

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

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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*

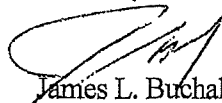
Dear Mr. French,

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 1/4 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.



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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 with (?) 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

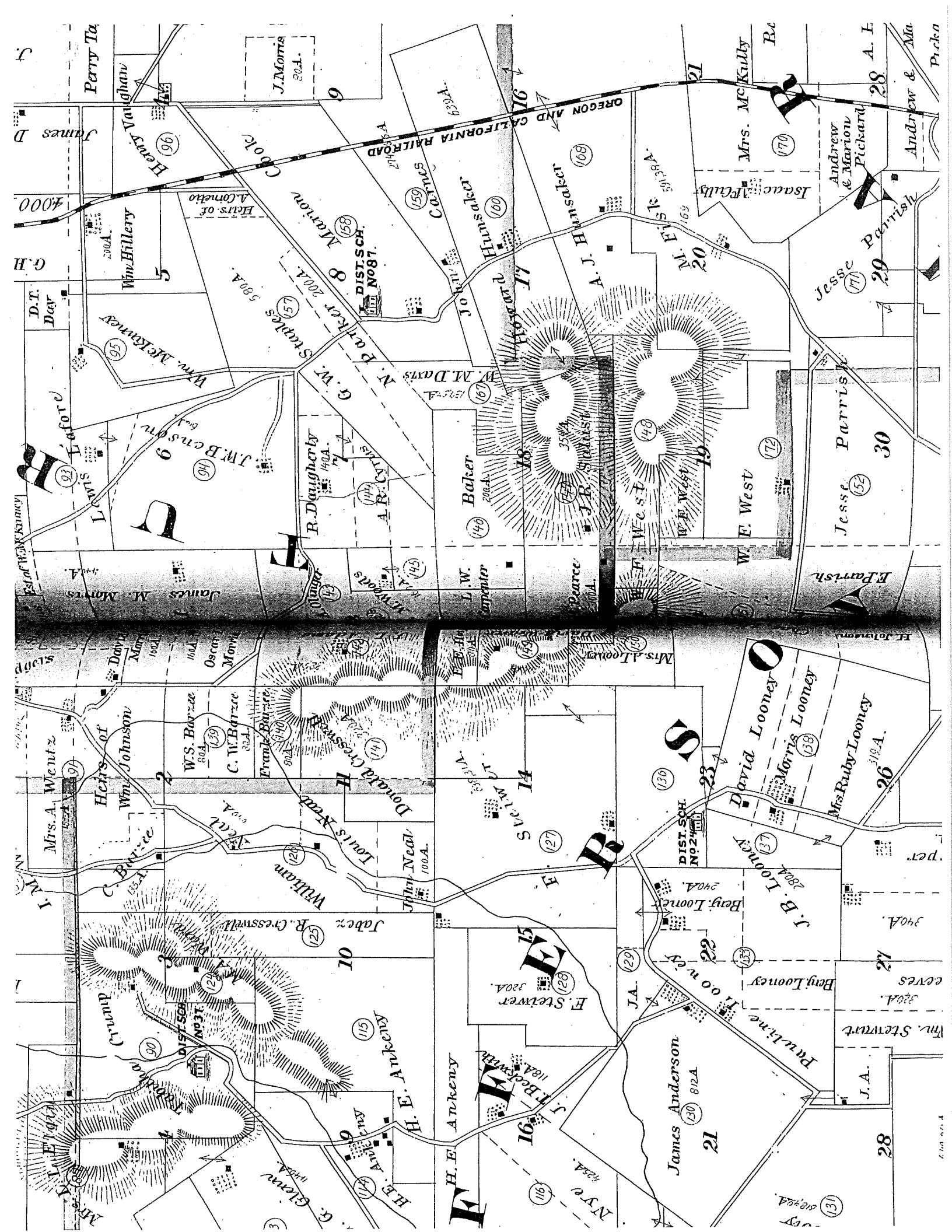
c: Julia Uravich, Marion County Traffic Eng. Mgr., JUravich@co.marion.or.us

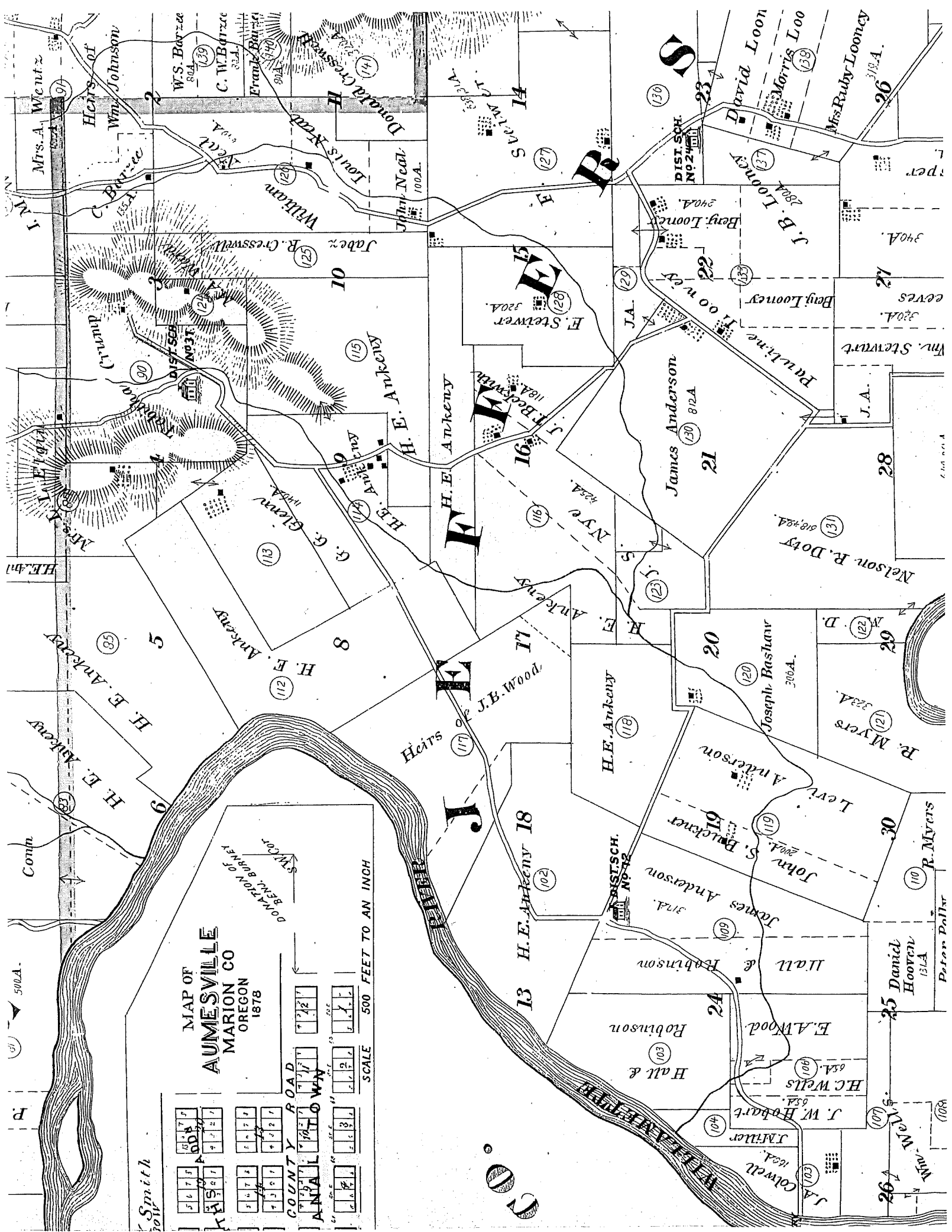
Exhibits:

