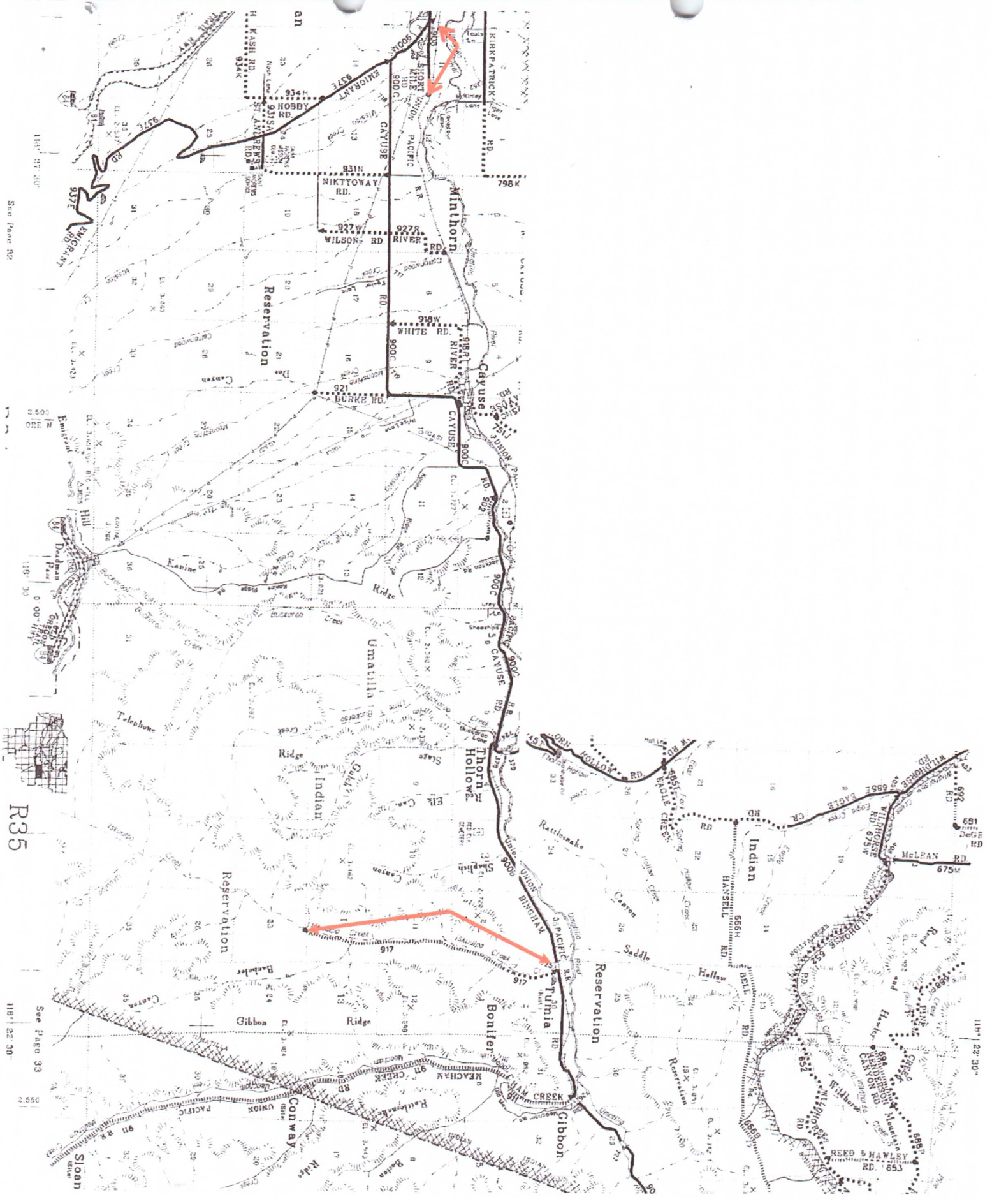


ROAD OFFICIAL'S REPORT ON  
WITHDRAWAL OF COUNTY ROAD  
STATUS FROM COUNTY ROAD NO.  
908, SHORT MILE ROAD, AND  
COUNTY ROAD NO. 917, ISKUULPA  
CREEK ROAD

---

OCTOBER, 2011



See Page 32

R35

See Page 33

Sloan

119° 23' 30"

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### History – Short Mile Road

The majority of Short Mile Road is a portion of Reservation Road No. 1 (also known as Old County Road No. 747). It was established by County Court Order on October 5, 1910. Research of road records shows that proper steps were followed in establishing the road as far as getting approval from the Bureau of Indian Affairs (Department of Interior). Supporting documentation is included in this report.

In 1931 a strip of ground was deeded to the County to connect the east end of the road with what is now Cayuse Road to the south. In 1965 the majority of this deeded right-of-way was vacated and the only portion that remains ends at the south lines of Tax Lots 1800 and 1900 owned by Steve Sohappy and Denise Calhoun, respectively. See ownership map at the back of this report.

In 1987 an agreement was entered into between the Bureau of Indian Affairs and Umatilla County where the road would be placed on the Indian Road System for the Umatilla Indian Reservation, reconstructed to a standard suitable to the County, and then transferred back to the County after reconstruction was completed. Umatilla County accepted jurisdiction of the road after reconstruction in 1990 (see Order RD-1 in this report). The road is currently in fair condition with some transverse cracking of the asphalt. Length of the road is approximately 1 mile. Right-of-way width is 60 feet.

### History – Iskuulpa Creek Road

Iskuulpa Creek Road was established as County Road No. 911 (old number) in 1935 by County Court Order and named Squaw Creek Road (the name was changed in 2004). Again, it appears that proper steps were followed in establishing the road (see supporting documentation in this report).

Currently, the road has a graveled surface and is very narrow. In one area it has been partially washed out to the point where a single vehicle can barely get through. Length of the road is approximately 3.9 miles. Right-of-way width is 40 feet.

### Reason for Proposed Withdrawal

The Confederated Tribes of the Umatilla Indian Reservation has requested that the two roads be transferred to them. The reasons stated are that Short Mile Road serves Tribal housing areas and infrastructure and Iskuulpa Creek Road represents access to an important area of the Reservation and that Tribal interests have become greater than the County's interests in these roads. It was determined that before jurisdiction of these roads could be offered to C.T.U.I.R. they must first be removed from the county road system. ORS 368.026(3) states that if a county governing body withdraws county road status from a portion of a county road, the road shall continue to be a public road.

### Effects of Withdrawal from County Road Status

The effects of withdrawing county road status from these two roads should be minimal. They would still be public roads and the County has done minimal maintenance on them over the years. The majority of land abutting the roads, especially Iskuulpa Creek Road, is owned by the B.I.A., C.T.U.I.R., or Tribal members. C.T.U.I.R. states that if the roads are transferred to them, they are willing to take maintenance responsibility for them. Though this proceeding is only for the withdrawal of county road status from the two roads, it is related to the jurisdiction transfer to the C.T.U.I.R. and the notices sent to the abutting land owners and utility companies so state.

### Recommendation

The Public Works Department recommends that county road status be withdrawn from the roads and jurisdiction be offered to the Confederated Tribes if no objections are received from area landowners or utility companies.

**368.026 Withdrawal of county road status; report; notice; hearing.** (1) A county governing body shall use the following procedure to withdraw county road status from a portion of a county road that is outside a city:

(a) The county governing body may initiate proceedings by having the county road official prepare a report stating reasons for the proposed withdrawal and the effects the proposed withdrawal may have on land abutting the county road proposed to be withdrawn.

(b) The county governing body shall fix a date for a hearing on the withdrawal.

(c) The county governing body shall provide for notice of the hearing on the proposed withdrawal to be served on owners of land abutting the portion of county road proposed to be withdrawn. Notice shall be served in the manner provided under ORS 368.401 to 368.426.

(d) Any interested person shall have access to the report prepared by the county road official under this section from a day not less than 20 days prior to the date of hearing.

