

FILED

APR 9 - 1947

AL BROWN, CLERK
DEPUTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

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

No. 130-087

PETITION

Come now Frank G. Patterson, Porter W. Yett and Archie M. Hall
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 1915, as amended and
supplemented.

III.

On July 24, 1939 the Chief Engineer of Sauvie Island Drainage Dis-
trict 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 of or damage by the
waters of the Columbia and Willamette Rivers and Multnomah Channel
by the following plan:

1 "FIRST: The construction of a dike or levee around the district,
2 connecting at each end with the high ground lying on the West side
3 of Sauvie Island, the elevation of the top of the dike to be not
4 less than three feet above the 1876 flood plane, or an elevation
5 of 32 feet sea level datum, with proper correction for the fall of
6 the river and allowance for the probable flood slope in the length
7 of the district; the top width of the dike to be not less than 12
8 feet, and its slopes not less than 3 feet horizontal to 1 foot
9 vertical; the dike or levee to be protected wherever necessary by
10 riprap or other form of revetment.

11 "SECOND: The utilization of Gilbert River as the main drainage
12 canal of said district, and the construction of a borrow pit which
13 will serve as a drainage canal from Dry Lake to connect with Gilbert
14 River, and the diversion of these waters through a landside borrow
15 pit to a common pumping plant, with a minimum pumping capacity of
16 125,000 gallons per minute, to be located in the northerly area of
17 said district, and the construction at said pumping plant of
18 adequate tide boxes, so that drainage of waters from the district
19 will be obtained without pumping when river conditions permit.

20 "Details of the above proposed plan more fully appear from a map
21 attache hereto and made a part of this proposed 'Plan of Recla-
22 mation'."

23 On the same day the Board of Supervisors of Sauvie Island Drainage District by
24 resolution duly passed approved the plan embodied in such report and declared
25 the same adopted as The Plan for Reclamation of Sauvie Island Drainage District.

26 IV.

27 On September 8, 1943 (pursuant to proceedings duly had to that end)
28 this Court made its decree herein and thereby granted permission to the Board
29 of Supervisors of Sauvie Island Drainage District to amend and to change the
30 Plan for Reclamation of that district by adding thereto a paragraph reading as
31 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 land-
side 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."

32 V.

33 Thereafter on the date last mentioned at a meeting duly held the Board
34 of Supervisors of Sauvie Island Drainage District by the unanimous vote of
35 its members

1 "RESOLVED that the 'Plan for Reclamation' of Sauvie Island Drainage
2 District be and the same is amended and changed hereby by adding
thereto a paragraph reading as follows:

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

7 VI.

8 Thereafter, pursuant to such amended and changed plan for reclama-
9 tion, the Board of Supervisors constructed and put into operation various pro-
10 jects as integral parts of a comprehensive system of interior drainage and
thereby reclaimed (a) 946.95 acres which have been subjected already to assess-
11 ment by the District and (b) an additional area of 1570.44 acres to which the
12 Commissioners (appointed by this Court) are in the process of assessing benefits.
13

14 VII.

15 The District's present plan for reclamation contemplates a system of
16 interior drainage functioning solely by gravity. A large part of the
17 contemplated system has been completed but it cannot and will not provide (for
18 the beds of Little Sturgeon Lake and of Mouse Island Lake and for a few other
19 areas) by gravity alone drainage to a sufficient extent to reclaim the same
20 and to permit their use for the growing of crops, until it shall have been
21 supplemented by the installation and operation by the District at suitable
22 points of auxiliary pumps.

23 VIII.

24 To that end it is reasonable, necessary and in the public interest
25 that this Court grant your petitioners permission further to amend and to
26 change the District's plan for reclamation by adding thereto a paragraph
27 reading substantially as follows:

28 FOURTH: Installation and operation of auxiliary pumps (to supple-
29 ment the gravity system of interior drainage contemplated by
paragraph Third of the present plan for reclamation) in areas
30 where reasonably adequate drainage cannot be provided otherwise.

1 WHEREFORE your petitioners pray that this Court grant them permission
2 further to amend and to change the District's plan for reclamation by adding
3 thereto a paragraph reading substantially as follows:

4 FOURTH: Installation and operation of auxiliary pumps (to supple-
5 ment the gravity system of interior drainage contemplated by
6 paragraph Third of the present plan for reclamation) in areas
7 where reasonably adequate drainage cannot be provided otherwise.

8 and such other relief as may be proper.

9 Dated this 7th day of April, 1947.

10 Frank Patterson
11 Antoine
12 Porter W. Yett
13 Petitioners

14
15
16 STATE OF OREGON)
17 County of Multnomah) ss

18 I, FRANK G. PATTERSON, being first duly sworn on my oath depose and
19 say:

20 I am the President of the Board of Supervisors of Sauvie Island
21 Drainage District and as such President I am authorized to sign the foregoing
22 Petition; I have read such petition, know the contents thereof and I verily
23 believe the same to be true.

24 Frank Patterson

25 Subscribed and sworn to before me this 7th day of April, 1947.

26 William C. McCulloch
27 Notary Public for Oregon
28 My Commission expires: Oct. 4, 1947.