@yahoo.com>
To: Brandon Reich <breich@co.marion.or.us>
Date: 6/7/2018 5:00 PM
Subject: Bi-Mart Music Festival case

Dear Mr. Reich,

I am writing to inform you of my opposition to the request for an outdoor large gathering permit, noise variance and conditional use permit on August 15th to 18 . My opposition is reflective of my concern regarding its close proximity to Ankeny Wildlife Refuge, which is a critical habitat for our neighboring animal communities. I will continue to oppose this regardless of any amendments or requirements made due to the knowledge of the impacts the traffic and noise will create at Ankeny. As a Salem resident who lives just seven miles away, I am also personally concerned with the increase in local traffic and congestion this good cause locally.

sincerely yours,
Kim Davis

Sent from Yahoo Mail on Android

This message has been scanned for virus content by Symantec Anti-Virus, and is believed to be clean. Viruses are often contained in attachments - Email with specific attachment types are automatically deleted. If you need to receive one of these attachments contact Marion County IT for assistance.



June 7, 2018

Marion County Board of Commissioners
P.O. Box 14500
Salem, OR 97309

RE: CU17-043 & MG17-004(Gross) - Bi-Mart Music Festival

Applicant Does Not Now Have The Legal Right To Cross Sidney Ditch

AND

Access To Sidney Ditch is Now Under The Control Of The Sidney Irrigation Cooperative

To Marion County Commissioners:

Friends of Marion County is a non-profit land-use advocacy group dedicated to the protection of agricultural lands in Marion County.

We testified at hearings held on December 20, 2017 and January 8, 2018 and submitted additional testimony on 3/12/2018, 3/21/2018, 4/19/2018, 4/20/2018, and 5/24/2018 which addressed concerns about the Traffic Control Plan (TCP), Traffic Impact Analysis (TIA), the revised Sanitary Facilities Plan of 5/3/2018 and the revised Assembly Plan of 5/7/2018.

We now offer additional Testimony Addressing Revised Assembly Plan of 5/7/2018.

Applicant filed their Outdoor Mass Gathering Permit Application, MG17-004, on October 17, 2017 for the Bi-Mart Country Music Festival for August 16, 17, 18, and 19, 2018. Applicant also filed the Application for Noise Variance in conjunction with the Outdoor Mass Gathering Permit Application. The original application can be found online at the Marion County webpage:
<https://www.co.marion.or.us/PW/Planning/Documents/BiMartCountryMusicFestivalMGApp.pdf>

Subsequently, Applicant filed a statement on November 21, 2017 requesting a reduction in attendance each day from 60,000 to 30,000 persons.

See the following link:

<https://www.co.marion.or.us/PW/Planning/Documents/Modification%20Letter%20MG17-004.pdf>

Marion County issued a notice of hearing for December 20, 2017. Here's the link to the notice:

<https://www.co.marion.or.us/PW/Planning/Documents/CU17-043.pdf>

PURPOSE OF HEARING:

To receive testimony on a request for a conditional use permit for a temporary use of 692 acres in an EFU (Exclusive Farm Use) zone in conjunction with a mass gathering permit August 16-19, 2018, located at 13054 Jorgenson Road S and in the 3700 block of Wintel Road S, Jefferson (T9S; R3W; Section 19; tax lot 400; Section 21; tax lot 700; Section 28; tax lots 100, 300, 400, 500, 600 and 700; Section 28D; tax lot 800, 1000 and 1100)

Brief History of Roads Surrounding Bi-Mart Country Music Festival Venue

1. 1878 Edgar Williams Maps of Marion, Jefferson, and Turner **does not** indicate the existence of the Sidney Power Ditch located in Township 9 South, Range 3 West, Section 21. However, there is an unnamed road identified on the Southeast side of the James Anderson property, labeled Section 21. This road is labeled as a "Public Road" and identified with a double line along its length.

2. 1929 Metsker's Marion Co. Atlas, State of Oregon, Page 23 **does** indicate the existence of the Sidney Power Ditch in Section 21 which runs through the proposed Venue and is labeled N.Y. Life Ins. Co. on the map. The road that runs along the Southwest side of Section 21 is identified as "Other Roads" with a double line along its length. This road is shown as unpaved.

Section 21 is now shown divided into six (6) parcels with ownership in the James Anderson Donated Land Claim

(https://en.wikipedia.org/wiki/Donation_Land_Claim_Act) identified as: Chas. Anderson, Ida Lynes, W.W. Anderson, Ruth A. Anderson, Jas. W. Anderson and The N.Y. Life Ins. Co.. This unnamed road runs from the West to East across Sections 19, 20, 21, and 22.

3. 1933 Clerk's File # 693 describes the County's acquisition of the land identified on the Southeast side of Section 2, which is named "Wintel Road" on the page identified as PRESENT RECORD OWNERS OF; AND MORTGAGEES HAVING ANY INTEREST IN LAND ABUTTING WINTEL ROAD IN DISTRICT NO. 88 IN SECTIONS 19, 20, 21 AND 22 IN TOWNSHIP 9 SOUTH, RANGE 3 WEST W.M. – MARION COUNTY, OREGON.

Marion County Surveyor maps⁴ illustrate Wintel Road in its current alignment along the Southeast side of Section 21, labeled 09 3W 21. The earlier maps illustrate the alignment from Marion County's 1933 acquisition of the 60' Right-Of-Way running along the length of the property owned by N.Y Life Ins. Co. and Jas. W. Anderson. The 60' Right-Of-Way expanded the road from its width of 50' and was either donated to the County or damages were paid for the acquisition. In the case of N.Y. Life Ins. Co., damages were paid in the form of a replacement fence.

The Deeds

The County's webpage contains a copy of the WARRANTY DEED, REEL 1493, PAGE 651, on June 3, 1998, submitted in conjunction with the application for a Limited License, LL-1739, Oregon Water Resources Department (OWRD) which conveys Parcel # 62518-000 to Jimmy A. Gross⁵. This Deed references "FURTHER SUBJECT TO Right of Way conveyed to Fairview Milling and Ditch Company by Deed recorded January 31, 1882 in Volume 28, Page 132, Deed Records for Marion County, Oregon⁶. This parcel contains the primary location for the Bi-Mart Music Festival Venue.

The January 1882 handwritten deed reads in part, as well as can be deciphered:
NOTE: The words in parenthesis with "?" mark are undecipherable.

A strip of land being sixty feet in width, being thirty feet in width on each side of and parallel with the centre line of the main channel of the Fairview Milling and Ditch Company's Ditch or Canal as the source is staked out and located over and (?) the lands of the said James Anderson and Lucy Anderson situate in Marion County and designated as follows The Original Donation Land Claim of James Anderson Notification 631. claim 50 and being parts of Sections 16, 21, 22 and 28 in Township Nine South Range three West Willamette Meridian Marion County State of Oregon The right to fence across said Ditch or canal is hereby reserved, also the right to bridge said Ditch or canal is reserved. To have and to hold the said described and herein conveyed with the stone gravel and material therein unto the said Fairview Milling and Ditch Company, its successors and assigns forever for the purpose of building operating and maintain a Ditch or Canal thereon, and to use the same for all legitimate Ditch or Canal purposes. In witness (?) whereof hereunto set our hands and seals this thirteenth day of January 1882.

*Executed in the presence of (Signed) George S. Pershin and Charles Miller
(Signed Affixed with Seal) James Anderson Lucy (her mark) Anderson*

Applicant Does Not Now Have The Legal Right To Cross Sidney Ditch

Applicant's Updated Assembly Plan of May 7, 2018, pg. 19 of 22, (<https://www.co.marion.or.us/PW/Planning/Documents/WCMFAssemblyPlan.pdf>) provides an illustration of the crossing at several points between Country Comfort Camping (13.8 ac.), Handicapped Parking (4.5 ac.), and Handicapped Camping (8.5 ac.) across the Sidney Ditch to the Main Event Venue (84 ac.).

The access to the Venue across the Sidney Ditch provides the main points of entry and departure from the main parking areas; Section A (85 ac.), Section B (33.5 ac.), Section C (32 ac.), Section D (89 ac.), General Parking North (39 ac.), General Parking South (29 ac.), and Premier Parking (22.5 ac.). Entry Points #1 and #2, directly from Wintel Rd., offer entry to the Venue for production traffic only. All other guests must use the access points which cross the Sidney Ditch, numbering 30,000 persons/day.

In the Edgar Williams & Co. map of 1878, no Ditch is pictured. The Ditch was created sometime before January 31, 1882, but after 1878 to serve the Fairview Milling and Ditch Company's mill operations. The Fairview Milling and Ditch Company conveyance is recorded January 31, 1882 in Volume 28, Page 132. This deed granted Fairview Milling and Ditch Company access to the Ditch and reserved the right to fence and bridge the Ditch. At that time, according to the Metsker's 1929 map, the Ditch is shown across the N.Y. Life Ins. Co. property and the unnamed 50' road, bridges the Ditch at the Southwest edge of the property and remains unchanged before the excavation of the Ditch in the 1878 Edgar Williams & Co. map.

In the 1933 Clerk's File # 693 conveyed to the County a widening of the unnamed road to 60' and the application of the name "Wintel Road" to the roadway and the bridge across the Ditch. (Note: The name "Wintel Road" arises from the Historic Town of Wintel which is illustrated on the map with a small circle and located just to the NW corner of the northern most part of Section 20 of the Metsker's 1929 Map.)

In 1933 when the County acquired the Right-Of-Way and widened the road from 50' to 60', the road and its bridge became available for use to cross the Ditch to any property owners at that time, namely N.Y. Life Ins. Co., and any future owners. Access across the Ditch then became a county road and all of the convenience, maintenance, and other issues associated with now named Wintel Road are in the public domain.

Since the creation of the County road, named Wintel Road, the current property owner, Mr. Jimmy A. Gross has made substantial use of this Right-Of-Way to his economic benefit since his acquisition of the property recorded on June 3, 1998.

When Wintel Road was conveyed to Marion County in 1933, all subsequent owners of the property, then described in the 1929 Metsker's Map as owned by N.Y. Life made use of Wintel Road to continue their farming practices. They were not hindered in making full economic benefit and had no need to cross the Fairview Milling Company Ditch. As a matter of fact, their Right-Of-Way to cross the Ditch was permanently transferred and located on the public Right-Of-Way, now named Wintel Road. In other words, the Right to bridge the Ditch is now located on Wintel Road and any other Right to cross the Ditch on this property is terminated. We then conclude that Mr. Jimmy A. Gross **Does Not Now Have Legal Right To Cross Sidney Ditch.**

Since the legal right to cross Sidney Ditch is terminated by access across Wintel Road and the associated bridge across the Sidney Ditch, Applicant then cannot use the proposal to move pedestrians across planned foot bridges from the parking areas to the Venue.

Access To Sidney Ditch is Now Under The Control Of The Sidney Irrigation Cooperative^{7,8}

The Sidney Irrigation Cooperative was founded on April 16, 1940 and its Bylaws were adopted May 29, 1940. The Cooperative was created to manage the Ditch for the benefit of its members to irrigate crops. These rights are created under The State of Oregon Water Right Law and managed by the Cooperative. Members are required to abide by the provisions written in the By-Laws. The Cooperative is governed by a Board of Directors with the responsibility to maintain, improve and protect The Sidney Ditch. Any modifications, whether permanent or temporary, must have the approval of the Board of Directors. Any plans to erect temporary foot bridges that cross the Sidney Ditch must have the express approval, by vote, of the Board of Directors.

Without this permission, the Applicant cannot erect the footbridges illustrated in their plan to provide access to the Venue from the Parking Areas.

In light of these factors Applicant's proposal should be denied.

Sincerely,
Roger Kaye, President
(503)743-4567
rkaye2@gmail.com

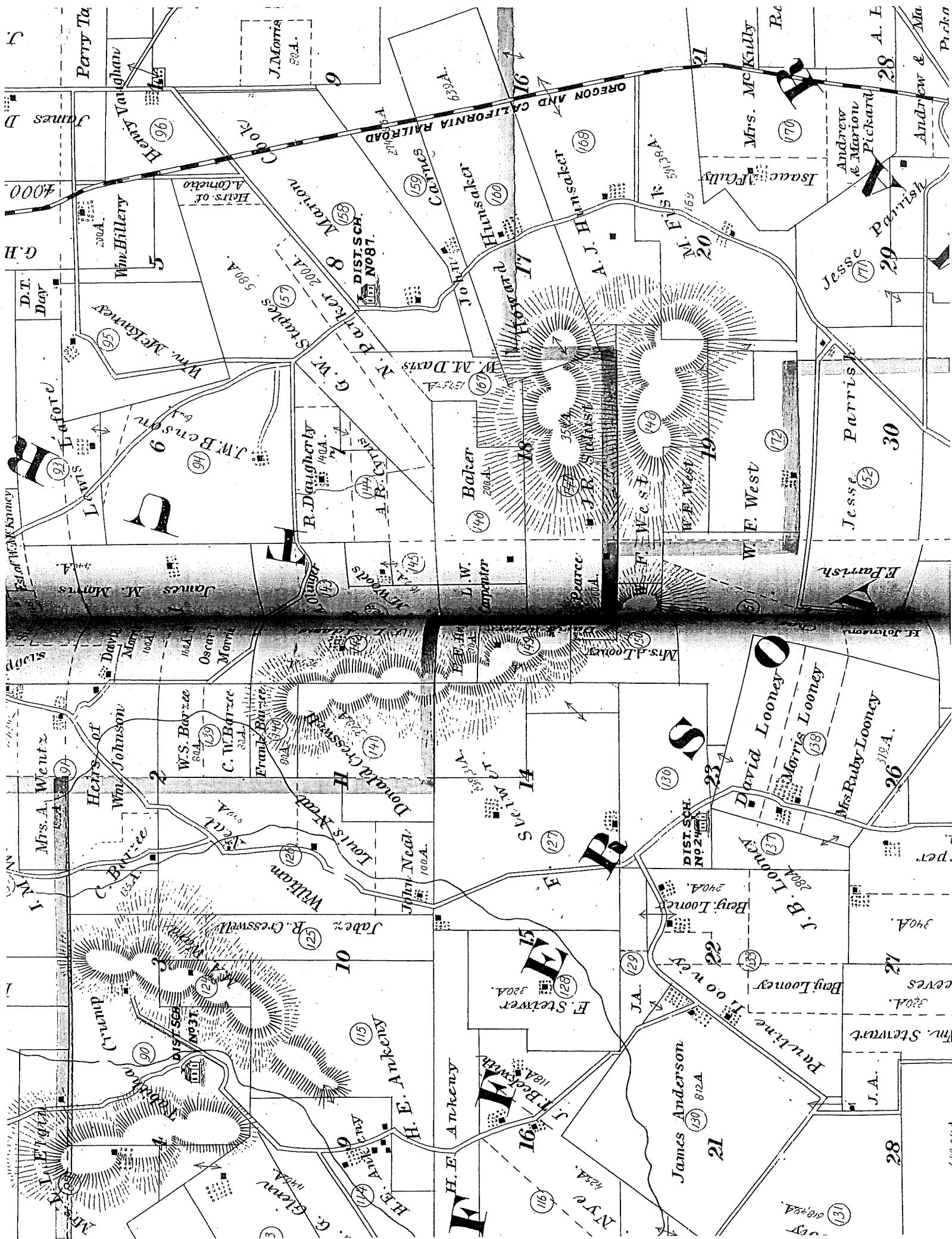
c: Julia Uravich, Marion County Traffic Eng. Mgr., JUravich@co.marion.or.us

