

Umatilla Indian Agency
P.O. Box 496
Pendleton, Oregon
January 11, 1950

Mr. E. Morgan Fryse, Area Director
U. S. Indian Service
Building 34, Swan Island
Portland 18, Oregon

Dear Mr. Fryse:

There has been considerable correspondence during the past ten years between this office and the Indian Office relative to a road right-of-way for Umatilla county over land on this reservation described as follows:

NW/4 NW/4, Section 11 and
NE/4 NE/4, Section 10, Twp. 3N, Rge. 35 E.W.M.

On April 19, 1941 (Land Division Claims 15898-41) the Indian Office wrote this Agency as follows:

"It appears that the county established this road (No. 335) on May 6, 1892, with a 60-foot right of way, in compliance with the formalities prescribed by the State law; that the present fenced right of way along this road is approximately 35 feet wide; and that accordingly the county claims it has the right to improve the road outside the fence for the entire width of 60 feet.

"Also, the last paragraph of Section 3 of the Act cited above (31 Stat. 1094), authorizes the condemnation of allotted Indian land for any public purpose in accordance with the laws of the State. Under departmental regulations, however, the action should be brought in the Federal Court and the United States must be made a party defendant with the allottee (25 CFR 256.73). This procedure was upheld by the Supreme Court of the United States in the case of Minnesota v. United States (305 U. S. 382). Hence the State court was without jurisdiction so far as concerns that portion of the right of way across restricted Indian lands; and its decree relative thereto is a nullity.

Indian Office letter continued -

"You should, therefore, inform the county that it will be expected to file an application for this right of way, accompanied by the necessary maps, etc., which you should send to this Office in regular course, accompanied by an appraisal of the damages, the consent of the allottee, and your recommendation in the premises."

We believe the instructions of the Office as contained in this letter have now been complied with by the county officials and I am forwarding as directed then, completed maps and schedule of damages. One set each is intended for the Indian Office, the Bureau of Land Management and the other may be retained in your office. We have furnished the county with completed print and schedule and one is retained here. It is hoped this work has been handled satisfactorily.

Yours very truly,

EARL WOOLDRIDGE, SUPERINTENDENT

EW:vfp

Enclosures

SCHEDULE OF DAMAGES

Wild Horse Creek Road

County Road No. 385

Allotment No.	Owner	Description of Allotment	Acres and Value	Damages	Remarks
1204	Patricia Eagleton Edwards	SW $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12 & NE $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13, all in Twp. 3N, Rge. 35 E.	3.46 acres @ 20.00 = \$69.20	None	Damages waived by Easement signed Aug. 31, 1935.
1205	Eileen Eagleton Wright	NW $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13, Twp. 3N, Rge. 35 E.	.68 acres @ 20.00 = \$13.60	do	Damages waived by Easement signed July 29, 1935.
938	William Simpson	N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 13, Twp. 3N, Rge. 35 E.	3.93 acres @ 20.00 = \$78.60	do	Damages waived by Easement signed April 2, 1935.
941	Egbert Scrimsher	S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11, Twp. 3N, Rge. 35 E.	2.78 acres @ 20.00 = \$55.60	do	Damages waived by Easement signed Nov. 6, 1947
WW-145	Akicklasa (Mrs. Sophia Totus)	NW $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, Twp. 3N, Rge. 35 E.	2.53 acres @ 20.00 = \$50.60	do	Damages waived by Easement signed July 26, 1935.
WW-144	Tsalas, dec. (Ackicklasa or Mrs. Sophia Totus)	NE $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 10, Twp. 3N, Rge. 35 E.	.30 acres @ 20.00 = \$6.00	do	Damages waived by Easement signed July 26, 1935.

Compiled by


 Dennis I. Babby, Highway Engineer

APPROVED: November 30, 1949.



 Earl Wooldridge, Superintendent
 Umatilla Indian Agency

COUNTY OF UMATILLA IN THE STATE OF OREGON.

DEPARTMENT OF ROADS:

PLAN OF COUNTY ROAD NUMBER 385 ACROSS A PART OF SECTIONS 3, 10, 11, 12, 13 & 14 IN
TOWNSHIP 3 NORTH RANGE 35 E.W.M.