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





Snake River

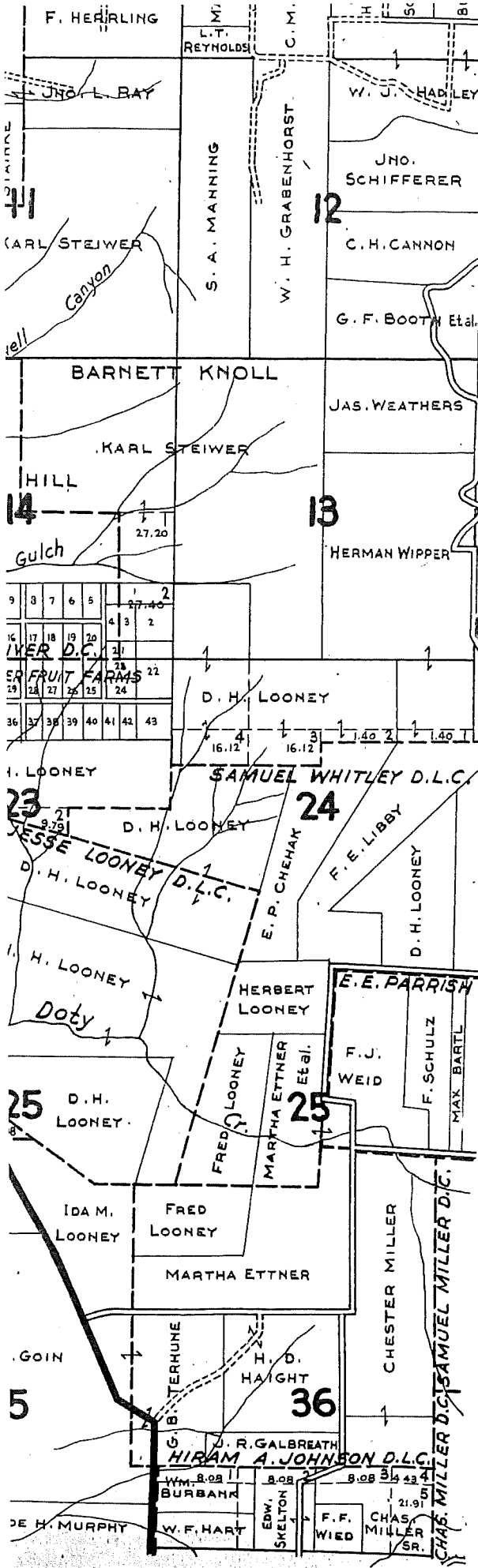
RANGE 3 WEST.
TOWN 16 SOUTH.



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

Exhibit #2

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



- 41047-FEILER WABER
26-C.C. BROWNELL
27-M.E. MOYER
28-29-E.G. BURRELL
30-32-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
41-43-JOSEPH HUGHES

STEIWER FRUIT FARMS #2

VALLEY FRUIT FARMS #2

- Lots-1 to 35-S.B. HILL
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
10-14-E.J. MUNN
15-C.U. JORGENSEN

SUBDIVISIONS SHOWN ON PAGE 22.

EWALD F. FARMS			EWALD F. FARMS			SMITHS F. F.		
FR-1. C.B. SMITH	58-M.C. GILE	FR-1. J. LONGCAR	59-U.C. CAMPBELL	60-B. MORRIS	61-U.E. NEAL	62-A.F. HOMYER	63-T.G. CHESTNUT	64-65-LADD & BUSH
FR-2. C. ROBINSON	60-B. MORRIS	61-U.E. NEAL	62-A.F. HOMYER	63-T.G. CHESTNUT	64-65-LADD & BUSH	65-W.A. SHOREY	FR-67. W. RANDLE	68-69-R. GRAVES
FR-3. R. BOHANNON	62-A.F. HOMYER	63-T.G. CHESTNUT	64-65-LADD & BUSH	65-W.A. SHOREY	FR-67. W. RANDLE	68-69-R. GRAVES	69-R. BURTON	69-W. KINGSTON
FR-4. E. LATOWELL	63-T.G. CHESTNUT	64-65-LADD & BUSH	65-W.A. SHOREY	FR-67. W. RANDLE	68-69-R. GRAVES	69-R. BURTON	69-W. KINGSTON	69-L. HOWARD
FR-5. F. ERICKSON	64-65-LADD & BUSH	65-W.A. SHOREY	FR-67. W. RANDLE	68-69-R. GRAVES	69-R. BURTON	69-W. KINGSTON	69-L. HOWARD	69-B.M. FARR
FR-6. W.E. MILLER	65-W.A. SHOREY	FR-67. W. RANDLE	68-69-R. GRAVES	69-R. BURTON	69-W. KINGSTON	69-L. HOWARD	69-B.M. FARR	69-E.B. GRAVES
FR-7. U. DOUGLASS	FR-67. W. RANDLE	68-69-R. GRAVES	69-R. BURTON	69-W. KINGSTON	69-L. HOWARD	69-B.M. FARR	69-E.B. GRAVES	69-L.K. BROWNING
FR-8. C.A. BOWNS	68-69-R. GRAVES	69-R. BURTON	69-W. KINGSTON	69-L. HOWARD	69-B.M. FARR	69-E.B. GRAVES	69-L.K. BROWNING	70-R.P. CHAPMAN
FR-9. S. SHELLEY	69-R. BURTON	69-W. KINGSTON	69-L. HOWARD	69-B.M. FARR	69-E.B. GRAVES	69-L.K. BROWNING	70-R.P. CHAPMAN	71-R. ANDERSON
FR-10. D.M. WAGNER	69-W. KINGSTON	69-L. HOWARD	69-B.M. FARR	69-E.B. GRAVES	69-L.K. BROWNING	70-R.P. CHAPMAN	71-R. ANDERSON	72-E.S. FORTHER
FR-11. J. KASBERG	69-L. HOWARD	69-B.M. FARR	69-E.B. GRAVES	69-L.K. BROWNING	70-R.P. CHAPMAN	71-R. ANDERSON	72-E.S. FORTHER	73-H. SAWYER
FR-12. E. OLSEN	69-B.M. FARR	69-E.B. GRAVES	69-L.K. BROWNING	70-R.P. CHAPMAN	71-R. ANDERSON	72-E.S. FORTHER	73-H. SAWYER	74-E. SANDER
FR-13. L.D. KING	69-E.B. GRAVES	69-L.K. BROWNING	70-R.P. CHAPMAN	71-R. ANDERSON	72-E.S. FORTHER	73-H. SAWYER	74-E. SANDER	FR-75. C. LANDAKER
FR-14. F. THOMPSON	69-L.K. BROWNING	70-R.P. CHAPMAN	71-R. ANDERSON	72-E.S. FORTHER	73-H. SAWYER	74-E. SANDER	FR-75. C. LANDAKER	75-E.A. PRUITT
FR-15. F.M. BOCK	70-R.P. CHAPMAN	71-R. ANDERSON	72-E.S. FORTHER	73-H. SAWYER	74-E. SANDER	FR-75. C. LANDAKER	75-E.A. PRUITT	76-A. CLEMENS
FR-16. C.H. STICKELS	71-R. ANDERSON	72-E.S. FORTHER	73-H. SAWYER	74-E. SANDER	FR-75. C. LANDAKER	75-E.A. PRUITT	76-A. CLEMENS	77-C. BRESSLER
FR-17. H. WIGGINS	72-E.S. FORTHER	73-H. SAWYER	74-E. SANDER	FR-75. C. LANDAKER	75-E.A. PRUITT	76-A. CLEMENS	77-C. BRESSLER	77-78. P. STOLZHEISE
FR-18. W.J. KIRK	73-H. SAWYER	74-E. SANDER	FR-75. C. LANDAKER	75-E.A. PRUITT	76-A. CLEMENS	77-C. BRESSLER	77-78. P. STOLZHEISE	79-80. J. LEPPIK
FR-19. LINN SMITH	74-E. SANDER	FR-75. C. LANDAKER	75-E.A. PRUITT	76-A. CLEMENS	77-C. BRESSLER	77-78. P. STOLZHEISE	79-80. J. LEPPIK	81-C.T. GORDON
FR-20. CATH. SHAND	FR-75. C. LANDAKER	75-E.A. PRUITT	76-A. CLEMENS	77-C. BRESSLER	77-78. P. STOLZHEISE	79-80. J. LEPPIK	81-C.T. GORDON	82-M. RICHTER
FR-21. M. BURGER	75-E.A. PRUITT	76-A. CLEMENS	77-C. BRESSLER	77-78. P. STOLZHEISE	79-80. J. LEPPIK	81-C.T. GORDON	82-M. RICHTER	83-G. ORAW
FR-22. K. SMITH	76-A. CLEMENS	77-C. BRESSLER	77-78. P. STOLZHEISE	79-80. J. LEPPIK	81-C.T. GORDON	82-M. RICHTER	83-G. ORAW	84-85. J. HELTZEL
FR-23. C. TRUDGEN	77-C. BRESSLER	77-78. P. STOLZHEISE	79-80. J. LEPPIK	81-C.T. GORDON	82-M. RICHTER	83-G. ORAW	84-85. J. HELTZEL	86-87. J. CROTHERS
FR-24. C. BUTLER	77-78. P. STOLZHEISE	79-80. J. LEPPIK	81-C.T. GORDON	82-M. RICHTER	83-G. ORAW	84-85. J. HELTZEL	86-87. J. CROTHERS	88-89. R. CHAPMAN
FR-25. B. WRIGHT	79-80. J. LEPPIK	81-C.T. GORDON	82-M. RICHTER	83-G. ORAW	84-85. J. HELTZEL	86-87. J. CROTHERS	88-89. R. CHAPMAN	90-91. T.U. NEELON
FR-26. F.W. BURFORD	81-C.T. GORDON	82-M. RICHTER	83-G. ORAW	84-85. J. HELTZEL	86-87. J. CROTHERS	88-89. R. CHAPMAN	90-91. T.U. NEELON	92-W.A. DOVE
FR-27. A. ZINGER	82-M. RICHTER	83-G. ORAW	84-85. J. HELTZEL	86-87. J. CROTHERS	88-89. R. CHAPMAN	90-91. T.U. NEELON	92-W.A. DOVE	93-W.A. LAIDLAW
FR-28. D. SMITH	83-G. ORAW	84-85. J. HELTZEL	86-87. J. CROTHERS	88-89. R. CHAPMAN	90-91. T.U. NEELON	92-W.A. DOVE	93-W.A. LAIDLAW	94-95. R. BROWNING
FR-29. W. WASHBURN	84-85. J. HELTZEL	86-87. J. CROTHERS	88-89. R. CHAPMAN	90-91. T.U. NEELON	92-W.A. DOVE	93-W.A. LAIDLAW	94-95. R. BROWNING	96-100. R. SCHMIDT
FR-30. GRABENHORST	86-87. J. CROTHERS	88-89. R. CHAPMAN	90-91. T.U. NEELON	92-W.A. DOVE	93-W.A. LAIDLAW	94-95. R. BROWNING	96-100. R. SCHMIDT	101-102. H. BEER
FR-31. K.G. BECKE	88-89. R. CHAPMAN	90-91. T.U. NEELON	92-W.A. DOVE	93-W.A. LAIDLAW	94-95. R. BROWNING	96-100. R. SCHMIDT	101-102. H. BEER	
FR-32. C.G. TRICKER	90-91. T.U. NEELON	92-W.A. DOVE	93-W.A. LAIDLAW	94-95. R. BROWNING	96-100. R. SCHMIDT	101-102. H. BEER		
FR-33. F. POLANSKI	92-W.A. DOVE	93-W.A. LAIDLAW	94-95. R. BROWNING	96-100. R. SCHMIDT	101-102. H. BEER			
FR-34. M. FINDLEY	93-W.A. LAIDLAW	94-95. R. BROWNING	96-100. R. SCHMIDT	101-102. H. BEER				
FR-35. H. BANTA	94-95. R. BROWNING	96-100. R. SCHMIDT	101-102. H. BEER					
FR-36. C. BUTLER	96-100. R. SCHMIDT	101-102. H. BEER						
FR-37. R. A. WILCOX	101-102. H. BEER							
FR-38. E. ERDMAN								
FR-39. S.P. RY. CO								
FR-40. SCHOOL								
FR-41. U. WRIGHT								
FR-42. E. RODGERS								
FR-43. G.A. WILLSON								
FR-44. M. LAUGHLIN								
FR-45. T. W. MILES								
FR-46. J. STEWART								
FR-47. U. POTTER								
FR-48. A. FISCHER								
FR-49. A. CLARK								
FR-50. J. STEWART								
FR-51. A. G. POLLEY								
FR-52. J. WIKBERG								
FR-53. U. A. McCLAIN								
FR-54. A. BATTLES								
FR-55. U. FIEDLER								
FR-56. S. J. IMP. I.								
FR-57. C. SAWYER								
FR-58. O. WOODBURY								
FR-59. A. BATTLES								
FR-60. F. E. BIRCH								
FR-61. SCHOOL								
FR-62. MARION CO.								
FR-63. H. RAYBURN								
FR-64. E.								
FR-65. W. SCOTT								
FR-66. C. BAHNBURG								
FR-67. F.A. BAKER								
FR-68. F.D. BOWMAN								
FR-69. M. VAN EATON								
FR-70. C.E. SPEAKER								
FR-71. R.F.								
FR-72. C.F. SKELTON								
FR-73. C. SAWYER								
FR-74. C. LUTY								
FR-75. J. MORRIS								
FR-76. B. SAWYER								
FR-77. B. FOREMAN								