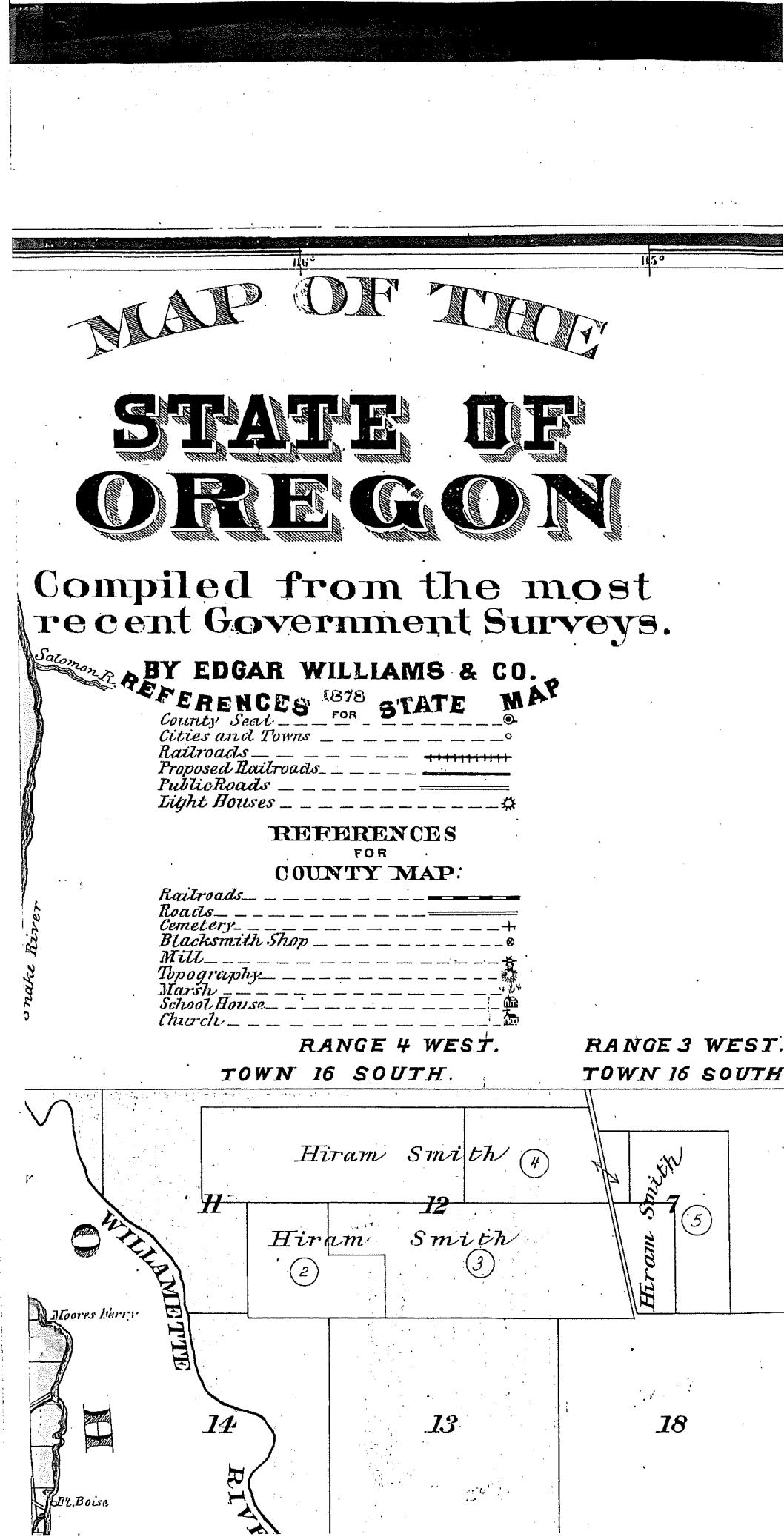
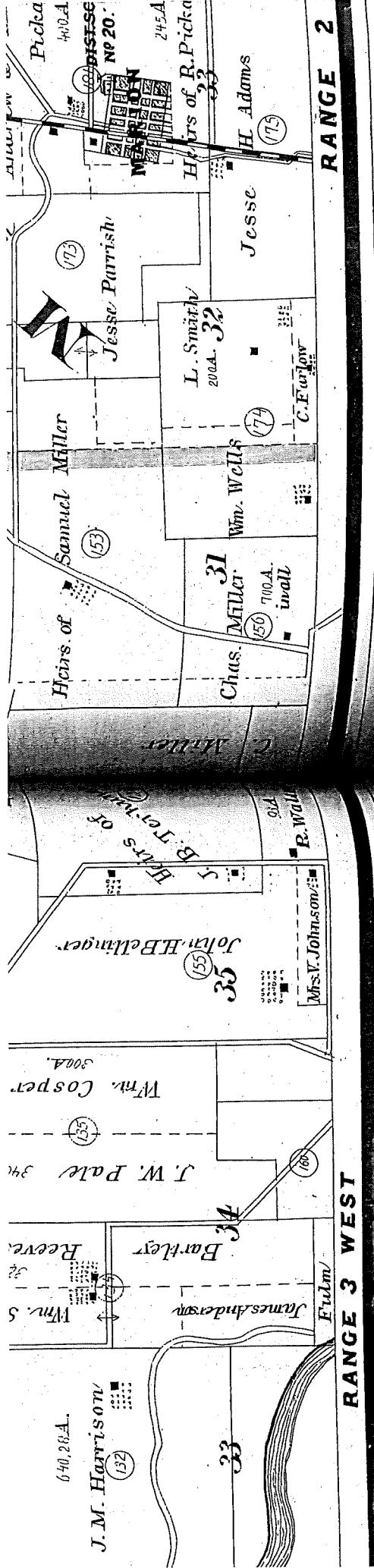
Exhibits:

1. 1878 Edgar Williams Maps of Marion, Jefferson, and Turner
2. 1929 Metsker's Marion Co. Atlas, State of Oregon, Page 23
3. 1933 Marion County Clerk's File #693
4. Marion County Surveyor Maps
5. Warranty Deed, REEL 1493 PAGE 651
6. Right Of Way conveyed to Fairview Milling and Ditch Company recorded January 31, 1882 in Volume 28, Page 132, Deed Records for Marion County, Oregon (Microfiche)
7. Articles of Association of Sidney Irrigation Cooperative, April 16, 1940
8. Sidney Irrigation Cooperative Bylaws, May 29, 1940

Exhibit #1

1878 Edgar Williams Maps of Marion,
Jefferson and Turner



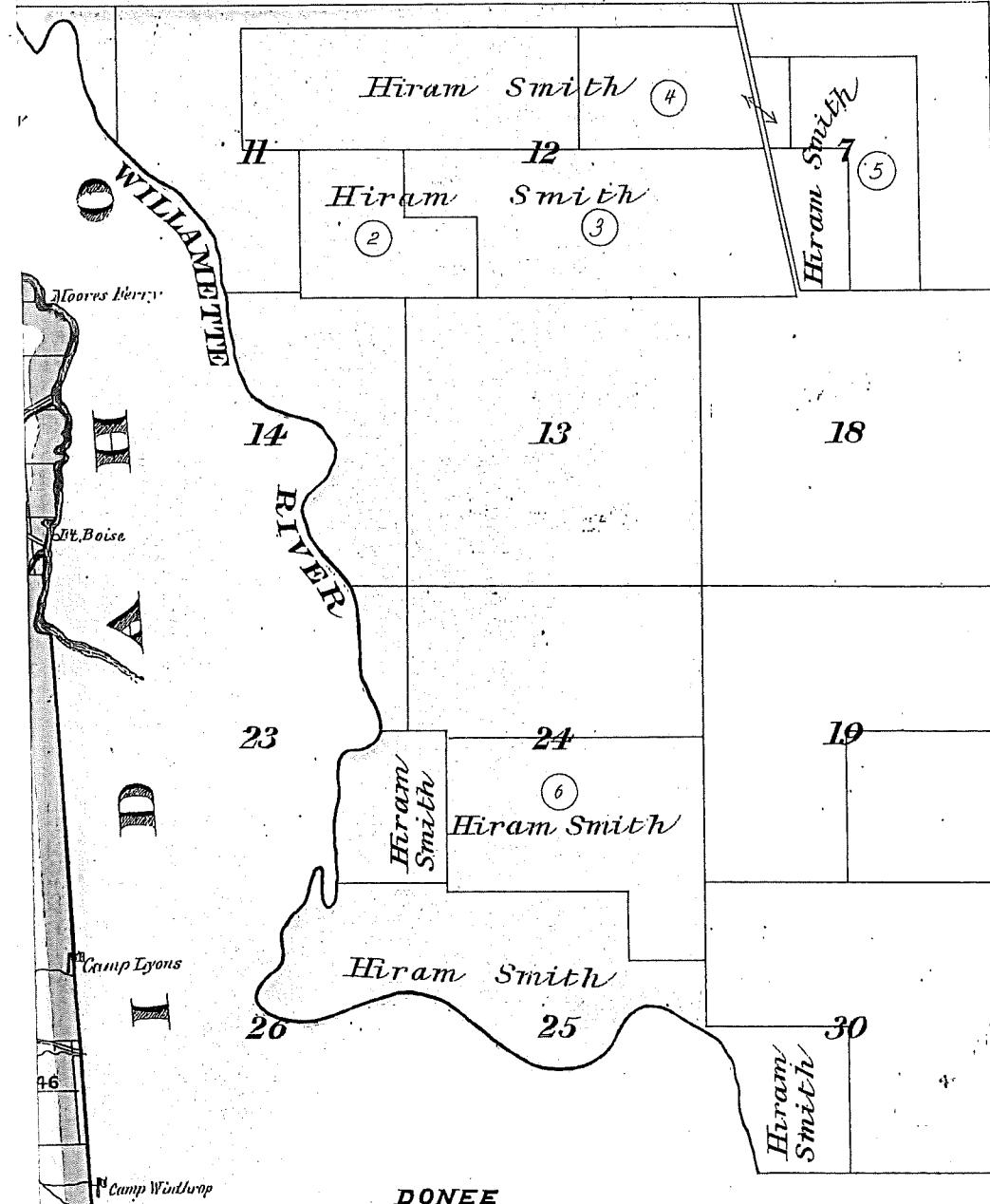


FOR
COUNTY MAP:

Railroads
 Roads
 Cemetery
 Blacksmith Shop
 Mill
 Topography
 Marsh
 School House
 Church

RANGE 3 WEST

RANGE 4 WEST



DONEE

- 1. Henry Hays 320.62 A.
- 2. Damon Smith 124.22 A.
- 3. Hiram Smith 307.68 A.
- 4. Hamilton 133.91 A.
- 5. Samuel Mansfield 160.00 A.
- 6. Robert Wilson 320.60 A.

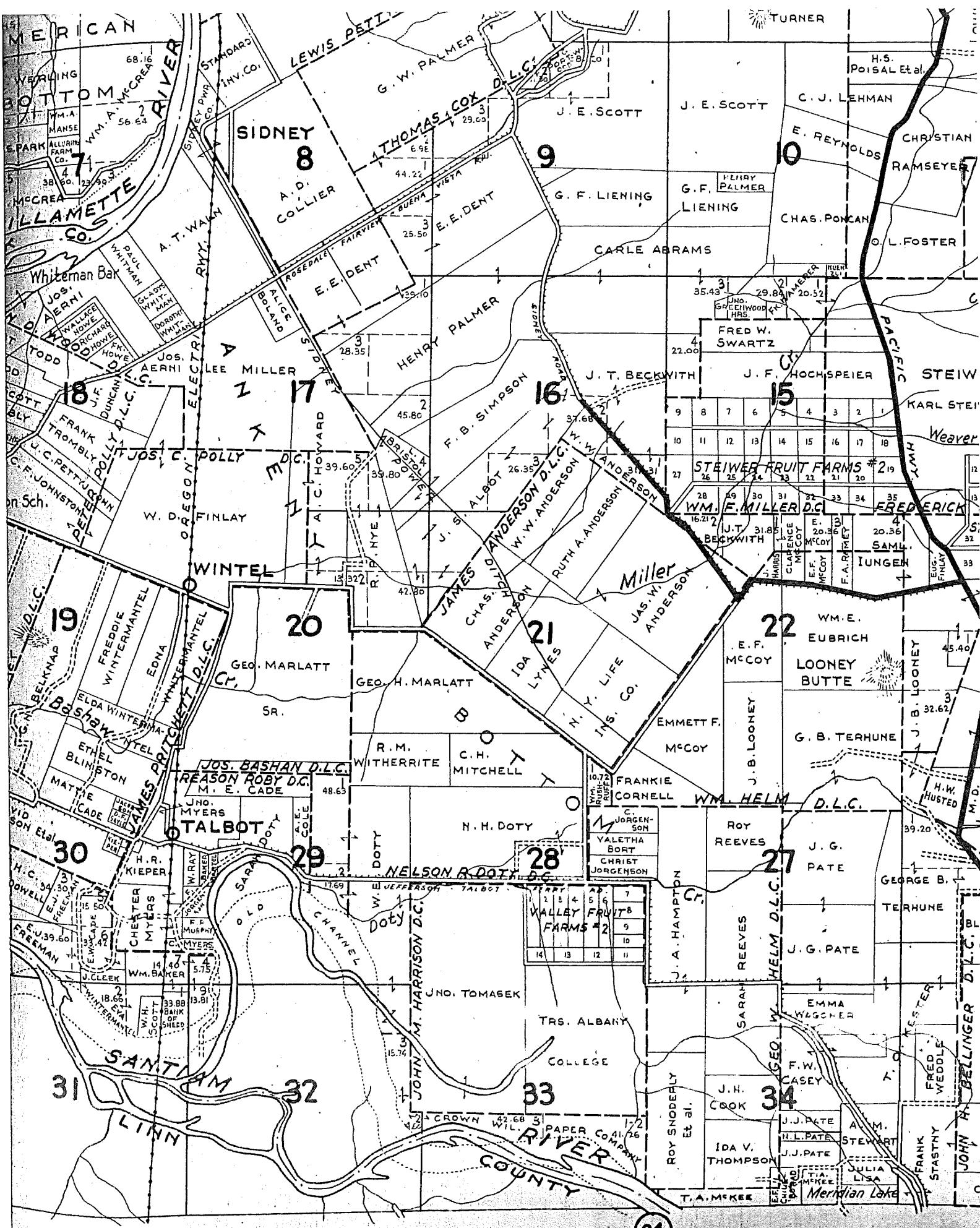
Snake River

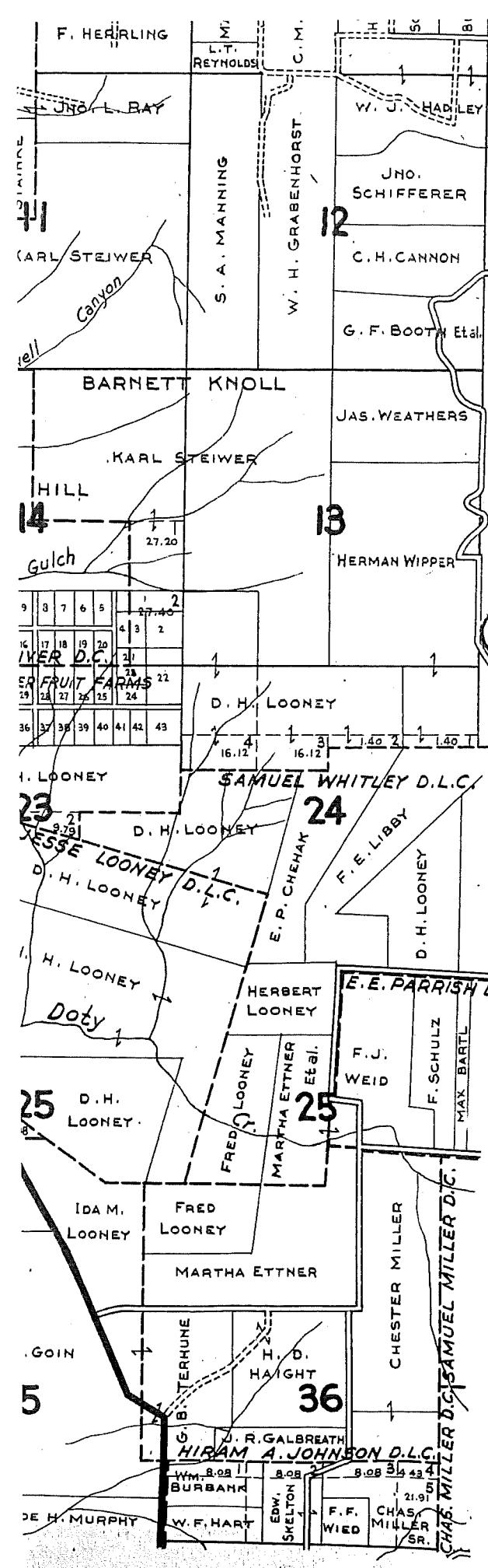
Mrs V. Johnson

45

Exhibit #2

1929 Metsker's Marion Co. Atlas,
State of Oregon, Page 23





41047-**FRICK WADER**
 26-C.C. BROWNELL
 27-M.E. MOYER
 28-29-E.G. BURRELL
 30 to 32-**EDW. BECK**
 33-R.W. TREPP
 34-JACK ARCHIBALD
 35-36-B.M. HUDSON
 37-F.L. EDSILL
 38-JOSEPH O.W. MOORE
 39-40-MONROE NYE
 41 to 43-JOSEPH HUGHES
STEIWER FRUIT FARMS #2
 Lots-1 to 35-S.B. HILL
VALLEY FRUIT FARMS #2
 Lots-1-2-4-A.W. THORPE
 3-FRANK MORAN
 5-ANDREW F. OLSON
 6-FRANK TOWER
 7-HENRY ELIASSEN
 8-EMMA T. OTIS
 9-G.P. NELSON
 10 to 14-E.J. NUNN
 15-C.J. JORGENSEN