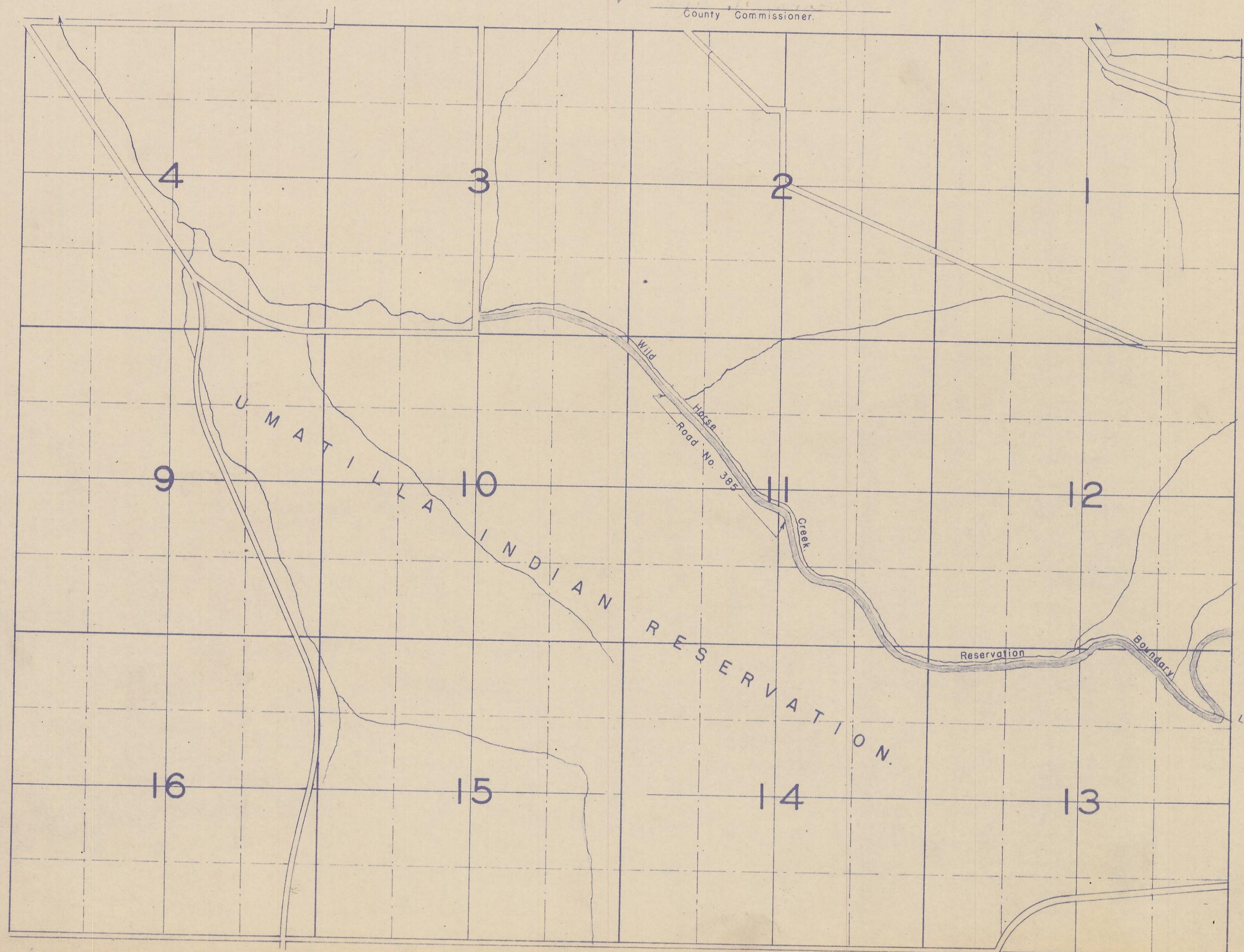
APPROVED

County Judge

John P. Minner

County Commissioner

County Commissioner



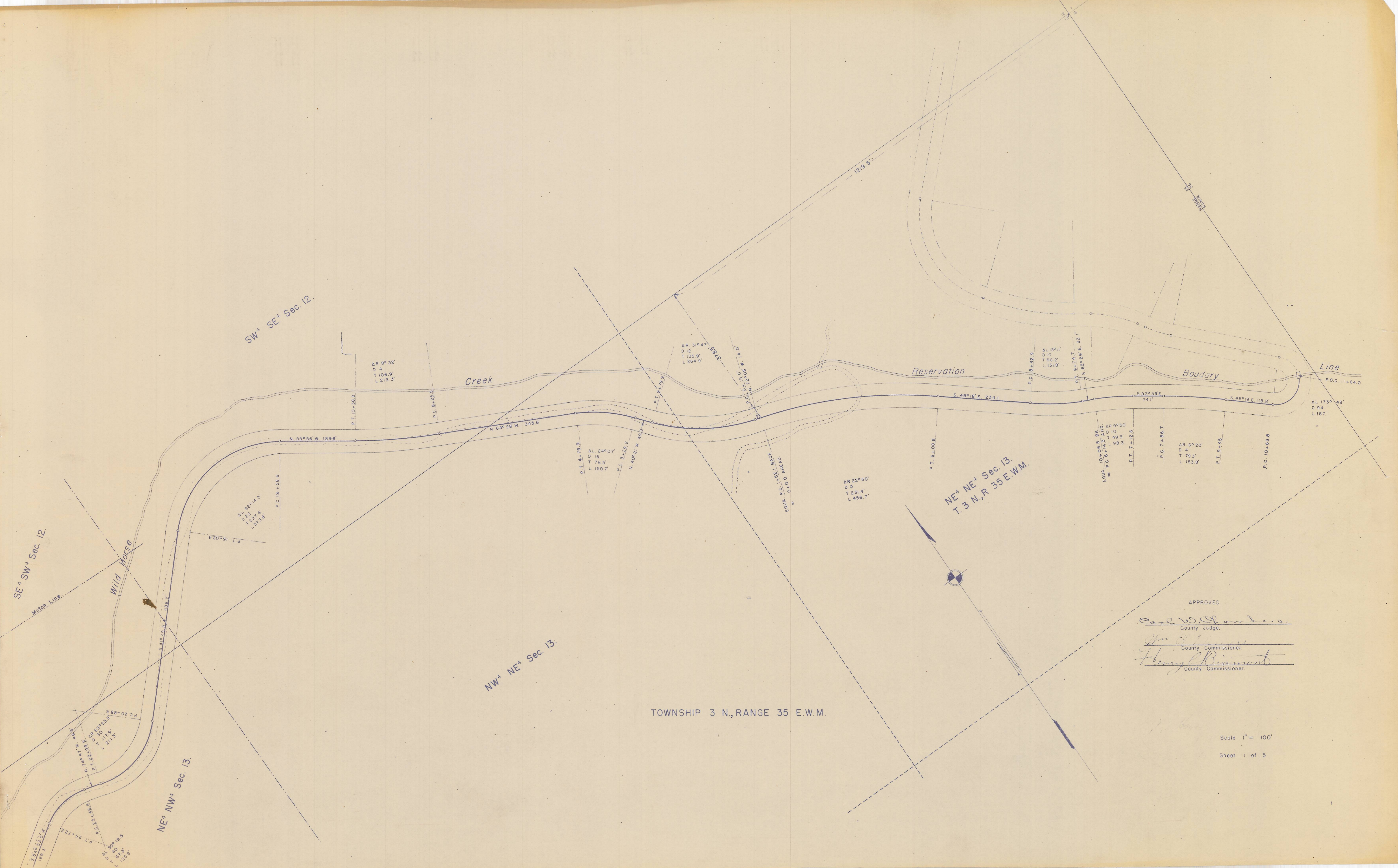
U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
UMATILLA INDIAN AGENCY
PENDLETON, OREGON

"APPROVED UNDER AUTHORITY VESTED IN ME BY SECRETARIAL ORDER No. 2252, DATED SEPTEMBER 9, 1946 (11 FED. REG. 10296), AND THE ORDER OF THE COMMISSIONER OF INDIAN AFFAIRS, No. 544, DATED SEPTEMBER 24, 1947 (12 FED. REG. 6970)* SUBJECT TO THE PROVISIONS OF SECTION 4 OF THE ACT OF MARCH 3, 1901 (31 STAT. 1084; 25 U.S.C. SECTION 311) AND DEPARTMENTAL REGULATIONS THEREUNDER (25 CODE OF FEDERAL REGULATIONS, PART 256), AS MAY BE AMENDED HEREAFTER, AND SUBJECT ALSO TO ANY PRIOR, VALID, EXISTING RIGHT OR ADVERSE CLAIM."