-LEGEND-

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



Exhibit #3

1933 Marion County Clerk's
File # 693

603

Resolution of County Court
Relocation, Alteration and
Sixty Foot County Road in Road Districts
No. 64, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

6-4-83

603

202 - 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. 28 and 29.

655

March 14, 1933 Ordered viewed and surveyed

J. L. Simmons County Judge

A. S. Smith County Commissioner

Wm. H. 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. L. Simmons County Judge.

A. S. Smith County Commissioner.

Wm. H. Nelson County Commissioner.

2/10/33.

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 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. Roy S. [unclear], Commissioner.
 William E. [unclear], District Attorney.
 U. G. Boyer, Clerk.
 [unclear] 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

COMPLETED

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 reimbursement 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' W. from the N. E. corner of the Donation Land Claim of James Fritchett 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 "A". Thence from a tangent line bearing S. 58°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 454.6 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 the right 269.9 feet to a point of tangent; thence S. 54°58' E. 624.6 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 3139.4 feet to a point of curve; thence on a 0°47' curve to the left 200 feet, to a point of tangent; thence S. 55°42' E. 1131 feet to Engineer's station 150 plus 10.4; thence S. 55°52' E. 216.9 feet to Engineer's station 153 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 E. 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 "2 K.E." at 2327.9 feet, to point of curve; thence on a 0°42' 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 "B".

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. 34°38' E. on a 56° curve to the left 123.5 feet to a point on a tangent line bearing N. 04°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, }
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 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 CC Ward Deputy.

DATE May 2nd 1933

168 - 215
168 - 215
partition suit

Catherine Marlott Est
No. 6329

R. P. - M. Y.

George

Joseph Bashaw:
D. L. C.

Box 475
Crittenden

Onnie C. Howard
Plat - 245
148 - 1526
partition suit

Catherine Marloth Est.
No. 6329

R. P. - M. J.
Vol

George

Joseph Bashaw.
D. L. C.

Edno Wintermantle
No. 14020 C.C. Vol. 31 P. 508

N.E. Cor. of
James Pritchett
D. L. C.

20

B. B. HERRICK
COUNTY SURVEYOR

James Anderson.
D.L.C.

21

Nye.
T2 H. 338

Charles Anderson.
Est. No. 1922

Ido Lynes
Est. No. 1922

H. Marlatt
Vol. 169 P 69

Nelson R. Doty
D.L.C.

1st Mile
Iron Pipe

13° 56' E.
435' 46"
7.1922
4.2639

PC 1083702
PC 1114907

S. 54° 36' E.

PC 1083702
PC 1114907
435' 46"
7.1922
4.2639

New

2

James Anderson.
D. L. C.