SUBDIVISIONS SHOWN ON PAGE 22

<u>EWALD F. FARMS</u>	<u>EWALD F. FARMS</u>	<u>SMITHS F. F.</u>
FR-1. C. B. SMITH	58-M.C. GILE	FR-1. J. LONGCAR
" J. C. ROBINSON	59-J.C. CAMPBELL	" J. C. BARTLETT
" J. M. WHITESELL	60-B. MORRIS	" J. MARION CO.
" J. W. G. M. CLURE	61-U.E. NEAL	" 2-GILLASPY F.
24 FR-3. R. BOHANNON	62-A.F. HOMYER	" 2-A. KAUTHER
FR-3. E. LATOWELL	63-T.G. CHESTNUT	" 2-C. "
44-S. F. ERICKSON	64-G.S. LAPD A BUSH	" 2-M. SEAGROVE
E-26. W. E. MILLER	65-W.A. SHOREY	" 2-GABENHORST
W-16. J. DOUGLASS	FR-67. W. RAHDE	" 3-M. FINDLEY
748. C. A. BOWNS	" H. FASCHING	" 3-L. COTTON
3-E. SHELLEY	" 68-G. 9-R. GRAVES	" 4-H. CAREY
10-D. M. WAGNER	" 68-R. BURTON	" 5-24. ROBERT H.
11-U. J. KASBERG	" 69-W. KINGSTON	" 5-VAN CLEAVE
12-E. OLSEN	" 69-L. HOWARD	67-A. FULKERSON
13-L. D. KING	" 69-B. M. FARR	8-11-12-J. CORMFORTH
14-F. THOMPSON	" 69-E.B. GRAYES	9-J. F. TRICK
57017-F. M. BOCK	" 69-L.K. BROWNING	FR-10-M. BIEDENT
FR-18. C. H. STICKELS	70-R.P. CHAPMAN	" 10-S. GREEN
FR-18. H. WIGGINS	71-R. ANDERSON	" 10-UH. CO. CO.
FR-18. W. J. KIRK	72-E.S. FORTNER	13-M. PAULSON
FR-18. LIMA SMITH	73-H. SAWYER	14-U. J. RENCH
FR-18. CATH. SHAMO	74-E. SANDER	FR-15-W. E. BALL
FR-18. M. BURGER	FR-75-C. LANDAKER	" 15. J. ALBERG
FR-18. K. SMITH	" 75-E.A. PRUITT	" 15. W. LISTON
FR-19. C. TRUDGEN	" 76-A. CLEMENS	16-32-M. WHITESELLER
FR-19. C. BUTLER	" " C. BRESSLER	FR-19-HARINSSBERGER
FR-19. B. WRIGHT	77-78-P. STOZHEISE	17-E. F. HALIK
FR-19. F.W. BURFORD	79-B. U. LEPPIK	18-T. BLINDELL
FR-19. A. ZINGER	80-C. T. GORDON	19-L. H. HUNT
20, 21, 23. D. SMITH	82-M. RICHTER	20-A. LARSEN
22-W. WASHBURN	83-G. DRAW	22-21-R. HULSEY
24. GRABENHORST	F84-85-J. HELTZEL	23-A. FULKERSON
25-K. G. BECKE	" " J. CROTHERS	25-27-B. CRATCLIFF
FR-26. C.G. TRICKER	87-88-R. CHAPMAN	25-R. D. HULSEY
FR-26. F. POLANSKI	89-91-T.U. NEEDOM	30-W. E. BARKER
FR-26. M. FINDLEY	92-W.A. DOVE	31-H. S. PECK
FR-26. N. BANTA	93-W.A. LAIDLAW	FR-33-A. WHITESELL
FR-26. C. BUTLER	94-95-B. R. BROWNING	" " M.
FR-26. R. A. WILCOX	95-100-K. SCHMIDT	IRETON FRUIT
FR-26. E. ERDMAN	101-102-H. BEER.	
FR-26-C. B. BYR CO.		

IRETON FRUIT

FARMS

1. M. M. LYNCH
2-13. W. STARK
3. L. E. STIFFLER
4. U. C. COFFEY
5-6. E.L.
7. F. H. COHE
8-10. H. S. STANTON
10-15. R. COFFEY
16-17. L. BEHMETT
16-17. U. GLAZER
10-13. E. HEIKIRK
13-20. C. STOLOZ
21-27. E. KUNKLE
24-25. C. RUGGLES
26-27. C. RINGWALD
28-33. H. W. ELGIN
31-32. 34-36. CARLTON
33. W. U. CARLTON
35-39. H. ELGIN et al
37-38. H. RIDGEWAY
33. 99. "

10. LADD & BUSH
44-47. 1. M. S. REYNOLDS
35-46. CEN. HOW. COR.

BALLS SUBDIV.

ALL - J. J. ROBERTS

-LEGEND-

PAVED ROADS
MARKET ROADS
OTHER ROADS
TRAILS
RAILROADS
ELE. RWYS.
SCHOOLS

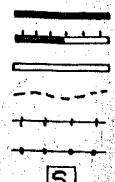


Exhibit #3

**1933 Marion County Clerk's
File # 693**

G.C.C.

Resolution of County Court
Relocation Alteration and Establishment
Sixty foot county road in Road Districts

W.M. RAY, County Commissioner

6-2283

693

205 - 12/30/30

IN THE COUNTY COURT FOR MARION COUNTY, STATE OF OREGON.

MEMORANDA OF COURT

In the Matter of the Relocation, Alteration and Establishment of a sixty foot County Road in Road Districts Nos. 53 and 29.

655

March 14, 1933 Ordered viewed and surveyed

J. G. Dicmonds County Judge
J. S. Slaten County Commissioner
C. C. Nelson County Commissioner

June 7, 1933 Viewers Report read First Time.

June 8, 1933 Viewers Report read Second Time.

June 9, 1933 Viewers' Report approved and order made to open road.

J. G. Dicmonds County Judge.
J. S. Slaten County Commissioner.
C. C. Nelson County Commissioner.

100- 2/19/33.

RE IT REMEMBERED That at a Regular Term of the Honorable County Court of the State of Oregon, for the County of Marion, begun and held at the Court House in the City of Salem, in said County and State, on Wednesday the 7th day June , 1933, and from day to day thereafter during the continuance of said term, when were present:

The Hon. J. C. Siegmund, Judge.

Hon. J. E. Smith, Commissioner.

Hon. Bay S. L. Jones, Commissioner.

William H. Trindl, District Attorney.

U. G. Boyer, Clerk.

W. C. Clark, Sheriff.

When on Friday the 9th day of June 1933, the Third Judicial Day of said Term, among others, the following proceedings were had, to-wit:

In the Matter of the Relocation, Alteration and Establishment of a Sixty foot County Road in Road Districts Nos. 88 and 29. } 23-246
 } #693
COMMITTEE

This matter coming on regularly at this time for the final consideration of the report of the Board of County Road Viewers, and it appearing to the Court that said report, heretofore filed herein, has been publicly read on each of two different days of this term of this Court, the second reading being on the 8th day of June 1933 and no petition for damages or remonstrance having been filed; and the Court from due and sufficient proof being satisfied that such proposed road will be of public utility,

It is, therefore, ORDERED by the Court that the report of the Board of County Road Viewers be, and the same is, hereby adopted in full, and that the field notes be recorded in suitable books kept for that purpose by the County Surveyor,

It is further ORDERED that said road be, and the same is, hereby, laid out and established and shall henceforth be considered a county road and public highway, sixty feet in width; that the County Roadmaster forthwith open, or cause to be opened, said road for public travel; said road being described as follows:

Beginning at a point 213.7 feet N. 68°04' E. from the N. E. corner of the Donation Land Claim of James Pritchett and wife in T. 9 S. R. 3 W. of the Willamette Meridian, Marion County, Oregon. Set an iron pipe 30 inches long and 1 inch in diameter marked "1". Thence from a tangent line bearing S. 68°04' E. on a 4° curve to the left 424.2 feet to point of tangent; thence S. 85°02' E. 1037 feet to a point of curve; thence on a 5° curve to the right 263.3 feet to a point of tangent; thence S. 71°52' E. 982.1 feet to a point of curve; thence on a 4° curve to the left 454.5 feet to a point of tangent; thence N. 89°57' E. 1154.3 feet to a point of curve; thence on a 15° curve to the right 269.9 feet to a point of tangent; thence S. 54°58' E. 694.6 feet to the end of the first mile set an iron pipe 30 inches long and 1 inch in diameter marked 1 K.E. at the point of curve; thence on a 0°17' curve to the left 200 feet, to a point 3139.4 feet to a point of curve; thence on a 0°17' curve to the left 200 feet, to a point of tangent; thence S. 55°42' E. 1131 feet to Engineer's station 158 plus 10.5; thence S. 55°52' E. 216.9 feet to Engineer's station 158 plus 27.4; thence S. 55°52' E. 344.6 feet to a point of curve; thence on a 28° curve to the left 319.3 feet to point of tangent; thence N. 35°03' E. 623.4 feet to the end of the second mile, set an iron pipe 30 inches long and 1 inch in diameter marked "2M.E." at 2327.9 feet, to point of curve; thence on a 0°12' curve to the left 200 feet to point of tangent; thence N. 34°38' E. 1723.2 feet, to Engineer's station 207 plus 42.4; thence N. 34°38' E. 44.8 feet to a point of curve; thence on a 0°47' curve to the right 200 feet to the terminus, to a point 672 feet S. 36°12' W. from the N. E. corner of the Donation Land Claim of James Anderson, set an iron pipe 30 inches long and 1 inch in diameter marked "3".

Also the following curves: Beginning at Engineer's station 156 plus 10.5 thence from a tangent line bearing S. 55°32' E. on 28° curve to the right 199.5 feet to a point on a tangent bearing S. 0°19' W. Also beginning at Engineer's station 158 plus 27.4 thence from a tangent line bearing N. 55°32' W. on 99°37' curve to the left 124.6 feet to a point on tangent line bearing S. 0°19' W. Also beginning at Engineer's station 207 plus 42.4 thence from a tangent line bearing N. 31°38' E. on a 56° curve to the left 123.5 feet to a point on a tangent line bearing N. 34°32' W.

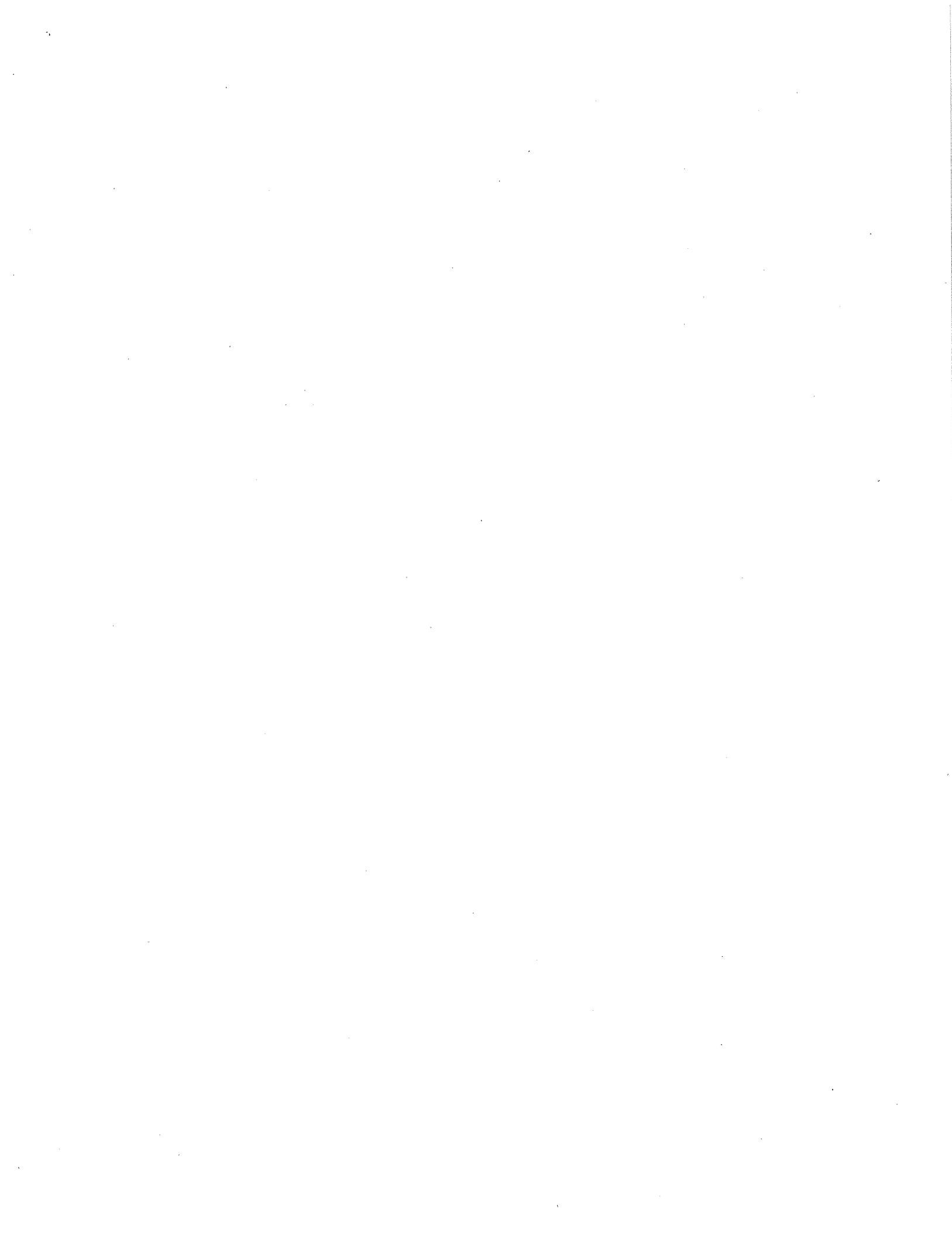
All points of curves and points of tangents are witnessed by iron monuments either iron pipes or iron rods, set 30 feet out and at right angle to the tangent lines.

STATE OF OREGON, } ss.
COUNTRY OF MARION. } ss.

I, U. G. Boyer, County Clerk for Marion County, State of Oregon, do hereby certify that the foregoing Transcript of Order Establishing the within described County Road, has been by me compared with the original Order and that it is a true and correct copy of said original Order and of the whole thereof, as the same appears of record in my office and custody.

WITNESS my hand and the Seal of said Court this 9th day of June 1933

U. G. Boyer, County Clerk.
By C C Ward Deputy.



Edna Winterman
No. 11020 C.C.U. Vol. 36 R. 508

N.E. Com
James Pritch
D.L.C.

Joseph Bashaw
D.L.C.

Catherine Marlatt Est.
No. 6329

Grinnie C. Howard
1884-1965
1168-15661
Postonville

B. B. HERRICK
COUNTY SURVEYOR

2

James Anderson,
D.L.C.

21

Ido Lynes
Est. No. 1922

Charles Anderson
Est. No. 1922

Nye
72 R. 338

13° C.R.
43° 46'
T. 13 R.
4289'

H. Marlatt
Vol. 169 P. 69

Wilson R. Doty
D.L.C.

1st Mile
Iron Pipe

5° E

PC 1010
1110
1100
1000
900

5.5° S.E.

PC 1020
1120
1110
1100
1000
900

NEW

2

James Anderson
D.L.C.

