

MISCELLANEOUS RECORD No. 28.

13637—KLOPP & BARTLETT CO.—PRINTING, LITHOGRAPHING, STATIONERY, ETC.

1. In the Matter of the Right of Way
of Elkhorn Valley Drainage
District.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the matter of right-of way of
Elkhorn Valley Drainage District.) P E T I T I O N .

Comes now Elkhorn Valley Drainage District and for cause
of action herein states:

1. Said petitioner is a corporation organized and doing business under the provisions of Chapter 153, Laws of Nebraska, enacted in the year 1907, and other laws amendatory thereof and supplemental thereto, and is authorized under and by virtue of said laws and its said organization, to locate, construct, excavate and maintain a system of drainage of lands within said district, and to take, hold and appropriate real estate by the right of eminent domain, for the purposes of said drainage district and for the purpose of locating, constructing, excavating and maintaining such system or systems of drainage.

2. Said Elkhorn Valley Drainage District embraces territory in Douglas and Sarpy counties, Nebraska, and is bounded on the north by the north line of Douglas county, on the west by the Platte River, and on the east and south by the heavy shaded line shown on the blue print plate filed in connection herewith marked exhibits A. B. C. D. E and F, and made a part thereof.

3. Said petitioner has had surveys made of the lands within said district, and has now located and contracted for the excavation and construction of a drainage system as follows:

Elkhorn River cutoffs A to Z inclusive, twenty-six in number as shown on said blue print plate filed in connection herewith and marked exhibits A B, C, D, E, and F.

Main Ditch No. 1 commencing at the northwest corner of section one, township sixteen, range nine, thence running south easterly through said section and southeasterly through sections six, seven and into eight, in township sixteen, range ten.

A ditch commencing at or near the northwest corner of northeast quarter of northwest quarter of section nine, township sixteen, range nine, thence running easterly along or near the section line to a point at or near the northeast corner of section eleven, thence south along or near the section line nearly seven-eighths of a mile, thence continuing southeasterly as Main Ditch No. 2 through sections twelve and thirteen, all in said township and range, thence southeasterly through sections eighteen, seventeen, twenty, twenty-nine and twenty-eight in township sixteen, range ten.

A ditch commencing at or near the northwest corner of section fifteen, township sixteen, range nine, thence running easterly on or near the section line to a connection with Main Ditch No. 2 above mentioned.

A ditch commencing at or near the northwest corner of section twenty-four, township sixteen, range nine, thence running easterly on or near the section line to the connection with Main Ditch No. 2 above mentioned.

A Ditch commencing on or near the north line of section twenty-five, township sixteen, range nine, and running easterly on or near the section line about two and one-half miles more or less, to the connection with Main Ditch No. 2 above mentioned.

A main ditch commencing at or near the northwest corner of southwest quarter of southwest quarter of section twenty-nine, township sixteen, range ten, thence running easterly approximately seven-eighths of a mile, thence southeasterly to a point in the northeast quarter of northwest quarter of section thirty-three, township sixteen, range ten.

A road ditch commencing at or near the northwest corner of northeast quarter of the northeast quarter of section thirty-one township sixteen, range ten, thence running easterly along or near the section line to the Main Ditch last above mentioned.

A Main Ditch commencing at or near the north line of the southwest quarter of the northwest quarter of section thirty-one township sixteen, range ten, thence running southeasterly to the south line of section thirty-two, thence easterly along or near the section line to a point at or near the south line of the southeast quarter of southwest quarter of section thirty-three, all in said township and range.

Main Ditch No. 5 commencing in the southeast quarter of northeast quarter of section thirty-six, township sixteen, range nine, thence southwesterly to a point in the northwest quarter of the southeast quarter of said section, thence southeasterly through said section and through sections one and twelve, township fifteen range nine to the Platte River.

Main Ditch No. 3. commencing at or near the northwest corner of section five, township fifteen, range ten, thence running south on or near the section line to a point at or near the south west corner of said section, thence easterly on or near the section line about seven-eighths of a mile, thence southeasterly nearly east nearly south, southeasterly and easterly through sections eight, nine, ten, fifteen, fourteen and twenty-three to the Elkhorn River.

Main Ditch No. 4 commencing at or near the center of section eighteen, township fifteen, range ten, thence running southerly and southeasterly to a point at or near the south line of section nineteen in said township and range.

A Ditch commencing at or near the line between sections eight and nine, township fifteen, range ten, and running south on or near the section line to a point at or near the southeast corner of section five. township fourteen, range ten.

A Ditch commencing at or near the northwest corner of section fifteen, township fifteen, range ten, thence running south on or near the section line to a point at or near the east line of section thirty-three in said township and range.

A Ditch commencing approximately three-fourths of a mile north of the center of section thirty-three, township fifteen, range ten, thence running south to a point at or near the center of said section, thence running easterly nearly to the east line of said section.

All of said ditches are more particularly shown on the blue print maps filed in connection herewith.

4. Said petitioner is also about to locate, construct, excavate and maintain drainage ditches and road ditches in the north east portion of said district, particularly in the vicinity of the Rawhide Creek.

5. Said district will also from time to time construct, excavate and maintain other cutoffs, main ditches, road ditches and lateral ditches at various places within said district, and owners of land within said district will drain the same into the ditches in this petition mentioned, all with a view to the more perfect drainage of the lands within said district.

6. For the location, construction, excavation, maintenance and convenient use of said various cutoffs and ditches in this petition mentioned, it is necessary for said Elkhorn Valley Drainage District, your petitioner, to take, hold and occupy the lands along said various cutoffs and ditches.

7. The river cutoffs above mentioned are designed to and will be of sufficient capacity for the purpose of operating as a cutoff and change of the main channel of the Elkhorn River. The ditches above mentioned will run from three to eight feet deep, and vary in width of base from four to twelve feet, except the road ditches which will generally have a base width of three feet.

The size and capacity of all of said ditches will be as shown on the plans and specifications adopted by the Board of Directors of the petitioner and on file with the secretary.

8. Your petitioner further shows that George Merryweather is the owner of the southeast quarter of the northeast quarter of section eighteen, township sixteen, range ten in Douglas County, and that Clara Merryweather is his wife. For the purposes aforesaid the petitioner needs a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch as the same is now surveyed, staked and located by said petitioner, and extending across from the south side to the west side of the southeast quarter of northeast quarter of said section eighteen, and containing six-tenths acre. The said owner has refused to grant the right of way through said land, and your petitioner is and has been unable to agree with said owner of said land upon the terms and conditions on which your petitioner may use and occupy said strip of land, and is therefore compelled to resort to these proceedings to assess the damages, if any, which the said owners or either of them may sustain by reason of the appropriation of said lands and injury to lands not taken.

9. Your petitioner further shows that William R. Growcock is the owner of the southeast quarter of the southeast quarter and the south portion of the northeast quarter of the southeast quarter of section eighteen, township sixteen, range ten in Douglas County, and that Myrtle Growcock is his wife. For the purposes aforesaid the petitioner needs a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch as the same is now surveyed, staked and located by said petitioner, and extending across from the east side of the southeast quarter of southeast quarter of said section to the north side of the northeast quarter of southeast quarter of said section, eighteen, and containing one and three-tenths acres. The said owner has refused to grant the right of way through said land, and your petitioner is and has been unable to agree with said owner of said land upon the terms and conditions on which your petitioner may use and occupy said strip of land, and is therefore compelled to resort to these proceedings to assess the damages, if any, which the said owners or either of them may sustain by reason of the appropriation of said lands and injury to lands not taken.

10. Your petitioner is negotiating with other owners of other portions of the right of way necessary for petitioner, and there are still other owners yet to be seen with reference to right of way over other tracts before it can be determined whether condemnation proceedings are necessary on tracts in addition to the two tracts above mentioned. It is probable that further proceedings will be necessary and petitioner reserves the right to file supplemental petitions in this action from time to time for the condemnation of a right of way over additional land.

WHEREFORE your petitioner prays that six disinterest freeholders of said county not interested in a like question be selected in the manner provided by law, and that the sheriff of said county be directed to summon said freeholders whose duty it shall be to inspect and view the lands above mentioned as being needed by this petitioner, and such other lands as this petitioner may from time to time find it necessary to condemn for the purposes of its drainage system as above mentioned, and assess the damages, if any, which the owners of lands above mentioned or either of them and owners of other lands which the petitioner may from time to time need to condemn, for the purposes aforesaid, may sustain by the appropriation thereof for the purposes of your petitioner, and make report in writing to this court in the manner provided by law and that said various reports be certified to the register of deeds of said county for record.

ELKHORN VALLEY DRAINAGE DISTRICT.

By Courtright & Sidner Its attorneys.

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State of Nebraska,)
Dodge County.) SS.

I, W. J. Courtright, being first duly sworn depose and say that I am one of the attorneys for the petitioner above named, that said petitioner is a corporation, and that the statements and allegations contained in the foregoing petition are true as I believe.

W. J. Courtright

(seal)

Subscribed in my presence, and sworn to before me this 5th day of August, 1909.

C. C. Courtright
Notary Public

Endorsed: Filed Aug 6 1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the matter of right of way of)
Elkhorn Valley Drainage District.) COMMISSION.

BE IT REMEMBERED that on the 6th day of August 1909, the Elkhorn Valley Drainage District filed its petition in the office of the County Judge of said County praying for the appointment of six disinterested freeholders of said County to assess all the damages sustained by the owner or owners of said real estate described and referred to in said petition and that may be described in supplemental petitions filed in said cause, situated in the County of Douglas and State of Nebraska, by reason of the appropriation of said property by said drainage district for drainage purposes; and it appearing that said Elkhorn Valley Drainage District has taken the necessary steps required by law to have six freeholders of said County appointed for the purpose above set forth, it is ordered that James A. Howard, J. W. Shumaker, John Klinker, William Glandt, William von Dohren, Jr., and D. H. Kirschner freeholders of said Douglas County, not interested in a like question, be and they are hereby appointed commissioners to assess all the damages sustained by the owner or owners of and parties interested in said real estate described and referred to in said petition and that may be described in supplemental petitions filed in said cause, by reason of its appropriation by said Elkhorn Valley Drainage District for the purpose hereinbefore specified. And it is further ordered that a citation issue directed to the sheriff of said County of Douglas commanding him to summon the above named persons to be and appear before me and qualify as such commissioners or show cause why they should not do so.

Dated at my office in Omaha, Nebraska, this 6th day of August, 1909.

Endorsed. Filed Aug. 6 1909.

Charles Leslie County Judge.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of Right of Way of)
Elkhorn Valley Drainage District.) OATH OF OFFICE.

State of Nebraska,)
Douglas County.) SS.

We, James A. Howard, Dan Westergard, J. W. Shumaker, William Glandt, Wm. von Dohren, Jr., and D. H. Kirschner duly appointed commissioners to view the real estate sought to be appropriated by Elkhorn Valley Drainage District for drainage purposes, described in and referred to in the petition now on file with the County Judge of said County, and such real estate as may be described in supplemental petitions to be filed in said action, and to ascertain and assess all the damages which the owner or owners thereof will or may sustain by the appropriation of said lands to the use of said Elkhorn Valley Drainage District for drainage purposes, do solemnly swear that we and each of us are freeholders in the County of Douglas and State of Nebraska, and

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not interested in a like question as is involved herein, that we will carefully and impartially inspect and view said real estate and assess all the damages which the owner or owners thereof shall sustain by the appropriation of said land to the use of said Elkhorn Valley Drainage District for the purposes specified, that we will make report to the County Judge herein of all of our doing in connection with the assessment of said damages, and do all of the things required by us as such commissioners to the best of our ability according to law

SO HELP US GOD.