21

Charles Anderson
Est. No. 1922

Ido Lynes
Est. No. 1922

1st. Mile
iron pipe

Nye
72 R 338

15°C.R
435° 05
7.15R3
L2699

H. Marlatt
Vol. 169 P 69

Nelson R. Doty
D.L.C.

New

21

13° C.R.
Δ35° 06'
7.1323
L2699'

Ido Lynes
Est. No. 1922

H. Morlott
Vol. 169 P 69

Nelson R. Doty
D.L.C.

C.H. Mitchell
Vol 55 P 149

James Anderson
D.L.C.

21

Charles Anderson
Est. No. 1922

Ido Lynes
Est. No. 1922

1st Mile
Iron pipe

13° C. A.
432° 46'
7. 13 43
L. 26 59'

H. Marloff
Vol. 169 P 69

Nelson R. Doty
D.L.C.

C.H. Mitchell
Vol 155 P 134

New

M. E. Cor. of
James Anderson
D.L.C.

TERMINUS
Iron pipe

22

Beulah M. Woods
W.D.C.

William Helm
D.L.C.

PT. 180 + 132
4 05' 25" L
7 10' 00" L
4 20' 00" L

PT. 180 + 132

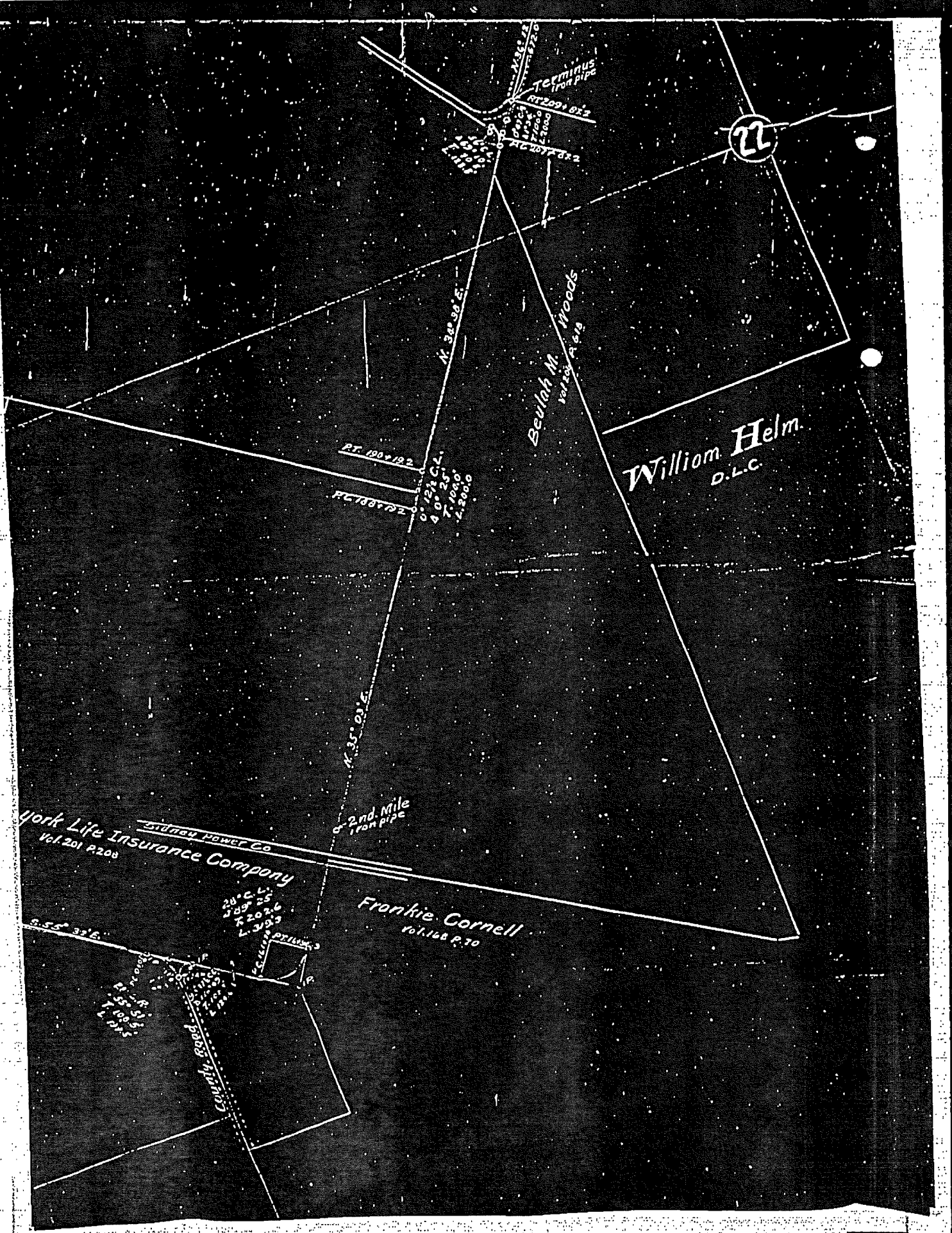
N. 35° 03' E.

2nd. Mile
Iron pipe

York Life Insurance Company
Vol. 201 P. 208

Frankie Cornell
Vol. 148 P. 70

28° C. L.
30° 25' 25"
T. 202.6
L. 302.3



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.25°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 N.89°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. 344.6 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 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 152 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°38'E. on a 56° curve to the left
123.5 feet to a point on a tangent line bearing N.64°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.

B. P. Herriek
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 38.

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, 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 AM. 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 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..... 19.33.

B. B. Herrick
Fred J. Miller
C. E. McElhaney
Board of County Road Viewers

686

24 For sale by H E Moores & Co., Salem

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

Road Viewers' Report

REPORT OF

B. B. HERRICK

FRED J. MILLER

C. E. McELHANEY
Viewers.

FILED Term, 10

MAY 27 1933

Clerk

Deputy

W. B. Breyer

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. Stegmann,	Judge.
Hon. J. E. Smith,	Commissioner.
Roy S. Nelson	
Hon. XXXXXXXXXX ,	Commissioner.
William H. Trindle,	District Attorney.
XXXXXXXXXX ,	
U. C. Foyce,	Clerk.
A. C. Burk,	
XXXXXXXXXX ,	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. 88 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. 88 & 29 described as follows, to-wit:

Beginning at a point 213.7 feet N. 68°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°04' E. on a 4° curve to left 424.2 feet to a point of tangent. Thence S. 65°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°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. 85°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°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°32' E. 1131.0 feet to Engineer's Station 158 plus 27.4. Thence S. 55°32' E. 215.9 feet to Engineer's Station 158 plus 10.5. 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. 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 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 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°32' E. on a 28°15' 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' W. 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 42.4. 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 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. McElhaney, 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

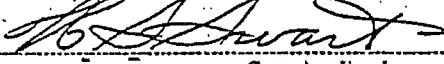
ss.

I, the undersigned, being first duly sworn, do depose and say: That I am ^{County Engineer} ~~one of the petitioners~~ herein and that heretofore and on the 28th day of January, 19233, 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.


County EngineerSubscribed and sworn to before me this 3rd day of March, 19233.

U. G. Boyer, County Clerk,

By CC 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. Siegmund	Judge
Hon. R. S. Wilson	Commissioner
Hon. J. E. Smith	Commissioner
Wm. H. Trindle	District Attorney
T. 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 } #693
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 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 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° 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 269.9 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° 12½' 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. 44.3 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 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° 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' W. on a 99° 37½' 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

Dated this 6th day of February, 1933.

By

W. H. Arnold
Sec

PRESENT RECORD OWNERS OF, AND MORTGAGES HAVING ANY INTEREST IN LAND ABUTTING
 FINEST ROAD IN DISTRICT NO. 68 IN SECTIONS 19, 20, 21 and 22 IN TOWNSHIP 3
 SOUTH, RANGE 3 WEST T. N. - MARION COUNTY, OREGON.