21

Nye

12 P. 338

13° C.R.
23° 45' 45" S.
7.13 P.M.
4.22 1922

Charles Anderson
Est. No. 1922

H. Marlatt
Vol. 169 P. 69

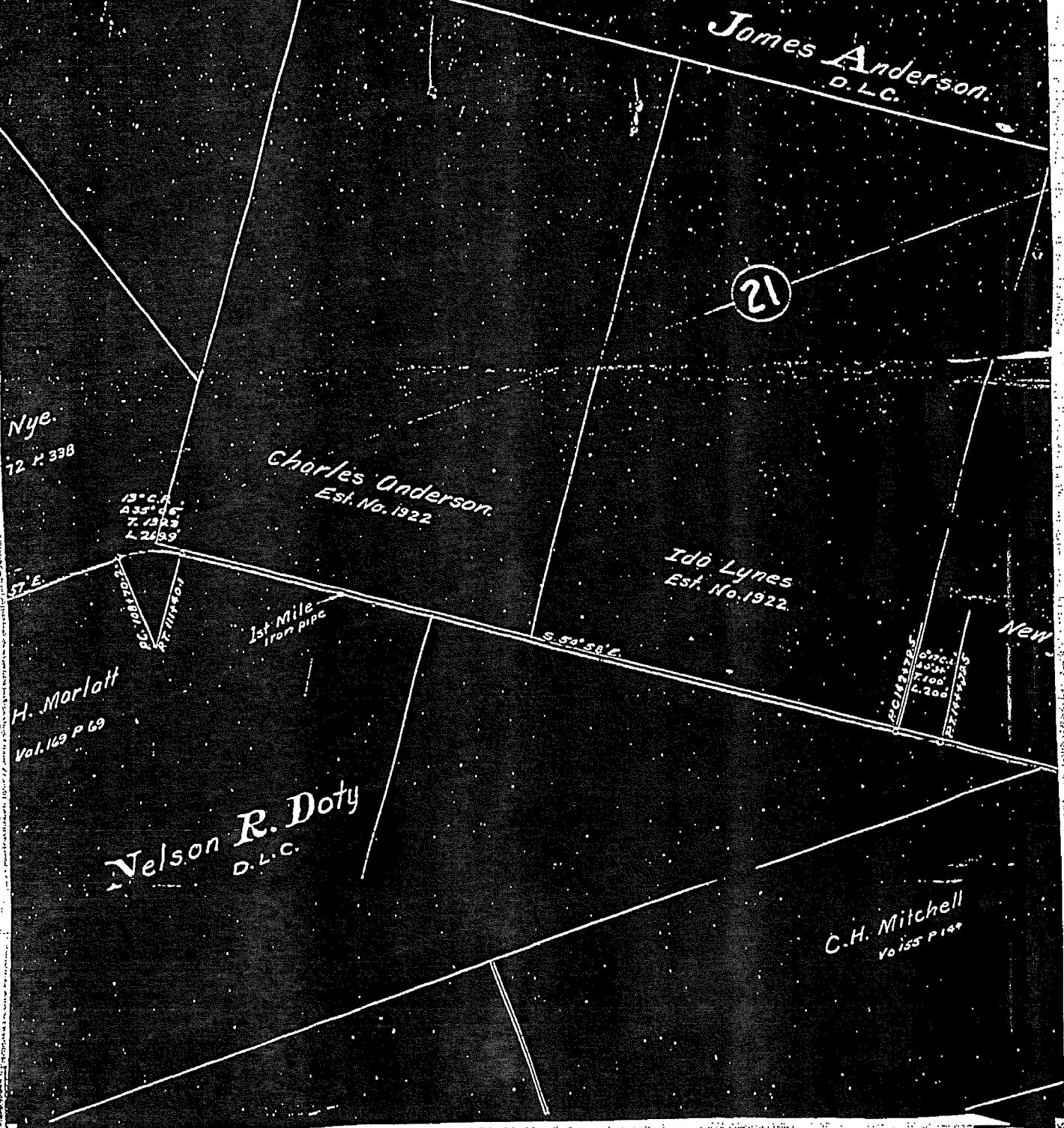
Wilson R. Doty
D.L.C.

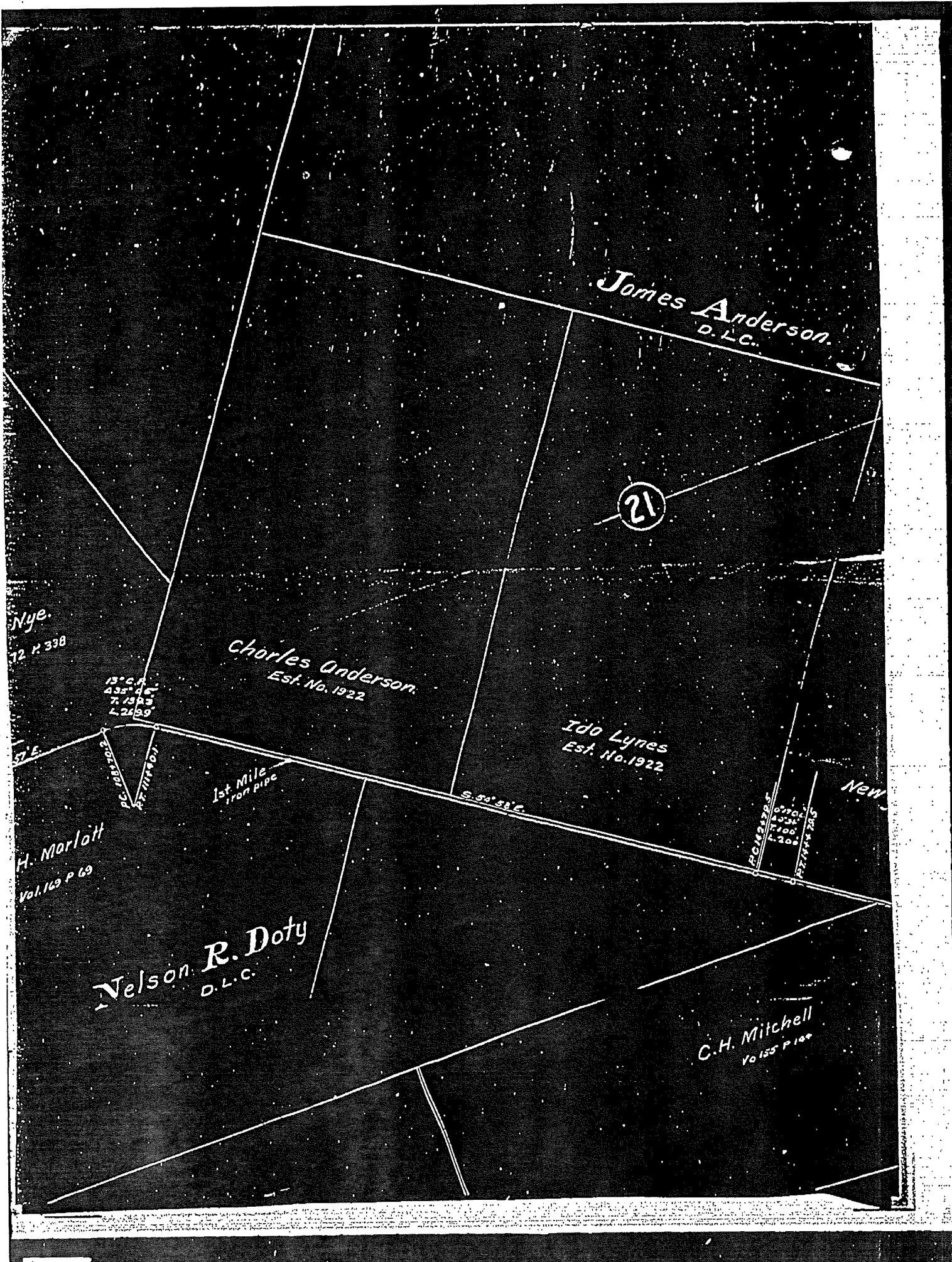
1st Mile
iron pipe

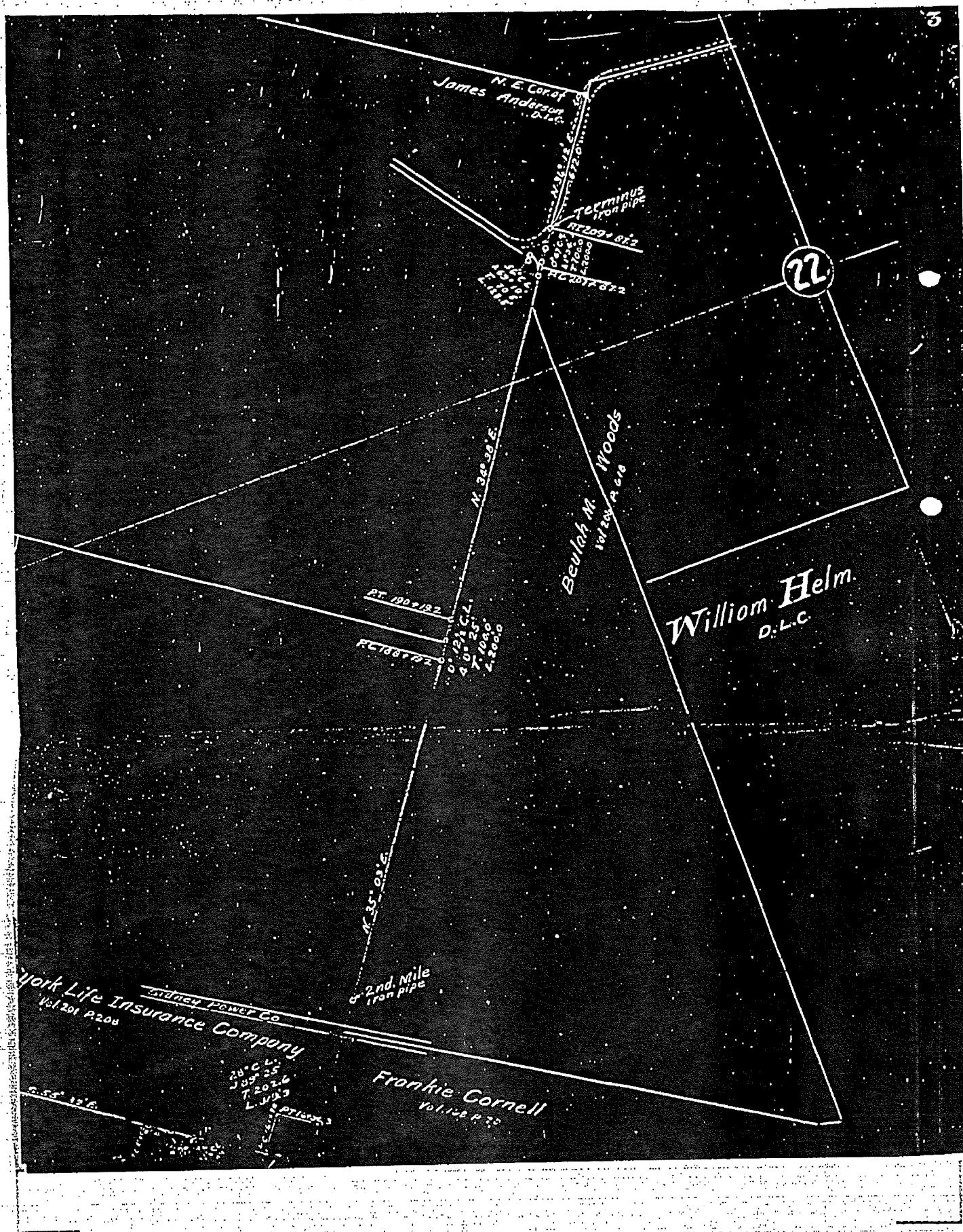
Ido Lynes
Est. No. 1922

100 ft. 200 ft.
100 ft. 200 ft.
100 ft. 200 ft.
100 ft. 200 ft.

New







22

Terminus
iron pipe

Bewlah M. Woods
1929-1931

William Helm.
D.L.C.

P.T. 190 & 192
P.G. 188 & 182

at 2nd Mile
iron pipe

Frankie Cornell
Vol. 1688

York Life Insurance Company
Vol. 201 p. 208

24-25
25-26
7-30-33

SURVEYOR'S REPORT

Beginning at a point 213.7 feet N.68°04'W. from the N.E.corner of the Donation Land Claim of James Pritchett and wife in T.9 S.R.3 W. of the Willamette Meridian, Marion County Oregon.set an iron pipe 30 inches long and 1 inch in diameter marked "R"; thence from a tangent line bearing S.68°04'E.on a 4° curve to the left 424.2 feet to point of tangent; thence S.65°02'E-1037 feet, to a point of curve; thence on a 5° curve to the right 263.3 feet to a point of tangent; thence S.71°52'E. 982.1 feet to a point of curve; thence on a 4° curve to the left, 454.6 feet to a point of tangent; thence N89°57'E. 1154.3 feet to a point of curve; thence on a 13° curve to the right 269.9 feet to a point of tangent; thence S.54°58'E. 694.6 feet, to the end of the 1st.mile, set an iron pipe 30 inches long and 1 inch in diameter marked 1 M.R., at 3139.4 feet to a point of curve; thence on a 0°17' curve to the left 200 feet, to a point of tangent; thence S.55°42'E. 1131 feet to Engineer's station 156 plus 10.5; thence S.55°52'E. 216.9 feet to Engineer's station 152 plus 27.4; thence S.55°52'E. 344.5 feet to a point of curve; thence on a 28° curve to the left 319.3 feet to point of tangent; thence N.35°03'E. 623.4 feet to the end of the 2nd. mile, set an iron pipe 30 inches long and 1 inch in diameter marked "2 M.R." at 2327.9 feet, to point of curve; thence on a 0°12½' curve to the left, 200 feet to point of tangent; thence N.34°38'E. 1723.2 feet, to Engineer's station 207 plus 42.4; thence N.34°38'E. 44.8 feet to a point of curve; thence on a 0°47' curve to the right 200 feet to the terminus, to a point 672 feet S.36°12'W. from the N.E.corner of the Donation Land Claim of James Anderson, set an iron pipe 30 inches long and 1 inch in diameter marked "R". Also the following curves; Beginning at Engineer's station 156 plus 10.5 thence from a tangent line bearing S.55°32'E.on 28°curve to the right 199.5 feet to a point on a tangent bearing S.0°19'W. Also Beginning at Engineer's station 158 plus 27.4. thence from a tangent line bearing N.55°32'W. on 99°37½' curve to the left 124.6 feet to a point on tangent line bearing S.0°19'W. Also Beginning at Engineer's station 207 plus 42.4

(2)

thence from a tangent line bearing N. $34^{\circ}38' E.$ on a 56° curve to the left
123.5 feet to a point on a tangent line bearing N. $64^{\circ}32' W.$

All Points of Curves and points of Tangents are witnessed by iron monuments
either iron pipes or iron rods, set 30 feet out and at right angle to the
tangent lines.

Surveyed May 2nd. 1933.

J. D. Herrick
County Surveyor.

In the County Court, of the State of Oregon,

For the County of MARION.

In the Matter of a Resolution by the
County Court to relocate, Alteration
and establishment of a 60 foot
County Road in Road Dist's. No. 29 and 88.

To the Honorable County Court above named:

We, the undersigned Board of County Road Viewers, directed by the Honorable Court to view, survey and lay out a County Road as prayed for in the Resolution by the County Court, do, this day, beg leave to report:

That pursuant to said order we met at the place of beginning, on the 2nd day of May, 1933, at the hour of 9 o'clock A.M. of said day, the same being the time and place fixed by said order for the meeting of the undersigned Viewers, and after first taking an oath faithfully and impartially to discharge the duties of our appointment, we took to our assistance R. L. Hart and Fred J. Miller acted as chain bearers, and John Miller as marker, and proceeded to view, survey and lay out said road as prayed for in said petition, as near as in our opinion a good road can be made at a reasonable expense taking into consideration the utility, convenience and inconvenience and expense which will result to individuals as well as the public, if such road shall be established and opened.

We surveyed said road and the same was conspicuously marked throughout, the corners and distances thereon noted, and all trees on the line of said road were marked on each of the sides thereof corresponding with the direction of said road, with three notches cut through the bark and one inch into the wood, and all trees to the adjacent said line of said road were plainly blazed on the side facing said road. The beginning and termination of said road and the termination of each mile and intermediate points have been designated as follows, as will more fully appear by the certified return of the County Surveyor, which is hereto attached and made a part of this report.

That in our opinion the said proposed road should be established for the following reasons:

It will straighten and eliminate all sharp corners

That the premises through which said road is located has been rendered less valuable on account thereof and in our judgment..... the owner.....of said premises ha.been damaged in the sum. to-wit:.....
All damages have been settled with the exception that of the New York Life Insurance Company. To take care of the damage for said Company, we recommend that the County Of Marion, move and rebuild all of the fencing that is required to widen said road.

Dated this..... 23rd..... day of..... May..... 1933.

P.B. Herrick
Fred J. Miller
A.B. Steele
Board of County Road Viewers

686
84 For sale by R E Moore & Co., Salem

In the County Court,
OF THE STATE OF OREGON
For the County of MARION

Road Viewers' Report

REPORT OF

P.B. HERRICK
FRED J. MILLER
O.B. MCELHANEY
Viewers

FILED Form, 10
MAY 17 1933 Clerk
BILL OF SALES Deputy Clerk

50-6/10/31.