* AMENDED JUNE 25, 1948 (13 FED. REG. 4149, 4232),

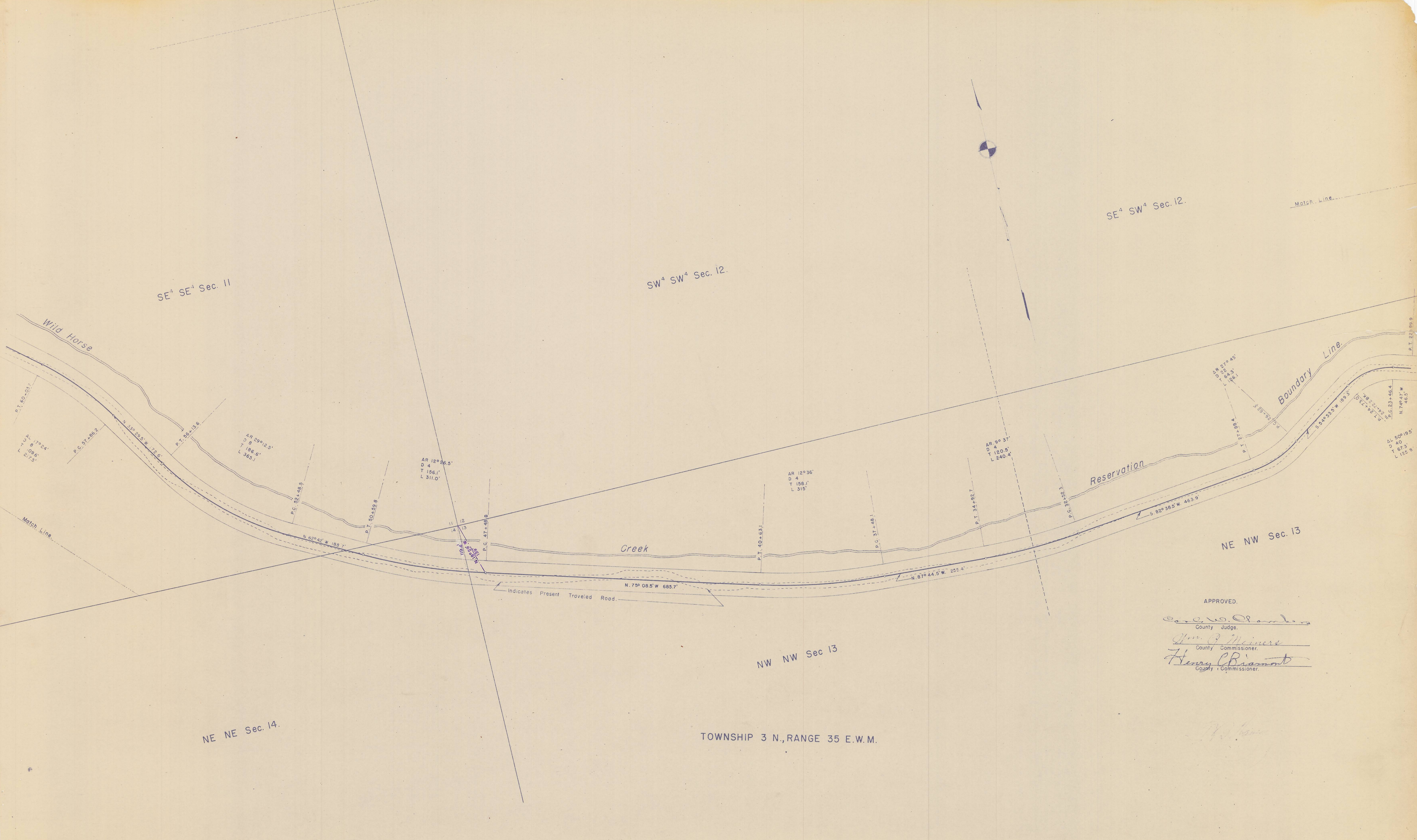
11-30-1947
DATE

Earl Waldandy
SUPERINTENDENT



APPROVED
Carl W. Chambers
 County Judge.
Henry L. Bissant
 County Commissioner.

Scale 1" = 100'
 Sheet 1 of 5



SE¹ SE¹ Sec. 11

SW⁴ SW⁴ Sec. 12.

SE⁴ SW⁴ Sec. 12.

NE NW Sec. 13

NE NE Sec. 14.

