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JUN 3 - 1943

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

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

No. 130-087

PETITION.

Come now Kenneth L. Cooper, S.E. Hall, and Frank G. Patterson and  
respectfully aver and show:

I.

Collectively they are and constitute the duly elected, qualified and  
acting Board of Supervisors of Sauvie Island Drainage District.

II.

Sauvie Island Drainage District is and at all times from and after  
August 1, 1938 has been a quasi-municipal or public corporation organized and  
existing under and by virtue of Chapter 340, Oregon Laws 1911, as amended and  
supplemented.

III.

On July 24, 1939 the Chief Engineer of Sauvie Island Drainage District  
made to the Board of Supervisors a final report in writing concerning surveys  
made of the lands contained in the district and plans for reclaiming the same.  
That report was in words and figures as follows:

"The drainage district laws of the State of Oregon contemplate that  
the Board of Supervisors shall secure a plan for draining and re-  
claiming the lands located within its boundaries or adjacent thereto  
from overflow or damage by water, which plan, when formally adopted  
by the supervisors, shall be known and thereafter designated as the  
'Plan of Reclamation'.

"Appreciating that the improvement project of your district under the  
Federal Flood Control Act is being performed under the supervision  
and control of the United States District Engineer for this district,  
and based upon all of the facts brought out by our surveys and studies  
of the lands within your district, we have concluded that the lands  
in your district will be protected from overflow or damage by the  
waters of the Columbia and Willamette Rivers and Multnomah Channel  
by the following plan:



1 sary for the construction of such dike or levee and of said pumping plant, and  
2 paid the expenses incurred in its organization and operation, and the necessary  
3 costs of maintenance and operation thereof after their completion, but otherwise  
4 the United States of America provided such dike or levee and such pumping plant  
5 (expending therefor approximately \$1,250,000.00) without cost to the District  
6 or to the landowners therein.

7 The reclamation of the land in the district has been, is being, and  
8 will be accomplished only in part through the construction, maintenance and  
9 operation of such dike or levee and of such pumping plant. The construction,  
10 maintenance and operation of a system of interior drainage based on Gilbert  
11 River are required in order to accomplish the reclamation of a large area of  
12 land in the district that cannot be reclaimed otherwise. Your petitioners at  
13 the time the petition for organization of the District was filed and continuously  
14 thereafter up to the date of the "Plan for Reclamation" believed with reason  
15 and contemplated that the United States of America at its sole cost also would  
16 construct and provide such a system of interior drainage, and after that date  
17 they sought repeatedly but unsuccessfully to procure the United States of  
18 America to construct and to provide such a system of interior drainage without  
19 cost to the district or to the landowners therein.

20 V.

21 On April 3, 1942 the Commissioners appointed by this Court to assess  
22 benefits and damages to the lands in the District filed their report herein,  
23 which on hearing thereafter was duly confirmed in its entirety by this Court.  
24 In that report the Commissioners made in respect of "Zone I-Lands below Eleva-  
25 tion 5 Mean Sea Level", the following findings:

26 "Seepage and economical operation of the pumping plant will make  
27 it impractical at the outset to give adequate drainage for lands  
28 lying under and below Elevation 5 feet above Mean Sea Level.  
29 While the water level may actually be held below this point, the  
30 margin during the growing season is not likely in the beginning  
31 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."

In that report in summarizing zone assessments the Commissioners found that the

1 land in Zone I will be neither benefited nor damaged and that there are 2706.78  
2 acres in Zone I. In that report the Commissioners also made the following  
3 findings:

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

16 The total benefits assessed by the Commissioners in that report amounted to  
17 \$642,580.80 and were assessed to 3623.27 acres of land in Zones II, III and  
18 IV.

19 VI.

20 The works set out in the present "Plan for Reclamation" of the District  
21 are insufficient to reclaim in whole all of the land in the District that is cap-  
22 able of reclamation. The reclamation of the land in Zone I is feasible, would  
23 subject it to assessment by the District, would inure to the advantage of the  
24 District and to the landowners therein, would serve one of the principal pur-  
25 poses for which the District was organized, could be accomplished at a cost  
26 less than the benefits to be derived therefrom, and would be in the public  
27 interest. To that end it is reasonable and necessary that this Court amend and  
28 correct its former decree incorporating the District by striking therefrom the  
29 proviso quoted in paragraph IV hereof, and grant your petitioners permission to  
30 amend and to change the "Plan for Reclamation" by adding thereto a paragraph  
31 reading substantially as follows:

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

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WHEREFORE your petitioners pray that this Court amend its former  
decree incorporating the District by striking therefrom the proviso quoted in  
paragraph IV of this petition and grant them permission to amend and to change  
the "Plan for Reclamation" of the District in the manner set out in paragraph  
VI hereof and such other relief as may be proper.

Dated this 1st day of June, 1943.

Kenneth L. Cooper  
W. B. Hall  
Frank Patterson  
Petitioners

STATE OF OREGON )  
County of Multnomah ) ss

I, KENNETH L. COOPER, being first duly sworn on my oath depose  
and say:

I am Chairman of the Board of Supervisors of Sauvie Island  
Drainage District, and as such Chairman am authorized to sign the within  
Petition; I have read the said petition, know the contents thereof, and  
the same are true as I verily believe.

Kenneth L. Cooper

Subscribed and sworn to before me this 1st day of June, 1943.

William B. McCallloch  
Notary Public for Oregon  
My Commission expires: October 6, 1943