

**PUBLIC NOTICE  
IN THE CIRCUIT  
COURT OF THE STATE  
OF OREGON  
FOR THE COUNTY OF  
MORROW  
NOTICE AND  
SUMMONS**

Case No. 11CV197

In the Matter of the Petition of Marvin Padberg, Larry Lindsay, Jerry M. Healy, Donald (Don) Russell, and Joseph (Joe) Taylor, as Commissioners of the Port of Morrow, a municipal corporation and Port District organizing and existing under the laws of Morrow County, State of Oregon For the Judicial Examination and Judgment of the Court of the Validity of a Lease Agreement, Trust Indenture, Bonds, and related Matters for the Refinancing of Existing Transmission Facilities and Construction of New Transmission Facilities Which are Part of the Bonneville Power Administration Transmission System, and all Proceedings Leading Thereto, Including the Adoption of a Resolution Authorizing Such Matters.

**NOTICE TO  
DEFENDANTS:  
READ THESE PAPERS  
CAREFULLY!**

TO: Port of Morrow, a Port District and municipal corporation, and to all electors, freeholders, taxpayers and other interest persons:

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator along with the required filing fee no later than January 30, 2012, which is ten (10) days or more after completion of publication of this summons. It must be in proper form and have proof of service on the petitioners' attorney.

**NOTICE AND SUMMONS** is given that a petition has been filed in the above-entitled court by Petitioners Marvin Padberg, Larry Lindsay, Jerry M. Healy, Donald (Don) Russell, and Joseph (Joe) Taylor, as Commissioners of the Port of Morrow, a municipal corporation and Port District, for the judicial examination and judgment of the validity of Bonds, Lease Commitments, Agency Agreements, Indenture, and Credit Agreements (as those terms are defined in the Petition filed in this matter), and related matters for the refinancing of existing transmission facilities and construction of new transmission facilities which are part of Bonneville Power Administration Transmission System, and all proceedings leading thereto, including the adoption of a resolution authorizing such matters.

**SUMMARY OF THE MATTER PETITIONERS SEEK TO VALIDATE:**

The United States Department of Energy, acting by and through Bonneville, has requested that the Port issue Bonds to: (a) finance or refinance the costs of acquisition, installation and/or construction of existing and future transmission facilities which are now or will be leased to Bonneville and which are: (i) to be specifically identified prior to the date of issuance and sale of the Bonds; (ii) integral to the "Federal transmission system" as such term is used in the Federal Columbia River Transmission System Act of 1974 (16 U.S.C. 838 et seq.); (iii) located in the State of Oregon and in other states within the geographical area of the "Pacific Northwest region" described in Section 4(d)

of the Federal Columbia Transmission System Act of 1974, 16 U.S.C. 838(d), and to (b) finance the costs of issuance of the Bonds. Petitioners have brought this validation action pursuant to ORS Sections 33.710 and 33.720 for the judicial examination, approval, and confirmation of the validity and legality of the proceedings described above, including the Resolution, the execution and delivery of the Bonds, and the execution and delivery of the related Lease Commitments, Agency Agreements, Indentures, and Credit Agreements.

Notice is served and given to all electors, freeholders, taxpayers and other interested persons by publication of this Notice and Summons for once a week for three (3) successive weeks. Jurisdiction will be established over all electors, freeholders, taxpayers and other interested persons ten (10) days after the date of the completion of publication of this summons. Any interested person may at any time on or before January 30, 2012, appear and contest the validity of this petition by the filing of an answer or motion as described above with the trial court clerk or administrator of the Morrow County Circuit Court. If no response is made within the allotted time, Petitioners will apply to the court for the relief demanded in the petition.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.

The name and address of the Court is:

Circuit Court  
Morrow County Court House  
P.O. Box 609  
100 Court Street  
Heppner, OR 97836  
The name and address of Petitioners' attorney is:  
Samuel E. Tucker Monahan,  
Grove & Tucker 105 N. Main  
Milton-Freewater, OR 97862  
Phone: 541-938-3377 Fax: 541-938-6112  
Email: [sam@mgtlegal.com](mailto:sam@mgtlegal.com)

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Last day to appear: January 30, 2012

Courts Administration  
/S/C. Black  
Administrator  
Published: December 28, 2011 and January 4, 11 and 18, 2012

**PUBLIC NOTICE  
REQUEST FOR BIDS**

Morrow County is accepting bids on the following:

1. Gasoline
2. Diesel
3. Lubricants
4. Aviation Fuel

Specifications and bid sheets may be obtained by contacting Morrow County Public Works Sandi Putman at 365 W. Hwy 74, P.O. Box 428, Lexington, OR 97839. 541-989-9500.

Bids must be received at the Morrow County Public Works Office, P.O. Box 428, 365 W. Hwy 74, Lexington, OR 97839 no later than 4:00 pm Tuesday January 24, 2012. Bids must be in a sealed envelope marked with the specific bid. Bids will be opened January 25, 2012. Time for bid openings are Lubrication, 9:30 a.m.; Gasoline, 9:40

a.m.; Diesel, 9:50 a.m. and aviation fuel at 10:00 a.m. at the Morrow County Court House, 100 Court Street, and Heppner, OR. For additional information contact Morrow County Public Works 541-989-9500.