Jas. A. Howard
Dan Westergard
J. W. Shumaker
Wm. Glandt
Wm. von Dohren, Jr.
D.H. Kirschner

Subscribed in my presence and sworn to before me by each for himself, this 10 day of August 1909.

Charles Leslie,

County Judge.

Endorsed: Filed Aug 10 1909

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN the Matter of the right of way of)
the Elkhorn Valley Drainage District.) C I T A T I O N .

State of Nebraska,)
) SS.
Douglas County.)

TO THE SHERIFF OF SAID COUNTY:

You are hereby commanded to summon James A. Howard, J. W. Shumaker, John Klinker, William Glandt, William von Dohren, Jr., and D. H. Kirschner, six disinterested freeholders of said Douglas County, State of Nebraska, and not interested in a like question, to appear before me, Charles Leslie, County Judge of said Douglas County on the 10th day of August, 1909, at 2 o'clock P. M., to take the oath of office and to view the real estate sought to be appropriated by Elkhorn Valley Drainage District for drainage purposes described and referred to in the petition filed with the County Judge of said County on the 6th day of August, 1909, by said Elkhorn Valley Drainage District, and such real estate as may be described in supplemental petitions as may be filed in said action; and to ascertain and assess all the damages which the owner or owners thereof will or may sustain by the appropriation of said land to the use of said Elkhorn Valley Drainage District for drainage purposes, said commissioners to make report of the proceedings therein to me, the county Judge of said County.

You will make return of this writ on the 10th day of August, 1909.

WITNESS my hand and official seal at Omaha, Nebraska, this 6th day of August, 1909.

Charles Leslie, County Judge.

(seal)

Endorsed.

State of Nebraska,)
) SS.
Douglas County.)

Received this citation on the 6th day of August, 1909 and served the same on the 9th day of August 1909 by delivering to the within named J. W. Shumaker, personally in Douglas County, Nebraska, a true and duly certified copy of this citation.

I further served this citation on the 10th day of August 1909 by delivering to each of the within named James A. Howard, William Glandt, William Von Dohren, Jr., and D. H. Kirschner, personally in Douglas County, Nebraska, a true and duly certified copy of this citation.

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By order of Charles Leslie, County Judge, the within named John Klinker not served.

Fees	\$2.75
Mileage	.60
Total	\$3.35

Edward F. Brailey Sheriff

By Ira Flanagan Deputy.

Endorsed: Filed Aug 12 1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way of)
Elkhorn Valley Drainage District.)

SUPPLEMENTAL PETITION NO. 1.

Comes now Elkhorn Valley Drainage District and for supplemental petition No. 1 herein states:

11. Paragraphs one to seven inclusive of the original petition in this action are adopted as a part hereof except in so far as the same is modified hereby.

12. Petitioner has amended exhibits, A, B, C, D, E, and F since the filing of the petition herein so as to show the location of new lines of ditch. Said new lines appear in black ink and mostly have small circles appearing thereon.

13. The ditch commencing at or near the northwest corner of the southwest quarter of southwest quarter of section twenty-nine, township sixteen, range ten, thence running easterly approximately seven-eighths of a mile, has been abandoned as well also as a continuation of said ditch southeasterly nearly to the east line of said section, and in place thereof a ditch has been established intercepting said southeast portion of said ditch approximately one-fifth of a mile north of the south line of said section, at the point of termination of the abandoned portion of said ditch above mentioned, thence running westerly to the west line of said section, and a branch of said ditch runs southwesterly, southerly and southwesterly through the southwest quarter of southeast quarter of said section and connecting with the ditch on the south line of said section. The ditch running easterly on the south line of said section from the last mentioned point of connection with the other ditch in the northeast quarter of the northwest quarter of section thirty-three, township sixteen, range ten, is also abandoned. Said changes are fully shown upon the blue print plats filed in connection herewith.

14. Petitioner has also located a ditch along the highway on the east line of section two and the south line of section one, the east line of section twelve, a portion of the east line of section thirteen, and a portion of the east line of section one, all in township sixteen, range nine, and a portion of the south line of section six, township sixteen, range ten, and the south line of section twenty-eight, township fifteen, range ten,

15. The said District has also located a Rawhide cutoff ditch shown on the exhibits by a light dotted line commencing with the north line of section five, township sixteen, range ten, and running southeasterly through said section and section four to a connection with the Elkhorn River. Said latter ditch will have a bottom width of twenty-four feet with side slopes of one-half horizontal to one vertical.

16. Your petitioner further shows that the County of Douglas is a corporation organized under the Laws of Nebraska as a County, and is not under township organization. Said County is the owner of the public roads hereinafter mentioned, along and across which public roads said Elkhorn Valley Drainage District needs a right of way for the purposes of petitioner mentioned in this supplemental petition and in the original petition.

17. Your petitioner has applied to the Board of County Commissioners of Douglas County for the right of way across and along the public roads hereinafter mentioned, which request has by said County Board been denied, and the petitioner and said County of Douglas have been and are unable to agree upon the terms and conditions on which said right of way may be obtained. Said County of Douglas has refused to grant said right of way to your petitioner upon, across

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and along the roads hereinafter mentioned and each of them, and your petitioner is therefore compelled to resort to these proceedings to assess the damages, if any, which said Douglas County may sustain by reason of the appropriation of said lands, and injury to the lands not taken for said purposes.

18. Your petitioner needs a strip of ground two hundred feet wide, being one hundred feet wide on each side of the center line of the river cutoff B as the same is now surveyed, staked and located across the road running between sections sixteen and twenty-one, township sixteen, range ten. Said right of way when obtained will be used jointly for a river cutoff and for a public highway, and said excavation will constitute the main channel of the Elkhorn River.

19. Your petitioner needs a strip of ground two hundred feet wide, being one hundred feet wide on each side of the center line of the river cutoff M as the same is now surveyed, staked and located across the road running through section thirty-four, township fifteen, range ten. Said right of way when obtained will be used jointly for a river cutoff and for a public highway, and said excavation will constitute the main channel of the Elkhorn River.

20. Your petitioner needs a right of way for Rawhide cutoff ditch fifty feet on each side of the center line of said cutoff as the same is now surveyed, staked and located across the road on the county line along the northwest quarter of northwest quarter of section five, township sixteen, range ten, which public road is only half in Douglas County. Said right of way when obtained will be used jointly for a river cutoff and for a public highway, and said excavation will constitute the main channel of the Rawhide Creek.

21. Your petitioner needs a right of way twenty-five feet wide on each side of the center line of the various main ditches as now surveyed, staked and located by petitioner across the various roads of the county as follows:

- ✓ On the north line of section one, township sixteen range nine.
 - ✓ On the east line of section one, township sixteen, range nine.
 - ✓ On the west line of the northeast quarter of section one, township sixteen, range nine.
 - On the south line of northeast quarter of section one, township sixteen, range nine.
 - On the north line of section seven, township sixteen, range ten.
 - On the east line of section seven, township sixteen range ten.
 - On the west line of section twelve, township sixteen, range nine.
 - On the south line of section twelve, township sixteen, range nine.
 - On the west line of section eighteen, township sixteen, range ten.
 - On the east line of section eighteen, township sixteen, range ten.
 - On the north line of section twenty, township sixteen, range ten.
 - On the south line of section twenty, township sixteen, range ten.
 - Two crossings on the east line of section twenty-nine, township sixteen, range ten.
 - On the north line of section one, township fifteen, range nine.
 - On the south line of section one, township fifteen, range nine.
 - On the north line of section eight, township fifteen, range ten.
 - On the east line of section eight, township fifteen, range ten.
 - On the west line of section ten, township fifteen, range ten.
 - On the south line of section ten, township fifteen range ten.
 - On the south line of section eighteen, township fifteen, range ten.
- All of said premises will be used jointly for highway purposes.

22. Your petitioner also for the purposes of ordinary road ditches and for the purpose of depositing the excavated earth therefrom upon the roadway, needs a right of way along the following public roads:

Along the north side of the road from the southeast corner of section four, township sixteen, range nine, westerly therefrom three-fourths of a mile.

On the north side of the road which lies along the south margin of sections one, two, and three in township sixteen range nine.

Along the west side of the road which lies on the east margin of section two, township sixteen, range nine.

Along the west side of the road lying on the east margin of section one, township sixteen, range nine, from two rods south of north line, south to the angling ditch of petitioner.

Along the north side of the road on the south margin of section six, township sixteen, range ten from the southwest corner thereof, easterly approximately one-eighth of a mile to the angling ditch of petitioner.

On the west side of the road on the east margin of section eleven, township sixteen, range nine, from the northeast corner thereof south approximately seven-eighths of a mile to a point where said ditch angles to the east.

On the north side of the road on the south margin of section ten and eleven, township sixteen, range nine.

On the north side of the road on the south margin of section twelve, township sixteen, range nine, from the southwest corner thereof easterly about seven-sixteenths of a mile to the point of intersection with the angling ditch of petitioner.

Along the west side of the road on the east margin of section twelve, township sixteen, range nine.

Along the west side of the road on the east margin of section thirteen, township sixteen, range nine, from the northeast corner thereof south approximately one-eighth of a mile to the intersection of the ditch of petitioner.

On the north side of the road on the south margins of sections thirteen, township sixteen, range nine, and section eighteen, township sixteen, range ten.

On the north side of the road along the south margin of section seventeen, township sixteen, range ten, from the southwest corner thereof easterly about three-sixteenths of a mile to the intersection with the angling ditch of petitioner.

On the north side of the road on the south margin of section twenty-four, township sixteen, range nine, from the southeast corner thereof westerly about eleven-sixteenths of a mile.

On the north side of the road on the south margin of section nineteen, township sixteen, range ten.

On the north side of the road on the south margin of section twenty-, township sixteen, range ten, from the southwest corner thereof easterly about eleven-sixteenths of a mile to the intersection with the ditch of petitioner.

On the north side of the road on the south margin of section thirty, township sixteen, range ten, from the southeast corner thereof westerly about one-fourth of a mile.

On the north side of the road on the south margin of section twenty-nine, township sixteen, range ten, from the southwest corner thereof east one-half mile.

On the northeast side of the road running from the north line of southwest quarter of northwest quarter of section thirty-one, township sixteen, range ten, southeasterly through said section and section thirty-two of the same township and range.

On the north side of the road on the south margin of section thirty-two, township sixteen, range ten, from the southeast corner thereof westerly a little over three-fourths of a mile to where said road angles northwesterly.

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On the west side of the road on the east margin of section six, township fifteen, range ten.

On the north side of the road on the south margin of section five, township fifteen, range ten from the southwest corner thereof easterly about seven-eighths of a mile thence across said road at the point where said ditch of petitioner angles southeasterly.

On the west side of the road running north and south through the south half of southwest quarter of section ten, township fifteen, range ten.

On the west side of the road on the east margin of section eight, township fifteen, range ten, from the southeast corner thereof north about five eighths of a mile.