BE IT REMEMBERED, That at a Regular Term of the County Court of the State of Oregon, for the County of Marion begun and held at the Court House in the City of Salem, in said County and State, on Wednesday, the 1st day of March A. D. 1933, and from day to day thereafter during the continuance of said term, when were present:

The Hon. J. C. Siegmund,	Judge.
Hon. J. B. Smith,	Commissioner.
Roy S. Nelson	Commissioner.
William H. Trindle,	District Attorney.
XXXXXXXXXX,	
U. S. Poyer, A. G. Burk, XXXXXXXXXX,	Clerk.
	Sheriff.

When, on Tuesday, the 14th day of March, 1933 or the Second Judicial Day of said Term, among others the following proceedings were had, to-wit:

In the Matter of the Relocation, Alteration } 28-212
and Establishment of a sixty foot County Road } #693 COMPARED
in Road Districts Nos. 25 and 29.

On this day this matter coming on for hearing and it appearing to the Court that heretofore this Court by resolution declared its intention to locate and establish a County road 60 feet wide in Road Districts Nos. 25 & 29 described as follows, to-wit:

Beginning at a point 213.7 feet N. $68^{\circ}04'$ W. from the Northeast corner of the James Pritchett and wife Donation Land Claim in T. 9 S. R. 3 W. of the Willamette Meridian, Marion County, State of Oregon. Thence from a tangent line bearing S. $68^{\circ}04'$ E. on a 4° curve to left 424.2 feet to a point of tangent. Thence S. $55^{\circ}32'$ E. 1037.0 feet to a point of curve. Thence on a 5° curve to right 263.3 feet to a point of tangent. Thence S. $71^{\circ}52'$ E. 982.1 feet to a point of curve, thence on a 4° curve to left, 154.6 feet to a point of tangent. Thence N. $89^{\circ}57'$ E., 1154.3 feet to a point of curve. Thence on a 13° curve to right 269.9 feet to a point of tangent. Thence S. $54^{\circ}58'$ E. 3139.4 feet to a point of curve. Thence on a $0^{\circ}17'$ curve to left, 200.0 feet to a point of tangent. Thence S. $55^{\circ}32'$ E. 215.9 feet to Engineer's Station 156 plus 10.5. Thence S. $55^{\circ}32'$ E., 344.6 feet to a point of curve. Thence on a 28° curve to left 319.3 feet to a point of tangent. Thence N. $35^{\circ}03'$ E. 2327.9 feet to a point of curve. Thence on a $0^{\circ}12'$ curve to left, 200.0 feet to a point of tangent. Thence N. $34^{\circ}38'$ E. 1723.2 feet to Engineer's Station 207 plus 42.4. Thence N. $34^{\circ}38'$ E. 44.8 feet to a point of curve. Thence on a $0^{\circ}47'$ curve to right, 200.0 feet to the terminus of said proposed county road, said terminus being 672.0 feet in T. 9 S. R. 3 W. of the Willamette Meridian, Marion County, State of Oregon.

Also, the following curves: Beginning at Engineer's Station 156 plus 10.5. Thence from a tangent line bearing S. $55^{\circ}32'$ E. on a 28° to right 199.5 feet to a point on a tangent line bearing S. $0^{\circ}19'$.

Also, beginning at Engineer's Station 156 plus 27.4. Thence from a tangent line bearing N. $55^{\circ}32'$ W. on a $99^{\circ}37\frac{1}{2}'$ curve to left, 124.6 feet to a point on a tangent line bearing S. $0^{\circ}19'$.

Also, beginning at Engineer's Station 207 plus 42.4. Thence from a tangent line bearing N. $34^{\circ}38'$ E. on a 56° curve to left, 123.5 feet to a point on a tangent line bearing N. $64^{\circ}32'$ W.

It further appearing to the Court:

That said resolution properly specifies the place of beginning, intermediate points and termination of said road; that notice has been given by advertisement posted at the place of holding County Court, to-wit: at the Court House in Salem, in said Marion County and State of Oregon on the County Clerk's bulletin board; and also in three public places in the vicinity of said proposed road, to-wit: One on a fence post at the beginning of said proposed road, one on a gate post near the middle of said road and one on an oak tree at the terminus of said road.

which said notices were posted for more than thirty days, immediately prior to the hearing of said matter in this Court, notifying all persons concerned that this matter would be heard in this Court at this time and that the notices so posted were in due form, being true copies of said resolution of the County Court properly certified to as such by the County Clerk; that notice of the hearing of this Court upon said resolution has been mailed more than thirty days prior to this hearing, to the owners of the land over which the said proposed road will be located, as shown by the affidavit of H. S. Swart, County Engineer, now on file herein.

It is, therefore, ORDERED by the Court that B. B. Herrick, County Surveyor of this County, and Fred J. Miller and C. B. Mc Elhaney, freeholders residing in this County, constituting the Board of County Road Viewers, meet at the place of beginning on the day of , 1933, at the hour of 9 o'clock A.M. and after qualifying, proceed to view, survey, locate and lay out said road according to law and assess the damages and file their report on or before the 25th day of May 1933.

STATE OF OREGON, }
COUNTY OF MARION. } ss.

I, U. G. Boyer, County Clerk for Marion County, State of Oregon, do hereby certify that the foregoing Transcript of Order of County Court Appointing Viewers has been by me compared with the Original Order and that it is a true and correct copy of said original order and of the whole thereof, as the same appears of record in my office and custody.

Witness my hand and the seal of the County Court this 14th day of March 1933.

U. G. Boyer, County Clerk,
By C C Ward Deputy.

In the County Court for Marion County, State of Oregon

In the Matter of

STATE OF OREGON,
County of Marion } ss.

I, the undersigned, being first duly sworn, do depose and say: That I am one of the petitioners herein and that heretofore and on the 28th day of January, 1923, I duly deposited in the United States Postoffice at Salem and forwarded by registered mail a notice which notifies all persons concerned of the pendency of the above proceeding and that application will be made to the above entitled Court at the next term thereof, a copy of which said notice is hereunto attached and made a part hereof, to each of the following named persons at the following named addresses, to-wit:

All persons named in foregoing certificate.

That each of said notices was securely enclosed in an envelope plainly addressed to each of the above named persons and that postage on each thereof was fully prepaid.

That the above named persons comprise all of the record owners of lands on or over which the proposed road or portion thereof is to be located, laid out, relocated, or changed and that each notice was forwarded, as aforesaid, to each of such owners at the address of such owner as shown by the latest records of the office of the tax collector of Marion County, Oregon, and in such cases as said records of said tax collector failed to disclose the address of such owner then said notice was forwarded, as aforesaid, to such owner, addressed to Salem, Oregon.

W. G. Ward
County Engineer

Subscribed and sworn to before me this 3rd day of March, 1923.

U. G. Boyer, County Clerk,

By *W. G. Ward*, Deputy

BE IT REMEMBERED, That at a Regular Term of the Honorable County Court of the State of Oregon, for the County of Marion, begun and held at the Court House in the City of Salem, in said County and State on Thursday the 26th day of January, 1933, and from day to day thereafter during the continuance of said term, when were present:

The Hon. J. C. Sigmund	Judge
Hon. R. S. Wilson	Commissioner
Hon. J. E. Smith	Commissioner
Wm. H. Trindle	District Attorney
U. G. Boyer	Clerk
A. C. Burk	Sheriff

Then on Thursday the 26th day of January, 1933, the Thirteenth Judicial Day of said Term, among others, the following proceedings were had, to-wit:

In the matter of the Re-location, Alteration and Establishment of a 60 foot County Road }
in Road Districts No. 88 and 29. }
} #693

On this day it appearing to the Court that it is necessary and proper that a County Road 60 feet wide in Road Districts No. 88 and 29, and being described as follows, be re-located, altered and established:

Beginning at a point 213.7 feet N. 68° 04' W. from the Northwest corner of the James Pritchett and wife Donation Land Claim in T. 9 S. R. 3 E. of the Willamette Meridian, Marion County, State of Oregon. Thence from a tangent line bearing S. 68° 04' E. on a 4° curve to left 424.2 feet to a point of tangent. Thence S. 85° 02' E. 1037.0 feet to a point of curve. Thence on a 5° curve to right 263.3 feet to a point of tangent. Thence S. 71° 52' E. 982.1 feet to a point of curve, thence on a 4° curve to left, 454.6 feet to a point of tangent. Thence N. 89° 57' E., 1154.3 feet to a point of curve. Thence on a 13° curve to right 280.9 feet to a point of tangent. Thence S. 54° 58' E. 3139.4 feet to a point of curve. Thence on a 0° 17' curve to left, 200.0 feet to a point of tangent. Thence S. 55° 22' E., 1131.0 feet to Engineer's Station 158 plus 27.4. Thence S. 55° 32' E., 344.6 feet to a point of curve. Thence on a 28° curve to left 319.3 feet to a point of tangent. Thence N. 35° 03' E. 2327.9 feet to a point of curve. Thence on a 0° 12' curve to left, 200.0 feet to a point of tangent. Thence N. on 34° 38' E. 1723.2 feet to Engineer's Station 207 plus 42.2. Thence N. 34° 38' E. 44.8 feet to a point of curve. Thence on a 0° 47' curve to right 200.0 feet to the terminus of said proposed county road, said terminus being 672.0 feet S. 38° 12' E. from the Northwest corner of the James Anderson and wife Donation Land Claim in T. 9 S. R. 3 E. of the Willamette Meridian, Marion County, State of Oregon.

Also, the following curves: Beginning at Engineer's Station 156 plus 10.5. Thence from a tangent line bearing S. 55° 32' E. on a 28° to right 199.5 feet to a point on a tangent line bearing S. 0° 19' W.

Also, beginning at Engineer's Station 158 plus 27.4. Thence from a tangent line bearing N. 55° 32' E. on a 99° 37' curve to left, 124.6 feet to a point on a tangent line bearing S. 0° 19' W.

Also, beginning at Engineer's Station 207 plus 42.2. Thence from a tangent line bearing N. 34° 38' E. on a 56° curve to left, 123.5 feet to a point on a tangent line bearing N. 64° 32' W.

It is, therefore, ORDERED and RESOLVED that the Court hereby declare its intention to re-locate, alter and establish the said road as a County Road, and It is further ORDERED that this matter be heard in this Court in the Court room thereof in the City of Salem, Oregon, on Friday, the 3rd day of March, 1933, at the hour of 10 o'clock A. M. and that notice of such hearing be given by the County Engineer as required by law.

State of Oregon,
County of Marion.

ss.

I, U. G. Boyer, County Clerk in and for Marion County, State of Oregon, do hereby certify that the foregoing transcript of Order of County Court, declaring its intention to re-locate, alter, and establish the within described county road has been by me compared with original order and that it is a true and correct copy of said original order and of the whole thereof, as the same appears of record in my office and custody.

WITNESS my hand and the seal of said Court this 26th day of January, 1933.

U. G. Boyer, County Clerk
By C. C. Ward Deputy

We the undersigned do hereby certify that the foregoing list of names constitute the present record owners of, and mortgagees having any interest in and to land abutting Wintel Road in District No. 88, in Sections 19, 20, 21 and 22 in Township 9 South, Range 3 West of the W.M., in Marion County, State of Oregon, according to the plat of same attached hereto.

Dated this 6th day of
February, 1933.

UNION ABSTRACT CO.

By *W. G. Harris*
Sec

PRESENT RECORD OWNERS OF, AND MORTGAGES HAVING ANY INTEREST IN LAND ADJOINING.

WINTER ROAD IN DISTRICT NO. 68 IN SECTIONS 10, 20, 21 and 22 IN TOWNSHIP 9
SOUTH, RANGE 7 WEST F. M. - MARION COUNTY, OREGON.

NAME	ADDRESS	TITLE
1. William Finlay	Jefferson, Oregon.	Vol. 63 page 158 Deed Records
2. Edna Wintermantle	Jefferson, Oregon.	Vol. 35 page 502 Cir. Ct. J. 1. Partition Suit # 14020
3. Catherine Marlatt	Jefferson, Oregon.	Geo. W. Marlatt Estate # 6329
4. Marion County, Oregon.		Vol. 213 page 516 Deed Rec.
5. Eugene Finlay Gertrude Finlay	Jefferson, Oregon.	Vol. 203 page 382 Deed Rec. " " " "
6. Annie C. Howard	Jefferson, Oregon.	Vol. 164 page 215 Deed Rec. " 162 " 259 " " Partition Suit # 15651
State Land Board (Mortgagors)		Vol. 113 page 264 Mtg. Rec.
7. R. P. Nye W. J. Nye	(Route 1, Box 100, Jefferson, Oregon.)	Vol. 72 page 338 Deed Rec.
8. Geo. W. Marlatt Margueritte Marlatt	Jefferson, Oregon. Route 1, Box 122	Vol. 165 page 63 Deed Rec. " " " " "
9. Chas. Anderson (Harkins & Roberts)	Jefferson, Oregon. Salem, Oregon.	James Anderson Estate #1922 Vol. 170 page 213 Mtg. Rec.
10. Ida Lynes	Cuprum, Idaho	James Anderson Estate #1922
11. C. H. Mitchell	Jefferson, Oregon. Route 1, Box 131	Vol. 156 page 144 Deed Rec.
12. New York Life Ins. Co.	Branch Office at Public Service Bldg., Portland, Oregon.	Vol. 201 page 208 Deed Rec.
13. Frankie Cornell C. J. Jorgensen	Route 1, Jefferson. " " "	Vol. 165 page 470 Deed Rec.
Appears on tax roll as having paid taxes on this property.		
14. Beulah M. Woods	710 N. High St., Salem, Oregon.	Vol. 206 page 218 Deed Rec.
E. C. Hawley	989 Oak Street, Salem, Oregon.	Vol. 167 page 574 Mtg. Rec.
15. James J. Anderson	Jefferson, Oregon. Route 1, Box 47	James Anderson Est. #1922

NAME

ADDRESS

TITLE

State of Oregon, Represented by the World War Veterans' State Aid Commission (Mortgagor)

16. Sidney Power Co.

Bonus Commission,
Salem, Oregon.

Salem, Oregon.

Vol.131 page 162 "tg. Rec."

Vol.62, page 216 Deed Rec.

SEARCHED
INDEXED
SERIALIZED
FILED

Affidavit of Posting Road Notices.

IN THE COUNTY COURT FOR MARION COUNTY, STATE OF OREGON.

In the Matter of the Re-location, Alteration
and Establishment of a 60 foot County Road
in Road Districts No. 88 and 29. # 693

State of Oregon, }
County of Marion. } ss.

I, H. S. Scott, being first duly sworn,
on oath say:

That I posted three notices (a copy of which is hereunto annexed)
of the proposed road, described in said notice, in the following places in
the vicinity of the proposed road, to-wit: One on a fence post
at the beginning of said proposed road, one on a gate post near the middle
of said road and one on an oak tree at the terminus of said road.

and also one notice at the place of holding the County Court at the Court
House in Salem in said Marion County and State of Oregon on the County
Clerk's bulletin board;

That all of said notices were posted continuously for thirty days
prior to the presentation of the above entitled petition to the County Court,
to-wit: On and between the 28th day of January, 1933, and the
3rd day of March, 1933;

That each of said notices was posted in a conspicuous public place
and in plain view of the public.

H. S. Scott

Subscribed and sworn to before me this 3rd day of March, 1933.

U. G. Boyer, County Clerk,
by [initials] C. Ward, Deputy.

BE IT REMEMERED, That at a Regular Term of the Honorable County Court of the State of Oregon, for the County of Marion, begun and held at the Court House in the City of Salem, in said County and State on ~~Wednesday~~ the 26th day of January, 1933, and from day to day thereafter during the continuance of said term, when were present:

The Hon. J. C. Siegmund	Judge
Hon. R. S. Wilson	Commissioner
Hon. J. L. Smith	Commissioner
Wm. H. Trindle	District Attorney
U. G. Boyer	Clerk
A. C. Burk	Sheriff

Then on Thursday the 26th day of January, 1933, the Thirteenth Judicial Day of said Term, among others, the following proceedings were had, to-wit:

In the matter of the Re-location, Alteration) #693
and Establishment of a 60 foot County Road)
in Pond Districts No. 66 and 70.)