NAME	ADDRESS	TITLE
1. William Finlay	Jefferson, Oregon.	Vol. 33 page 153 Deed Records
2. Edna Wintermantle	Jefferson, Oregon.	Vol. 35 page 502 Cir-Ct. J1. Partition Suit # 14020
3. Catherine Warlett	Jefferson, Oregon.	Geo. M. Warlett Estate # 6329
4. Marion County, Oregon.		Vol. 213 page 51d Deed Rec.
5. Eugene Finlay Gertrude Finlay	Jefferson, Oregon.	Vol. 203 page 382 Deed Rec.
6. Annie C. Howard	Jefferson, Oregon.	Vol. 154 page 215 Deed Rec. " 153 " 259 Partition Suit # 15651
State Land Board (Mortgages)		Vol. 113 page 264 Mtg. Rec.
7. R. P. Eye M. J. Eye	(Route 1, Box 100, Jefferson, Oregon.)	Vol. 72 page 338 Deed Rec.
8. Geo. H. Warlett Margueritte Warlett	(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. E. Mitchell	Jefferson, Oregon. Route 1, Box 131	Vol. 155 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 Appears on tax roll as having paid taxes on this property.	Route 1, Jefferson. " " "	Vol. 168 page 470 Deed Rec.
14. Beulah M. Woods W. C. Hawley	710 N. High St., Salem, Oregon. 989 Oak Street, Salem, Oregon.	Vol. 205 page 218 Deed Rec. Vol. 167 page 574 Mtg. Rec.
15. James T. Anderson	Jefferson, Oregon. Route 1, Box 47	James Anderson Est. #1922

NAME

ADDRESS

TITLE

State of Oregon, Represented by the World War Veteran's State Aid Commission (Mortgage)

Bonus Commission, Salem, Oregon.

Vol. 131 page 162 Mtg. Rec.

16. Sidney Pover Co.

Salem, Oregon.

Vol. 63, page 219 Deed Rec.

FILED

RECORDED
JUN 1 1933
JUN 1 1933

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. Swart, being first duly sworn,
on oath say:

That I posted three notices (a copy of which is herewith 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.

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

U. G. Boyer, County Clerk,

By CC 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 ~~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. Nelson	Commissioner
Hon. J. E. Smith	Commissioner
W. 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 } \$895
in Road Districts No. 86 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 Districts No. 86 and 29, and being described as follows, be re-located, altered and established:

Beginning at a point 212.7 feet E. 68° 04' W. from the Northeast corner of the James Fritchett 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° 04' E. on a 4° curve to left 424.2 feet to a point of tangent. Thence S. 85° 02' E. 1027.0 feet to a point of curve. Thence on a 5° curve to right 263.8 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. 65° 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° 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 219.3 feet to a point of tangent. Thence N. 35° 03' E. 2327.3 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. 56° 12' W. 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° 32' 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 28° 32' 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 36° 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. Ward Deputy

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.

28-128
#693

COMPARED

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 W. 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 363.3 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 269.9 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. 344.6 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 42.4. 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 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° 32' E. on a 23° to right 109.5 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 00° 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 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.

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

J. H. Siegmund
Judge
J. H. 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
TAX LOT 1300 ON MAP 09 3W 16

LOT 1
38.50 AC

LOT 2
11.01 AC

SW COR
JANDERSON
DLC 60

SEE MAP
093W20

130 CR
DELTA 130 CR
T=179.30
L=265.90

814 00 13 0

NOTE - THIS AREA ASSESSED WITH
LOT 400 ON MAP 09 3W 20

589 48W 72.05 CH

20 21
29 28

SEE MAP
093W29

SEE MAP
093W16
1/4 COR

NOTE - THIS AREA ASSESSED
TAX LOT 1100 ON MAP 9

WLY NW
COR S 1/2 OF
DLC 80 500

BASHAW

500 CR

1/4 CR ON (120, 90)

600

CREEK

CTR SEC

SIDNEY

WINTEL ROAD

335' NE 1/4 300 CH

CR 307

107 48E 330 CH (265.80)

DITCH

600 1/4 CR
DELTA 600 W
T=110.00
L=200.00

1/4 COR

SEE MAP
093W28

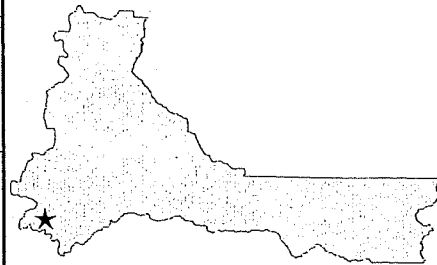
NOTE - RE
PARCEL C

NE COR
NR DOTY
DLC 49

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.
© DLC Corner	16 15 21 22 Section Corner

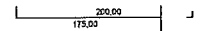
NUMBERS

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

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DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

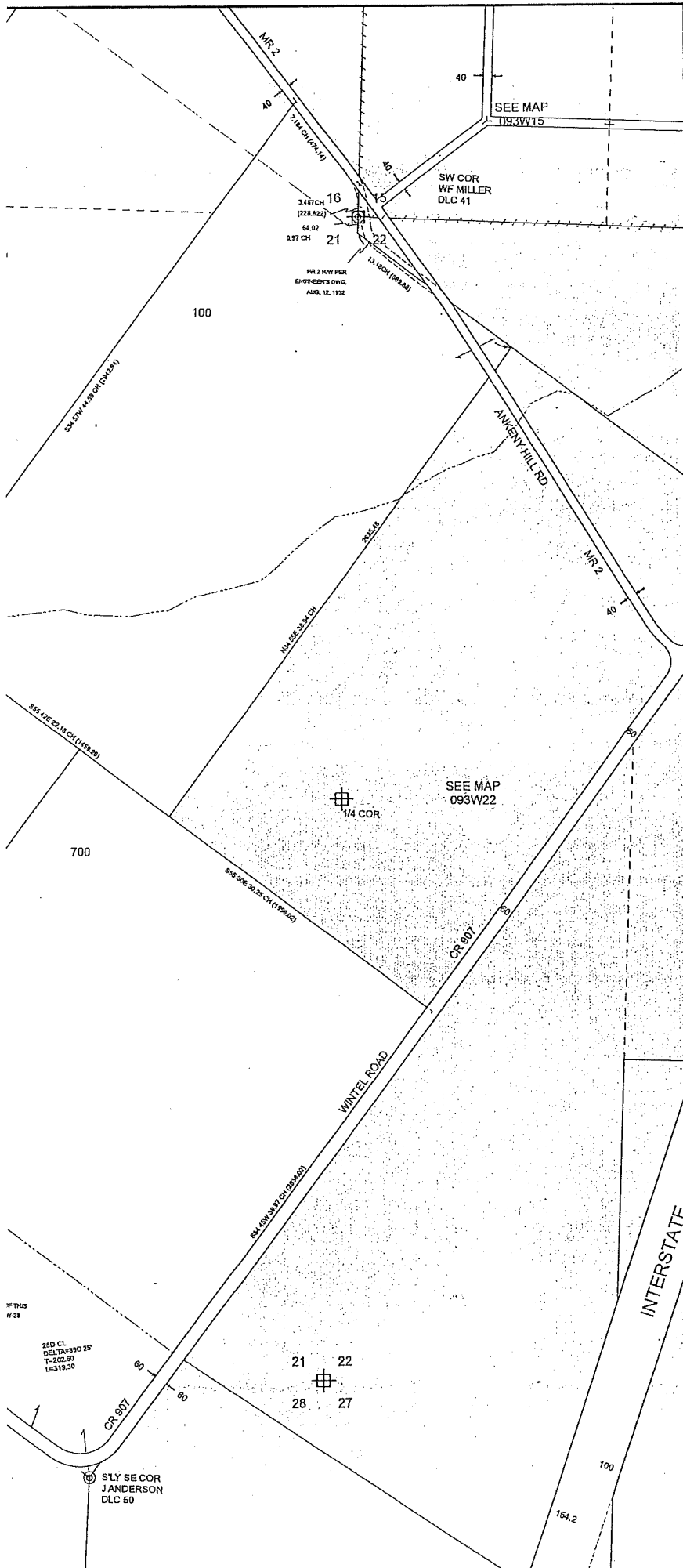


Assessor's Office
Cartography Dept.

