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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

No. 177355
Dft. Exh. 9
Dobson, Judge
Clerk

In the Matter of the Organization)
of)
SAUVIE ISLAND DRAINAGE DISTRICT)

No. 130-087

DECREE

ENTERED IN JOURNAL SEP 9 1943

This matter being duly and regularly heard pursuant to the provisions of Section 123-134 Oregon Compiled Laws Annotated upon the verified petition (of the board of supervisors of Sauvie Island Drainage District) filed herein on June 3, 1943, and the Court finding that notice of the hearing on said petition was duly published as required by law, and that due proof of such publication has been made herein, and that no objections to the granting of the prayer of said petition have been filed, and that the time prescribed by law for filing such objections has expired and that no extension thereof has been granted, and the Court having examined under oath the president of said District's Board of Supervisors and having received and considered evidence offered on behalf of the petitioners and further finding from the proofs submitted that the averments of the petition are true, and that such part (of this Court's decree of August 1, 1938 in the above entitled proceeding declaring said District duly organized) as is quoted in paragraph IV of said petition was superfluous and unnecessary to the validity of said decree, was not germane to its purpose and function, and clouded in doubt and uncertainty the right and duty of the petitioners to exercise fully their statutory powers in respect of the reclamation of the land in said District, and that the construction, maintenance and operation of a system of interior drainage based on Gilbert River are required in order to accomplish the reclamation of a large area of land in the District that cannot be reclaimed otherwise, and that on April 3, 1942 the Commissioners appointed by this Court to assess benefits and damages to the lands in the District filed their report herein which on hearing thereafter was duly confirmed in its entirety by this Court,

and that in such report the Commissioners made in respect of "Zone I-Lands below Elevation 5 Mean Sea Level" the following findings:

> "Seepage and economical operation of the pumping plant will make it impractical at the outset to give adequate drainage for lands lying under and below Elevation 5 feet above Mean Sea Level. While the water level may actually be held below this point, the margin during the growing season is not likely in the beginning to be sufficient for proper root development and the successful growth of crops. Therefore the lands in Zone I will not be changed at this time in condition and value by the construction of the project."

and that in such report in summarizing zone assessments the Commissioners found that the lands in Zone I will be neither benefited nor damaged, and that there are 2706.78 acres in Zone I, and that in such report the Commissioners also made the following findings:

> "The present 'Plan for Reclamation' is one particularly for the purpose of flood control and the exclusion and removal of flood waters and contains no provision for interior drainage except the levee borrow pits and the Gilbert River and other natural and existing waterways. The present plan will result in very great benefits but it should not be considered as a total and final improvement of the District in order to fully reclaim all areas subject to reclamation. The present plan should be supplemented by a system of interior canals, ditches and drains serving all feasible areas within the District boundaries and draining off all surface water into the Gilbert River and the landside borrow pit which extends to the pumping plant."

and that the total benefits assessed by the Commissioners in that report amounted to $642,580.80, and were assessed to 8,623.27 acres of land in Zones II, III, and IV, and that the works set out in the present "Plan for Reclamation" of the District are insufficient to reclaim in whole all of the land in the District that is capable of reclamation, and that the reclamation of the land in Zone I is feasible, would subject it to assessment by the District, would inure to the advantage of the District and to the landowners therein, would serve one of the principal purposes for which the District was organized, could be accomplished at a cost less than the benefits to be derived therefrom, and would be in the public interest, and that said District's plan for reclamation as quoted in paragraph III of said petition should be changed and amended by the addition thereto of a provision for an adequate and efficient system of interior drainage, and that the granting of the relief

sought by the petitioners is lawful, necessary, reasonable, and in the public interest, and will permit the petitioners to reclaim in the manner provided by law 2700 acres of land more or less in said District that is now unreclaimed and that otherwise cannot be reclaimed, good cause appearing therefor, it is

CONSIDERED, ORDERED, ADJUDGED AND DECREED that the prayer of said petition be and the same is hereby granted; that the decree of this Court of August 1, 1938 in the above entitled proceeding declaring Sauvie Island Drainage District duly organized be and the same is hereby amended by striking therefrom the following words and figures:

> "subject, however, to the provision that the reclamation of the land in said district will be accomplished as alleged in said petition by use of funds made available under the provisions of the Flood Control Act of June 22, 1936, 49 Stat. 1570, Ch. 688; 33 U.S.C.A. 701(a), or acts amendatory thereof or supplemental thereto, or under the provisions of any subsequent Congressional act, and without cost to the District or to the landowners therein, except that the District shall at its own cost provide all lands, easements and rights of way necessary for the construction of said project, and pay the expenses incurred or to be incurred in organizing and operating said district, and necessary costs of maintenance and operation of the works after completion in accordance with the requirements prescribed by the Secretary of War".

and that permission be and it is hereby granted to the board of supervisors of Sauvie Island Drainage District to amend and to change the plan for reclamation of said District by adding thereto a paragraph reading as follows:

> Third: Construction and maintenance of a system of interior drainage to consist of canals, ditches and drains serving all feasible areas within the District boundaries; adequate drainage thereby of all surplus water into the Gilbert River and the landside borrow-pit which extends to the pumping plant; and improving and maintaining Gilbert River and the landside borrow-pit to serve most efficiently as a main arterial canal for such system.

Done and dated in open court this 8th day of September, 1943.

Judge

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