(e) At the hearing, the county governing body shall accept the report of the county road official prepared under this section and shall accept testimony from persons favoring or objecting to the proposed withdrawal.

(f) After completion of the procedures under this section, the county governing body may retain the portion of county road as a county road or may by order or resolution declare county road status withdrawn from all or part of the portion of the road under consideration.

(2) The withdrawal of county road status from any county road that is within a city is subject to ORS 373.270.

(3) If a county governing body withdraws county road status from a portion of a county road, the road shall continue to be a public road. [1981 c.153 §6]

**Confederated Tribes  
Umatilla Indian Reservation**

Public Works Department



4641 Mine Way  
Pendleton, OR 97801

www.ctuir.org email: info@ctuir.org  
Phone 541-429-7500 Fax: 541-429-7500

Date: September 28, 2011

To: Gary Roberts  
Surveying Foreman  
Umatilla County

Subject: Jurisdiction change on Short Mile Road, and Iskuulpa Creek Road

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) are interested in a change of jurisdiction on Short Mile Road (County Road 908) and Iskuulpa Creek Road (County Road 917). These two roads in particular are representative of local roads that the Tribes have an increasing interest in. Short Mile Road No. 908 serves Tribal housing areas and infrastructure, and we are currently building another housing area along this road.

Iskuulpa Creek represents access to an important area of the reservation. The Tribes are interested in controlling access to this area, as well as maintaining the road for long term access. There is a small washout on the road right now, and the Tribes are interested in fixing this problem.

We understand that County road maintenance and repair funds are limited just as they are here on the Reservation. Historically these roads have been maintained by Umatilla County but we feel that Tribal interests have become greater than the County's interests in these roads, and we are willing to take on the responsibility for them.

Cordially,

A handwritten signature in blue ink that reads "Terry L Warhol".


Terry L Warhol  
Public Works Director, CTUIR

## PUBLIC NOTICE

Notice is hereby given that the Umatilla County Board of Commissioners has initiated proceedings for the withdrawal of county road status from County Road No. 908, Short Mile Road, located in Sections 10 and 11, Township 2 North, Range 33 E. W. M. and County Road No. 917, Iskuulpa Creek Road, located in Section 36, Township 3 North, Range 35 E. W. M. and Sections 1, 2, 11, 14, and 23, Township 2 North, Range 35 E. W. M., both of which are located on the Umatilla Indian Reservation

The Umatilla County Board of Commissioners, under authority of ORS 368.026 intends to hold a public hearing on the withdrawal of county road status from said roads on November 2, 2011, at 9:30 a.m. in Room 114, Umatilla County Courthouse, Pendleton, Oregon. Any persons wishing to be heard on this subject may attend this hearing in person or submit to the Department of Public Works in writing or by e-mail any appropriate information for consideration by the Board of Commissioners, who subsequently will determine whether county road status shall be withdrawn from the roads and jurisdiction over the roads be offered to the Confederated Tribes of the Umatilla Indian Reservation. Any interested person may obtain a copy of the road official report on the proposed withdrawal by contacting the Public Works Department. Street address of the Public Works Department is 3920 Westgate, Pendleton, Oregon 97801. Phone # is 541/278-5424. E-mail address is [groberts@co.umatilla.or.us](mailto:groberts@co.umatilla.or.us).

Dated this 22nd day of September, 2011, at Pendleton , Oregon.

  
\_\_\_\_\_  
Gary Roberts, Surveying Foreman



In the Matter of the Causing  
Public Roads to be laid out  
and established across the  
Umatilla Indian Reservation.

ORDER.

.....

IT IS ORDERED that the County Judge and County Commissioners of this county in their character as the county court sitting for the transaction of county business, do present a petition to the Honorable Secretary of the Interior of the United States asking him to cause to be laid out and established over and across the Umatilla Indian Reservation in this county five certain public roads in accordance with the survey and plat thereof made by J. W. Kimbrell, County Surveyor, during the last \_\_\_\_\_ months, the field notes and plat of which surveys are this day laid before this Court, said petition to be in the form now presented to the Court and this day signed by the members thereof in their official capacity, and to have the seal of the county affixed thereto by the clerk and to be filed with the Indian Agent in charge of the Indian Reservation aforesaid.

Dated this 5<sup>th</sup> day of May, 1909.

T. P. Gillman  
County Judge.

Harold Walker  
County Commissioner.

H. B. Lee  
County Commissioner.

Hon. R. A. Ballinger, Secretary of the Interior,  
Washington, D. C.

Sir:

T. P. Gilliland, County Judge of Umatilla County, Oregon, and Horace Walker and H. B. Lee, County Commissioners of the said county, composing the County Court of said Umatilla County for the transaction of county business, in their character as such County Court and pursuant to order duly entered in the journal of said county Court, present this petition and application for the establishment of certain public roads and highways over, through and across the Umatilla Indian Reservation in the State of Oregon, and in this connection said County Court shows:

1. That the said county Court of Umatilla County, Oregon, sitting for the transaction of county business, is composed of the said County Judge and said two County Commissioners, and under the laws of the State of Oregon they constitute the local road authorities of said Umatilla County, having the exclusive control and management of all public roads and highways within the said county, and of all matters connected therewith.

2. That said Umatilla Indian reservation is wholly within the boundaries of Umatilla County, Oregon, which Reservation lies between the thickly populated parts of said county on the northwest, west and southwest sides thereof and the grazing and timbered lands in and around the mountainous districts of said county lying on the east of said reservation. The people living in the thickly populated parts of said county above mentioned are engaged in farming and the raising of livestock chiefly, except such as reside in the incorporated towns of Kendallton, Adams, Athena, Weston, Echo and Pilot Rock; all of which towns, except Echo, are in close proximity to the northwestern, western and southwestern boundaries of said reservation, and it is necessary for the said livestock to be driven from

said thickly populated districts, in going and returning from the summer ranges and grazing districts in the mountainous land on the east of said Reservation, over and across said Umatilla Indian Reservation; and a large number of farmers and ranchmen living in said thickly populated portion of said county must continually cross and recross the said Reservation in hauling their supplies of wood for fuel from said mountainous districts. The Indians who cultivate their lands on the said Reservation and the lessees of Indian lands who reside on the leased lands upon said Reservation constantly need and require established public highways in passing and repassing from their homes on said Reservation to market for their produce raised thereon in the towns above mentioned on the northwestern, western and southwestern sides thereof, and to the warehouses on the same sides thereof, where these Indians and lessees must have their grain stored when the same is harvested, and they have constant use for such highways in the hauling of their grain and in the procuring of their supplies from said towns; and the said highways, if established, will be generally used and traveled by and become a great convenience to the citizens of said Umatilla County, including the Indians who reside on said Reservation, and the establishing of such roads and highways is at this time a public necessity for those citizens.

5. A map and plat showing the exact location in connection with the lines of the public surveys of the lands upon said Umatilla Indian Reservation of each one of the five proposed public roads is herewith presented. The width of each one of the said roads is to be sixty feet, which is the usual width of public roads in the state of Oregon, the laws of said state providing that all roads shall be sixty feet wide, unless by special order of the County Court sitting for the transaction of county business a different width is prescribed. The field notes showing the distances and course of each one

of said five proposed roads are also hereto attached and made a part of this application and petition, said field notes being numbered from 1 to 5 inclusive to correspond with the number of the roads applied for. The length of road No. 1 is 19 $\frac{1}{2}$  miles. The length of road No. 2 is 7 $\frac{1}{2}$  miles. The length of road No. 3 is 11 $\frac{1}{2}$  miles. The length of road No. 4 is 4 miles. The length of road No. 5 is 13 $\frac{1}{2}$  miles; all of said lengths being within the Umatilla Indian reservation.

4. The lands traversed by the proposed five roads have all been surveyed, and the proposed roads are made to follow the section lines as far as practicable, and in each instance where the proposed route of the road varies from the section line the departure therefrom in the survey thereof is made because of the nature of the ground there to avoid steep and precipitous hills and cliffs or to prevent the crossing of deep gullies and canyons. In no case has any such departure been made from the section line except where the nature of the ground requires that it should be done.