On the west side of the road on the east margins of sections seventeen, twenty, twenty-nine and thirty-two, in township fifteen, range ten.

On the west side of the road on the east margins of sections sixteen, twenty-one and twenty-eight, township fifteen, range ten.

On the west side of the road on the east margin of section thirty-three, township fifteen, range ten, from the northeast corner thereof south about seven sixteenths of a mile to the point of connection with the Creek.

On the north side of the road on the south margin of section twenty-eight, township fifteen, range ten.

On the north side of the road on the south margin of section fifteen, township fifteen, range ten, from the southeast corner thereof west about one-eighth of a mile.

On the north side of the road on the south margin of section fourteen, township fifteen, range ten, from the south west corner thereof east about three sixteenths of a mile.

On the west side of the road on the east margin of section five, township fourteen, range ten.

The ditch on the east margin of section two and the one on the east margin of section twelve, township sixteen, range nine, will each commence two rods south of the north line of the section. The ditch on the south margin of section ten, the one on the south margin of section one, and the one on the south margin of section thirteen, all in township sixteen, range nine, will commence two rods east from the west line of the section. The ditch running through section twenty-nine, township sixteen, range ten will commence two rods east of the west line of the section. The ditch on the east margin of section six and the one on the east margin of section sixteen, each in township fifteen, range ten, will commence two rods south of the north line of the section. The ditch on the south margin of section twenty-eight, township fifteen, range ten will commence two rods east of the west line of the section.

All of said ditches will be so constructed that the ditches along the highway will have no excavation closer than fifteen feet from the center line of the highway except where crossing a highway, and the dirt so excavated will be placed along the center of said highway so as to have a road crown of about thirty to thirty-five feet in width, and said dirt shall be evened, leveled and smoothed over said road, and will be scattered partly on the sections herein mentioned and partly upon that portion of the highway which lies on the adjoining sections.

23. The using of said premises for the purposes of petitioner will not seriously interfere with the use of the same for highway purposes. The only interference will be temporary during the work of excavating of petitioner.

WHEREFORE your petitioner prays that the Commissioners heretofore appointed by this Court and now acting as Commissioners in the matter, may inspect and view the lands above mentioned and assess the damages, if any, which the County of Douglas may sustain by the appropriation thereof for the purposes of your petitioner, and make report in writing to this Court in the manner provided by law, and that said report be certified to the Register of Deeds of said County for record.

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ELKHORN VALLEY DRAINAGE DISTRICT.

Petitioner.

By Courtright & Sidner

Its Attorneys.

State of Nebraska,) (SS.
Douglas County.)

I, W. J. Courtright, being first duly sworn depose and say that I am one of the attorneys for the petitioner above named, that said petitioner is a corporation, and that the statements in the foregoing petition are true as I believe.

W. J. Courtright

Subscribed in my presence and sworn to before me this 15th day of September, 1909.

Charles Leslie

County Judge.

Endorsed: Filed Sep. 15 1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way of)
Elkhorn Valley Drainage District.)

TO THE COUNTY JUDGE OF DOUGLAS COUNTY, NEBRASKA:

It will be impossible for me to attend the hearing in condemnation proceedings arranged for the 27th inst. and I therefore respectfully tender my resignation as one of the Commissioners in the above entitled action.

Dated September 18, 1909.

J. W. Shumaker

Endorsed: Filed Sep 18 1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way of)
the Elkhorn Valley Drainage District.) O R D E R :

This cause coming on to be heard on the resignation of J. W. Shumaker as one of the Commissioners appointed by said Court in said above entitled action, and the Court being fully advised in the premises finds, that said resignation should be accepted.

Wherefore, It is hereby ORDERED, ADJUDGED AND DECREED that the resignation of the said J. W. Shumaker be and it hereby is accepted.

By the Court,

Charles Leslie

Sept. 20, '09.

County Judge.

Endorsed: Filed Sep 20 1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way of)
Elkhorn Valley Drainage District.) C O M M I S S I O N .

BE IT REMEMBERED: That on the 23 day of August, 1909 the Elkhorn Valley Drainage District filed its petition in the office of the County Judge of said County praying for the appointment of six disinterested freeholders of said County to assess all the damages sustained by the owner or owners of said real estate described and referred to in said petition and that may be referred to in supplemental petitions filed in said cause, situated in the County of Douglas and State of Nebraska, by reason of the appropriation of said property by said drainage district for said drainage purposes; and it appearing that said Elkhorn Valley Drainage District has taken necessary

steps required by law to have six freeholders of said County summoned for the purposes above set forth, and six such freeholders having been heretofore appointed, including J. W. Shumaker, and he being unable to serve and having tendered his resignation and said resignation having been accepted, it is ordered that Frank J. Bessey a freeholder of said Douglas County and not interested in a like question, be and he is hereby appointed one of the commissioners to fill vacancy, to assess all the damages sustained by the owner or owners of and parties interested in said real estate described and referred to in said petition, and that may be described in supplemental petitions filed in said cause by reason of its appropriation by said Elkhorn Valley Drainage District for the purposes hereinbefore specified. It is further ordered that a citation issue directed to the Sheriff of said County of Douglas, commanding him to summon the above named person to be and appear before me and qualify as such commissioner or show cause why he should not so do.

Dated at Omaha, Nebraska, this 23 day of September 1909.

Charles Leslie,
County Judge.

Endorsed: Filed Sep. 23- 1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way of)
Elkhorn Valley Drainage District.) C I T A T I O N .

State of Nebraska,)
Douglas County.) SS.

TO THE SHERIFF OF SAID COUNTY:

You are hereby commanded to summon Frank J. Bessey, a disinterested freeholder of said Douglas County, State of Nebraska, and not interested in a like question, to appear before me, Charles Leslie, County Judge of Douglas County, Nebraska, on the 25 day of September, 1909, at 2 o'clock P. M., to take the oath of office as a commissioner to fill vacancy and to view the real estate sought to be appropriated by Elkhorn Valley Drainage District for drainage district purposes, described and referred to in the petition filed with the County Judge of said County, on the _____ day of August 1909, by said Elkhorn Valley Drainage District, and such real estate as may be described in supplemental petitions filed in said action, and to ascertain and assess all the damages which the owner or owners thereof will or may sustain by the appropriation of said land to the use of said Elkhorn Valley Drainage District for drainage purposes, said commissioners to make report of the proceedings therein to me, the County Judge of said County.

You will make return of this writ on the 25 day of September, 1909.

WITNESS my hand and official seal at Omaha, Nebraska, this 23rd day of September, 1909.

(seal)

Charles Leslie County Judge.

Endorsed:

State of Nebraska,)
Douglas County.) SS.

Received this writ on the 23rd day of September 1909 and served the same on the 25th day of September, 1909 by delivering to the within named Frank J. Bessey personally in Douglas County, Nebraska, a true and duly certified copy of this writ with all the endorsements thereon.

Edwin F. Brailey, Sheriff

By J. V. Chizek Deputy.

Fees \$.75
Mileage .10
Total \$.85

Endorsed: Filed Sep 27 1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way of)
Elkhorn Valley Drainage District.) OATH OF OFFICE.

State of Nebraska,)
Douglas County.) SS.

I Frank J. Bessey duly appointed commissioner to fill vacancy to view the real estate sought to be appropriated by Elkhorn Valley Drainage District for drainage purposes, described and referred to in the petition now on file with the County Judge of said County, and such real estate as may be described in supplemental petitions filed in said action, and to ascertain and assess all the damages which the owner or owners thereof will or may sustain by the appropriation of said lands to the use of said Elkhorn Valley Drainage District for drainage purposes, do solemnly swear that I am a freeholder of the County of Douglas and State of Nebraska, and not interested in a like question as is involved herein, that I will carefully and impartially inspect and view said real estate, and jointly with my associate commissioners will assess all the damages which the owner or owners thereof shall sustain by the appropriation of said lands to the use of said Elkhorn Valley Drainage District for the purposes specified, that we will make report to the County Judge herein of all things in connection with the assessment of said damages, and do all of the things required of me as such commissioner to fill vacancy, to the best of my ability according to law SO HELP ME GOD.

F. J. Bessey

Subscribed in my presence and sworn to before me this 25 day of September, 1909.

Charles Leslie, County Judge.

Endorsed: Filed Sep 27-1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN the Matter of the Right of Way of)
Elkhorn Valley Drainage District.) REPORT OF COMMISSIONERS.

1. We the undersigned commissioners appointed by the County Court of Douglas County, Nebraska, having taken the oath of office and duly qualified in the above entitled matter, and having given ten days notice to the Board of County Commissioners of Douglas County, Nebraska, a copy of which notice and the return thereon is hereto attached and made a part hereof, and having at the time and place mentioned in said notice assembled as a Board for the purpose of viewing the premises described in said notice, and hearing all parties interested therein and fixing the amount of damage that Douglas County may sustain by reason of the appropriation of said property to the uses of said Elkhorn Valley Drainage District jointly with the use thereof for road purposes the said County Board of Douglas County, Nebraska, being represented at said hearing by Oscar Pickard, P. J. Trainor and Fred Bruning and this Board of Commissioners having conducted said hearing and heard all parties interested, and having personally viewed said premises, do hereby assess the damages that said Elkhorn Valley Drainage District shall pay for the use for drainage purposes in the manner provided in said notice hereto attached, upon the various tracts of land as follows:

3. A Strip of ground two hundred feet wide, being one hundred feet on each side of the center line of the river cutoff M as the same is now surveyed, staked and located across the road running through section thirty-four township fifteen, range ten. Said right of way when obtained will be used jointly for a river cutoff and for a public highway, and said excavation will constitute the main Channel of the Elkhorn River.

\$ None

MISCELLANEOUS RECORD No. 28.

4. A strip of ground for Rawhide cutoff ditch fifty feet on each side of the center line of said cutoff as the same is now surveyed, staked and located across the road on the county line along the northwest quarter of northwest quarter of section five, township sixteen, range Ten, which public road is only half in Douglas County. Said right of way when obtained will be used jointly for a river cutoff and for a public highway, and said excavation will constitute the main channel of the Rawhide Creek.

\$None.

5. Various strips or tracts or ground each twenty-five feet wide on each side of the center line of the various main ditches as now surveyed, staked and located by Elkhorn Valley Drainage District across the various roads of Douglas County as follows:

The north line of section one.

\$ None.

The east line of section one.

\$ None.

The west line of northeast quarter of section one.

\$ None.

South line of northeast quarter of section one.

\$ None.

The west line of section twelve.

\$ None.

The south line of section twelve.

\$ None.

All of the above are in township sixteen, range nine.

The north line of section seven.

\$ None.

The east line of section seven.

\$ None.

The west line of section eighteen

\$ None.

The east line of section eighteen

\$ None.

The north line of section twenty.

\$ None.

The south line of section twenty.

\$ None.

Two crossings on east line of section 29.

\$ None.

All of the above are in township sixteen, range ten.

The north line of section one.

\$ None.

The south line of section one.

\$ None.

The above are in township fifteen, range nine.

The north line of section eight.

\$ None.

The east line of section eight.

\$ None.

The west line of section ten.

\$ None.

The south line of section ten.

\$ None.

The south line of section eighteen.

\$ None.

All of the above are in township fifteen, range ten.

All of said premises will be used jointly for highway purposes.

