

SECOND JUDICIAL DAY.

THURSDAY, APRIL 4th, 1912.

It is therefore CONSIDERED and ORDERED that the Sheriff be and he is hereby authorized and empowered to accept the sum of \$13.26 in full settlement of said taxes, interest and costs and upon the payment of said sum of \$13.26 by said J. F. Phy, said Sheriff is hereby authorized and directed to cancel said lien.

In the matter of the application of Grande Ronde Valley Irrigation Company, for franchises to use certain county roads for canal purposes.

Now at this time, this matter came before the Court upon the application of the Grande Ronde Valley Irrigation Company, for the right to cross certain county roads, with a canal, and to use other for the right-of-way for said canal, under the statutes in such cases made and provided.

It is CONSIDERED, ORDERED and ADJUDGED by the Court, J.C. Henry, County Judge, J.M. Selder, Commissioner, and Cecil Galloway, Commissioners, constituting this court, be and they are hereby authorized to enter into a contract with GRANDE RONDE VALLEY IRRIGATION COMPANY, its successors and assigns governing the manner, extent, terms and conditions upon which certain portions of the county roads may be used for right-of-way purposes, or others may be crossed by canal or ditch under construction by the Grande Ronde Valley Irrigation Company; said contract to be as follows:

THIS AGREEMENT made and entered into this fourth day of April, 1912, by and between the County Court of the County of Union, State of Oregon, sitting for the transaction of county business, party of the first part, and Grande Ronde Valley Irrigation Company, (a corporation) organized under and by virtue of the laws of the State of Oregon, party of the second part, WITNESSETH:

That for and in consideration of the sum of one (\$1.00) dollar, and the mutual covenants of the parties hereto, the party of the first part does hereby agree with the party of the second part, that the party of the second part shall have the right-of-way a width of 20 feet along, over and across the following public road, streets and alleys, to-wit:

Commencing at a point 180 feet distant at right angles north-west from the Island City-La Grande County Road, where Watson Street in Home Investment Addition, to La Grande, intersects the County road; thence southwest 180 feet to the intersection of Watson Street with said county road; thence along the east side of Watson Street to Elgin Avenue in Home Investment Addition to La Grande; thence east on Elgin Avenue to North Street; thence south on the east side of North street to the main line of the Oregon-Washington Railway & Navigation Company; thence south-easterly along the main line of the Oregon-Washington Railway & Navigation Company, to the center line east and west of Section 15, Township 3, South Range 38 E.W.M.; thence east to the center of Section 14, Township and range aforesaid; thence to the south-east corner of Section 14, Township and range aforesaid; thence east to the quarter corner on the south side of Section 16, Township 3 South Range 39 E.W.M. except that from a point at the south-east corner of Block 14, of East Addition to the City of La Grande, to the quarter corner on the south side of Section 16, Township 3 South Range

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39, the said canal shall be placed upon private right-of-way, with the exception of where the same crosses the county road.

It is further agreed that the party of the second part, will construct bridges as follows:-

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Where the said canal crosses the two roads on either side of the Elgin Branch of the Oregon-Washington Railroad & Navigation Company, a re-inforcement concrete culvert $3\frac{1}{2}$ feet by 5 feet shall be built the full width of both roads and alsounder the railroad tract, a total distance and length of culvert of 180 feet.

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Where said canal crosses what is known as the Cove road at the south-east corner of the south-west quarter of the south-west quarter of Section 4, Township 3, South Range 38 E.W.M., a bridge shall be constructed according to the plans attached hereto and made a part hereof, so that the width between the rails shall be 23 feet.

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At all other places where said canal crosses county roads, bridges shall be constructed according to said plans and drawings hereto attached, a width of 18 feet inside of the rails.

It is further agreed that the party of the second part will continuously and permanently keep said bridges in good repair so that the same shall at all times be suitable for traffic to pass over and shall be of such strength as to carry at least four times the weight of an ordinary road roller or traction engine.

It is further agreed that the party of the second part will cause the dirt taken from said canal from the line between the railroad and Elgin Avenue on Watson street, to be placed in said street where needed, so as to bring the same to grade, and to level off the surface so as to place said street fit for travel; said work to be done under the supervision of the party of the first part or their duly appointed representative.

It is further agreed that the line of canal between said points shall be fenced with a woven wire fence so as to protect the public from injury in getting in said canal; and the party of the second part, its successors and assigns shall keep said fence in repair.

It is further agreed that the party of the second part shall keep and hold the first party harmless from any and all damages which may be occasioned on account of the construction of said canal or of the said bridges and shall at all times while said canal and bridges are being constructed comply with the statutes relative thereto, so that traffic will not be interfered with except as therein provided.

IN WITNESS WHEREOF, the County Judge and commissioners constituting such court, have hereunto set their hands and the Grande Ronde Valley Irrigation Company has caused its corporate name and seal to be affixed hereto in pursuance of a resolution of its executive committee.

Dated at La Grande, this 4th day of April, 1912.