5. The routes of the five roads above mentioned, as surveyed and shown upon the plat accompanying this petition, are the routes that the Indians residing upon the Umatilla Indian Reservation have usually adopted in traveling across the same for many years last past, but, owing to the fact that these roads have not been established as public roads by any authority, persons in crossing the Reservation have not always held themselves bound to follow these roads as the same are platted on said map; by allowing the roads to be established as public roads no land will be taken away from any of the Indians on said Reservation which has not already by the Indians and others been used for the purposes of a highway; but the establishing of said roads will have the effect of confining travel to the acknowledged highway and prevent trespass outside thereof and upon allotted lands adjacent thereto.

WHEREFORE petitioners, as such County court, pray that the Honorable Secretary of the Interior shall grant permission to the County Court of Umatilla County, Oregon, for the opening, establishing and laying out of five (5) public roads and highways through, over and across the Umatilla Indian Reservation, in the State of Oregon, in accordance with the five surveys and plats of proposed highways and roads hereinabove mentioned, each of such roads to be sixty feet wide.

This application is prepared and presented pursuant to order duly adopted in and by the county court of the State of Oregon for Umatilla County sitting for the transaction of county business on the 5<sup>th</sup> day of May, 1909.

Respectfully submitted,

T. P. Gilliland  
County Judge.

H. B. Lee  
County Commissioner.

Baraa Walker  
County Commissioner.

) OF  
) UMATILLA  
) COUNTY  
) OREGON.

Public Roads.

Apr-1, 1910.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to inclose herewith certain papers in connection with the application of the County Court of Umatilla County, Oregon, for permission to establish public roads across Umatilla Indian lands. The application of the county authorities, accompanied by map and field notes, was forwarded by Special Agent Charles E. McChesney on May 17, 1909, and on May 29, 1909, the Office called upon him for a further report as to damages which would be caused to tribal and allotted lands, and also to say whether the matter had been brought to the attention of the Indians as required by the regulations. The subsequent correspondence shows that the Indians as a tribe would not give their consent to the establishment of the roads as public highways, although it appears that the roads have been in use for many years and that the location as given in the application deviates from the roads actually used in only a very few instances.

On March 15, 1910, the Superintendent transmitted to the Office a communication signed by four of the Indians protesting against the opening of the roads. In this protest the Indians say that they do not object to the whites using the roads nor to their crossing the reservation with cattle and sheep, if they use the Meacham road or the road on the west end of the reservation, provided they do not stop and camp with the stock while crossing the reservation, or if they will make the stops as short as possible. They do object, however, to the opening of the road east of Cayuse to the reservation line, because they fear it will be used chiefly by automobiles.

On March 22, 1910, the Superintendent submitted a very full report regarding the roads, accompanied by a schedule showing the Indian allotments cross and the amount of damages which will be caused by reason of change of location from the roads now in use. On only two allotments are changes made. In one case, Cayuse allottee No. 11, the Superintendent has fixed the damages at \$50.00, and in the other, Walla Walla allottee No. 421, at \$30.00. As no change is to be made in the location of the roads crossing the other allotments, the Superintendent does not believe that any damages should be assessed.

The Superintendent also reports that he and Dr. McChesney interviewed the Indians regarding the turning over of these roads to the county authorities, and that while the four Indians who signed the protest referred to above objected quite strenuously, most of the others expressed no opinion and did not in any way oppose the opening of the highways.

The Office does not believe that this protest should be seriously considered, and does not understand why the Indians should be willing for the whites to use the roads and at the same time object to turning them over to the authorities as public highways, when the Indians themselves, no doubt, use the roads outside the reservation and pay no taxes to help keep them in repair. If the roads are established as public highways, they will be kept in better repair and their location will be definitely fixed, which will have the effect of confining travel to the acknowledged highways and prevent trespassing outside thereof and on the allotted lands adjacent thereto. In the petition of the County Court it is set forth that in no case has a departure been made from the section lines except where the nature of the ground required it.

Regarding the two allotments where changes in the location of the roads are to be made, the Superintendent

reports that Walla Walla allottee No. 461 makes no objection and that Cayuse allottee No. 11 wishes the road to remain as at present. In this connection, however, the Superintendent says that this particular section of the road as now used has been entirely submerged by flood waters of the Umatilla river this spring, making a re-location necessary.

The Superintendent also reports concerning another change which the authorities desire to make in the location just east of the industrial school farm as shown on the blue print map. This change is to be made for the reason that the original location would divide an allotment and necessitate the payment of damages, and for the further reason that the ground at that point is very marshy. The proposed change is indicated on a smaller map submitted by the Superintendent.

The Act of March 3, 1901 (31 Stat. L., 1084) provides--

That the Secretary of the Interior is hereby authorized to grant permission, upon compliance with such requirements as he may deem necessary, to the proper State or local authorities for the opening and establishment of public highways, in accordance with the laws of the State or Territory in which the lands are situated, through any Indian Reservation or through any lands which have been allotted in severalty to any individual Indians under any laws or treaties but which have not been conveyed to the allottees with full power of alienation.

The Office believes that the Department has ample authority under this law to permit the county authorities to assume jurisdiction over these roads, notwithstanding the objections of the Indians.

Inasmuch as the authorities have agreed to pay damages where the proposed roads deviate from the ways which have been traveled for many years; that the Indians have not objected to the general public using the



roads (the only objections being raised to the establishment of the roads as public highways); and that the Superintendent and Special Agent McChesney urge that the roads be turned over to the county authorities. The Office respectfully recommends that the petition of the County Court and the accompanying maps be approved subject to the regulations prescribed by the Department on August 2, 1896, regarding the driving of stock across the reservation lands, so far as the roads applied for are identical with the trails referred to in the regulations.

It is also recommended that the schedule of damages, in duplicate, be approved, and that the Office be authorized to instruct the Superintendent to collect from the authorities the amount representing damages to allotments across which it is proposed to change the location of the roads, and to pay the money to the allottees entitled thereto.

Very respectfully,  
(Signed) R. G. Valentine  
Commissioner.

Apr 2, 1910.

Approved:  
(sgd) Frank Pierce  
First Assistant Secretary

DEPARTMENT OF INTERIOR  
OFFICE OF INDIAN AFFAIRS-  
Public Roads WASHINGTON.  
Apr-6, 1910.

Edward L. Swartzlander,  
Superintendent Umatilla Indian school,  
Pendleton, Oregon.

Sir:

Referring to your letter of March 22, 1910, on April 2 the department approved the application of the County Court of Umatilla County, Oregon, forwarded by special Agent McChesney with his letter of May 17, 1900, for permission to establish public roads across Umatilla Indian lands, and the accompanying map as amended by the map transmitted by you on March 22.

The petition was approved subject to the regulations prescribed by the Department on August 2, 1900, regarding the driving of stock across the reservation lands, so far as the roads applied for are identical with the trails referred to in the regulations; that is, the driving of stock must be confined to the original trails and subject to the same conditions as formerly.

The schedule showing damages to Cayuse allotment No. 11 and Walla Walla allotment No. 461 was also approved.

You are requested to collect from the county authorities the sum of \$70.00 and apportion it to the allottees.

There are inclosed a copy of approved Office Letter of April 1, 1910, and a copy of approved schedule.

Very respectfully,

(signed) John Fromas Jr.  
Acting Chief Land Division.

July 27 1910

Umatilla Roads.

The Honorable

The Secretary of the Interior.