6. The various roads in Douglas County as in this paragraph hereinafter mentioned, those along the lines of sections in township sixteen, range nine, being as follows.

Along the south line of section four from the east line west three-fourths of a mile.

\$ None.

Along the south line of section three.

\$ None.

Along the south line of section two.

\$ None.

Along the east line of section two except the north two rods thereof.

\$ None.

Along the south of section one except the west two rods thereof.

\$ None.

Along the east line of section one from two rods of north line, south to the intersection with the angling ditch of Elkhorn Valley Drainage District,

\$ None.

MISCELLANEOUS RECORD No. 28.

Along the east line of section eleven, from the northeast corner thereof south about seven-eighths of a mile to where the ditch angles southeasterly

\$ None.

Along the east line of section twelve, except the north two rods thereof,

\$ None.

Along the south line of section ten except the west two rods thereof,

\$ None.

Along the south line of section eleven,

\$ None.

Along the south line of section twelve, from the southwest corner east to the connection with angling ditch of said District,

\$ None.

Along the east line of section thirteen from the north line south about one-eighth of a mile to the connection with the main ditch of said District.

\$ None.

Along the south line of section thirteen except the west two rods thereof,

\$ None.

Along the south line of section twenty-four from the east line thereof about eleven-sixteenths of a mile,

\$ None.

The following are in township sixteen, range ten;

Along the south line of section six from the west line thereof east to the connection with the ditch of said District,

\$ None.

Along the south line of section eighteen

\$ None.

Along the south line of section seventeen from the west line east nearly one-fourth mile to intersection with angling ditch of the District,

\$ None.

Along the south line of section nineteen,

\$ None.

Along the south line of section twenty, from the west line thereof east about eleven-sixteenths of a mile to the connection with the angling ditch.

\$ None.

Along the south line of section thirty, from the east line thereof west one-fourth mile,

\$ None.

Along the south line of section twenty-nine from the west line thereof east one-half mile,

\$ None.

Along the south line of section thirty-two from the east line thereof west to where said road turns northwest, thence said angling road through said section thirty-two and thirty-one to north line of southwest quarter of northwest quarter of said section thirty-one, the ditch on said angling road to be on the northeast side of said road.

\$ None.

The following are in township fifteen, range ten;

Along the east line of section six except the north two rods thereof,

\$ None.

Along the south line of section five from the west line east about seven-eighths of a mile to where the road angles southeast,

\$ None.

Along the east line of section eight from the south line thereof north about five-eighths of a mile.

\$ None.

Along the road running north and south through south half of southwest quarter of section ten, the ditch being on the west side of said road,

\$ None.

Along the east side of section seventeen,

\$ None.

Along the east side of section twenty,

\$ None.

Along the east side of section twenty-nine,

\$ None.

Along the east side of section thirty-two,

\$ None.

Along the east line of section sixteen, except the north two rods thereof,

\$ None.

Along the east line of section twenty-one

\$ None.

Along the east line of section twenty-eight,

\$ None.

Along the east line of section thirty-three, from the north line thereof south nearly one-half mile to the creek.

\$ None.

1909-1910 BARTLEY CO. PRINTING, LITHOGRAPHING, STATIONERY, ETC.

Along the south line of section twenty-eight except the west two rods thereof, \$ None.

Along the south line of section fifteen from the east line thereof west about one-eighth of a mile, \$ None.

Along the south line of section fourteen from the west line thereof east about three-sixteenths of a mile, \$ None.

Along the east line of section five, township fourteen, range ten, \$ None.

The use to be made by Elkhorn Valley Drainage District of said roads will not interfere with the use of said roads for highway purposes except temporarily during the period of excavation.

The ditches on said roads will in all cases be dug on the side of the road to the specific sections respectively mentioned above and the first from said excavation will be distributed and smoothed evenly over the center of said road, partly upon the portion thereof on the specific sections mentioned, and partly on the portion of said roads on the adjoining sections. The crown of the road where said dirt is deposited shall be in all cases not less than thirty to thirty-five feet wide. No excavation will be made closer than fifteen feet from the center^{line} of said highway, except where a ditch crosses a highway.

All of which is respectfully submitted to the court.

Dated September Sept. 30. 1909.

James A Howard. Chairman

F. J. Bessey

Wm. Glandt

Wm. von Dohren Jr.

D.H. Kirschner

Dan Westergard,

STATE OF NEBRASKA,)
Douglas County.) SS.

Received this writ on the 15th day of September 1909 and served the same on the 15th day of September, 1909 on the within named the Board of County Commissioners of Douglas County, Nebraska by delivering to Fred Bruning, chairman of the board of County Commissioners of Douglas County, Nebraska, personally in Douglas County, Nebraska, a true and duly certified copy of this writ with all the endorsements thereon.

Edwin F. Brailey Sheriff

By A.I. Mead Deputy

Fees \$.75
Mileage \$.10
Total, \$.85

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA,

In the Matter of the Right of Way of)
Elkhorn Valley Drainage District.) NOTICE TO LAND OWNERS.

To the County of Douglas, State of Nebraska, and

To the Board of County Commissioners of Douglas County, Nebraska.

1. You are hereby notified that the Commissioners selected by the County Judge of Douglas County, Nebraska, for that purpose will meet at the City Hall in the village of Waterloo, Douglas County, Nebraska, at nine o'clock A. M., of Monday, September 27th, 1909 and proceed therefrom to view the public roads hereinafter described and hear all parties interested therein with reference to the amount of damages sustained by reason of the appropriation of said property to the use of said Elkhorn Valley Drainage District,

jointly with the use thereof for road purposes, and will proceed to assess all damages that you and each of you will sustain by reason of said appropriation thereof or any part thereof by Elkhorn Valley Drainage District for drainage district purposes. Said real estate is described as follows:

3. A strip of ground two hundred feet wide, being one hundred feet on each side of the center line of the river cutoff M as the same is now surveyed, staked and located across the road running through section thirty-four, township fifteen, range ten. Said right of way when obtained will be used jointly for a river cutoff and for a public highway, and said excavation will constitute the main channel of the Elkhorn River.

4. A strip of ground for Rawhide cutoff ditch fifty feet on each side of the center line of said cutoff as the same is now surveyed staked and located across the road on the county line along the northwest quarter of northwest quarter of section five, township sixteen, range ten, ^{public} which road is only half in Douglas County. Said right of way when obtained will be used jointly for a river cutoff and for a public highway, and said excavation will constitute the main channel of the Rawhide Creek.

5. Various strips or tracts of ground each twenty-five feet wide on each side of the center line of the various main ditches as now surveyed, staked and located by Elkhorn Valley Drainage District across the various roads of Douglas County as follows:

The north line of section one.

The east line of section one.

The west line of the northeast quarter of section one.

The south line of the northeast quarter of section one.

The west line of section twelve.

The south line of section twelve.

All of the above are in township sixteen, range nine.

The north line of section seven.

The east line of section seven.

The west line of section eighteen.

The east line of section eighteen.

The north line of section twenty.

The south line of section twenty.

Two crossings on the east line of section twenty nine.

All of the above are in township sixteen, range ten.

The north line of section one.

The south line of section one.

The above are in township fifteen, range nine.

The north line of section eight.

The east line of section eight.

The west line of section ten.

The south line of section ten.

The south line of section eighteen.

All of the above are in township fifteen, range ten.

All of said premises will be used jointly for highway purposes.

6. The various roads in Douglas County as in this paragraph hereinafter mentioned, those along the lines of sections in township sixteen, range nine, being as follows:

MISCELLANEOUS RECORD No. 28.

Along the south of section four from the east line west three-fourths of a mile.

Along the south line of section three.

Along the south line of section two.

Along the east line of section two except the north two rods thereof.

Along the south of section one except the west two rods thereof.

Along the east line of section one from two rods south of north line south to the intersection with the angling ditch of Elkhorn Valley Drainage District.

Along the east line of section eleven, from the northeast corner thereof south about seven-eighths of a mile to where the ditch angles southeasterly.

Along the east line of section twelve except the north two rods thereof.

Along the south line of section ten except the west two rods thereof.

Along the south line of section eleven.

Along the south line of section twelve, from the southwest corner east to the connection with the angling ditch of said district.

Along the east line of section thirteen from the north line south about one eighth of a mile to the connection with the main ditch of said district.

Along the south line of section thirteen, except the west two rods thereof.

Along the south line of section twenty-four, from the east line thereof about eleven-sixteenths of a mile.

The following are in township sixteen, range ten.

Along the south line of section six from the west line thereof east to the connection with the ditch of said District.

Along the south line of section eighteen,

Along the south line of section seventeen from the west line east nearly one fourth mile to intersection with angling ditch of the District.

Along the south line of section nineteen.

Along the south line of section twenty, from the west line thereof east about eleven-sixteenths of a mile to the connection with the angling ditch.

Along the south line of section thirty, from the east line thereof west one-fourth mile.

Along the south line of section twenty-nine from the west line thereof east one-half mile.

Along the south line of section thirty-two from the east line thereof west to where said road turns northwest, thence said angling road through said section thirty-two and thirty-one to north line of southwest quarter of northwest quarter of said section thirty-one, the ditch on said angling road to be on the northeast side of said road.

The following are in township fifteen, range ten:

Along the east line of section six except the north two rods thereof.

Along the south line of section five from the west line east about seven-eighths of a mile to where the road angles southeast.

Along the east line of section eight from the south line thereof north about five-eighths of a mile.

Along road running north and south through south half of southwest quarter of section ten, the ditch being on west side of a road.

Along the east side of section seventeen.

Along the east side of section twenty.

Along the east side of section twenty-nine.

Along the east side of section thirty-two.

Along the east line of section sixteen, except the north two rods thereof.

Along the east line of section twenty-one.

Along the east line of section twenty-eight.

Along the east line of section thirty-three from the north line thereof south nearly one-half mile to the creek .

Along the south line of section twenty-eight except the west two rods thereof.

Along the south line of section fifteen from the east line thereof west about one-eighth of a mile.

Along the south line of section fourteen from the west line thereof east about three-sixteenths of a mile:

Along the east line of section five, township fourteen range ten.

The use to be made by Elkhorn Valley Drainage District of said roads will not interfere with the use of said roads for highway purposes except temporarily during the period of excavation. The ditches on said roads will in all cases be dug on the side of the road next to the specific sections respectively mentioned above, and the dirt from said excavation will be distributed and smoothed evenly over the center of said road, partly upon the portion thereof on the specific sections mentioned, and partly on the portion of said roads on the adjoining sections. The crown of the road where said dirt is deposited shall be in all cases not less than thirty to thirty-five feet wide. No excavation will be made closer than fifteen feet from the center line of said highway, except where a ditch crosses a highway.

7. All of said ditches and the size will be as more particularly shown and described by the petition and supplemental petition No. 1, and exhibits A, B, C, D, E and F filed by said Elkhorn Valley Drainage District in said proceedings in the office of the County Judge of Douglas County, Nebraska.

Dated September 15th, 1909.

Elkhorn Valley Drainage District.

By Courtright & Sidner Its attorneys

Enforced: Filed Sep 30-1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way)	
of Elkhorn Valley Drainage District.)	SUPPLEMENTAL PETITION NO. 2.