NW NW Sec 13

TOWNSHIP 3 N., RANGE 35 E.W.M.



Indicates Present Traveled Road.

APPROVED.

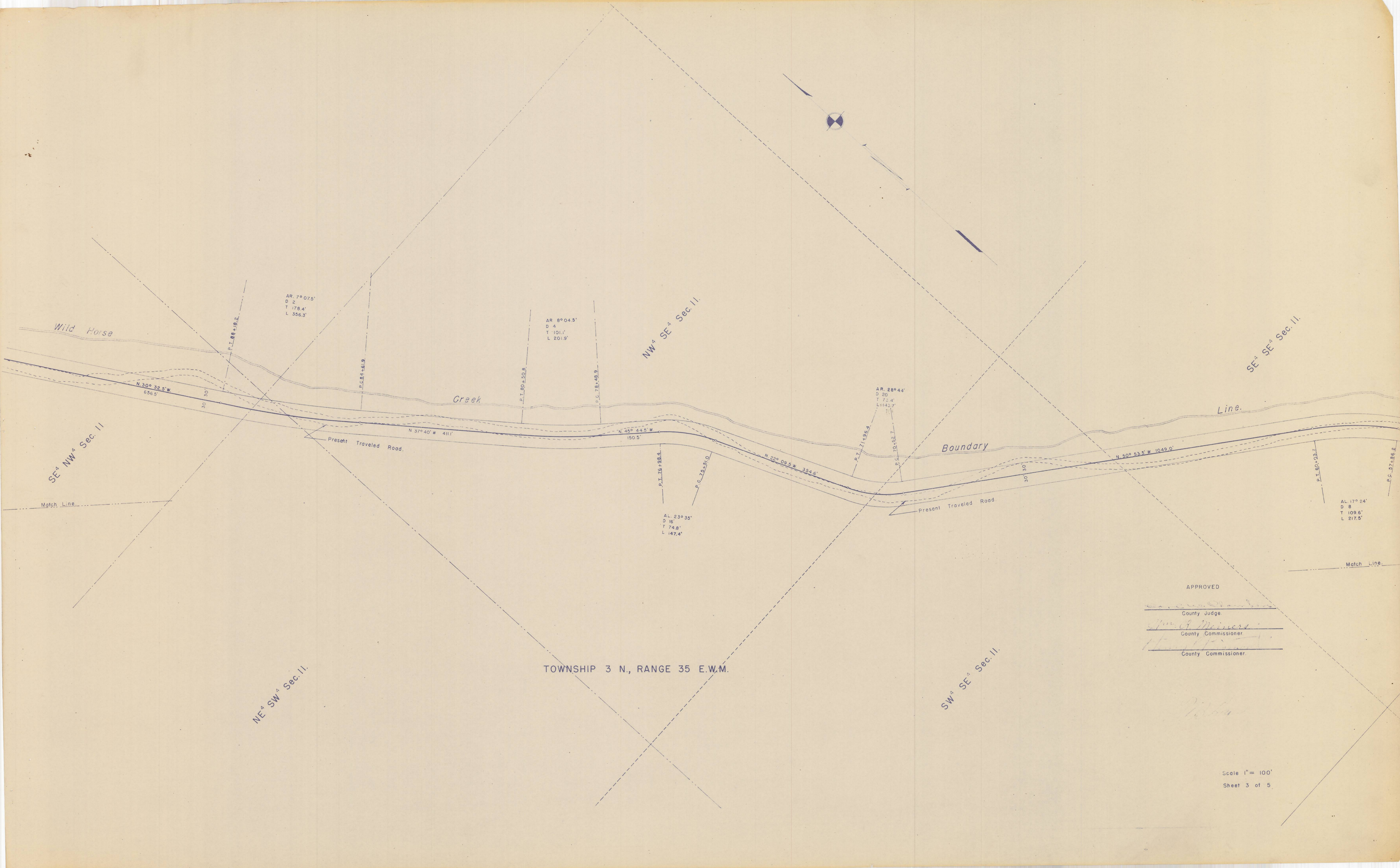
W. W. Dunder
County Judge.

W. J. Meiners
County Commissioner.

Henry C. Brant
County Commissioner.