Sir:

On April 2, 1910, the Department approved an application of the Board of County Commissioners of Umatilla County, Oregon, for the establishment of certain public roads across the Umatilla Indian Reservation. The application was approved subject to the regulations prescribed by the Department on August 2, 1906, regarding driving of stock across the reservation lands. Subsequent to the promulgation of this approval, letters were received in the Office from the Hon. William R. Ellis and Hon. Jonathan Bourne, in which it was shown that the County authorities were not willing to accept the roads subject to the restrictions imposed by the Department. These gentlemen were informed by the Office that it did not believe all these restrictions should be removed, but that it was willing to recommend to the Department the removal of the charge for crossing the Indian lands, providing the Indians would give their consent. The matter was taken up with the Superintendent and he was instructed to circulate among the Indians a petition addressed to the Department, requesting the removal of the charge. It was thought best to take this action rather than have him bring the matter before the tribal council, as previous efforts to have the council consent to the establishment of the roads as public highways had been unsuccessful, the influence of three or four of the older and more influential Indians having prevailed.

I have the honor to enclose a letter dated July 14, 1910, from the Superintendent transmitting a petition signed by 303 adult Indians requesting that such part of the regulations prescribed by the Department on August 2, 1906, for the driving of stock across the reservation, which relates

to the payment of a charge for the privilege be revoked, but that the regulation providing for a written agreement between the owner of the stock and the Superintendent before entering the reservation, and the entering into a good and sufficient bond with approved sureties to indemnify the Indians in case of damage done by the stock be continued in force.

It appears that the petition has been signed by a majority of the adult Indians belonging on the reservation. The Superintendent recommends that the charge for the privilege of crossing the reservation with stock be removed, but that the remainder of the regulations be continued in force, and says that if this be done the authorities will accept the roads. The Office respectfully recommends that Department approval of April 2, 1910, be modified so as to revoke the charge for driving stock across the reservation, named in the regulations of August 2, 1906, and that all other parts of such regulations remain in force.

There is also enclosed another communication, dated July 14, 1910, from the Superintendent transmitting a petition signed by 96 adult Indians on the reservation, requesting that the road running east from Cayuse, along the Umatilla River, to the east boundary of the reservation, be not turned over to the County of Umatilla as a public road, for the reason that it is believed that the road will be used principally for automobiles, which the Indians think would be dangerous to them. This road is one of those indicated on the map approved by the Department on April 2, 1910. The Superintendent reports that if the County assumes jurisdiction over the road, it will be improved, and that in all probability the automobile owners will use it the same as they do the other reservation roads; that if repaired the residents of Pendleton will have a more direct route to Wenaha Springs, a summer resort on the

reservation, and the assumption of jurisdiction over the road by the county authorities will make the Agency and the City of Pendleton more accessible to the people living along the river east of the Cayuse, as they now have to travel a roundabout way. He recommends that no action be taken on the petition as the Indians will suffer no loss if the road becomes a public highway.

In-as-much as this road from Cayuse to the eastern boundary of the reservation was included in those approved on April 2, 1910, and as the protest of the Indians does not seem to be well supported, the Office recommends that it be not further considered.

Very respectfully,

(signed) C. F. Madke

Second Assistant Commissioner.

July 20 1910

Approved:

(signed) Frank Pierce

First Assistant Secretary.

DEPARTMENT OF INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

UMATILLA ROADS. AUG-8 1910

Edw. L. SWARTSLANDER, Esq.,  
Superintendent Umatilla Indian School,  
Pendleton, Oregon.

Sir:

Referring to your two communications dated July 14, 1910, regarding the public roads across the Umatilla Reservation, the Department on July 29, 1910, modified its approval of April 2, 1910, so as to revoke the charge for driving stock across the reservation as provided in the Regulations of August 2, 1906, but all other parts of such regulations are to remain in force. At the same time the Department approved the recommendation of the Office that the protest of the Indians against the opening of the road running east from Cayuse be not considered.

There is enclosed for your information a copy of approved Office letter of July 27, 1910. You are requested to notify the county authorities accordingly.

Very respectfully,

(Sgd) C. F. Hauke

Second Assistant Commissioner

IN THE COUNTY COURT OF THE STATE OF OREGON,  
FOR UMATILLA COUNTY.

IN THE MATTER OF CAUSING FIVE (5)  
PUBLIC ROADS TO BE LAID OUT AND  
ESTABLISHED ACROSS THE UMATILLA INDIAN  
RESERVATION IN UMATILLA COUNTY, OREGON.

WHEREAS, pursuant to order of this Court made on  
May 5, 1900, said Court, consisting of the Judge and County  
Commissioners of Umatilla County, Oregon, presented to the  
Hon. R. A. Ballinger, Secretary of the Interior, their  
petition in writing praying for permission to open, estab-  
lish, and lay out five (5) public roads and highways through  
and across the Umatilla Indian Reservation in said County  
in accordance with five (5) surveys and plats of proposed  
roads in that petition mentioned, which surveys and plats  
were on the 5<sup>th</sup> day of May 1900, duly filed  
with the County Clerk of said Umatilla County and were on  
said May 5th, 1900, before this Court; and,

WHEREAS said petition, plats, and surveys have  
been on the 2nd day of April 1910, and 20th day of July  
1910 approved and allowed by the Hon. Secretary of Interior  
by approving the recommendations that they should be so ap-  
proved and allowed made to him by the Hon. Commissioner of  
Indian Affairs (as shown by letters dated the 1st day of  
April 1910 and the 27th day of July, 1910, addressed to the  
Hon. Secretary of Interior, signed by R. G. Valentine,  
Commissioner, and C. F. Hawke, Second Assistant Commissioner  
of Indian Affairs, respectively, with the approval of the  
said Secretary of Interior endorsed thereon) subject to the  
condition that the owner or agent of such owner of any cattle,

horses, or sheep to be driven across said reservation along any of said five (5) roads shall, before entering the boundaries of the reservation with such stock, enter into a written agreement with the Superintendent of the Umatilla Indian School to make the drive across said reservation in a reasonable time, to be named therein, and shall also enter into a good and sufficient bond with approved sureties to indemnify the individual Indian, allottee, lessee for damage done or suffered to be done by the stock to his crops, fences, buildings, range stock or damage of any and every kind to individual or tribal property, such damage to be estimated in accordance with the "rules and regulations for driving stock (cattle, horses and sheep) across the Umatilla Reservation Oregon", which was approved July 31, 1906, by C. F. Larrabee, Acting Commissioner of Indian Affairs, and further approved on August 2nd, 1906, by Hon. Thomas Ryan, Acting Secretary of the Interior; and also subject to all of the conditions and provisions of said "rules and regulations" last mentioned, excepting that no fee or charge shall be paid by or exacted from any person driving such livestock across the reservation as is provided in Section 2 and 3 of said rules and regulations, but all the other conditions and provisions of said "rules and regulations" shall still remain in force and effect so far as the same affects said five (5) public roads and the driving of livestock along the same; and,

WHEREAS, this County Court is willing to accept the conditions and restrictions imposed as a condition for opening said five (5) roads across the Umatilla Indian Reservation as hereinabove mentioned and to adopt and maintain them subject to those conditions;

NOW THEREFORE IT IS CONSIDERED, ORDERED, ADJUDGED AND DECREED that each and all of the five (5) proposed roads



across the Umatilla Indian Reservation in Umatilla County, Oregon, as shown in the plats and surveys hereinabove mentioned now on file and of record in the office of the Clerk of Umatilla County, Oregon, subject to the above mentioned restrictions and conditions imposed by the Hon. Secretary of Interior of the United States effecting and relating to the same, are hereby accepted and adopted in all respects, and decreed and declared to be from this time forth public county roads of Umatilla County, Oregon, and under the jurisdiction, management and control of this County Court as such.

Done and dated in open Court this 5 day of

October 1910.

T. P. Gilliland  
County Judge.

H. B. Lee

Harriet Walker  
County Commissioners.