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

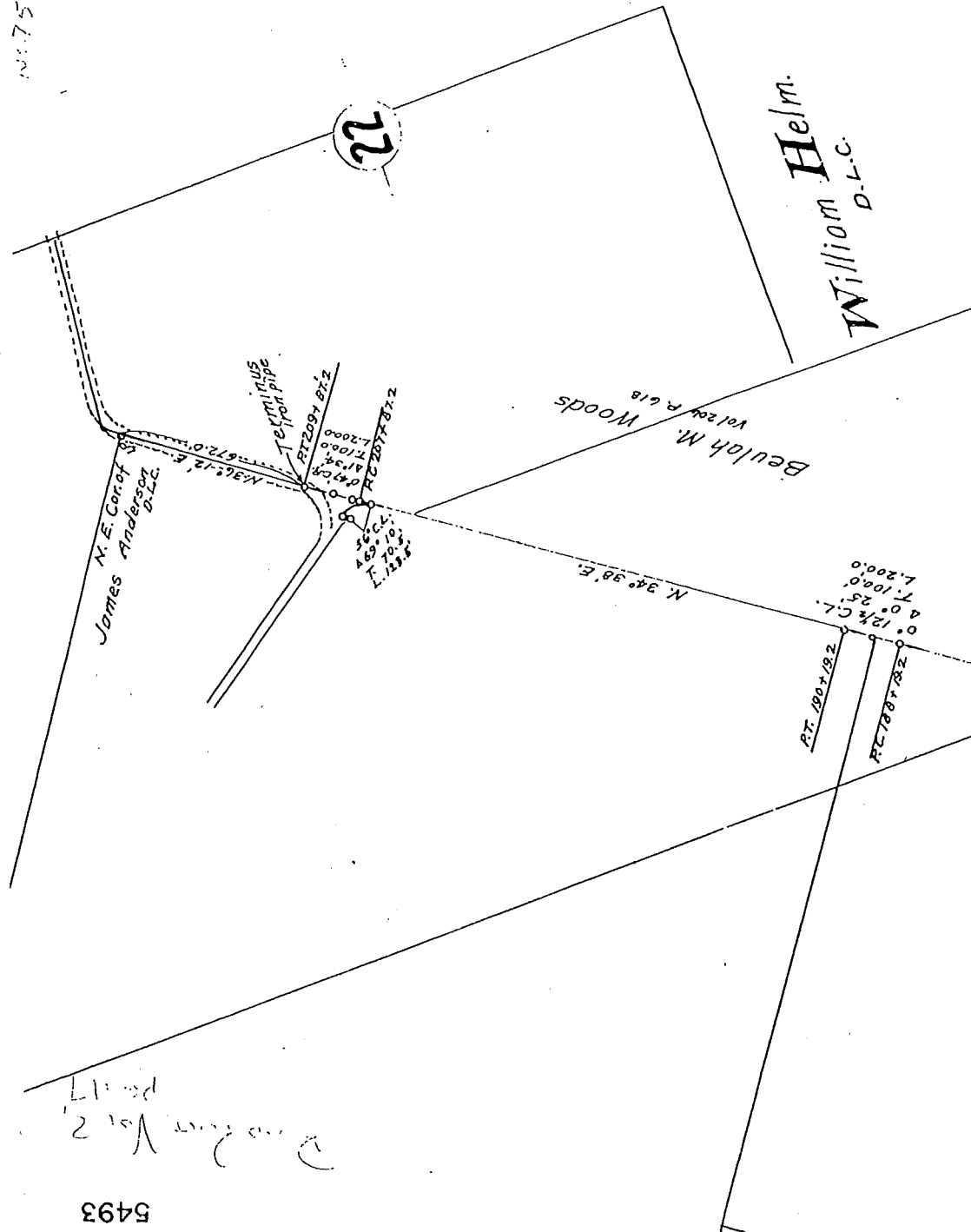
PLOT DATE: 1/24/2018

09 3W 21

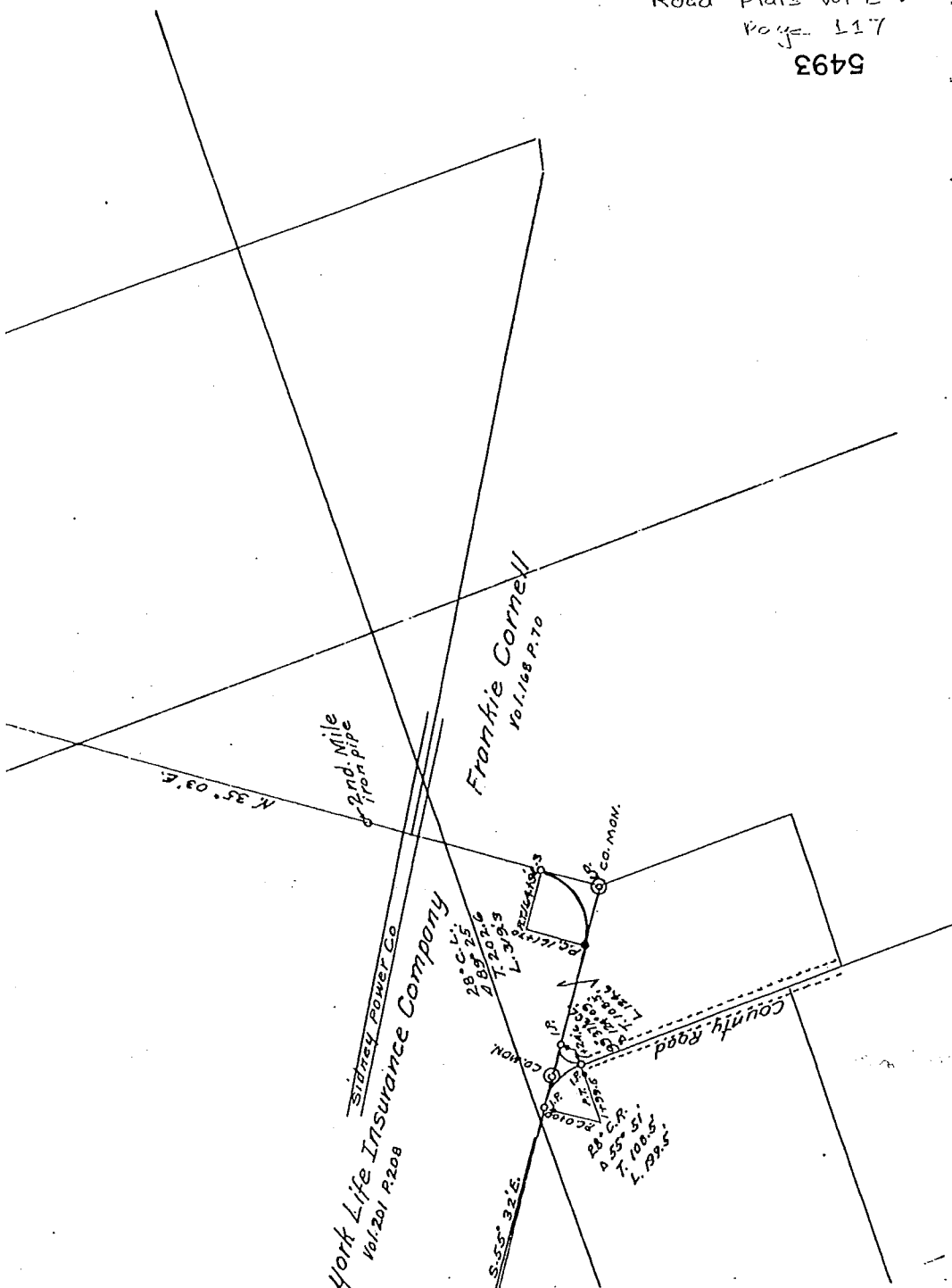


5493

5



CO
X



ROAD DISTRICT

No. 29-88

T. 9 S. R. 3 W.