Comes now Elkhorn Valley Drainage District, and for supplemental petition No. 2 herein states;

24. Paragraph 1 to 7 inclusive of the original petition in this action are adopted as a part hereof, except insofar as the same are modified by supplemental petition No. 1 filed herein. Paragraphs 12, 13, and 14 of supplemental petition No. 1 filed herein are hereby adopted as a part of this petition.

25. Paragraph 15 of the supplemental petition No. 1 filed herein is hereby adopted except that the same is amended by striking therefrom the words "by a light dotted line," leaving the balance of said paragraph in full force.

26. The proposed ditch in sections eighteen and nineteen, township fifteen, range ten in Douglas County, Nebraska, has been abandoned.

27. The various owners of land hereinafter mentioned have each refused to grant the right of way through said land, and your petitioner is and has been unable to agree with any of said owners of said lands upon the terms and conditions on which your petitioner may use and occupy any of said strips of land, and is therefore compelled to resort to these proceedings to assess the damages which the said owners and each of them may sustain by reason of the appropriation of said lands and injury to lands not taken.

MISCELLANEOUS RECORD No. 28.

28. Your petitioner further shows that John Mahoney is the owner of the northwest quarter of section one, township sixteen, range nine in Douglas County, Nebraska, and that Hanna Mahoney is his wife. Your petitioner, for the purposes heretofore and hereby presented to the court, needs a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north side to the east side of the northwest quarter of section one, township sixteen, range nine in Douglas County, Nebraska, containing about four and five-tenths acres. The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary and take said matter into consideration in determining the amount of damages to be paid and make report thereof to the court.

29. Your petitioner further shows that William Powers is the owner of the north half of southwest quarter of section four, township sixteen, range ten in Douglas County, Nebraska, and that Jennie Powers is his wife. Your petitioner, for the purposes heretofore and hereby presented to the court, needs a strip or piece of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north side easterly to the Elkhorn River in the north half of southwest quarter of section four, township sixteen, range ten in Douglas County, Nebraska, containing about three and five-tenths acres. The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

31. Your petitioner further shows that Arthur K. Osborne is the owner of the southeast quarter of northeast quarter of section five, township sixteen, range ten in Douglas County, Nebraska, and that Ella Osborne is his wife. Your petitioner, for the purposes heretofore and hereby presented to the court, needs a strip or piece of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the west line to the east line of southeast quarter of northeast quarter of said section five, township sixteen, range ten in Douglas County, Nebraska, containing about three and three-tenths acres. The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

32. Your petitioner further shows that John Samson is the owner of the west half of the northeast quarter of section five, township sixteen, range ten in Douglas County, Nebraska, and that Adelaide Samson is his wife. Your petitioner for the purposes heretofore and hereby presented to the court, needs a strip or piece of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the west line to the east line of said west half of northeast quarter of section five, township sixteen, range ten in Douglas County, Nebraska, containing about three and five-tenths acres. The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary

the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

33. Your petitioner further shows that Stephen Carpenter is the owner of the west half of southwest quarter of section six, township sixteen, range ten in Douglas County, Nebraska, and that Thresa Carpenter is his wife. Your petitioner, for the purpose, heretofore and hereby presented to the court, needs a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending from the west side to the south side of southwest quarter of southwest quarter of section six township sixteen range ten in Douglas County, Nebraska, containing about one and two-tenths acres. The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

34. Your petitioner further shows that James Conety is the owner of the southwest quarter of northeast quarter of section twenty-, township sixteen, range ten in Douglas County, Nebraska, and that Mary Conety is his wife. Your petitioner, for the purposes heretofore and hereby presented to the court, needs a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the west line to the south line of said southwest quarter of northeast quarter of section twenty, township sixteen, range ten in Douglas County, Nebraska, containing about one and one-tenth acres. The conditions are such that the construction of a bridge upon said right of way by petitioner will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

36. Your petitioner shows that Peter Burke is the owner of the south half of southeast quarter and southeast quarter of southwest quarter of section fourteen, township fifteen, range ten, and the north half of northwest quarter of section twenty-three, township fifteen, range ten in Douglas County, Nebraska, and that Mary Burke is his wife. Your petitioner, for the purposes heretofore and hereby presented to the court, needs a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north line of the southeast quarter of southwest quarter of section fourteen, to the south line of the southwest quarter of southeast quarter of section fourteen, and the east side of northeast quarter of northwest quarter of section twenty-three, all in township fifteen, range ten in Douglas County, Nebraska, containing about seven and six-tenths acres.

The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary, and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

37. Your petitioner further shows that James B. Rogers is the owner of the west half of southeast quarter of section twenty-three, township fifteen, range ten in Douglas County, Nebraska, and that Josephine Rogers is his wife. Your petitioner, for the purposes heretofore and hereby presented to the court needs a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the Elkhorn River in the northwest quarter of southeast quarter, to the west line of southwest quarter of southeast quarter of section twenty-three, township fifteen, range ten in Douglas County, Nebraska, containing about five acres. The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary, and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

39 Your petitioner further shows that Fred Grimm, Ernest Grimm and Adolph Grimm are the owners of the southwest quarter of northeast quarter, the south half of northwest quarter, the north half of southwest quarter, and the southeast quarter of southwest quarter of section twenty-three, township fifteen, range ten in Douglas County, Nebraska, and that Annie Grimm is the wife of Fred Grimm, Martha Grimm is the wife of Ernest Grimm, and Nettie Grimm is the wife of Adolph Grimm. Your petitioner, for the purposes heretofore and hereby presented to the court, needs a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the east line to the south line of southeast quarter of southwest quarter of section twenty-three, township fifteen, range ten in Douglas County, Nebraska, containing about four and two-tenths acres. The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary, and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

41. Your petitioner further shows that Edward Hoppock is the owner of the south half of the northwest quarter of section four, township sixteen, range ten in Douglas County, Nebraska. Your petitioner, for the purposes heretofore and hereby presented to the court, needs a strip or piece of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district and extending across from the west line to the south line of the southwest quarter of the northwest quarter of section four, township sixteen, range ten in Douglas County, Nebraska, containing about seven-tenths of an acre. The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

42. Your petitioner further shows that Elias L. Emery is the owner of the northwest quarter of the northeast quarter of section one, township fifteen, range nine in Douglas County, Nebraska. Your petitioner, for the purposes heretofore and hereby presented to the court, needs a strip or piece of land thirty feet wide, being fifteen feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above

mentioned drainage district, and extending across from the north line to the south line of the northwest quarter of northeast quarter of section one, township fifteen, range nine in Douglas County, Nebraska, and containing about one acre.

The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

43. Your petitioner further shows that George Leuthje, Henry Leuthje, Kajie Doose, Marie Westphal and Claus Leuthje are the owners of all the territory east of the Elkhorn River in the north half of south half of section fourteen, township fifteen, range ten in Douglas County, Nebraska, and that Mollie Leuthje is the wife of Henry Leuthje, John Doose is the husband of Kajie Doose, Edward Westphal is the husband of Marie Westerphal, and Elizabeth Leuthje is the wife of Claus Leuthje. Your petitioner, for the purposes theretofore and hereby presented to the court, needs a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north line to the south line of the north half of southwest quarter of section fourteen, township fifteen, range ten in Douglas County, Nebraska, and containing about six and six-tenths acres. The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary, and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

45. Your petitioner further shows that Chris Backhus is the owner of the northeast quarter of northwest quarter of section twenty-six township fifteen, range ten in Douglas County, Nebraska, and that Augusta Backhus is his wife. Your petitioner, for the purposes heretofore and hereby presented to the court needs a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north line of the northeast quarter of northwest quarter of section twenty-six, township fifteen, range ten in Douglas County, Nebraska, to the Elkhorn River, containing about six acres. The conditions are such that the construction of a bridge by petitioner upon said right of way will not be necessary, the cost of bridging being greater than the damages to the land without a bridge thereon, and petitioner prays that the commissioners determine whether or not a bridge will be necessary and take said matter into consideration in determining the amount of damages to be paid, and make report thereof to the court.

WHEREFORE your petitioner prays that the commissioners heretofore appointed by this court and now acting as commissioners in the matter, may inspect and view the lands above mentioned, and assess the damages which the various parties therein mentioned may sustain by the appropriation of the lands above mentioned for the purposes of your petitioner, and make report in writing to this court, in the manner provided by law, and that said report be certified by the register of deeds of said county for record.

Elkhorn Valley Drainage District.

Petitioner.

By Courtright & Sidner

Its Attorneys.

MISCELLANEOUS RECORD No. 28.

State of Nebraska,)
Dodge County.) SS.

I, W. J. Courtright, being first duly sworn depose and say that I am one of the attorneys for the petitioner above named, that said petitioner is a corporation, and that the statements in the foregoing petition are true as I believe.

W.J. Courtright,

Subscribed in my presence and sworn to before me this 23rd. day of November, 1909.

(seal)

C.C. Courtright

Notary Public.

Endorsed: Filed Nov. 24. 1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way of)
ELKHORN VALLEY DRAINAGE DISTRICT.) REPORT OF COMMISSIONERS.

We, the undersigned, commissioners appointed by the County Court of Douglas County, Nebraska, having taken the oath of office and duly qualified in the above entitled matter, do hereby report as follows:

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way of)
Elkhorn Valley Drainage District.) AFFIDAVIT OF SERVICE.

State of Nebraska,)
Douglas County.) SS.

I, E. Erway, being first duly sworn, depose and say that I served the notices hereto attached, marked Nos. 33, 34, 36, 37, 39-42 and 43, in Douglas County, Nebraska, upon the parties hereinafter mentioned respectively, which service was made upon the dates respectively shown opposite each name, and in the manner respectively shown opposite each name, the service where marked "Personal" being by delivering a true and duplicate copy of such notice to said party in person, and the service where marked "Residence" being made by leaving a true and duplicate copy of said notice at the usual place of residence of said party, said numbers, parties, date of service and manner of service being as follows:

Number	Name of each of parties,	Day served	How Served.
33	Stephen Carptnter	Dec. 9, 1909.	Personal.
33	Thresa Carpenter	Dec. 9, "	"
34	James Conety	Dec. 9, "	"
34	Mary Conety	Dec. 9, "	"
36	Peter Burke	Dec. 10, "	"
36	Mary Burke	Dec. 10, "	"
37	James B. Rogers	Dec. 10, "	"
37	Josephine Rogers	Dec. 10, "	Residence
39	Fred Grimm	Dec. 10, "	Personal
39	Annie Grimm	Dec. 10, "	"
39	Ernest Grimm	Dec. 10, "	"
39	Martha Grimm	Dec. 10, "	"
39	Adolph Grimm	Dec. 10, "	"
39	Nettie Grimm	Dec. 10, "	"
42	Elias L. Emery	Dec. 11, "	Residence.
43	George Leuthje	Dec. 10, "	Personal
43	Henry Leuthje	Dec. 10, "	Residence
43	Mollie Leuthje	Dec. 10, "	"
43	Kagie Doose	Dec. 10, "	Personal
43	John Doose	Dec. 10, "	"
43	Marie Westphal	Dec. 10, "	"
43	Edward Westphal	Dec. 10, "	"
43	Claus Leuthje	Dec. 13, "	"
43	Elizabeth Leuthje	Dec. 13, "	"

E. Erway

Subscribed in my presence and sworn to before me this 20th day of December, 1909.