FIELD NOTES OF ROAD NO 1.

line

The center of said road is described as follows:

Commencing at a point 10.00 North of the S.W. corner of the  
N.E.  $\frac{1}{4}$  of Sec. 7, Tp. 2 N.R. 33 E.W.M.

thence S. 67° E	2.23 chs.	A 1
" N 83° 45' E	8.80 chs.	2
" S 71° E	7.00 "	3
" N 75° 30' E	10.70 "	4
" S 66° E	2.80 "	5
" N 78° E	26.70 "	6
" S 86° E	5.85 "	7
" S 68° E	13.17 "	8
" South	7.35 "	9
" East 93.25 <sup>ch</sup>	through center Secs. 8 & 9	10
" N 81° E	2.80 chs.	11
" S 81° E	2.80 "	12
" East 146.05	through center of Secs. 9, 10 & 11	13
" S 54° E	8.47 chs.	14
" S 84° 30' E	5.25 "	15
Thence south 17.53 chs.	on sec. line between Secs. 11 & 12, 13 & 14, 23 & 24, 25 & 26	16
Thence S 39° 35' E	13.40 chs.	17
" S 42° 30' E	10.05 "	18
" S 30° 15' E	9.50 "	19
" S 33° 40' E	14.80 "	20
" S 36° E	6.20 "	21
" S 50° E	5.05 "	22
" S 34° 30' E	7.60 "	23
" S 22° E	7.20 "	24
" S 23° E	22.15 "	25
" S 20° E	5.72 "	26
" S 12° E	13.65 "	27
" S 36° E	7.00 "	28
" S 68° E	7.00	(26. 25 chs. North of course to Tps 1 & 2 N.Rs. 33 & 34 S.W.M.)
		29

In the Matter of Oregon Road

Known as the MISSION-CAYUSE-THORN HOLLOW MARKET ROAD

Know all Men by These Presents, That FRED R. YOUNG and MAE YOUNG, husband and wife,

of the County of Umatilla

in the State of Oregon, in consideration of the benefits and other valuable considerations, and the sum of

FIVE HUNDRED Dollar

paid them, the receipt whereof is hereby acknowledged,

we granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the County of Umatilla, State of Oregon, the following described parcel of land, situate in Umatilla County, in the State of Oregon, to-wit:

A strip of land 60 feet wide, being 30 feet on each side of the center line of the survey of said road as now surveyed over and across the Northeast quarter of the Southeast quarter of Section 11, Township 2 North, of Range 33 EWM, beginning at station 58 plus 65 0 of the survey and proceeding around a 20 degree curve to the right a distance of 106.6 feet, thence along a tangent in a Southerly direction a distance of 442.7 feet, thence around a 6 degree curve to the right a distance of 232.7 feet, thence along a tangent in a Southerly direction a distance of 378.9 feet, thence around a 2 degree curve to the left a distance of 96.1 feet to Station 71 plus 22 0 of said survey, which point is upon the South line of the Northeast quarter of the Southeast quarter of Section 11, Township 2 North, of Range 33, EWM.

To Have and to hold the same, unto the County of Umatilla, State of Oregon, for the purpose of a public road forever.

In Witness Whereof, we do hereby set our hand and seal this 10th day of March, 1931

Signed, sealed and delivered in presence of:

FRED R. YOUNG

MAE YOUNG

(Seal) (Seal) (Seal)

STATE OF OREGON, County of Umatilla

R. T. Brown, County Clerk of Umatilla County, Ore.

do hereby certify that on this 10th day of March, A. D. 1931, personally appeared Fred R. Young and Mae Young, husband and wife,

to me known to be the individual described in and who executed the within instrument, and acknowledged that they executed the same as their free and voluntary act and deed, for the purposes therein mentioned.

Given under my hand and official seal this 10th day of March, A. D. 1931

COUNTY COURT UMATILLA COUNTY STATE OF OREGON THE UNION

R. T. BROWN, County Clerk of Umatilla County, Ore.

O. C. Abraham Recorder of Conveyances

Filed for record March 10th, 1931 at 4:58 P.M.

By Deputy

IN THE COUNTY COURT OF THE STATE OF OREGON

FOR UMATILLA COUNTY

In the Matter of Vacating County Road

No. 747, that portion over and across or adjacent to Sections 11 and 12, T2N., R 33 E., as described and recorded in Book 120 Pg. 274, of Umatilla County Records of Deeds in that part: beginning at station 58+65 thence on 20° curve right 106.6 ft; thence southerly 442.7 ft; thence on 6° curve right 252.7 ft; thence southerly 379.9 ft; thence on 2° curve left 210.0 ft; thence southerly 1063.7 ft; thence on 30° curve left 279.7 ft to the center line of (County Road No. 748) Engineers center line Station 85+80.3, 0.51 of mile

ORDER VACATING COUNTY ROAD

No. 747

NOW ON THIS DAY THIS MATTER coming on now to be heard, this being the time and place set by the Court for hearing upon this matter; and it appearing to the Court that due and lawful advertisement of the Final Hearing has been given by posting of three true copies of the Notice of Hearing on file herein at three public places in the vicinity of said road and at one public place of said County where public notices are usually posted and as shown by the Affidavit of Posting Notices on file herein; that each of said Notices remained so posted for more than 30 days thereafter; and it appearing that due proof of the posting of said Notices is now before the Court and it appearing that no objections have been made or filed to such proposed vacation, and it further appearing that said portion of said road so proposed to be vacated is not useful as a part of the general road system of Umatilla County, Oregon, and that the public will be benefited by the vacation thereof, and it further appearing that said road is not now used.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the following described portion of said road be vacated.

That portion over and across or adjacent to Sections 11 and 12, T2N., R 33 E.M.M. as described and recorded in Book 120 Pg.274, of Umatilla County Records of Deeds in that part; beginning at Station 58+65 thence on 20° curve right 106.6 ft; thence southerly 442.7 ft; thence on 6° curve right 252.7 ft; thence southerly 379.9 ft; thence on 2° curve left 210.0 ft; thence southerly 1063.7 ft; thence on 30° curve left 279.7 ft to the center line of (County Road No. 748) Engineers center line Station 85+80.3, 0.51 of mile.

For the reason that said portion of said road is useless and burdensome, is of no value either to individuals or to the general public; that the same is

useless as a part of the general road system of Umatilla County, Oregon,  
and that the public will be benefited by the vacation of the same.

DATED this 10 day of March, 1965

THE COUNTY COURT OF THE STATE OF  
OREGON FOR UMATILLA COUNTY

*A. V. D. Cook*  
County Judge

*Carl B. Platter*  
County Commissioner

*Walter A. Hest*  
County Commissioner

UMATILLA COUNTY-BUREAU OF INDIAN AFFAIRS AGREEMENT  
COUNTY ROAD #900-(CAYUSE-MISSION ROAD)  
COUNTY ROAD #908-(SHORTMILE ROAD)  
PROJECT UIR 7(1)  
UMATILLA INDIAN RESERVATION,  
OREGON

This Agreement made this 24 day of February, 1987 by and between Umatilla County, State of Oregon, hereinafter referred to as COUNTY and the Umatilla Indian Reservation, Umatilla Indian Agency under the United States Department of Interior, Bureau of Indian Affairs, Portland Area, hereinafter referred to as the BUREAU:

This agreement (pursuant to ORS 190.110), is made in light of the following facts and circumstances:

1. County Road #900 (Cayuse-Mission Road)  
A COUNTY-owned right-of-way, being 30 ft. on each side of the centerline description described as starting at Engineer Sta. 0+00 which bears N 89° 46' 18" W, 1155.09 ft. from the  $\frac{1}{4}$  corner common to sections 10 & 11, T2N, R33E, W.M. thence N 89° 46' 57" E, 300 ft. to Engineer P.C. Sta. 3+00, thence along the arc of a 1206.10 ft. radius curve right, 773.17 ft., thence S 53° 29' 17" E, 926.83 to Engineer Sta. 20+00.
2. County Road #908 (Shortmile Road)  
A COUNTY-owned right-of-way being variable distances on each side of the centerline description which is described with meets and bounds on plat #1 from Engineer Sta. 0+90.58 to the  $\frac{1}{4}$  corner common to sections 10 & 11, T2N, R33E, W.M., Engineer Sta. 4+00.67. The right-of-way being 30 ft on each side of said centerline from said Engineer Sta. 4+00.67, Thence N 89° 59' 10" E, 2616.10 ft. to Engineer P.C. Sta. 30+16.77, thence along the arc of a 5729.58 ft. radius curve left, 42.64 ft., Thence N 89° 33' 35" E., 140.59 ft. to Engineer Sta. 32+00, also being the end of U.I.R. Project 7(1).
3. The Bureau agrees to place this portion of access road, approximately 0.985 mile long on the Indian Road System for the Umatilla Indian Reservation.
4. The Bureau agrees to improve the routes to a minimum acceptable variable width from 28 ft. to 48 ft. on County Road #900 and 32 ft. on County Road #908 with a finish surface with 6-inches of crushed aggregate base and 2-inches of hot bituminous pavement, under proposed project No. U.I.R. 7(1).
5. Construction is proposed during the 1987 construction season.
6. The COUNTY agrees to grant permission to the BUREAU to enter upon said land for road improvement purposes.