On this day it appearing to the Court that it is necessary and proper that a County Road 60 feet wide in Pond Districts No. 66 and 70, and being described as follows, be re-located, altered and established:
Beginning at a point 212.7 feet N. 68° 04' W. from the Northeast corner of the James Fritchett and wife Donation Land Claim in T. 9 S. R. 3 E. of the Willamette Meridian, Marion County, State of Oregon. Thence from a tangent line bearing S. 68° 04' E. on a 4° curve to left 424.2 feet to a point of tangent. Thence S. 85° 02' E. 1037.0 feet to a point of curve. Thence on a 5° curve to right 260.8 feet to a point of tangent. Thence S. 71° 52' E. 582.1 feet to a point of curve, thence on a 4° curve to left, 454.6 feet to a point of tangent. Thence N. 68° 57' E., 1154.3 feet to a point of curve. Thence on a 15° curve to right 260.9 feet to a point of tangent. Thence S. 54° 58' E. 3188.4 feet to a point of curve. Thence on a 0° 17' curve to left, 200.0 feet to a point of tangent. Thence S. 55° 22' E., 1151.0 feet to Engineer's Station 158 plus 27.4. Thence S. 55° 32' E., 344.6 feet to a point of curve. Thence on a 28° curve to left 219.3 feet to a point of tangent. Thence N. 35° 05' E. 2327.5 feet to a point of curve. Thence on a 0° 12' curve to left, 200.0 feet to a point of tangent. Thence N. 34° 38' E. 1723.2 feet to Engineer's Station 207 plus 42.2. Thence N. 34° E. 44.8 feet to a point of curve. Thence on a 0° 47' curve to right 200.0 feet to the terminus of said proposed county road, said terminus being 672.0 feet S. 56° 12' N. from the Northeast corner of the James Anderson and wife Donation Land Claim in T. 9 S. R. 3 W. of the Willamette Meridian, Marion County, State of Oregon.

Also, the following curves: Beginning at Engineer's Station 158 plus 10.5. Thence from a tangent line bearing S. 55° 22' E. on a 28° to right 199.5 feet to a point on a tangent line bearing S. 0° 13' W.

Also, beginning at Engineer's Station 158 plus 27.4. Thence from a tangent line bearing N. 55° 32' W. on a 0° 37' curve to left, 124.6 feet to a point on a tangent line bearing S. 0° 19' W.

Also, beginning at Engineer's Station 207 plus 42.2. Thence from a tangent line bearing N. 34° 38' E. on a 35° curve to left, 123.5 feet to a point on a tangent line bearing N. 64° 32' W.

It is, therefore, ORDERED and RECEIVED that the Court hereby declare its intention to re-locate, alter and establish the said road as a County Road, and

It is further ORDERED that this matter be heard in this Court in the Court room thereof in the City of Salem, Oregon, on Friday, the 3rd day of March, 1933, at the hour of 10 o'clock A. M. and that notice of such hearing be given by the County Engineer as required by law.

State of Oregon,) ss.
County of Marion)

I, U. G. Boyer, County Clerk in and for Marion County, State of Oregon, do hereby certify that the foregoing transcript of Order of County Court, declaring its intention to re-locate, alter, and establish the within described county road has been by me compared with original order and that it is a true and correct copy of said original order and of the whole thereof, as the same appears of record in my office and custody.

WITNESS my hand and the seal of said Court this 26th day of January, 1933.

U. G. Boyer, County Clerk

By C. C. Ward Deputy

IN THE COUNTY COURT FOR MARION COUNTY, STATE OF OREGON

In the matter of the Re-location, Alteration) 28-125
and Establishment of a 60 Foot County Road } 5693 COMPARED
in Road Districts No. 88 and 29.

On this day it appearing to the Court that it is necessary and proper that a County Road 60 feet wide in Road District No. 88 and 29, and being described as follows, be re-located, altered and established:

Beginning at a point 218.7 feet E. 68° 04' W. from the Northeast corner of the James Pritchett and wife Donation Land Claim in T. 9 S. R. 3 1/2 of the Willamette Meridian, Marion County, State of Oregon. Thence from a tangent line bearing S. 68° 04' E. on a 4° curve to left 424.2 feet to a point of tangent. Thence S. 65° 02' E. 1037.0 feet to a point of curve. Thence on a 5° curve to right 263.3 feet to a point of tangent. Thence S. 71° 52' E. 982.1 feet to a point of curve, thence on a 4° curve to left, 454.6 feet to a point of tangent. Thence N. 69° 57' E., 1154.3 feet to a point of curve. Thence on a 13° curve to right 263.9 feet to a point of tangent. Thence S. 54° 38' E. 3139.4 feet to a point of curve. Thence on a 0° 17' curve to left, 200.0 feet to a point of tangent. Thence S. 55° 32' E., 1131.0 feet to Engineer's Station 156 plus 10.5. Thence S. 55° 32' E. 216.9 feet to Engineer's Station 158 plus 27.4. Thence S. 55° 32' E., 344.8 feet to a point of curve. Thence on a 28° curve to left 319.3 feet to a point of tangent. Thence N. 35° 03' E. 2327.9 feet to a point of curve. Thence on a 0° 12' curve to left, 200.0 feet to a point of tangent. Thence N. on 34° 38' E. 1722.2 feet to Engineer's Station 207 plus 42.4. Thence N. 34° 38' E. 44.8 feet to a point of curve. Thence on a 0° 47' curve to right, 200.0 feet to the terminus of said proposed county road, said terminus being 672.0 feet S. 36° 12' W. from the Northeast corner of the James Anderson and wife Donation Land Claim in T. 9 S. R. 3 1/2 of the Willamette Meridian, Marion County, State of Oregon.

Also, the following curves: Beginning at Engineer's Station 156 plus 10.5. Thence from a tangent line bearing S. 55° 32' E. on a 20° to right 199.5 feet to a point on a tangent line bearing S. 0° 13' W.

Also, beginning at Engineer's Station 158 plus 27.4. Thence from a tangent line bearing N. 55° 32' W. on a 90° 37' curve to left, 124.6 feet to a point on a tangent line bearing S. 0° 19' W.

Also, beginning at Engineer's Station 207 plus 42.4. Thence from a tangent line bearing N. 34° 38' E. on a 56° curve to left, 122.5 feet to a point on a tangent line bearing W. 54° 32' W.

It is, therefore, ORDERED and RESOLVED that the Court hereby declare its intention to re-locate, alter and establish the said road as a County Road, and

It is further ORDERED that this matter be heard in this Court in the Court room thereof in the City of Salem, Oregon, on Friday, the 3rd day of March, 1933, at the hour of 10 o'clock A. M. and that notice of such hearing be given by the County engineer as required by law.

Dated at Salem, Oregon, this 26th day of January, 1933.

J. L. Siegmund
Judge
J. E. Smith
Commissioner
Roy J. Nelson
Commissioner

Exhibit #4

Marion County Surveyor Maps

09 3W 21

SEE MAP
093W17

17 16
20 21

NOTE - THIS AREA ASSESSED WITH
TAXLOT 1380 ON MAP 09 3W 16

LOT 1
38.50 AC

SEE MAP
093W16
1/4 COR

NOTE - THIS AREA ASSESSED WITH
TAXLOT 1103 ON MAP 09

WLY MN
COR S 1/2 OF
DLC 50

BASHAW

LOT 2
11.01 AC

555.42E
18.12 CH (1265.42)
600

CREEK

SW COR
J ANDERSON
DLC 50

SEE MAP
093W20

1/4 COR

CTR SEC

130 CR
DELTA 400 OF
T+172.20
L+263.80

SIDNEY

WINTEL ROAD

388.00E 382.25 CH

RT 4E 387 CH (283.81)

814 00 13 0

CR 807

DITCH

NOTE - THIS AREA ASSESSED WITH
LOT 403 ON MAP 09 3W 20

583.48W 72.05 CH

20 21
29 28

SEE MAP
093W29

1/4 COR

NE COR
NR DOTY
DLC 49

080.17 CH
DELTA 400 OF
T+172.20
L+263.80

60

WINTEL

NOTE - RE
PARCEL C

NOTE - RE
PARCEL C

382.25 CH (159

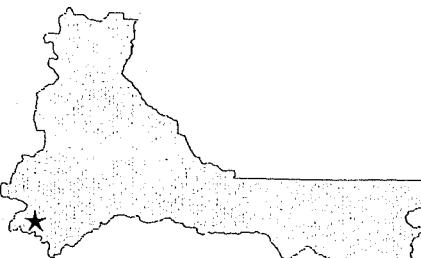
4

403.81 CH (159

JORGENSEN RD

09 3W 21

09 3W 21



MARION COUNTY, OREGON

SEC 21 T9S R3W W.M.

SCALE 1" = 400'

LEGEND

LINE TYPES

Taxlot Boundary	Historical Boundary
Road Right-of-Way	Easement
Railroad Right-of-Way	Railroad Centerline
Private Road ROW	Taxcode Line
Subdivision/Plat Bndry	Map Boundary
Waterline - Taxlot Bndry	Waterline - Non Bndry

CORNER TYPES

+ 1/16TH Section Cor.	1/4 Section Cor.
④ DLC Corner	16, 15 21, 22 Section Corner

NUMBERS

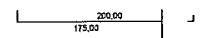
Tax Code Number

000 00 00 0

Acreage 0.25 AC All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS

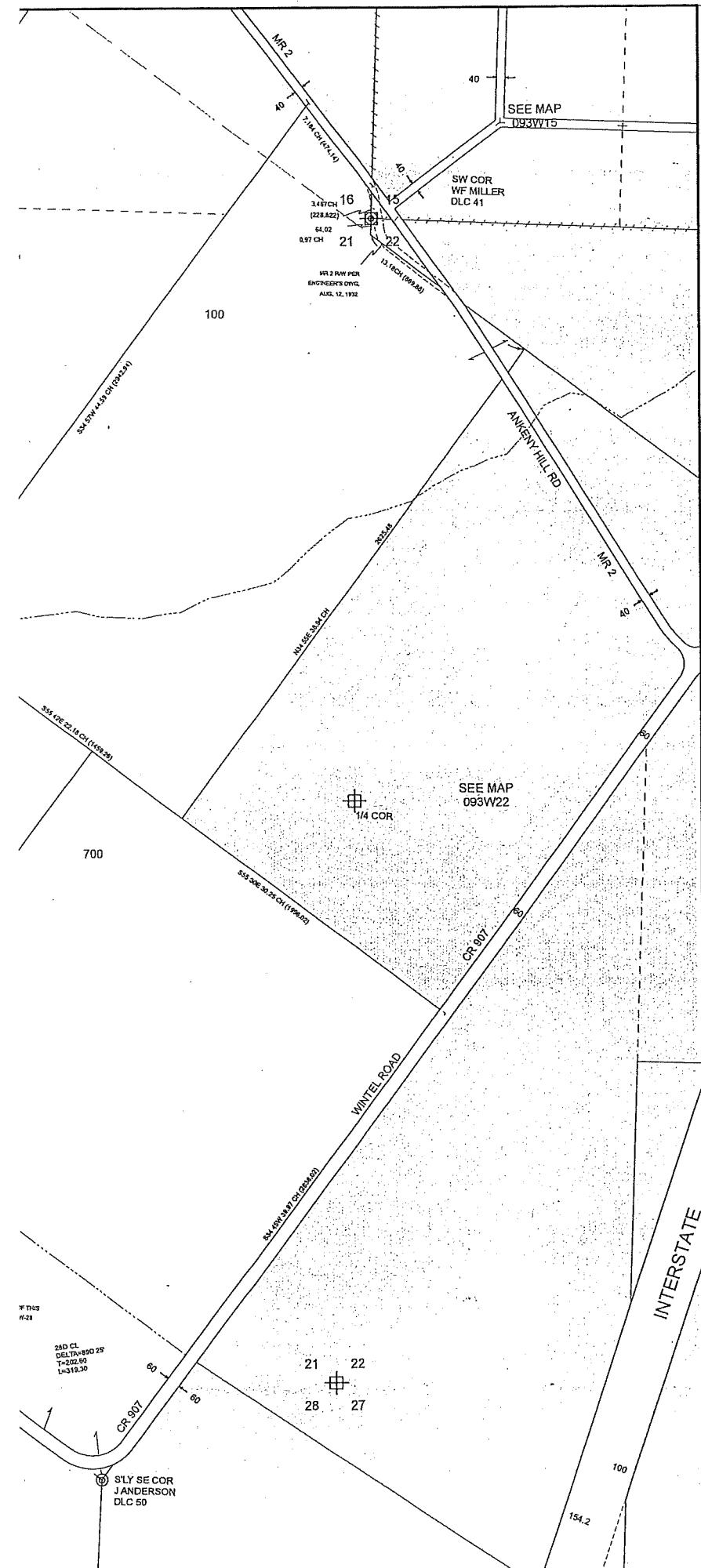
DISCLAIMER: THIS MAP WAS PREPARED
FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 1/24/2018

09 3W 21



5493

卷之三

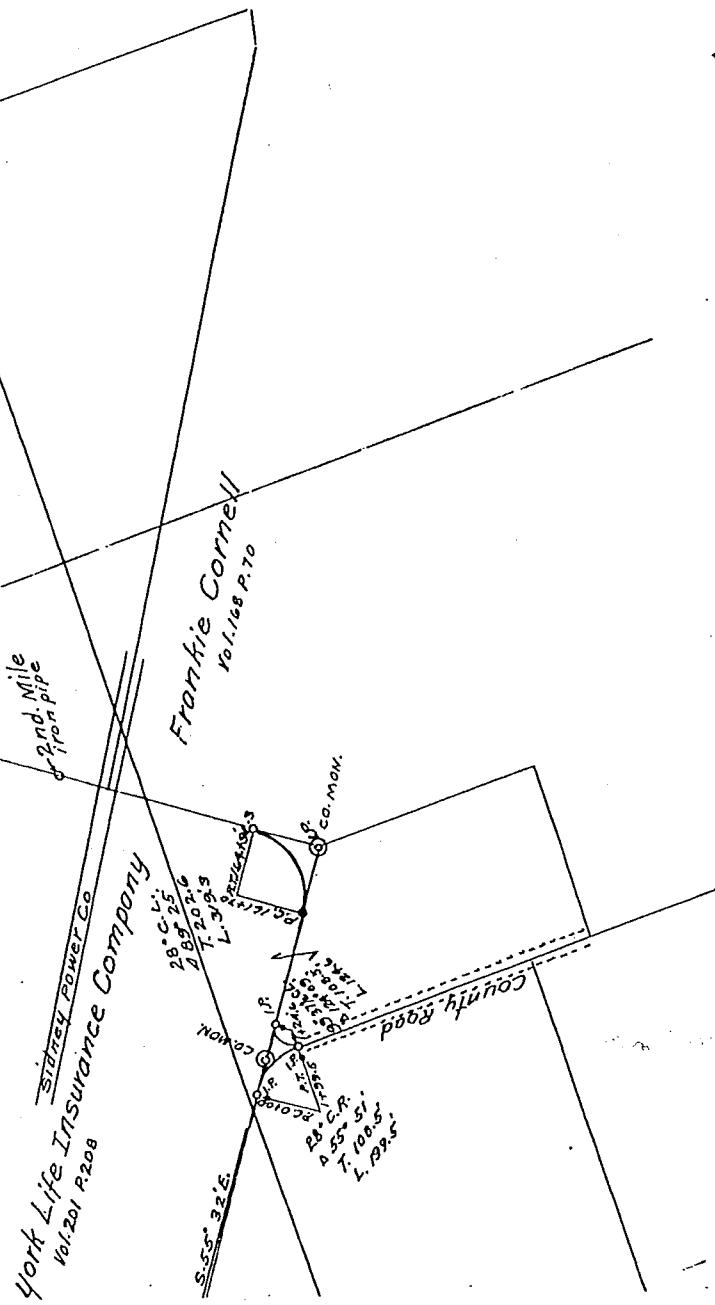
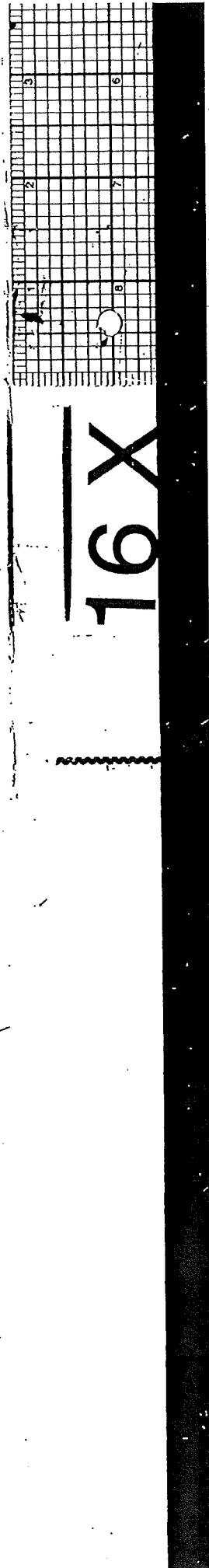
X. E. Cor of
James Anderson
O. L. C.