(seal)

J.S. Kennedy, Notary Public.

MISCELLANEOUS RECORD No. 28.

12037—KLOPF & BARTLETT CO., PRINTING, LITHOGRAPHING, STATIONERY, OMAHA

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN THE MATTER OF THE RIGHT OF WAY OF

Elkhorn Valley Drainage District.

NOTICE TO LAND OWNERS.

To Stephen Carpenter and Thresa Carpenter:

You are hereby notified that the above mentioned drainage district has filed in the above mentioned court a petition and map exhibits in connection therewith supplemental petitions number one and two describing and explaining a proposed system of drainage improvement by said drainage district, and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the west side to the south side of the southwest quarter of southwest quarter of section six, township sixteen, range ten in Douglas County, Nebraska, containing about 1.2 acres. The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will on December 22nd. 1909, at nine o'clock A. M., or as soon thereafter as they arrive at the premises above mentioned, and on said day, proceed to view said real estate and the premises adjacent thereto, and will then and there hear all parties interested therein with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the town hall in the village of Valley, Douglas County, Nebraska, at three o'clock, P. M., on December 22nd. 1909, and then and there further hear all persons interested therein and will then and there proceed to assess ^{all} damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages that you may sustain to lands not taken and all matters and issues presented by the pleadings on file in said Court.

Dated December 8th, 1909.

Elkhorn Valley Drainage District.

By Courtright & Sidner

Its Attorneys.

33.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN THE MATTER OF THE RIGHT OF WAY OF

ELKHORN VALLEY DRAINAGE DISTRICT.

NOTICE TO LAND OWNER.

To James Conety and Mary Conety:

You are hereby notified that the above mentioned drainage district has filed in the above mentioned court a petition and map exhibits in connection therewith and supplemental petitions number one and two describing and explaining a proposed system of drainage improvement by said drainage district; and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the west side to the south side of the southwest quarter of northeast quarter of section twenty, township sixteen, range ten in Douglas County, Nebraska, containing about 1.1 acres. The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will on December 22nd, 1909, at nine o'clock A. M., or as soon thereafter

as they arrive at the premises above mentioned and on said day, proceed to view said real estate and the premises adjacent thereto, and will then and there hear all parties interested therein, with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the town hall in the village of Valley, Douglas County, Nebraska, at three o'clock P. M., on December 22nd. 1909, and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof ~~by the above mentioned drainage district for drainage purposes,~~ and any damages that you may sustain to lands not taken and all matters and issues presented by the pleadings on file in said Court.

Dated December 8th, 1909

Elkhorn Valley Drainage District,

By Courtright & Sidner

Its Attorneys.

34.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN THE MATTER OF THE RIGHT OF WAY OF
ELKHORN VALLEY DRAINAGE DISTRICT.

NOTICE TO LAND OWNER.

To Peter Burke and Mary Burke:

You are hereby notified that the above mentioned drainage district has filed in the above mentioned court a petition and map exhibits in connection therewith and supplemental petitions number one and two, describing and explaining a proposed system of drainage improvement by said drainage district; and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north side of the southeast quarter of southwest quarter of section fourteen, to the south line of the southwest quarter of southeast quarter of section fourteen, and the east side of northeast quarter of northwest quarter of section twenty-three, all in township fifteen, range ten in Douglas County, Nebraska, containing about 7.6 acres. The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will, on December 23rd, 1909 at nine o'clock A. M., or as soon thereafter as they arrive at the premises above mentioned, and on said day, proceed to view said real estate and the premises adjacent thereto, and will then and there hear all parties interest^{ed} therein with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the town hall in the village of Waterloo, Douglas County, Nebraska, at three o'clock P. M., on December 23rd. 1909, and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages that you may sustain to lands not taken and all matters and issues presented by the pleadings on file in said court.

36

Dated December 8th. 1909,

Elkhorn Valley Drainage District.

By Courtright & Sidner
Its Attorneys.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN THE MATTER OF THE RIGHT OF WAY OF ()
ELKHORN VALLEY DRAINAGE DISTRICT. () NOTICE TO LAND OWNER.

To James B. Rogers and Josephine Rogers:

You are hereby notified that the above mentioned drainage district had filed in the above, mentioned court a petition and map exhibits in connection therewith and supplemental petition number one and two, describing and explaining a proposed system of drainage improvement by said drainage district; and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed as the same is now surveyed, staked and located by said above mentioned drainage district and extending across from the Elkhorn River in the northwest quarter of southeast quarter, to the west line of southwest quarter of southeast quarter of section twenty-three, in township fifteen, range ten in Douglas County, Nebraska, containing about five acres. The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will, on December 23rd, 1909, at nine o'clock A. M., or as soon thereafter as they arrive at the premises above mentioned, and on said day, proceed to view said real estate and premises adjacent thereto, and will then and there hear all parties interested therein with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the town hall in the village of Waterloo, Douglas County, Nebraska, at three o'clock P. M., on December 23rd, 1909, and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages that you may sustain to lands not taken and all matters and issues presented by the pleadings on file in said court.

Dated December 8th, 1909

Elkhorn Valley Drainage District.

By Courtright & Sidner,

Its Attorneys.

37.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN THE MATTER OF THE RIGHT OF WAY OF ()
ELKHORN VALLEY DRAINAGE DISTRICT. () NOTICE TO LAND OWNER.

To Fred Grimm and Annie Grimm, Ernest Grimm and Martha Grimm and Adolph Grimm and Nettie Grimm;

You are hereby notified that the above mentioned drainage district has filed in the above mentioned court a petition and map exhibits in connection therewith and supplemental petitions number one and two describing and explaining a proposed system of drainage improvement by said drainage district; and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the east side to the south side of the southeast quarter of southwest quarter of section twenty-three, township fifteen, range ten in Douglas County, Nebraska, containing about 4.2 acres. The Commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will, on December 23rd, 1909, at nine o'clock A. M., or as soon thereafter as they arrive at the premises above mentioned, and on said day, proceed to view said real estate and

the premises adjacent thereto, and will then and there hear all parties interested therein with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the town hall in the village of Waterloo, Douglas County, Nebraska, at three o'clock P. M., on December 23rd, 1909, and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages that you may sustain to lands not taken and all matters and issues presented by the pleadings on file in said court.

Dated December 8th, 1909

ELKHORN VALLEY DRAINAGE DISTRICT.

39

By Courtright & Sidner,

Its Attorneys.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.
 IN THE MATTER OF THE RIGHT OF WAY OF)
 ELKHORN VALLEY DRAINAGE DISTRICT.) NOTICE TO LAND OWNER.

To Elias L. Emery:

You are hereby notified that the above mentioned drainage district has filed in the above mentioned court a petition and map exhibits in connection therewith and supplemental petitions number one and two describing and explaining a proposed system of drainage improvement by said drainage district; and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land thirty feet wide, being fifteen feet wide on each side of the center line of the ditch to be constructed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north side to the south side of the northwest quarter of northeast quarter of section one, township fifteen, range nine in Douglas County, Nebraska, containing about one acres. The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will on December 22nd, 1909, at nine o'clock A. M., or as soon thereafter as they arrive at the premises above mentioned, and on said day, proceed to view said real estate and the premises adjacent thereto, and will then and there hear all parties interested therein with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the town hall in the village of Valley, Douglas County, Nebraska, at three o'clock P. M., on December 22nd, 1909, and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages that you may sustain to lands not taken and all matters and issues presented by the pleadings on file in said court.

Dated
 December 8, 1909.

42

ELKHORN VALLEY DRAINAGE DISTRICT.

By Courtright & Sidner,

Its Attorney.

MISCELLANEOUS RECORD No. 28.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN THE MATTER OF THE RIGHT OF WAY OF
ELKHORN VALLEY DRAINAGE DISTRICT.

NOTICE TO LAND OWNER.

To George Leuthje, Henry Leuthje and Mollie Leuthje, Kajie Doose and John Doose, Marie Westphal and Edward Westphal, and Claus Leuthje and Elizabeth Leuthje;

You are hereby notified that the above mentioned drainage district has filed in the above mentioned court a petition and map exhibits in connection therewith and supplemental petitions number one and two describing and explaining a proposed system of drainage improvement by said drainage district; and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be construed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north side to the south side of the north half of southwest quarter of section fourteen, township fifteen, range ten in Douglas County, Nebraska, containing about 6.6 acres. The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will, on December 23rd, 1909, at nine o'clock A. M., or as soon thereafter as they arrive at the premises above mentioned, and on said day, proceed to view said real estate and the premises adjacent thereto, and will then and there hear all parties interested therein with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the town hall in Waterloo, Douglas County, Nebraska, at three o'clock P. M., on December 23rd, 1909, and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages that you may sustain to lands not taken and all matters and issues presented by the pleadings on file in said court.

Elkhorn Valley Drainage District,

Dated December 8th, 1909.

By Courtright & Sidner

Its Attorneys.

43.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN THE MATTER OF THE RIGHT OF WAY OF
ELKHORN VALLEY DRAINAGE DISTRICT.

NOTICE TO LAND OWNER.

To Chris Backhus and Augusta Backhus:

You are hereby notified that the above mentioned drainage district has filed in the above mentioned court a petition and map exhibits in connection therewith and supplemental petitions number one and two describing and explaining a proposed system of drainage improvement by said drainage district; and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be construed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north line of the northeast quarter of northwest quarter of section twenty-six, township fifteen, range ten, to the Elkhorn River in said forty acre tract in Douglas County, Nebraska, containing about six acres.

The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will on December 23rd, 1909, at nine o'clock A. M., or as soon thereafter as they arrive at the premises above mentioned, and on said day, proceed to view said real estate and the premises adjacent thereto, and will then and there hear all parties interested therein with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the town hall in the village of Waterloo, Douglas County, Nebraska, at three o'clock P. M. on December 23rd, 1909, and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages that you may sustain to lands not taken and all matters^{and} issues presented by the pleadings on file in said court.

Chris Backhus

Augusta Backhus

Dated December 8th, 1909.

45.

Elkhorn Valley Drainage District.

By Courtright & Sidner

Its Attorneys.

33

Due and legal notice having been given to

Stephen Carpenter and Thresa Carpenter.

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No 33 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing "a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the west side to the south side of the southwest quarter of southwest quarter of section six, township sixteen, range ten in Douglas County, Nebraska, containing about one and two-tenths acre," and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing and the land owners appearing by Stephen Carpenter and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain, the sum of \$90.00

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

34.

Due and legal notice having been given to

James Conety and Mary Conety,

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No. 34 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing "a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the west side to the south side of the southwest quarter of northeast quarter of section twenty, township sixteen, range ten in Douglas County, Nebraska, containing about one and one-tenth acres," and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages, and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

James Conety

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain, the sum of \$100.00.

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

36.

Due and legal notice having been given to

Peter Burke and Mary Burke,

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No. 36 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing "a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the north side of the southeast quarter of southwest quarter of section fourteen, to the south side of the southwest quarter of southeast quarter of section fourteen, and the east side of northeast quarter of northwest quarter of section twenty-three, all in township fifteen, range ten in Douglas County, Nebraska, containing about seven and six-tenths acres," and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages, and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing and the land owners appearing by

Peter Burke

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain, the sum of \$950.00

MISCELLANEOUS RECORD No. 28.