Scale 1"=100'

Sheet 2 of 5



AR. 7° 07.5'
D 2
T 178.4'
L 356.3'

AR. 8° 04.5'
D 4
T 101.1'
L 201.9'

AR. 28° 44'
D 20
T 72.4'
L 143.7'

AL. 23° 35'
D 16'
T 74.8'
L 147.4'

AL. 17° 24'
D 8
T 109.6'
L 217.5'

TOWNSHIP 3 N., RANGE 35 E.W.M.

APPROVED

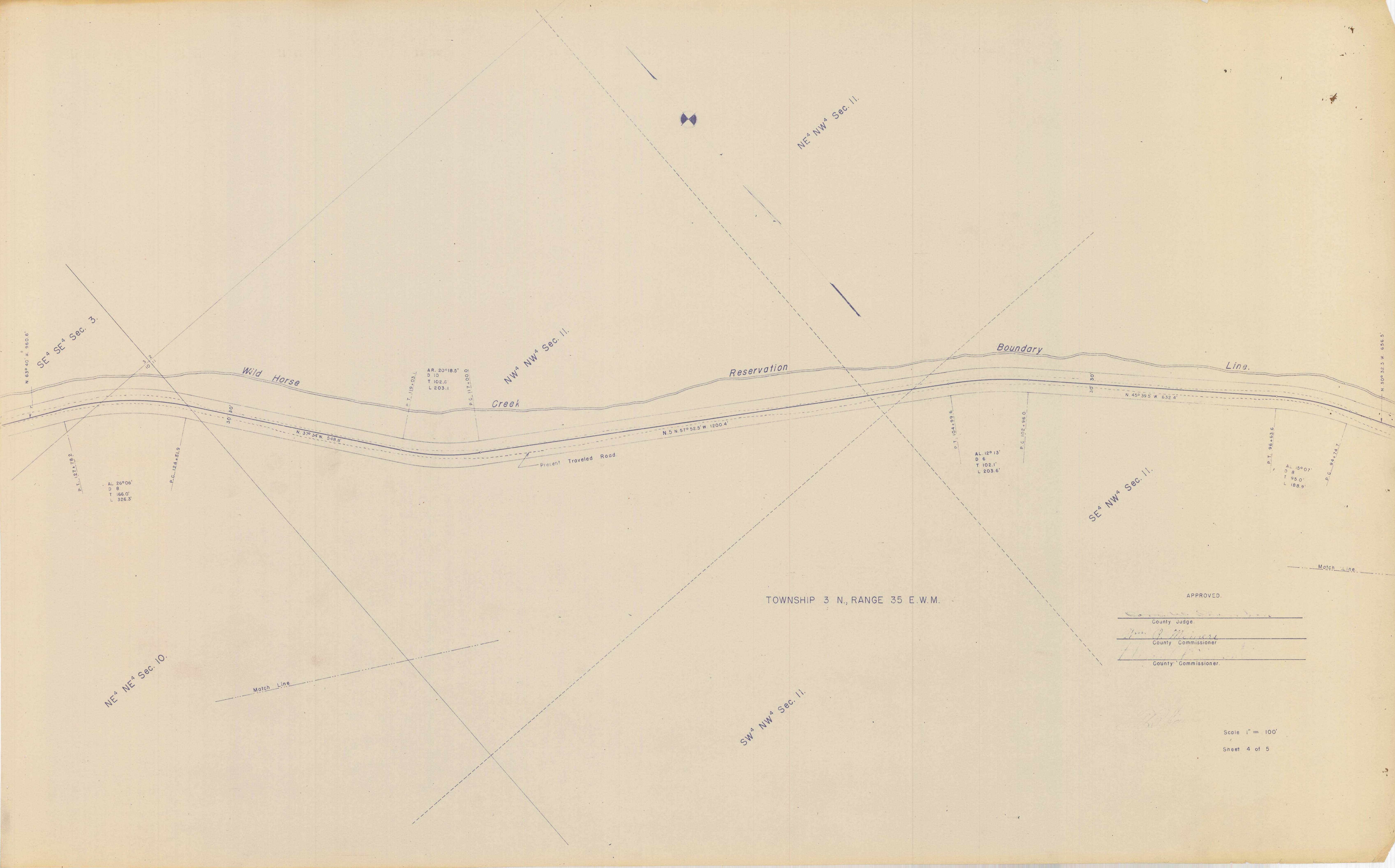
County Judge

County Commissioner

County Commissioner

Scale 1" = 100'

Sheet 3 of 5



N 83° 40' A. 560.6'

SE 1/4 SE 1/4 Sec. 3

Wild Horse

NW 1/4 NW 1/4 Sec. 11.