7. Upon completion of construction, the BUREAU will transfer the public road, 60 ft. R/W, back to COUNTY road status by way of an order(pursuant to ORS 368.016).
8. The COUNTY agrees to accept the return of these routes to COUNTY jurisdiction upon completion of BUREAU improvement for continued maintenance.

NOW, THEREFORE, BE IT RESOLVED, that the COUNTY and the BUREAU do hereby enter into this agreement.

UMATILLA COUNTY, OREGON

BUREAU OF INDIAN AFFAIRS

Glenn Young  
Chairman,  
Board of County Commissioner

William A. Carlson  
Superintendent,  
Umatilla Agency

John James Hughes  
Commissioner

\_\_\_\_\_  
Area Road Engineer

William S. Hassell  
Commissioner

\_\_\_\_\_  
Acting Area Director

J. Deane Langford  
Clerk

*1000*

1990 APR 18 P 2:41

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR UMATILLA COUNTY

IN THE MATTER OF ACCEPTING )  
JURISDICTION OVER PORTIONS OF ) ORDER # RD.-1  
COUNTY ROAD #900 AND COUNTY )  
ROAD #908 )

WHEREAS, on or about 2-24-87, Umatilla County entered into an agreement pursuant to ORS chapter 190 with the U.S. Department of Interior, Bureau of Indian Affairs (hereinafter "Bureau"); and

WHEREAS, under said agreement, the County agreed to accept jurisdiction over and maintenance of Road #900 (Cayuse-Mission Road) and County road #908 (Shortmile Road) on the condition that and at such time as those portions of roadway were improved to county road standards; and

WHEREAS, the improvement of said roadways has been completed as agreed; and

WHEREAS, the Bureau has notified the county of its desire to transfer jurisdiction over said roadways to the County; and

WHEREAS, the improvement of said roadways have been reviewed by the County Road official and are determined to be acceptable;

NOW, THEREFORE, IT IS ORDERED that the specific portions of County Roads #900 and #908 as described in the 2-24-87 contract with the Bureau of Indian Affairs for Project UIR 7(1), are hereby accepted for County road status and maintenance.

DATED this 18<sup>th</sup> day of April, 1990.

UMATILLA COUNTY BOARD OF COMMISSIONERS

ATTEST:

Joyce Gerdes  
JOYCE GERDES  
COUNTY CLERK




William S. Hansell  
WILLIAM S. HANSELL, CHAIR

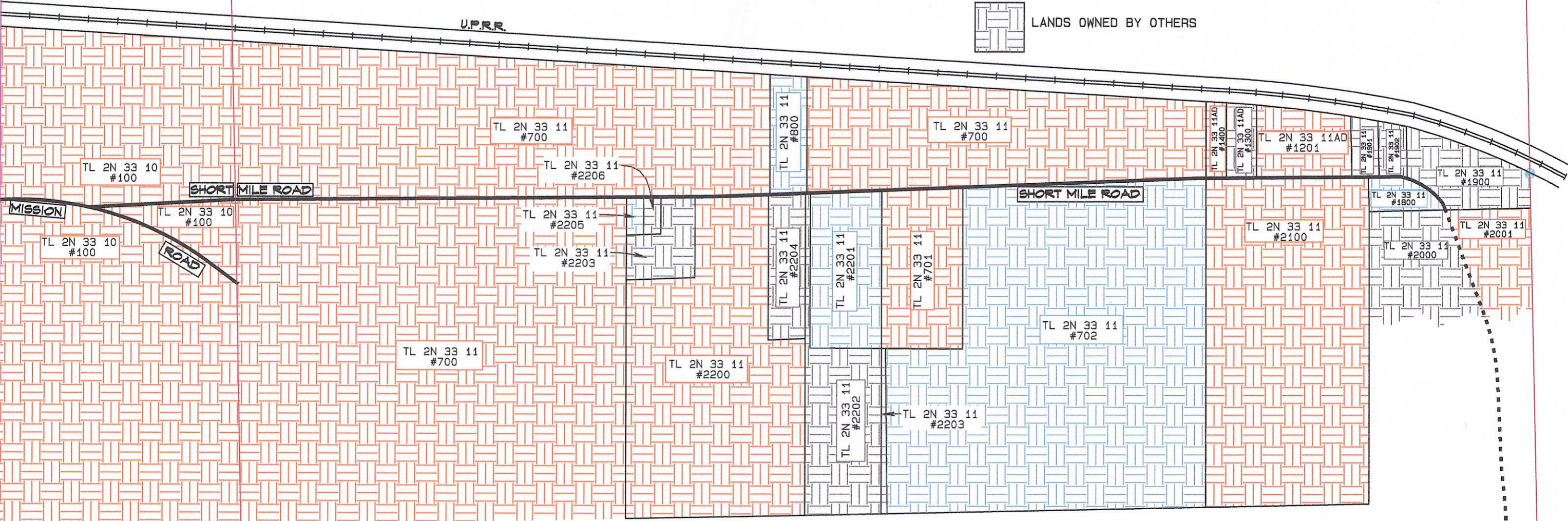
Glenn Youngman  
GLENN YOUNGMAN

Jeanne Hughes  
JEANNE HUGHES



# SHORT MILE ROAD PROPERTY OWNERSHIP MAP

-  LANDS OWNED BY BUREAU OF INDIAN AFFAIRS OR CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
-  LANDS OWNED BY TRIBAL MEMBERS
-  LANDS OWNED BY OTHERS



## SHORT MILE ROAD PROPERTY OWNERSHIPS

### BUREAU OF INDIAN AFFAIRS:

- TL 2N 33 10 #100
- TL 2N 33 11 #700
- TL 2N 33 11 #2100
- TL 2N 33 11 #701
- TL 2N 33 11AD #1400

### C. T. U. I. R.:

- TL 2N 33 11 #2001
- TL 2N 33 11AD #1201

### UMATILLA RESERVATION HOUSING AUTHORITY:

- TL 2N 33 11 #2200

### MISSION ASSEMBLY OF GOD:

- TL 2N 33 11 #2204

### GREG PENNEY:

- TL 2N 33 11 #800

### STEVE SOHAPPY:

- TL 2N 33 11 #1800

### BEVERLY WINN:

- TL 2N 33 11 #702

### CLIFFORD PICARD:

- TL 2N 33 11 #2201

### TEARA FARROW:

- TL 2N 33 11 2205

### DENISE CALHOUN:

- TL 2N 33 11 #1901
- TL 2N 33 11 #1902
- TL 2N 33 11 #1900

### GORDON & MIRIAM MUNCK:

- TL 2N 33 11 #2000

### GARY HILDEBRAND & CYNTHIA PROTHEROE:

- TL 2N 33 11 #2202
- TL 2N 33 11 #2203

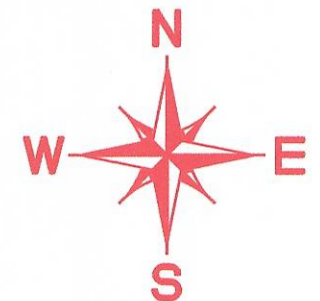
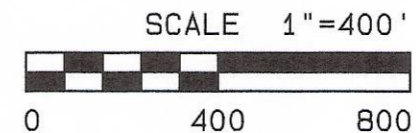
NOTE: DOTTED LINE REPRESENTS ROAD THAT WAS VACATED IN 1965

### JOHN BRYANT:

- TL 2N 33 11 #2203
- TL 2N 33 11 #2206

### CHARLES & DANA BUMGARNER:

- TL 2N 33 11AD #1300



L-3  
3115-35  
T B B

The Honorable

The Secretary of the Interior.