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

37.

Due and legal notice having been given to

James B. Rogers and Josephine Rogers.

which notice and proof of service thereof is hereto attached, as an exhibit and marked No. 37 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing "a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the Elkhorn River in the northwest quarter of southeast quarter, to the west line of southwest quarter of southeast quarter of section twenty-three-township fifteen, range ten in Douglas County, Nebraska, containing about five acres," and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessments of damages, and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

James B. Rogers

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain, the sum of \$600.00

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

39.

Due and legal notice having been given to

Fred Grimm and Annie Grimm, Ernest Grimm and Martha Grimm, and Adolph Grimm and Nettie Grimm,

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No. 39 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing "a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the east side to the south side of the southeast quarter of southwest quarter of section twenty-three, township fifteen, range ten in Douglas County, Nebraska, containing about four and two-tenths acres," and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages, and having

then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

Fred Grimm, Ernest Grimm and Adolph Grimm

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain, the sum of \$600.00

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

42. Due and legal notice having been given to Elias L. Emery,

Which notice and the proof of service thereof is hereto attached, as an exhibit and marked No. 42 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing "a strip or piece of land thirty feet wide, being fifteen feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across ^{from} the north side to the south side of the northwest quarter of northeast quarter of section one, township fifteen, range nine in Douglas County, Nebraska, containing about one acre", and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages, and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain, the sum of \$100.00

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

43 Due and legal notice having been given to,

Goerge Leuthje, Henry Leuthje and Mollie Leuthje, Katie Doose and John Doose, Marie Westphal and Edward Westphal, and Claus Leuthje and Elizabeth Leuthje,

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No. 43 and made a part thereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the north side to the south side of the north half of southwest quarter of section fourteen, township fifteen, range ten in Douglas County, Nebraska, containing about six and six-tenths acres," and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also

MISCELLANEOUS RECORD No. 28.

inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages, and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

George Leuthje & Henry Leuthje

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain the sum of \$500.00.

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

45 Due and legal notice having been given to Chris Backhus and Augusta Backhus,

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No 45 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing "a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the north side of the northeast quarter of northwest quarter of section twenty-six, township fifteen, range ten in Douglas County, Nebraska, to the Elkhorn River in said forty-acre tract in Douglas County, Nebraska, containing about six acres", and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

Chris Backhaus

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain, the sum of \$950.00

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

All of which is respectfully submitted.

Dated December 23rd, 1909.

Jas. A. Howard

F.J. Bessey

Wm. von Dohren, Jr.,

D.H. Kirschner

Wm. Glandt

Dan Westergard

Endorsed: Filed Dec. 27-1909.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way of
Elkhorn Valley Drainage District.

AFFIDAVIT FOR SERVICE BY
PUBLICATION.

STATE OF NEBRASKA,)
Dodge County.) SS.

I, W. J. Courtright, being first duly sworn, depose and say that I am one of the attorneys for Elkhorn Valley Drainage District, the petitioner herein, that said petitioner has filed in the county Court of Douglas County, Nebraska, a petition and map exhibits in connection therewith, and supplemental petitions number one, two and three, describing and explaining a proposed system of drainage improvements by said drainage district, and the conditions existing with reference to the lands therein named and the ownership thereof and various other matters and issues presented. The object and prayer of said petition and the proceedings taken and to be taken thereunder, is that petitioner may acquire, by eminent domain proceedings, the right and title for drainage purposes to certain lands therein mentioned, owned by the parties hereinafter mentioned. Among said owners of various tracts of land are John Mahoney and Hannah Mahoney, his wife, Arthur E. Agee and Anna M. Agee, his wife, Jessie G. Tutus and Thomas Tutus, her husband, Florence Simonton and John Simonton, her husband, John W. Agee and Susan Agee, his wife Horace A. Agee and Etta Agee, his wife, Grace M. Schlaf and Albert Schlaf, her husband, Harriet E. Steele and James Steele, her husband, and Thomas E. Agee, Alfred Resum and Ellen Resum, his wife, John C. Hvilson, Joseph G. Cannon and George W. Smith, each of whom is a non-resident of the State of Nebraska, and service of notice cannot be made on said persons or any of them within the State of Nebraska.

WHEREFORE petitioner will make service upon said non-resident parties by publication

W. J. Courtright

Subscribed in my presence and sworn to before me this 8th day of January, 1910.

C. C. Courtright

(seal)

Notary Public

Endorsed: Filed Jan 10 1910.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of Right of Way of
Elkhorn Valley Drainage District.

REPORT OF COMMISSIONERS.

We, the undersigned, commissioners appointed by the County Court of Douglas County, Nebraska, having taken the oath of office and duly qualified in the above entitled matter, do hereby report as follows:

Due and legal notice having been given to

John Mahoney and Hannah Mahoney,

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No. 23 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing "a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the north side to the east side of the northwest quarter of section one, township sixteen, range nine in Douglas County, Nebraska, containing about 4.5 acres," and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspect-

ing and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages, and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain, the sum of \$350.00

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

Due and legal notice having been given to

William Powers and Jennie Powers,

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No. 29 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing "a strip or piece of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be construed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the North side easterly to the Elkhorn River in the north half of southwest quarter of section four, township sixteen, range ten in Douglas County, Nebraska, containing about 3.5 acres," and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages, and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

William Powers

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain the sum of \$105.

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

Due and legal notice having been given to

Arthur K. Osburne and Ella Osburne,

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No. 31 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing "a strip or piece of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the west side to the east side of the southeast quarter of northeast quarter of section

five, township sixteen range ten in Douglas County, Nebraska, containing about 3.3 acres", and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages, and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

Arthur K. Osburne and Ella Osburne

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain the sum of \$800.00

We have considered the cost of bridging the proposed ditch and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

Due and legal notice having been given to

John Samson and Adelaide Samson,

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No. 32 and made a part hereof, and having at the time mentioned in said notice assembled as a board for the purpose of inspecting and viewing ^{or piece} "a strip of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the west side to the east side of the west half of northeast quarter of section five, township sixteen, range ten in Douglas County, Nebraska, containing about 3.5 acres," and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages, and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

John Samson and Adelaide Samson

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain, the sum of \$1050.

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

Due and legal notice having been given to Edward Hoppock,

which notice and the proof of service thereof is hereto attached, as an exhibit and marked No. 41

and made a part hereof, and having at the time mentioned in said notice assembled as a board for being fifty feet wide on each side of the center line of the ditch to be constructed as the purpose of inspecting and viewing "a strip or piece of land one hundred feet wide, the same is now surveyed, staked and located by said above mentioned Drainage District and extending across from the west side to the south side of southwest quarter of northwest quarter of section

four, township sixteen, range ten in Douglas County, Nebraska, containing about .7 acres," and this board of commissioners having at said time inspected and viewed said premises and then and there given a hearing to all persons interested therein, with reference to the amount of damages, while we were so inspecting and viewing said above described real estate, and having also inspected and viewed the premises adjacent thereto and having thereafter assembled at the time and place mentioned in said notice for the assessment of damages, and having then and there given a further hearing to all persons interested, the said drainage district being represented at said hearing, and the land owners appearing by

and we being fully advised in the premises do find and assess as the amount of damages that said owners will sustain, the sum of \$20.

We have considered the cost of bridging the proposed ditch, and have considered the damages that will be suffered if said ditch is not bridged, and have compared the same, and find and report that the conditions are such that the construction of a bridge upon said right of way by said Drainage District will not be necessary, and these facts have been taken into consideration by us as elements in fixing the damages.

All of which is respectfully submitted.

Dated March 25, 1910.

Jas. A. Howard

D.H. Kirschner

Wm. von Dohren, Jr.

Dan Westergard

Wm. Glandt

F.J. Bessey.

State of Nebraska,
Douglas County. ss.

I, J. W. Hall, being first duly sworn, depose and say that on March 9th, 1910, I served the attached notice No. 29 on William Powers, and Jennie Powers his wife by leaving at the usual place of residence of each of said parties in Douglas County, a true and duplicate copy thereof.

On March 9th, 1910, I served the attached notice No. 31 on Arthur K. Osburne by delivering a true and duplicate copy thereof to him in person, and on the same day I served said notice on his wife Ella K. Osburne by leaving a true and duplicate copy thereof with her husband Arthur K. Osburne.

On March 9th, 1910, I served the attached notice No. 32 on John Sampson by delivering a true and duplicate copy thereof to him in person and on the same day I served said notice on Adelaide Samson his wife by leaving a true and duplicate copy thereof with her husband John Samson.

On March 9th, 1910 I served the attached notice No. 41 on Edward Hoppock by delivering to him in Douglas County in person a true and duplicate copy of said notice.

J.W. Hall

Subscribed in my presence and sworn to before me this 18th day of March 1910. (seal)

J. S. Kennedy,
Notary Public.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA,

IN THE MATTER OF THE RIGHT OF WAY OF)
Elkhorn Valley Drainage District.) NOTICE TO LAND OWNER.

To William Powers and Jennie Powers.

You are hereby notified that the above mentioned drainage district has filed in the court, a above mentioned petition and map exhibits in connection therewith and supplemental petition No. 1 and 2 describing and explaining a proposed system of drainage improvement by said drainage district; and the condition existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented and praying for the condemnation of a strip or piece of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be construed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north side easterly to the Elkhorn River in the north half of southwest quarter of section four, township sixteen, range ten in Douglas County, Nebraska, containing about 3.5 acres. The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will on March 25th, 1910, at nine o'clock A. M., or as soon — thereafter as they arrive at the premises above mentioned, and on said day, proceed to view, ^{said} real estate and the premises adjacent thereto, and will then and there hear all parties interested therein with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the Town Hall in the village of Valley in Douglas County, Nebraska, at three o'clock P. M. of March 25th, 1910.

and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages that you may sustain to lands not taken and all matters and issues presented by the pleadings on file in said court.

Dated March 4th, 1910.

ELKHORN VALLEY DRAINAGE DISTRICT,

29.

By Courtright & Sidner.

Its Attorneys.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN THE MATTER OF THE RIGHT OF WAY OF)
Elkhorn Valley Drainage District.) NOTICE TO LAND OWNER.

To Arthur K. Osburne and Ella Osburne:

You are hereby notified that the above mentioned drainage district has filed in the above mentioned court a petition and map exhibits in connection therewith and supplemental petitions No. 1 and 2, describing and explaining a proposed system of drainage improvement by said drainage district; and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be constructed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the west side to the east side of the southeast quarter of northeast quarter of section five, township sixteen, range ten in Douglas County, Nebraska, containing about 3.3 acres. The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will on March 25th, 1910, at nine o'clock A. M., or as soon thereafter as they arrive at the premises above mentioned, and on said day, proceed to view said real estate and the premises adjacent thereto, and will then and there hear all parties interested therein with reference to the

amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the town hall in the village of Valley in Douglas County, Nebraska, at three o'clock P. M., of March 25th, 1910,

and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages that you may sustain to lands not taken and all matters and issues presented by the pleadings on file in said court.

Dated March 4th, 1910.

ELKHORN VALLEY DRAINAGE DISTRICT.

