

IN THE DEPARTMENT OF THE INTERIOR
BEFORE THE HONORABLE SECRETARY OF THE INTERIOR, WASHINGTON, D.C.

In the Matter of County Road and
Public Highway No. 585 for P E T I T I O N.
Umatilla County, Oregon.

To MAJOR O. C. EDWARDS, Superintendent and S.D.A., Umatilla Reserva-
tion, Oregon, and To the HONORABLE SECRETARY OF THE INTERIOR, Wash-
ington, D. C.

We, the undersigned, respectfully show to Your Honors:

That we are the duly and regularly elected, qualified and act-
ing County Court of the County of Umatilla for the State of Oregon,
and as such are the proper authorities for the opening and establish-
ment of public highways for Umatilla County, Oregon, in accordance
with the laws of the State of Oregon.

That on the 2nd day of May, 1906, there was duly and regularly
presented to us, in accordance with the laws of the State of Oregon,
a petition as by law required, praying for the location, opening up
and establishing of a County Road and public highway in said County,
commencing at the Southeast corner of Section 24, in Township 2
North of Range 32 East of the Willamette Meridian, and connecting at
said point with County Road No. 371, and terminating at a point on
the line between Sections 22 and 27, 17 chains East of the quarter
section corner common to Sections 22 and 27, in Township 1 South,
Range 34 East of the Willamette Meridian, a more complete description
of which road is fully set forth in the duly certified copy of said
petition, which is hereunto attached, marked "Exhibit A" and is
hereby referred to and made a part of this petition.

That in connection with said petition there was also submitted
due and regular notice of said road and proof of the posting thereof,
as required by law, a copy of which said notice and proof of posting
is also hereunto attached, marked "Exhibit B" and is hereby referred

to and made a part of this petition, and at the same time there was duly and regularly presented to this Court a good and sufficient bond and undertaking, as required by law, which said bond and undertaking is also hereunto attached, marked "Exhibit C" and is hereby referred to and made a part of this petition.

That thereupon and upon examination of the papers so presented, this Court, in accordance with the laws of the State of Oregon made and provided in such cases, caused an order to be issued, directing the County Surveyor and Board of County Road Viewers to survey, mark out and establish monuments along said proposed route, as by law required, and said Board of County Road Viewers by said order were directed to meet on the 7th day of May, 1906, or if they failed to so meet on said day, then within five days thereafter, and proceed with their duties, a copy of which said order is also hereto attached, marked "Exhibit D" and is hereby referred to and made a part of this petition.

That in pursuance of said order, and in accordance with the laws of the State of Oregon, as made and provided in such cases, the said County Surveyor and Board of County Road Viewers met as directed, at the office of the County Surveyor, in Pendleton, Oregon, on the 7th day of May, 1906, and proceeded in the performance of their duties as directed, and thereafter made due and regular report to this Court, a copy of which said report, together with the field notes and maps of said survey, are also hereunto attached, marked "Exhibit E", all of which are hereby referred to and made a part of this petition.

That no remonstrance or objections of any kind or character have been presented against said petition, or against any of the proceedings done or had in said matter, and the said petition and other doings in said matter coming on now on this 5th day of ~~June~~ ^{July}, 1906, at a regular term of this County Court this day held, to be acted upon and for final action and approval by this Court, and this Court being now in all matters appertaining thereto fully advised, and it appearing to the Court that in all things the said petition and other

doings in said cause are regular, and it duly appearing to the Court that said proposed route should be opened up, established and laid out as a public highway and road, and this Court being of one mind and of the opinion that an order should be entered, opening up, laying out and establishing the said route as surveyed and marked out upon the ground, as a public highway, now begs leave to show to Your Honors:

That the point where such road begins is on the Western line of the Diminished Umatilla Indian Reservation, and at such point the said road connects with County Road No.371, a public highway heretofore laid out and established and now existing as a County Road, which said last named road extends from the point above described, on said Western boundary line of the said Diminished Umatilla Indian Reservation, in a Northerly direction to the City of Pendleton, in said County and State.

That from said beginning point of the proposed road the route, as surveyed and marked out by said board of county road viewers, extends along and through the Diminished Umatilla Indian Reservation to a point on the South boundary thereof, which said point is 12.13 chains West of the Northeast corner of Section 12, Township 1 South, Range 33 East of the Willamette Meridian, and after crossing said Diminished Reservation, proceeds on in a South or Southerly direction in and to a thickly settled and well established portion of said County.

That said route across said Diminished Indian Reservation is established as nearly as possible or at all practicable, along section lines and along a main traveled wagon road, which has been traveled and used by the public and by the allottees and their tenants as a highway, for a period of many years last past.

That the said road is for a long distance, to-wit: for about 10 miles thereof, where the same crosses the Diminished Reservation, already fenced on either side by persons who are engaged in farming the lands, and is so fenced through all parts of the Reservation

along which said road passes which is susceptible of cultivation or is used for agricultural purposes; that the remainder thereof across said Diminished Reservation follows down a deep canyon to McKay Creek, thence up McKay Creek, which lies in a deep gorge and it is impossible to make said road along section lines, and that there is no means of travel up said McKay Creek except practically along said proposed route.

That the said proposed road is not intended and could not be in any manner used or utilized as a trail for grazing purposes across said Reservation, but would be necessarily and exclusively a highway of the width prayed for, for the purposes of actual travel, and in our opinion is absolutely necessary for the welfare of the general public, as well as for the use of the Indians allottees and their tenants on said Reservation, and is the only practicable route from Pendleton leading out to the settlement on the head of McKay Creek as aforesaid.

That there is a post office known as McKay Creek Post Office established on McKay Creek; that this proposed road leads to said post office and is the only practicable and convenient means of egress and ingress thereto, and the only means of egress and ingress from the settlement on the head of McKay Creek to Pendleton, except to follow around said Creek, which is a long distance out of the way and necessitates great inconvenience.

That this Court is without authority to order said road opened as a highway without first obtaining permission so to do from Your Honors and as provided in Section 4 of the Act of March 3, 1901 (31 Stat. L. 1084).

WHEREFORE, We most respectfully petition Your Honors to grant to this County Court, as the duly and regularly elected, qualified and acting authorities of Umatilla County, Oregon, for the opening and establishment of public highways, permission to open up and declare said proposed route to be a public highway of Umatilla County, without restrictions other than those provided by United States

Statute and the rules and regulations of the Department of the Interior against the introduction of intoxicating liquors upon Reservation lands, and for said permission your petitioners do most respectfully pray.

T. P. Williams

County Judge of Umatilla
County, Oregon.

Horace Walker

H. B. Lee

County Commissioners of
Umatilla County, Oregon.