MAY -1 1935.

My dear Mr. Secretary;

There are transmitted herewith the papers relative to the application of the Umatilla County Court, for public highway right of way across various restricted allotments on the Umatilla Reservation.

The application states that the right of way will be 40 feet wide and extend through the reservation for a distance of 4 miles; and that it will eliminate a creek crossing and raise and straighten the route.

The Superintendent reports that the Indians will be greatly benefited by the road; that the advantages of same will offset any damages; and that the Indian owners have given their consent thereto without damages, as shown by signed statements in the file.

Under the circumstances, it is recommended that the application be approved without damages, subject to the provisions of the act of March 3, 1901 (31 Stat. L., 1034), and departmental regulations thereunder; and subject also to any prior, valid, existing right or adverse claim.

Sincerely yours,

*JOHN COLLIER*

Commissioner.

2-43-35

MAY 14 1935

Approved:

(Sgd.) OSCAR L. CHAPMAN

Assistant Secretary.

IN THE COUNTY COURT OF THE STATE OF OREGON FOR UMATILLA COUNTY

In the matter of the right of way for a road 30 feet wide beginning at a point 57 degrees and 28 minutes west etc. : : : : O R D E R

40'

Now on this day the matter of the right of way for a road 30 feet wide beginning at a point 57 degrees, and 28 minutes west 801 feet of the N. E. Corner of the S. W. quarter of the N. W. of Section 36 Twp 3 N. R. 35. thence running in a southerly direction up Squaw Creek in Umatilla County to a point which is 75 degrees and 20 minutes east a distance of 288 feet from the S. W. Quarter of the S. E. Quarter of Section 14 Twp. 2 N. R. 35, has come up for hearing.

An agreement has been received from the Secretary of the Interior of the United States granting this right of way to Umatilla County for a County Road, and filed with the Road proceedings.

IT IS THEREFORE ORDERED that the right of way be declared a County Road and given the number of 911.

Dated this 13th day of July, 1935.

Chris S. Cheek County Judge

J. O. Hule County Commissioner

Wm. B. Meiness County Commissioner

UMATILLA INDAIN AGENCY ROAD DEPARTMENT  
SQUAW CR. SURVEY

TWN 283 N. RG. 35 EAST WILLAMETTE M.

SCALE 1"=400'