31

By Courtright & Sidner

Its Attorneys.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

IN THE MATTER OF THE RIGHT OF WAY OF)
ELKHORN VALLEY DRAINAGE DISTRICT.)

NOTICE TO LAND OWNER.

To John Samson and Adelaide Samson.

You are hereby notified that the above mentioned drainage district has filed in the above mentioned Court a petition and map exhibits in connection therewith and supplemental petitions No. 1 and 2 describing and explaining a proposed system of drainage improvement by said drainage district; and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be constructed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the west side to the east side of the west half of northeast quarter of section five, township sixteen, range ten in Douglas County, Nebraska, containing about 3.5 acres. The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will on March 25th, 1910, at nine o'clock A. M., or as soon thereafter as they arrive at the premises above mentioned, and on said day, proceed to view said real estate and the premises adjacent thereto, and will then and there hear all parties interested therein with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the town hall in the village of Valley in Douglas County, Nebraska, at three o'clock P. M., of March 25th, 1910, and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages, that you may sustain to lands ^{not} taken and all matters and issues presented by the pleadings on file in said court.

Dated March 4th, 1910.

32

ELKHORN VALLEY DRAINAGE DISTRICT .

By Courtright & Sidner,

Its Attorneys.

MISCELLANEOUS RECORD No. 28.

IN THE COUNTY COURT OF COUNTY NEBRASKA.

IN THE MATTER OF THE RIGHT OF WAY OF NOTICE TO LAND OWNER.
ELKHORN VALLEY DRAINAGE DISTRICT. 0

To Edward Hoppock:

You are hereby notified that the above mentioned drainage district has filed in the above mentioned court a petition and map exhibits in connection therewith and supplemental petitions No. 1 and 2 describing and explaining a proposed system of drainage improvement by said drainage district; and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of a strip or piece of land one hundred feet wide, being fifty feet wide on each side of the center line of the ditch to be constructed as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the west side to the south side of the southwest quarter of the northwest quarter of section four, township sixteen, range ten in Douglas County, Nebraska, containing about .7 acres. The commissioners selected and commissioned by the county judge of the above named county pursuant thereto and duly qualified for that purpose, will, on March 25th, 1910, at nine o'clock A. M., or as soon thereafter as they arrive at the premises above mentioned, and on said day, proceed to view said real estate and the premises adjacent thereto, and with then and there hear all parties interested therein with reference to the amount of damages when they are so inspecting and viewing said above described real estate, and said Board of Commissioners will assemble at the Town Hall in the Village of Valley in Douglas County, Nebraska, at three o'clock P. M., of March 25th, 1910, and then and there further hear all persons interested therein and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damages that you may sustain to lands not taken and all matters and issues presented by the pleadings on file in said court.

Dated March 4th, 1910.

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Elkhorn Valley Drainage District,

By Courtright & Sidner,

Its Attorneys.

State of Nebraska, (
Douglas County.)

SS. AFFIDAVIT OF PUBLICATION.

Albert C. Hedberg being duly sworn, deposes and says that he is foreman of the VALLEY ENTERPRISE, a legal newspaper having a bond fide circulation in excess of 200 copies, printed at Valley in said County of Douglas, for more than fifty-two weeks last past, that the printed notice hereto attached was published in the said Valley Enterprise newspaper for 4 consecutive weeks, commencing on the 14 day of Jan. 1910, and ending on the 4 day of Feby, 1910.

The said newspaper was, during that time, in general circulation in the county of Douglas and State of Nebraska.

(Signed) Albert C. Hedberg,

Subscribed and sworn to before me this 7th day of Feby, 1910.

(seal)

C.E. Byars, Notary Public.

Printer's Fee \$50.00
Notary's Fee \$———
Total, \$———

MISCELLANEOUS RECORD No. 28.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

In the Matter of the Right of Way of)
Elkhorn Valley Drainage District.) NOTICE TO LANDOWNERS.

To John Mahoney and Hannah Mahoney, his wife; Arthur E. Agee and Anna M. Agee, his wife, Jessie G. Tutus and Thomas Tutus, her husband; Florence Simonton and John Simonton, her husband; John W. Agee and Susan Agee, his wife; Horace A. Agee and Etta Agee, his wife, Grace M. Schlaf and Albert Schlaf, her husband; Harriet E. Steele and James Steele, her husband; Thomas E. Agee, Alfred Resum and Ellen Resum, his wife; John C. Hvilson; Joseph G. Cannon and George W. Smith:

You are hereby notified that the above mentioned drainage district has filed in the above mentioned court a petition and map exhibits in connection therewith, and supplemental petitions number one, two and three, describing and explaining a proposed system of drainage improvement by said drainage district, and the conditions existing with reference to the lands therein mentioned and the ownership thereof and various other matters and issues presented, and praying for the condemnation of certain lands, said real estate so to be taken being described as follows:

That owned by John Mahoney is a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north side to the east side of the northwest quarter of section one, township sixteen, range nine in Douglas County, Nebraska, containing about four and five-tenths acres.

That owned by Arthur E. Agee, Jessie G. Tutus, Florence Simonton, John W. Agee, Horace A. Agee, Grace M. Schlaf, Harriet E. Steele and Thomas E. Agee, is a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north side of northwest quarter of southeast quarter to the Elkhorn river in the northeast quarter of southeast quarter of section twenty-eight, township sixteen, range ten in Douglas County, Nebraska, containing about one and five-tenths acres; also a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the north side to the Elkhorn River in the northeast quarter of southeast quarter of section twenty-eight, township sixteen, range ten in Douglas County, Nebraska, containing about five and eight-tenths acres; also a strip or piece of land thirty feet wide, being fifteen feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the west side to the south side of the south half of southwest quarter of section twenty-eight, township sixteen, range ten in Douglas County, Nebraska, containing about one and four-tenths acres.

That owned by Alfred Resum is a strip or piece of land fifty feet wide, being twenty-five feet wide on each side of the center line of the ditch to be constructed, as the same is ^{now} surveyed, staked and located by said above mentioned drainage district, and extending across from the west side to the south side of the southwest quarter of northeast quarter of section one, township sixteen, range nine in Douglas County, Nebraska, containing about two acres.

That owned by John C. Hvilson is a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by the said above mentioned drainage district, and extending across from the Elkhorn River in the northeast quarter of northeast quarter of section Fifteen, township fifteen, range ten to the south side of northeast quarter of _____

northeast quarter of section fifteen, township fifteen, range ten, and the south side of the northwest quarter of northwest quarter of section fourteen, township fifteen, range ten in Douglas County, Nebraska, containing about two and three-tenths acres.

That owned by Joseph G. Cannon is a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the east side to the south side of the southeast quarter of southeast quarter of section twenty-seven, township fifteen, range ten in Douglas County, Nebraska, containing about four acres.

That owned by George W. Smith is a strip or piece of land two hundred feet wide, being one hundred feet wide on each side of the center line of the ditch to be constructed, as the same is now surveyed, staked and located by said above mentioned drainage district, and extending across from the Elkhorn River in the northeast quarter of southwest quarter, to the south line of southeast quarter of southwest quarter of section nine, township fourteen, range ten in Douglas County, Nebraska, containing about eight acres.

The commissioners selected and commissioned by the county judge of the above named county, pursuant thereto and duly qualified for that purpose, will on March 24th, 1910, at nine o'clock A. M. or as soon thereafter as they arrive at the premises above mentioned and on said day proceed to view said real estate belonging to John C. Hvilson, Joseph G. Cannon and George W. Smith, and the premises adjacent thereto, and will then and there hear all parties interested therein with reference to the amount of damages, when they are so inspecting and viewing said above described real estate.

The commissioners selected and commissioned by the county judge of the above named county, pursuant thereto and duly qualified for that purpose, will on March 25th, 1910, at nine o'clock A. M. or as soon thereafter as they arrive at the premises above mentioned and on said day proceed to view said real estate belonging to John Mahoney and Hannah Mahoney, Arthur E. Agee and Anna M. Agee, Jessie G. Tutus and Thomas Tutus, Florence Simonton and John Simonton, John W. Agee and Susan Agee, Horace A. Agee and Etta Agee, Grace M. Schlaf and Albert Schlaf, Harriet E. Steele and James Steele, and Thomas E. Agee and Alfred Resum and Ellen Resum, and the premises adjacent thereto, and will then and there here all parties interested therein with reference to the amount of damages, when they are so inspecting and viewing said above described real estate.

Said Board of Commissioners will assemble at the town hall in the village of Valley in Douglas County, Nebraska, at three o'clock P. M., of March 25th, 1910, and then and there further hear all persons interest in any of the foregoing lands and matters and will then and there proceed to assess all damages that you and each of you may sustain by reason of the appropriation thereof or any part thereof by the above mentioned drainage district for drainage purposes, and any damage that you may sustain to lands not taken, and all matters and issues presented by the pleadings on file in said court.

Dated January 10th, 1910.

Elkhorn Valley Drainage District,

By Courtright & Sidner,

Its Attorneys.

Endorsed: Filed Mar. 28 1910.

MISCELLANEOUS RECORD No. 28.

STATE OF NEBRASKA,)
) SS.
 County of Douglas.)

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA.

I Charles Leslie County Judge of Douglas County, Nebraska, do hereby certify that I have compared the foregoing copy of Petition, Commission, Oath of Office, Citation, Supplemental Petition #1, Resignation of J. W. Shumaker, Order accepting resignation, Commission appointing Frank J. Bessey, Citation, Oath of Office, Report of Commissioners, Supplemental Petition #2, Report of Commissioners, Affidavit for service by publication and Report of Commissioners, in the matter of the Right of Way of the Elkhorn Valley Drainage District, with the original record thereof, now remaining in said court; that the same is a correct transcript thereof, and of the whole of said original record; that said court has no clerk authorized to sign certificates in his own name, and that I have the legal custody and control of said original record; that said court is a court of record, has a seal, and that said seal is hereto affixed; and that the foregoing attestation is in due form, according to the laws of the State of Nebraska.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court at Omaha, this 2nd. day of August A. D. 1910.

Charles Leslie, County Judge.

By Clyde C. Sundblad,

Clerk of the County Court.



The State of Nebraska,)
 Douglas County,)

Entered on Numerical Index and filed for Record
 in the Register of Deeds Office of said County, the
 26th day of August 1910 at 8:01 o'clock A. M.,

Frank W. Bandle,

Register of Deeds.

Compared by

1. LAND CONTRACT.)

Charles P. Corson and wife,)
 to)
 Theo C. Troup.)

THIS AGREEMENT Made the 12th day of May A. D. 1910 between Charles P. Corson and Myrtle Corson, husband and wife, parties of the first part and Theo. C. Troup, party of the second part,

WITNESSETH, That said parties of the first part agree to sell and convey to said party of the second part, for the price and upon the terms hereinafter mentioned, the following described real estate situate in the County of Douglas and State of Nebraska, to wit:

Lot, Number Seventeen (17) in Block Four hundred sixty nine (469) Grandview an Addition to the City of Omaha, as surveyed, platted and recorded.

Said party of the second part agrees to purchase said real estate from said parties of the first part, and to pay to them, as the purchase price for the same, the sum of Five hundred (500) dollars, in payment as follows: \$25.00 on delivery of this contract, \$25.00 on the 14th day of each month hereafter until January 14th, 1911 and the remainder of said purchase price to be paid on said January 14th, 1911.