NE 1/4 NW 1/4 Sec. 11.

Reservation

Boundary

Line.

Creek

Present Traveled Road

AL 26° 06'
D 8
T 166.0'
L 326.3'

P.C. 124+51.9

P.T. 119+03.1
AR 20° 18.5'
D 10
T 102.6
L 203.1

P.C. 117+00.0

N 5 N 57° 52.5' W 1200.4'

P.T. 104+99.6

AL 12° 13'
D 6
T 102.1'
L 203.6'

P.C. 102+96.0

SE 1/4 NW 1/4 Sec. 11.

P.T. 96+63.8

AL 15° 07'
D 8
T 95.0'
L 188.9'

P.C. 94+74.7

N 30° 32.5' W 656.5'

TOWNSHIP 3 N., RANGE 35 E.W.M.

APPROVED.

County Judge.

County Commissioner

County Commissioner.

NE 1/4 NE 1/4 Sec. 10

Match Line

SW 1/4 NW 1/4 Sec. 11.

Match Line

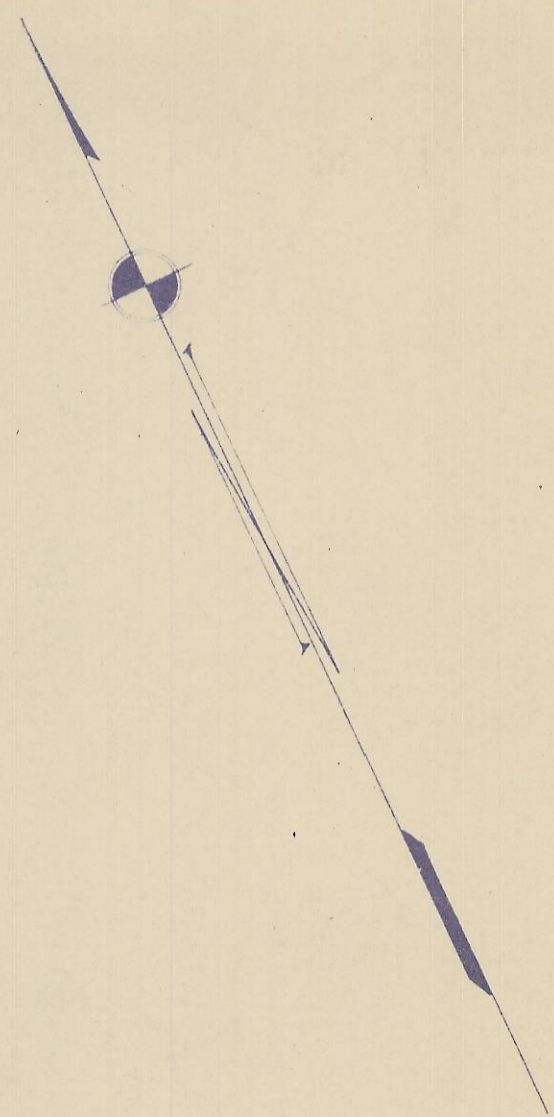
Scale 1" = 100'

Sheet 4 of 5

Box 2

30633

125



SE¹ SE⁴ Sec. 3.

SW⁴ SE⁴ Sec. 3.

BOUNDARY

RESERVATION

CREEK

HORSE

Wild

LINE

N. 63° 40' W. 960.6'

Present Travelled Road.

S. 86° 54' W. 340.5'

AL 29° 45.5'
D 14
T 108.7'
L 212.6'

AL 26° 06'
D 8
T 166.0'
L 326.3'

N. 70° 05.9' W.
D 14
T 134.7'
L 166.7'

AL 39° 58'
D 14
T 121.1'
L 235.5'

AL 77° 03'
D 34
T 134.2'
L 226.6'

TOWNSHIP 3 N., RANGE 35 E.W.M.

NE⁴ NE⁴ Sec. 10.

APPROVED.

County Judge.

Am. P. Meiners
County Commissioner.

County Commissioner.

Match Line

Scale 1" = 100'

Sheet 5 of 5.

Road No. 857

1/4 Corner Between
Sections 3 & 10

Road No. 857

Handwritten notes in the left margin, including "Road No. 857" and other illegible scribbles.