DECEMBER 1933

0100 - 2041873

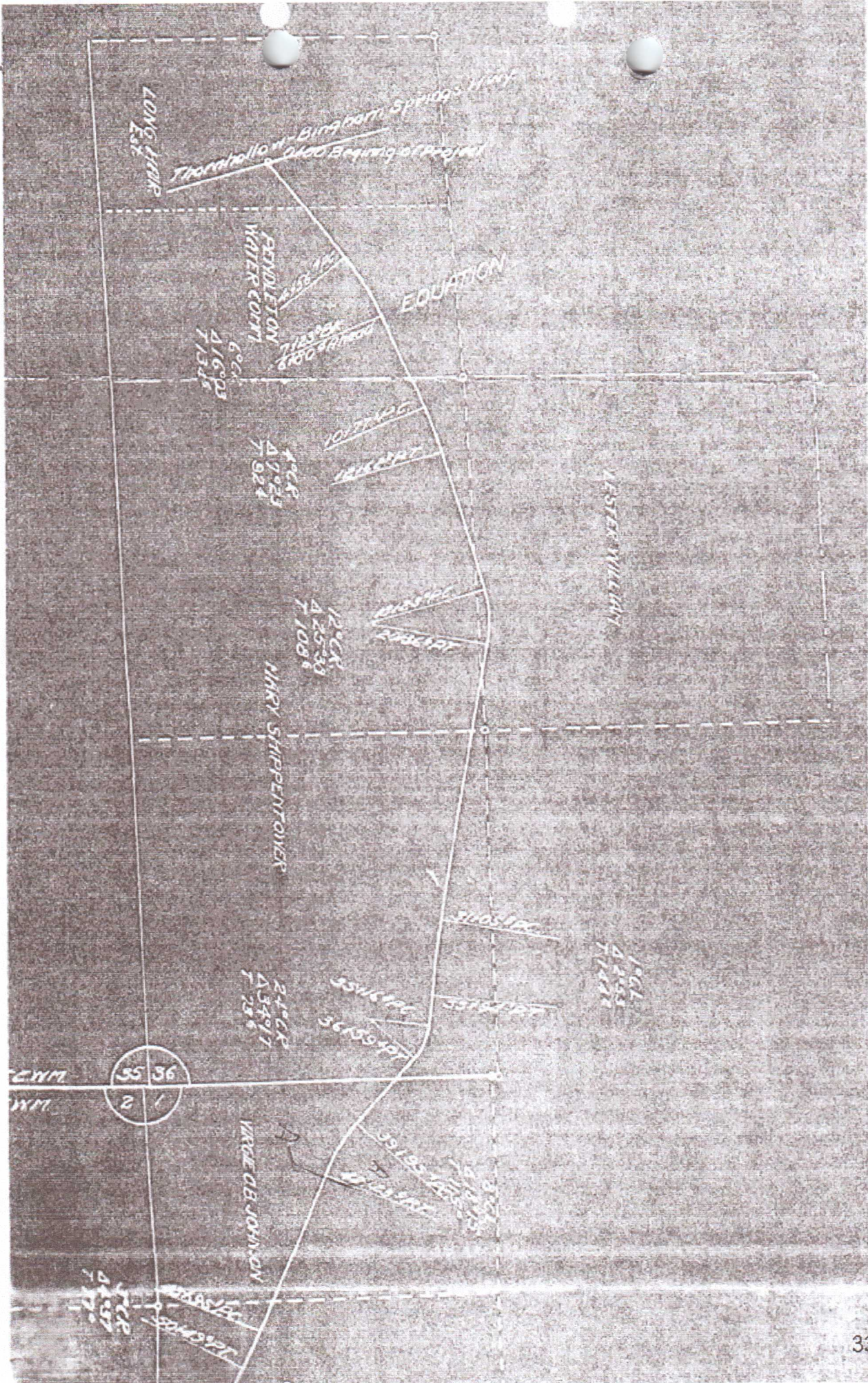
TOTAL LENGTH 3.89 MILES

RIGHT OF WAY 40 FT

APPROVED

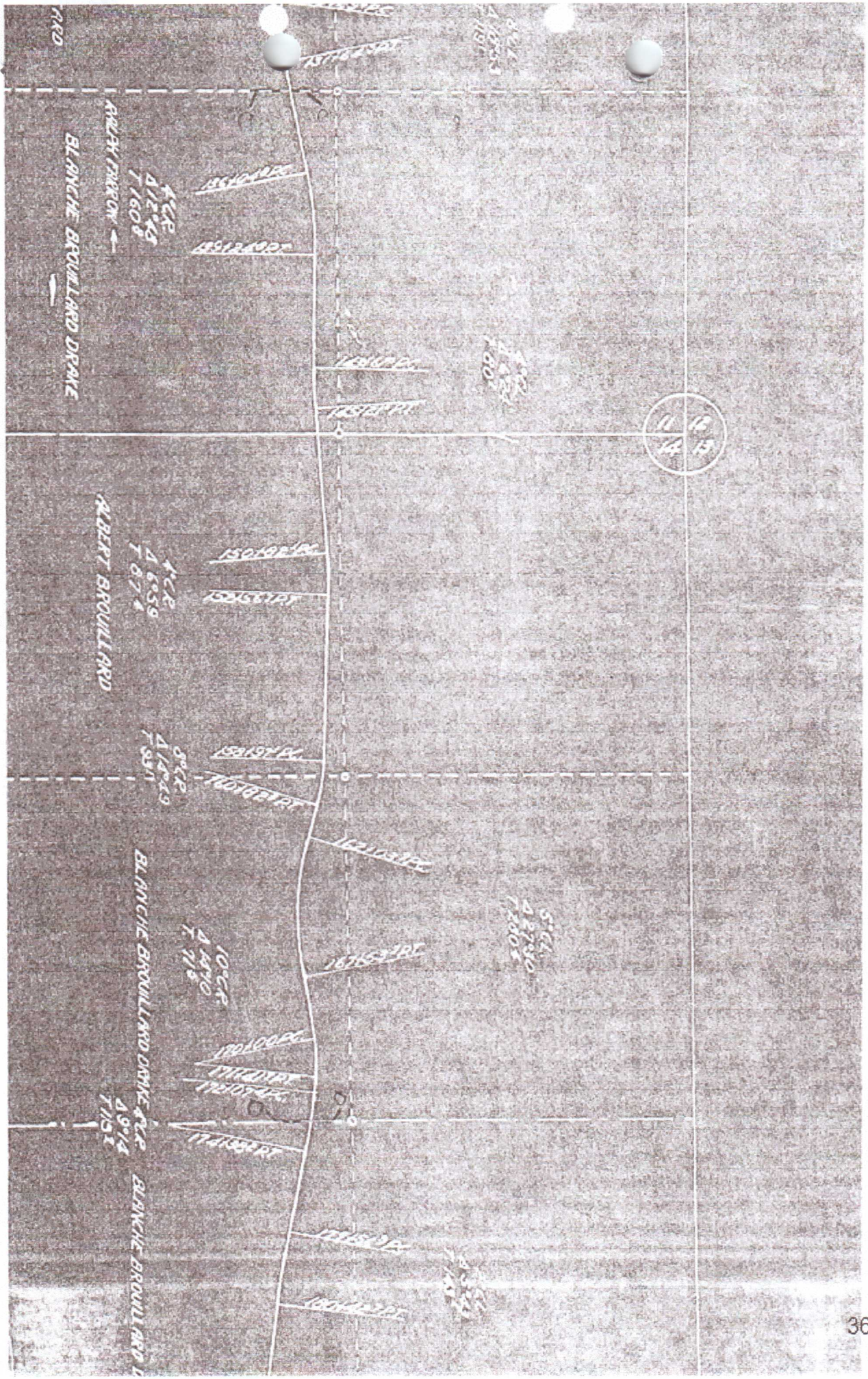
*O. B. ...*  
SUPERINTENDENT

*William F. ...*  
DISTRICT ENGINEER













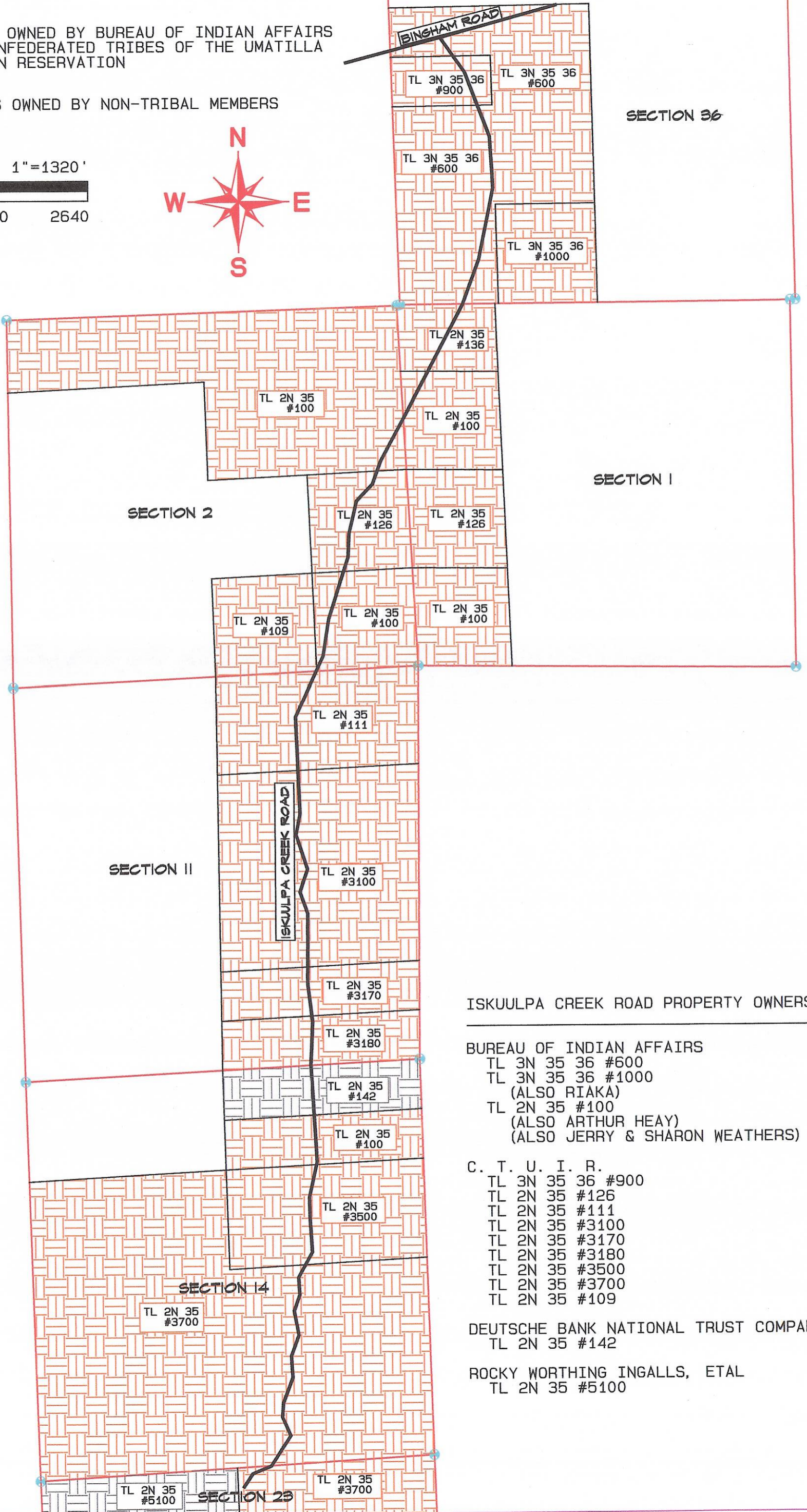


# ISKUULPA CREEK ROAD OWNERSHIP MAP

 LANDS OWNED BY BUREAU OF INDIAN AFFAIRS OR CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

 LANDS OWNED BY NON-TRIBAL MEMBERS

SCALE 1"=1320'  
  
 0 1320 2640



## ISKUULPA CREEK ROAD PROPERTY OWNERS

BUREAU OF INDIAN AFFAIRS  
 TL 3N 35 36 #600  
 TL 3N 35 36 #1000  
 (ALSO RIAKA)  
 TL 2N 35 #100  
 (ALSO ARTHUR HEAY)  
 (ALSO JERRY & SHARON WEATHERS)

C. T. U. I. R.  
 TL 3N 35 36 #900  
 TL 2N 35 #126  
 TL 2N 35 #111  
 TL 2N 35 #3100  
 TL 2N 35 #3170  
 TL 2N 35 #3180  
 TL 2N 35 #3500  
 TL 2N 35 #3700  
 TL 2N 35 #109

DEUTSCHE BANK NATIONAL TRUST COMPANY  
 TL 2N 35 #142

ROCKY WORTHING INGALLS, ETAL  
 TL 2N 35 #5100