Beulah M. Woods
Vol 244 R 618

Wiliam Helm
D.L.C.

5493

7054.524
Road Plates Vol 2
Page 117
5493



ROAD DISTRICT

No. 29-88

T. 9 S. R. 3 W.

DATE May 2nd 1933

No. 757-256 693

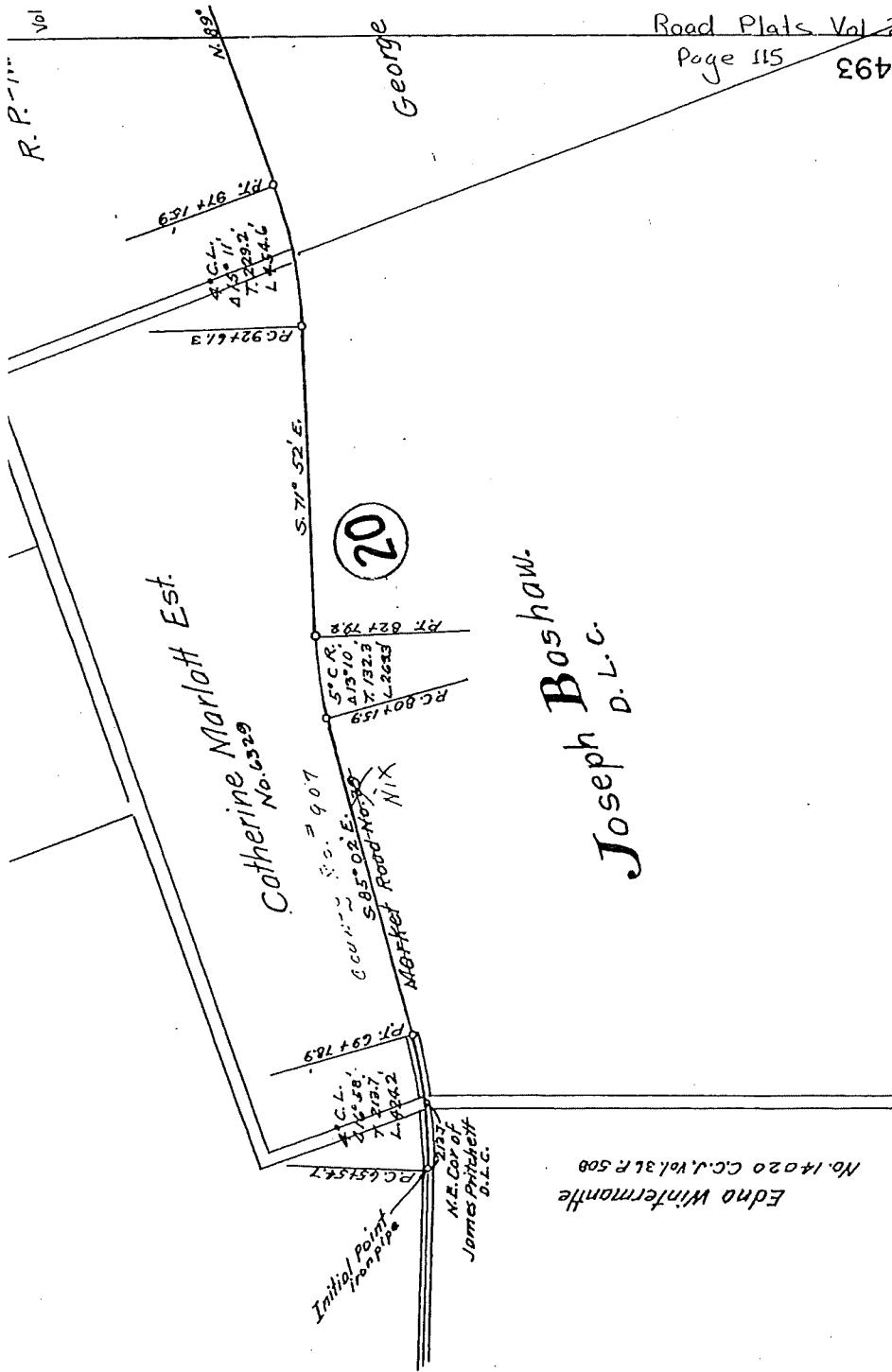
B. 6 - R 4 83

5493

5493

PC 115
Road Rec. V. 2

Onnie C. Howard—
164-259-1661
166-259-1661



Road Plats Vol 2
 Page 115

5493

B. B. HERRICK
 COUNTY SURVEYOR

16 X

No. 757

James Anderson
O. L. C.

12

5493

Nye.
12 R. 338

Charles Anderson.
Est. No. 1922

15° C.R.
435° 46'
2° 35' 33'
L 2689'

57° E.

H. Marlett
Vol. 169 P 69

New

Tdo Lynes
Est. No. 1922

S. 55° 58' E.

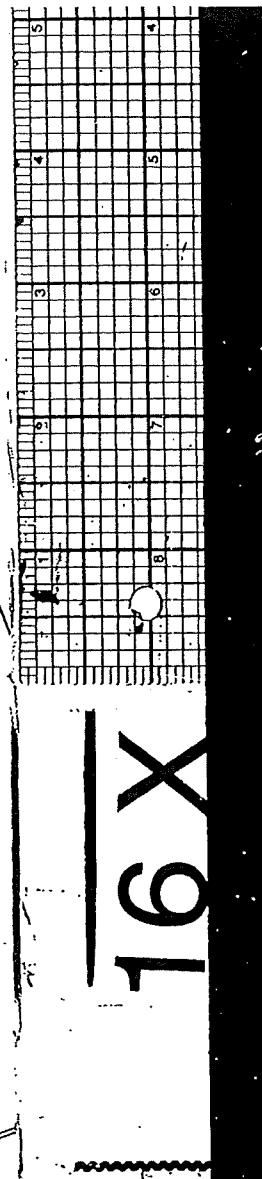
1st Mile

R. Doty
Nelson D.L.C.

Township 31SW
Road Plats Vol 2
Page 116
5493

C.H. Mitchell
Vol 156 P 144

5493



16 X

Exhibit #5

Warranty Deed,

REEL 1493 PAGE 651

WARRANTY DEED

REEL PAGE
1493 651

KNOW ALL MEN BY THESE PRESENTS, That JAMES T. RICHARDSON

in consideration of TWO HUNDRED FORTY THOUSAND AND NO/100-----, Grantor
 to him paid by the Grantee, heretofore, does hereby grant, bargain, sell and convey unto
 JIMMY A. GROSS

Grantee the following described real property, situated in the County of MARION and
 State of Oregon, to wit:

SEE ATTACHED LEGAL

F.A.T. 234894

** the herein described property lying below the high water mark of the Sidney
 Power Ditch, and in and to said water. FURTHER SUBJECT TO Memorandum of Oil
 and gas Lease, dated February 4, 1975, recorded May 30, 1975, in Reel 16, Page
 846, partial assignment of lessees interest recorded June 24, 1982 in Reel 284,
 Page 519, Film Records for Marion County, Oregon.

Parcel # 62518-000

To Have and to Hold the granted premises unto the said Grantee, his Heirs and Assigns forever.
 And the Grantor does covenant that he is lawfully seized in fee simple of the above granted
 premises free from all encumbrances, SUBJECT TO the assessment roll and the tax roll disclose
 that the within described premises were specially assessed as farm land. FURTHER
 SUBJECT TO rights of the public in and to that portion of the herein described
 tract lying within the boundaries of roads and roadways. FURTHER SUBJECT TO Right
 of Way conveyed to Fairview Milling and Ditch Company by Deed recorded January 31,
 1882 in Volume 28, Page 132, Deed Records for Marion County, Oregon. FURTHER
 SUBJECT TO rights of the public and governmental bodies in and to any portion of **
 and that he will and his heirs, executors and administrators, shall warrant and forever defend the granted
 premises, against the lawful claims and demands of all persons, except as above stated.

Witness my hand and seal this 3 day of June, 1998.

JAMES T. RICHARDSON (SEAL)

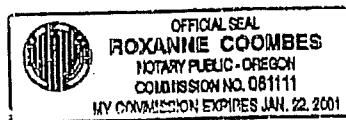
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY
 DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE
 LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
 ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEES
 TITLE TO THE PROPERTY SHOULD CHECK WITH THE
 APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
 VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON
 LAWSUITS AGAINST ANY FARMING OR FOREST PRACTICES AS
 DEFINED IN ORS 30.930.

STATE OF OREGON, Clackamas, } ss.

BE IT REMEMBERED, That on this 3 day of June, 1998, before me, the
 undersigned, a Notary Public in and for said County and State, personally appeared the within named
 JAMES T. RICHARDSON

known to me to be the identical individual described in and who executed the within instrument and acknowledged to
 me that HE executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above
 written.



Roxanne Coombes
 Notary Public for Oregon.
 My Commission expires 1/22/01

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL
 BE SENT TO THE FOLLOWING ADDRESS:

Jimmy A. Gross
 13384 Jorgenson RD S
 Jefferson, OR 97352

Return to:

Jimmy A. Gross
 13384 Jorgenson RD S

STATE OF OREGON
 County of } ss.

I certify that the within instrument was received for
 record on _____
 at _____ o'clock _____, and was recorded
 in Book _____ Page _____ Record
 of Deeds of said county.

Exhibit #6

Right Of Way conveyed to Fairview
Milling and Ditch Company recorded
January 31, 1882 in Volume 28,
Page 132, Deed Records for Marion
County, Oregon (Microfiche)

knowing the said Son of Heaven to be the most intelligent man I have ever met, and said Person is really well responsible for all damages and expenses which have accrued in the management of said Person's property, and is agreed to the following terms and conditions to be observed to the
gardeners to have and to hold the said garden and herein
recited premises with the trees, ground and material there
with the said Person having full Right to have the same
cesses and assigns forever for the purpose of building, operating
and maintaining a Ditch or Canal thereon, and to use the same
for all legitimate Ditch or Canal purposes. In witness whereof
we have hereunto set our hands and seal this 9th day of Jan
uary 1859. Executed in the
presence of Charles Miller 3 Anthony Middle
George S. Pershing 3 Emilie Middle Seal
Emilie Middle

State of Oregon
County of Marion

This certifies that on this 9th day of January 1859
before me a Justice of the Peace and for and behalf and State
personally appeared the widow named Anthony Middle and
Emilie Middle known to me to be the persons described in and
who executed the within instrument and acknowledged to me
that they freely and voluntarily executed the same for the pur
poses therein set forth and the said Anthony Middle wife of
said Anthony Middle on an examination made by me
stated and apart from her said husband acknowledged to
me that she executed the same freely and voluntarily without
any fear or compulsion from any one. So testifying I do
I have hereunto set my hand this 9th day of January 1859.

Charles Miller
Justice of the Peace
and for and behalf

Recorded January 31 1859

Marion County Recorder
By Wm. C. Chapman
(Deputy)

He was very fond of music. He had a good voice and could sing well. He was especially fond of folk songs. He had a good bass and was unusually well to sing. But also enjoyed the sea, especially, and particularly the natural form of navigation, from coast to coast. So I believe many of his great poems will come from this kind of life.

Charles Hall's ¹¹¹ ~~Ward~~ ¹¹¹ of the

Boat arrived forward. ¹¹ 1/2

Received January 31, 1882.

What We've Learned So Far

By Majority of Chaffee and Deputy

Dear Friends and Mistris of the That and John F. & William F. & Co.
Rosa F. & David F. & Lorraine F. & Margey F. & Elizabeth F.
will be wife of the confectioner of the small of S. W. Columbia
for Dollars to us spec. have bargained sold and good claimed and
by other presents do layman sell and good done with the
aid of William Schrader and Anna Schrader his wife Schrader and
should do the following described presents to each.

attempts in the County of Marion and State of Oregon and bounded and
described as follows: Lying, beginning at the North West corner
of Claim No. Sixty (60) in Township of South of Range and on West
the Willamette River, in the aforesaid County and State, running
thence South (23) degrees, three chains and fifty-three (53.3)
links thence East twenty-two (22) chains and fifty links thence
further East twenty links (20) chains and fifty links thence
(5.0) chains thence East forty (40) chains, thence North forty
(5.0) chains, thence East forty links (40) chains and fifty links to the
East boundary of Claim No. Sixty (60). Thence North forty
(4.0) chains and fifty links (5.0) links to the North East corner of
Claim No. Sixty-eight (68) chains, to the place of begin-
ning and containing one hundred and seven and one-half
acres at least and comprising parts of Sections 18, 24, 30 and 36.
Twpship, four (4) South of Range and in West and being the North
end of claim No. Sixty (60). Population 800, and situated under a
rock by Abraham T. Morris. To have and to hold the said
property with their appurtenances unto the said Abraham
Willamico Schoder and Louisa Schoder his wife and unto their
heirs and assigns forever. In witness whereof the above
hereunto set our hands and seals this eighth day of January
A.D. 1852.

Letter from General
Stephen Smith
General Secretary

John G. & W.
William Bent
Knox, 1880
Name good
Loring, 1880
George Bent

108

史記

Received from Mr. W. H. Brewster, Boston, Mass., 10000
specimens of the genus *Spizella*, 1874.
Accompanied by the manuscript of "Birds of New England"
by Dr. George Ord, 1833.
Also by Dr. George Ord, 1833.

State of Oregon
County of Marion

This certificate is dated on the 20th day of January 1882 before me, a Justice of the Peace, and for Smith County, and shall generally appear in the written name of George W. Johnson, of Johnson, 1600 Main Street, to be the person so described and who is expected to make his appearance and acknowledge to me that they, jointly and severally, admitted the same for the purpose of their best friends, of the said George W. Johnson, and I, the undersigned, for me, an officer of the law, make by and acknowledge, and affirm, for him and his bond, acknowledged to me that she expected the same party, and particularly, and without fear or expectation, for a gift or an inheritance, whereof I have received, to my husband, on the day of January 11, 1882.

Wences Muller Justice of the Peace

enclosed for said County of Worcester.

Recorded January 31, 1882

Local Chamaelirium Record

By means of Chapman deposits

Appointed on the "line of" 3
George S. Persson 3 James Anderson
Charles Hellert 3 Lucy M. Anderson
Dingle
(cont)

State of Oregon
County of Yamhill

This certifies that on the 3d day of June
year 1853, before me a Justice of the Peace in
and for said County and State, personally examined
the witness named James Blodberg, and says there-
above known to me to be the person deposed and
who executed the within instrument and acknowledged
to me that they freely and voluntarily executed the same
for the purpose above set forth. And the said James

Exhibit #7

Articles of Association of Sidney Irrigation Cooperative, April 16, 1940

ARTICLES OF ASSOCIATION
OF
SIDNEY IRRIGATION COOPERATIVE

KNOW ALL MEN BY THESE PRESENTS that we, whose names hereunto are subscribed, desiring to form a cooperative association under and pursuant to the laws of the state of Oregon relative to cooperative associations, hereby associate ourselves together for said purpose and make, adopt, subscribe and acknowledge in triplicate the following.

ARTICLES OF ASSOCIATION

I

“The name assumed by this association, and by which it shall be known, is

“SIDNEY IRRIGATION COOPERATIVE”

II

The purpose for which this association is formed is to provide water and a system for irrigating the lands owned or operated by the members hereof which are situated so that the same may be irrigated from that certain ditch known as the SIDNEY MILL DITCH, and the laterals and outlets therefrom, in Marion county, Oregon, thereby promoting the production of agricultural products; to provide domestic and stock water for all the lands adjacent to said ditch; and as an incidental factor only, to provide drainage for flood and surplus irrigation waters from lands within the watershed of said ditch. To accomplish, on the

cooperative plan, any or all of said purposes herein-before set forth, the association shall have power;

(1) To acquire, by purchase, gift or otherwise, real and personal property, and to sell, hypothecate or otherwise dispose of the same.

(2) To acquire, by purchase, gift or otherwise, right-of-way easements for said ditch, laterals and outlet streams, and to accept and perform all the terms and conditions of said easement contracts now in force, or hereafter made.