DATE May 2nd 1933

No. 757-237 693

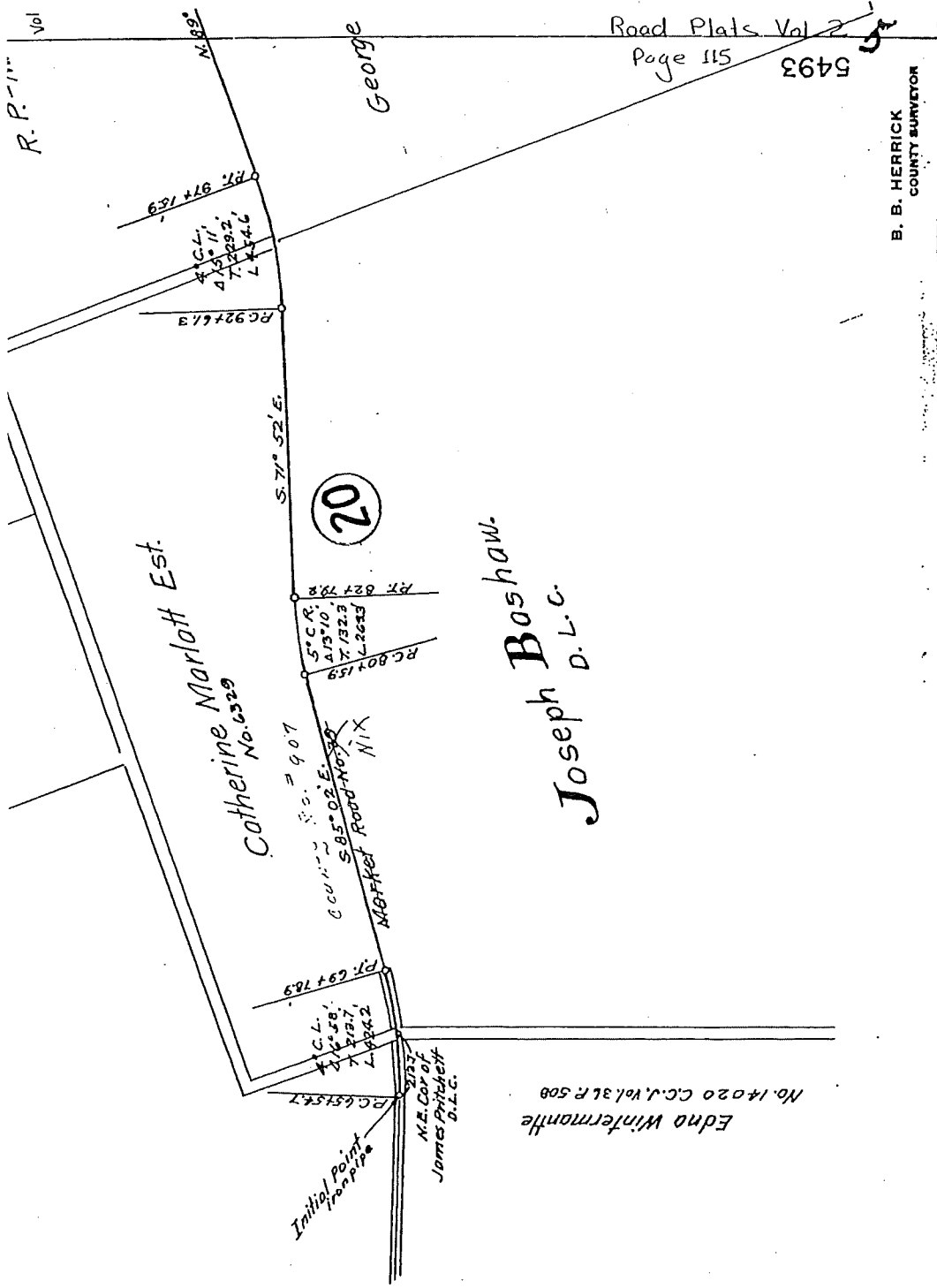
B. 6 - P 4 83

5493

Road Run Vol 2
pg 115

5493

Annie C. Howard
164 - 215
259 - 4 No 1561
5011



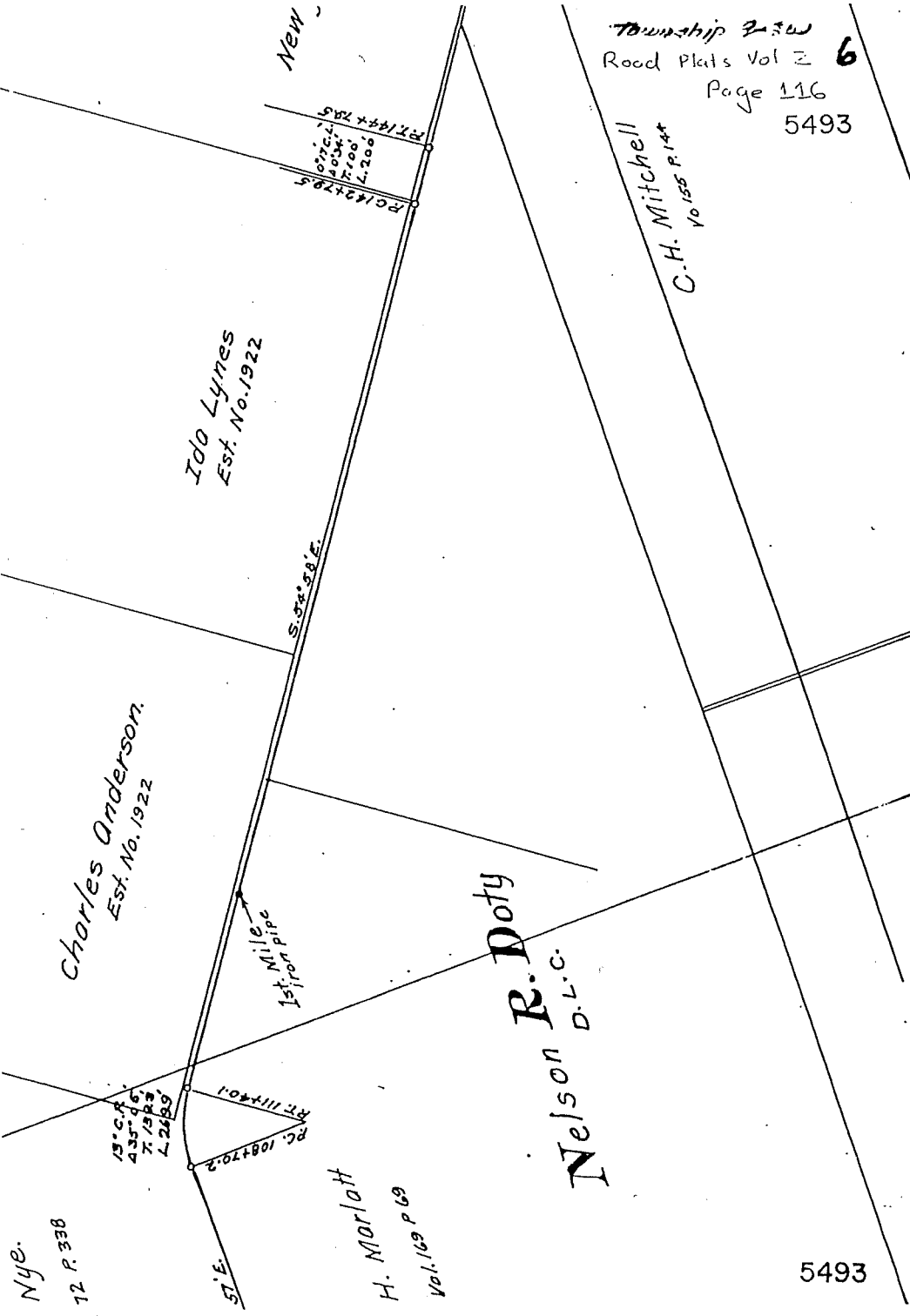
N^o. 757

James Anderson.
D.L.C.

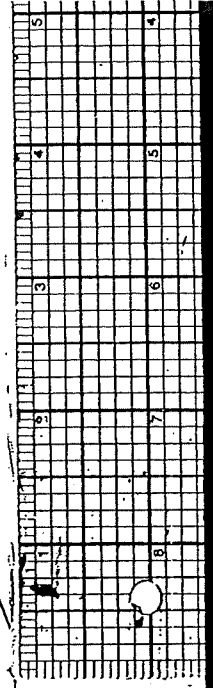
12

5493

Nye.
12 P. 338



Township 23 S
Road Plats Vol 2 **6**
Page 116
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

Grantor
in consideration of TWO HUNDRED FORTY THOUSAND AND NO/100----- Dollars,
to him paid by the Grantee herein, 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

** 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.

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 FEE
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.

JAMES T. RICHARDSON (SEAL)

(SEAL)

(SEAL)

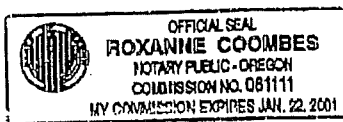
(SEAL)

STATE OF OREGON
County of 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.



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

STATE OF OREGON

County of } ss.

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

Jimmy A. Gross
13304 Jorgensen RD S
Jefferson, OR 97352

Return to:

Jimmy A. Gross
13304 Jorgensen RD S

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)

Acquiesce for and South of Range to and West Millersville Township
and said Company is hereby held responsible for all damages caused
by any person from encroachment on the management of said
the right to fence across said ditch or canal is reserved to the
guardians. To have and to hold the said described and hereof
conveyed premises with the stone great and natural stream
unto the said Quivira Mining and Ditch Company its suc-
cessors 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-
ary 1882. Executed in the
presence of Charles Miller
George S. Perkins
Anthony Middle
Emeline F. Middle
Dated
Dated

State of Oregon
County of Marion

This certifies that on this 9 day of January A.D. 1882
before me as Justice of the Peace in and for said County and State
personally appeared the within named Anthony Middle and
Emeline 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 Emeline Middle wife of
said Anthony Middle in an examination made by me separ-
ately and apart from her said husband acknowledged to
me that she executed the same freely and voluntarily and with-
out fear or compulsion from any one. In testimony whereof
I have hereunto set my hand this 9 day of January A.D. 1882

Charles Miller
Justice of the Peace
in and for said County

Recorded January 31 1882
Hunt Chamberlain Recorder
By Mornay Chapman
Deputy

Declarer says that said John Schrodter is an insane man made by her scandal and afraid from her said husband acknowledging to her that she executed the same fully and voluntarily and without fear or compulsion from any one. In testimony whereof I have hereunto set my hand this sixth day of January A.D. 1882.

Charles Miller Justice of the
Peace in and for said County
Recorded January 31. 1882.
Robert W. Schrodter Records
By Henry Chapman Deputy

This Understood Matronette that said John Schrodter, William Schrodter, David Schrodter, Leanna Schrodter, George Well and Elizabeth Well his wife for the consideration of the sum of Six Hundred and no Dollars to us paid have bargained sold and quit claimed and by these presents do bargain sell and quit claim unto George Schrodter, William Schrodter and Leanna Schrodter his wife and heirs and assigns the following described premises to wit:

Situate in the County of Marion and State of Oregon and bounded and described as follows: Tract Beginning at the North West corner of Claim No Sixty (60) in Township 4 South of Range one (1) West of the Willamette Meridian in the above said County and State Running thence South (20) Chains three chains and fifty three (53) links thence East twenty two (22) chains and fifty links thence South four (4) chains thence East twenty (20) chains thence North four (4) chains thence East twenty five (25) chains and fifty (50) links to the East boundary of Claim No Sixty (60). Thence North twenty three (23) chains and fifty three (53) links to the North East corner of Claim No 60. Thence West sixty eight (68) chains to the place of beginning and containing One hundred and seventy (170) acres more or less and comprising parts of Sections 28, 29, 30 and 31 in Township four (4) South of Range one (1) West and being the North end of Claim No Sixty (60) Notation 880 and enclosed under the date and by Abraham D. Merrill. To have and to hold the said premises unto their heirs and assigns unto the said George Schrodter, William Schrodter and Leanna Schrodter his wife and heirs and assigns forever. In witness whereof we have hereunto set our hands and seals this sixth day of January A.D. 1882.

I am informed by
Stephen Smith
and Elmer Smith

John Schrodter
William Schrodter
David Schrodter
George Well
Elizabeth Well

known for all legitimate dealings in land for years, and continue
known for since heretofore set out heretofore with scale this is an
entirely true of January 1852

Executed in the presence of - Frank M. Johnson
Cecilia S. Johnson - Emma C. Johnson
Charles Miller

Emil
Emil

State of Oregon
County of Marion

This certifies that on this 22nd day of January 1852
before me a Justice of the Peace in and for said County
and State personally appeared the within named Frank M.
Johnson Emma C. Johnson 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 purposes therein set forth and the said Emma
S. Johnson wife of said Frank M. Johnson in an explanation
made by me separately and apart from her said husband
acknowledged to me that she executed the same freely and
voluntarily and without force or compulsion from any one
or other any where of I have heretofore set out this 22
day of January 1852

Charles Miller Justice of the Peace
in and for said County & State

Emil

Recorded January 21 1852

Went Chamberlain Recorder

By Henry Chapman Deputy

Know all men by these presents that we Anthony Middle
and Caroline Middle of the County of Marion in the State
of Oregon in consideration of the sum of One Dollar to
us in hand paid by the Harrison Milling and Lath Company
a corporation duly incorporated and organized under the laws
of the State of Oregon having its principal office at Fairview
Mills in said State the receipt whereof is hereby acknowledged
have granted bargained sold and conveyed and by these pre-
sents do grant bargain sell and convey unto the said Harrison
Milling and Lath Company its successors and assigns the
following described parcel of land situated in Marion County
in the State of Oregon to wit 64 strip of land sixty feet in width
and sixty feet in width on each side of and parallel with the center
line of the main channel of the Fairview Milling and Lath Com-
pany's Run in Marion County as the same is located and located and
more the lands of the said Anthony and Caroline Middle
situate in Marion County and known and designated as
follows Lots 20 and 21 and 22 and 23 of Section 36 and

James and Lucy Anderson of the County of Marion in the State of Oregon in consideration of the sum of One Dollar to us in hand paid by the Farmers Milling and Ditch Company a corporation duly incorporated and organized under the laws of the State of Oregon bearing its principal Office at Salem, Ore. do hereby certify that the receipt whereof is hereby acknowledged, have granted bargained sold and conveyed and by these presents do grant bargain sell and convey unto the said Farmers Milling and Ditch Company its successors and assigns the following described parcel of land situate in Marion County in the State of Oregon to-wit: A strip of land sixty feet in width being thirty feet in width on each side of and parallel with the centre line of the minor channel of the Farmers Milling and Ditch Company's Ditch or Canal, on the same is sketched out and located over and upon 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 681 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 and the right to cultivate all the land in said strip not in use for the operations of 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 premises unto the stone gravel and material therein unto the said Farmers Milling and Ditch Company its successors and assigns forever for the purpose of building operating and maintaining a Ditch or Canal therein and to use the same for all legitimate Ditch or Canal purposes in and upon whereof we have hereunto set our hands and seals this thirtieth day of January 1882.

Executed in the presence of

George S. Pershore
Charles Miller

James Anderson
Lucy Anderson

(Sgd)
(Sgd)

State of Oregon
County of Marion

This certifies that on this 31. day of January A.D. 1882. before me a Justice of the Peace in and for said County and State personally appeared the within named James Anderson and Lucy Anderson 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 purposes therein set forth. And the said Lucy

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 unto, 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 thereof, 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 out lot 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	MACE HAMBY	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 herewith have set our hands and seals in triplicate, this sixteenth day of April, 1940.

James W. Allen (SEAL)

M. A. Robinson (SEAL)

O. L. Page (SEAL)

Arnold Hamby (SEAL)

Gilbert B. Bennett (SEAL)

Frederick W. Wood (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 HANBY, 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 herunto have set my hand and affixed my official seal on the day and year first above written.



David H. Thiel
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.

changed to \$5.00 per acre
5-82
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 thereof 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.

Claude H. Connor
PRESIDENT

D. Marie Ragot
SECRETARY - TREASURER