(3) To acquire water rights in the name of the association, by purchase, gift or otherwise, and to hold and use said appropriated waters for the purpose for which said waters first were appropriated, or to transfer the use or place of use thereof for the irrigation of the lands owned or operated by members of this association, or persons who hereafter may become members.

(4) To make, in the name of the association, all necessary filings to appropriate water for use by members of this association, and all persons who hereafter may become members, and to transfer the place of use of such waters.

(5) To make, in the name of the association all necessary filings, and to protect existing rights, to appropriate water for domestic and stock purposes to fulfill the terms and conditions of any and all agreements for right-of-way easements for said SIDNEY MILL DITCH.

(6) To build, construct or complete all or any works or improvements which may be required to supply irrigation, and domestic and stock water to the members hereof, and to maintain and operate such works now owned or hereafter acquired or constructed as are necessary, convenient, or beneficial to said purposes.

(7) To make, charge and collect rates, fees, charges and assessments for the use of water, or for the use of any of the works of this association, and such rates, fees, charges and assessments shall be a lien upon any crop watered by virtue of, and be foreclosed in the manner provided by, section 47-1007, Oregon Code 1930, and acts amendatory thereof, and also shall be a lien upon the interest of the member in this association, which said lien upon said membership interest shall be subject to foreclosure in the manner provided by the by-laws.

(8) This association shall have and exercise all the powers, rights and privileges authorized by the laws of the state of Oregon, and all powers and rights incident thereto, and all other powers, rights and authority granted to private corporations by the laws of this state, excepting such powers, rights and authority as may be inconsistent with, or inapplicable to, the statutes appertaining to non-profit cooperative associations.

III

The principal place of business of this association shall be at Jefferson, Marion county, Oregon, and its post office address is Jefferson, Oregon.

IV

The duration of this association shall be perpetual.

V

The association is without capital stock. The membership fee herein is \$5.00 per acre for the acreage reserved for irrigation by each member.

Membership in this association is limited to the owners or operators of land which is capable of being irrigated from said SIDNEY MILL DITCH and any lateral or outlet thereof, and the admission of new members shall be subject to the approval of the board of directors. Membership may be transferred, with the approval of the board of directors, when the membership fee and assessments theretofore levied against any member are not delinquent.

VI

The directors shall be five (5) in number, their positions being numbered from one to five, inclusive, and the names of those first holding such office together with their addresses are:

Position Number	Name	Address
1	GEORGE W. POTTS, JR.	Jefferson, Oregon
2	A. L. PAGE	Jefferson, Oregon
3	MACK HANBY	Jefferson, Oregon
4	G. A. ROBISON	Jefferson, Oregon
5	GILBERT BELKNAP	Jefferson, Oregon

The first term of office of directors numbered one (1) and two (2) shall be until the first annual meeting, and the first term of office of directors numbered three (3), four (4) and five (5) shall be until the second annual meeting. The term of office of directors after the first, shall be for two (2) years, and until their successors are elected and qualified. Directors shall be elected at the annual meeting fixed by the by-laws, and such election shall be by ballot. Each member shall be entitled to one (1) vote for each acre of land reserved for irrigation, except as otherwise provided by the

by-laws.

VII

The undersigned incorporators shall have power by the adoption of appropriate by-laws to prescribe the qualifications of members, the admission of members, and the foreclosure of the interests of delinquent members, together with rules and regulations for the conduct of the affairs of this association not in conflict with the laws of the state of Oregon.

IN WITNESS WHEREOF, we hereunto have set our hands and seals in triplicate, this sixteenth day of April, 1940.

F. M. H. T. L. G. (SEAL)

H. A. (Signature) (SEAL)

A. L. Page (SEAL)

Arnold J. Farley (SEAL)

Gilbert B. Bennett (SEAL)

Frederick W. Ward (SEAL)

STATE OF OREGON }
County of Marion } ss.

BE IT REMEMBERED, that on this seventeenth day of April, 1940, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named GEORGE W. POTTS, JR., G. A. ROBISON, A. L. PAGE, MACK HAMBY, GILBERT BELKNAP, and FRED J. WIED, to me personally known to be the identical individuals named in, and who executed the foregoing articles of association, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I hereunto have set my hand and affixed my official seal on the day and year first above written.



A handwritten signature in black ink, appearing to read "David J. Shad".

NOTARY PUBLIC FOR OREGON

My commission expires: February 22, 1941.

Exhibit #8

Sidney Irrigation Cooperative Bylaws,
May 29, 1940

BY-LAWS
OF
SIDNEY IRRIGATION COOPERATIVE

ARTICLE I

The by-laws hereinafter set forth are adopted for the conduct and control of SIDNEY IRRIGATION COOPERATIVE, a corporation duly organized and existing under and by virtue of the laws of the state of Oregon as a non-profit cooperative association, without capital stock. A certificate of incorporation was issued to the association on the eighteenth day of April, 1940 in conformity to the laws of the state of Oregon regulating a non-profit cooperative association.

ARTICLE II

PRINCIPAL PURPOSE

Section 1. The association is organized, and its business is, to furnish water for irrigation and for stock and domestic purposes to its members as consumers to promote the production of agricultural products; and, as an incidental factor only, to provide drainage for flood and surplus irrigation waters for all the lands within the watershed of the SIDNEY MILL DITCH, its laterals and tributaries.

Section 2. The association shall not engage in the business of furnishing water for irrigation and domestic and stock waters generally, but shall confine its operations to supplying such service to its members within the scope of its purposes stated in articles of association and furnishing such other service to members as may be incidental to the accomplishment of its primary purpose and furnishing any of its services to non-members for not more than one irrigation season.

Section 3. The business and activities of the association shall be conducted without any profit to the association as such and any proceeds arising from any source through the conduct of the business and affairs of the association shall be applied to reduce the cost of service to its members.

ARTICLE III

MEETING OF MEMBERS

Section 1. A regular annual meeting of members for the election of directors shall be held at the office of the company, or at such other place as may be fixed by the board of directors, in the City of Jefferson, Marion County, Oregon, on the fourth Wednesday in January of each year, at the hour of 7:30 o'clock P. M. and no notice of said meeting shall be necessary to make the transaction of business legal and valid. Thirty per cent (30%) of members shall constitute a quorum at any meeting of members.

It shall be the duty of the secretary to mail to each member at his/her last known address, as shown by the records in the office of the secretary, not less than ten days before said meeting a notice thereof stating the place and time of meeting, but any failure to do so, or to receive such notice, shall not invalidate the proceedings there at if a quorum be present.

Section 2. The board of directors by resolution, may provide stated times and places for regular meetings of members in addition to the annual meeting.

Section 3. Special meetings of the members may be called at any time by resolution of the board of directors fixing the time and place of such meeting; and, if ten per cent (10%) of the members of the association, according to one veto per member shall file a written petition with the secretary at any time demanding a special meeting and stating the purpose thereof, the secretary shall call such special meeting in the manner provided for calling regular meetings and shall add to such notice a statement of the purpose of such proposed meeting. Notice of special meetings shall be given by mail addressed to each member at his/her last known address not less than ten days prior to said meeting and the depositing of said notice in the United States post office with postage thereon fully prepaid and addressed to the member at his last known address, shall constitute notice thereof. Provided that a meeting of members may be held at any time or place within Marion County, Oregon without any call or notice when all members shall be present.

It shall be prima facie evidence that any meeting was legally called, and notice thereof given, for the secretary to state such fact generally in the minutes of the meeting.

ARTICLE IV

Section 1. Members not delinquent in the payment of membership fees and assessments shall be entitled to vote, according to one vote per member. Voting shall be by ballot, except that, by

officer and shall execute on behalf of the association all contracts and instruments in writing to which the association is a party.

Section 3. The vice-president shall perform the duties of the president during the absence of the president.

Section 4. The secretary shall keep a fair and accurate record of all the proceedings and business of the association, shall be custodian of the records, documents and seal of the association and generally be vested with the usual powers of the secretary of a corporation, except as otherwise provided by law and shall perform such other duties as may be prescribed by the members of the association and the board of directors.

As treasurer, he shall collect, receive and safely keep all the moneys of the association and shall disburse the same only when authorized and directed by the board of directors. As treasurer, he shall furnish a bond for the performance of his duties in an amount fixed by the board of directors, which bond shall be approved by the board, and shall be delivered to the president for safe keeping.

ARTICLE VII

MEMBERSHIP

Section 1. Membership in this association is limited to owners or operators of land which is capable of being irrigated from the SIDNEY MILL DITCH and any lateral or outlet thereof. Inasmuch as one of the purposes for which this association was organized was to acquire the memberships and property of the SIDNEY COOPERATIVE DISTRICT IMPROVEMENT COMPANY, a corporation, which was duly dissolved by the governor of the state of Oregon on December 30, 1939, the board of directors, by resolution, shall effect the transfer of such memberships and property rights immediately upon the adoption of these by-laws.

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initial
Meeting*
Section 2. (a) Membership fees in this association shall be \$5.00 per acre for each acre of land reserved for irrigation by the member and said fees shall be payable at the time and in the manner fixed by the board of directors.

(b) A certificate of membership, signed by the president and attested by the secretary, shall be issued to each member when his membership fee has been paid in full. The certificate shall state the name of the member, date of acceptance of his application for membership, the number of acres of land reserved for irrigation and the date issued.

Section 3. Membership in this association may be transferred by any member, whose assessments and membership fee theretofore

unanimous consent of all members present, this rule may be waived and voting be had by acclamation upon roll call of the members and the minutes of the meeting shall state the proceedings according to the fact.

Section 2. There shall be no voting by proxy; provided, however, when amendments to the by-laws, or any question submitted by the board of directors, or by petition of the members, shall be voted upon at any regular or special meeting of the members of the association, the secretary shall prepare a ballot upon the questions to be voted upon and shall mail to each member along with the notice of meeting one ballot and a small voting envelope. An absent member may write to the secretary enclosing the sealed envelope containing his marked ballot requesting over his signature that the voting envelope be dropped into the ballot box along with the votes cast in person. The secretary shall read the signed request and place the envelope containing the ballot in the box. A vote so cast shall be counted as though the member were voting in person.

ARTICLE V DIRECTORS MEETINGS

Section 1. The directors shall meet within ten days after the regular annual election and at such other times as may be fixed by resolution of the board of directors.

Section 2. Special meetings of the board of directors may be called by any member upon giving three (3) days notice to each director of the time and place of such meeting either by mail, the depositing of such notice in the postoffice completing the giving of notice thereof, or by any other means which shall bring notice to each director.

ARTICLE VI OFFICERS

Section 1. At their regular annual meeting, the directors shall elect from their number a president, vice-president and a secretary-treasurer; provided, however, if deemed advisable by the directors, the office of secretary-treasurer shall be filled by engaging any person that is considered capable of rendering the association the most efficient service. Subject to the right reserved to the members by the laws of the state of Oregon all officers shall serve at the pleasure of the board of directors.

Section 2. The president shall be the chief executive officer of the association and shall preside at all meetings of the members and the board of directors. He shall execute all orders and directions of the board of directors as such chief executive

levied and then payable are paid up, to any person who is qualified by owning or operating land, capable of being irrigated from said ditch, by an application in writing to the board of directors.

The board of directors may deny the application to transfer membership, if, in the opinion of the majority of the board, the transfer of such membership would not be for the best interest of the association. The secretary shall notify the member applying for such transfer in writing of the action of the board on the application. A member, whose application has been denied, may appeal to a vote of the membership of the association at the next regular meeting of members of the association and the decision of the majority of the members present at such meeting according to one vote per member, shall be binding upon the board of directors.

Section 4. Any person desiring to become a member of this association shall make application therefor in writing to the board of directors and such application shall be accompanied by a tender of not less than twenty per cent (20%) of the membership fee according to the lands reserved for irrigation, but, in the event the application of said proposed member is not accepted, the money tendered with said application shall be returned to the person making the application when notice of the rejection is given.

ARTICLE VIII

BUDGET AND ASSESSMENTS

Section 1. Annual charges for operation and maintenance of the facilities of the association are established at TWO and 50/100 DOLLARS (\$2.50) per acre reserved for irrigation payable in advance on and after December 1, of each year. The secretary shall render to each member a statement of the amount due from such member.

Section 2. The board of directors prior to each annual meeting shall estimate the financial requirements of the association for recurring expense, proposed improvements and obligations maturing during the succeeding year, and if funds to be available are insufficient to pay all recurring and proposed expenditures, the board shall recommend to the annual meeting a supplemental assessment, which may be modified by the meeting or adopted as submitted to fund such expenditures. The secretary as soon as convenient following the annual meeting shall notify each member of the amount due for the supplemental assessment.

Section 3. Annual charges shall become delinquent on April 1, following the due date, and supplemental assessments shall become delinquent four (4) months following the date of annual meeting.

Section 4. Members whose obligations to the association are delinquent shall not use water for irrigation.

ARTICLE IX

LIEN OF ASSESSMENT

Section 1. Assessments for operation and maintenance and capital improvements shall be a lien upon any crop irrigated by a member of the association in the manner provided by section 47-1007, Oregon Code 1930 and acts amendatory thereto and said lien shall be initiated and foreclosed in the manner provided by said section.

Section 2. (a) Unpaid membership fees and assessments for capital improvements, operation and maintenance shall be a lien also upon the interest of the member in this association and after the same has been delinquent for a period of one year, shall be foreclosed by advertisement and sale of the interest of the member in this association in the manner hereinafter provided.

(b) When any assessment shall have delinquent for a period of one year, the board of directors, by resolution, shall direct that the interest of the member be sold at public auction in blocks of ten acres each of the area reserved for irrigation by such delinquent member and shall direct the secretary to give thirty(30) days' written notice to the delinquent member by registered mail stating the time and place of sale, the amount due for unpaid membership fees and assessments and the accrued interest thereon to the date fixed for the sale. The board of directors also may provide that public notice of said sale be given in any manner they may direct. The sale shall be held at the office of the association, or at some other place fixed by the board of directors and at such sale any member of the association and the association itself shall have the right to bid in to the extent of the amount due and unpaid and if the association be the highest bidder, it shall hold the interest of said delinquent member as a treasury membership subject to sale to new members.

ARTICLE X

LIABILITY OF MEMBERS

Section 1. Members of this association shall not be liable for the payment of the debts of the association, except to the extent of unpaid membership fees and annual assessments and such memberships shall be non-assessable; provided, however, that for the purposes of the association as stated in the articles of association and these by-laws, a majority of the members present at any meeting, according to one vote per member, may levy special assessments for the construction of capital improvements to accomplish said purposes.

Section 1.

Assessments for operation, maintenance, capital improvements and membership shall be a lien upon any crop irrigated in the manner provided by Oregon law, including, but not limited to ORS 545.104, ORS 87.226 et seq., or as amended hereafter.

(a) Unpaid or delinquent assessments for operation, maintenance, capital improvements and membership shall also become a lien against the real property of the delinquent member whose property was reserved for irrigation *

* Change in Article IX, Section 1 and addition of sub-section (a), approved by membership at annual meeting of Feb. 2, 1988.

ARTICLE XI

SEAL

Section 1. The board of directors may prescribe rules and regulations for the maintenance and use of dikes, levees, ditches, checks and dams of the association or constructed on its property and all members shall be bound to comply with the same to the end that such works shall not be used in any manner which will cause injury thereto, or to the property of the association. No structure may be erected upon any dike, levee, or ditch of the association except with the written consent of the president upon such terms as the board of directors may prescribe.

ARTICLE XIII

AMENDMENTS

Section 1. These by-laws, as well as any rules and regulations of the association may be amended at any time by a two-thirds (2/3) vote of the members present at any meeting according to one vote per member, the notice of call for said meeting having stated the amendment to be submitted thereat.

Section 2. These by-laws also may be amended by the unanimous consent of all members of the association in writing subscribed to such amendment in adoption thereof.

ADOPTED, this twenty-ninth day of
May, 1940

ATTEST:

G. A. ROBISON*

PRESIDENT

A. L. Page*
SECRETARY

This is a revised copy of the Original by-laws, to reflect changes of amendments:

ARTICLE III, Section 1, ADOPTED January 26, 1972.

ARTICLE VIII, Sections 1, 2, 3 and 4, ADOPTED April 5, 1982.

ARTICLE III, Section 1 and 3.

ARTICLE IV, Section 1.

ARTICLE VII, Section 3.

ARTICLE X, Section 1.

ARTICLE XIII, Section 1. ADOPTED January 26, 1983.

Clarie H. Ammon
PRESIDENT

D. Marie Raget
SECRETARY - TREASURER