Morrow County reserves the right to reject any and all bids and/or to postpone the award of bids for thirty (30) days from the date of opening. Morrow County does not discriminate on the basis of age, religion, race national origin, sex or handicapped status in hiring or the provision of services. Published: December 7, 14, 21, 28 and January 4, 2012 Affidavit

**PUBLIC NOTICE  
REQUEST FOR BIDS**

Morrow County Public Works is accepting bids on the following:

1. Herbicides
- Specifications and bid sheets may be obtained by contacting Morrow County Public Works P.O. Box 428, 365 W Hwy 74, Lexington, OR 97839. Phone 541-989-9500.

Bids must be received at the Morrow County Public Works Office, P.O. Box 428, 365 W. Hwy 74, and Lexington, OR 97839 no later than 4:00 p.m. Tuesday, January 24, 2012 Bids must be in a sealed envelope marked "Herbicide Bid". Bids will be opened January 25, 2012. Starting at 10:05 a.m. at the Morrow County Court Session being held at the Courthouse in Heppner, OR. For additional information contact Morrow County Public Works 541-989-9500.

Morrow County reserves the right to reject any and all bids and/or to postpone the award of bids for thirty (30) days from the date of opening.

Morrow County does not discriminate on the basis of age, religion, race national origin, sex or handicapped status in hiring or the provision of services. Published: January 4, 11 and 18, 2012

**Sheriff's Report**

The Morrow County Sheriff's Office reports handling the following business:

-Continued from PAGE FIVE

**August 18 (cont.):** he is trespassed from their Irrigon property. Deputy attempted contact but was unable to locate.

-A male caller reported a man would be going to a motel in Irrigon to repossess a car. Reports no problems, but would like an officer on scene when the man shows up to repossess the car.

-A local restaurant owner called to report that they had received multiple calls over the last few months from a person wanting to place large food order. Probably attempted fraud.

-MCSO received a call from a woman who said her husband was threatening herself and her daughter. Advised that he was intoxicated; she does not believe there are any weapons in the house but advised that he might get physical with a deputy. Caller advised that she has moved out and he is upset and is trying to take her car keys. Her daughter was safe and inside the vehicle. MCSO responded. Male subject was tazed/medical cleared.

-MCSO arrested John Andrew Nelson, 40,

on charges of disorderly conduct II, harassment, and assault of a public safety officer. The subject was lodged at Umatilla County Jail.

-Received a report of a male who stabbed himself in the hand in the 4-H kitchen. He was bleeding and losing consciousness. Ambulance was cancelled by an EMT.

**August 21:** -MCSO received a call from a female who had gotten a text message from a number she did not know. It was kids stealing a road sign out on Cutsforth Rd. Deputy responded and got pictures and phone number from subject. Female suspect was arrested on charges of theft II and criminal mischief II, cited and released to appear in court.

-MCSO received a call from a man who said he had damage done to his vehicle while doing Karaoke at Bakes in Irrigon.

-A Heppner resident called MCSO to report that it was noisy downtown. The bar had just closed and people were whooping and hollering. The caller advised that people were trying to sleep. Deputy responded to Main Street and no one was on the street at all. Made contact with a male subject; they said they would turn the music down.

-MCSO received a call from an Irrigon woman who said a dog had been tied to a post for 24 hours without food or water. MCSO responded and talked to the owners about watering and feeding the dog.

-A Heppner woman called MCSO to report cows on the hill behind her house. The cows had red and yellow ear tags and were coming into her yard. The owner was located and said he would go and get his cows.

-MCSO received a report of a semi truck stuck in the I-84 median at Boardman. Woodpecker tow truck used the median to cut across to tow it and got itself stuck.

-MCSO arrested Christopher Neil Doolittle, 49, for a DUII. Subject was cited and released to appear in Irrigon Justice Court.

-MCSO issued a citation to Jose Ismael Romero Orozco, 31, for violating the basic rule by driving 91 mph in a 55 mph zone.

-BPD received a report from a female in Boardman who said a male subject had gone into the Shell and stolen two cases of Budweiser.

-BPD received a report of an elderly female wandering around the river, wouldn't talk to anyone for help. Female was wearing purple shirt and jeans; was currently in the river up to her chest and kept walking out. Office spoke to the female, who said she was fine, just cooling off, and didn't feel like talking.

**August 22:** -MCSO arrested Daniel Pelayo-Gilbon, 19, on an Irrigon Justice Court warrant for failure to carry and present. The subject was lodged at Umatilla County Jail. Subject was also charged with unlawful possession of methamphetamine.

-A female caller from Irrigon reported that a Chihuahua/Jack Russell mix showed up at her house and needs to be picked up.

-Tri Com requested aid for a boat in distress, a 43-foot-long white fishing trolley approximately one mile downriver from the marina. They are trying to fix the engine but are going toward rocks. MCSO responded with Thunder Jet.

Deadline for news & advertising  
MONDAY at 5:00

From the 1965 archives of the  
Heppner Gazette-Times

**Trains Running  
Again; Heppner Man  
Recalls History**

*(Editors Note: After the tracks were washed out on the Heppner branch line in the December 24, 1964 flood, the Union Pacific Railroad hastened to make repairs. By Monday morning came the good news that the trains were running again. The incident brought some interesting history from a Heppner resident who wrote of the railroad for The Heppner Gazette-Times in order that all may enjoy it.*

**The Iron Horse Rides Again**

By Bob Lowe

In 1888 the Oregon Railroad and Navigation Company built a railroad up Willow Creek in Morrow County from the mail line on the Columbia River to Heppner. Previous to this time, wheat and wool had to be hauled by team and livestock driven to Arlington, Castle Rock or Umatilla for transportation to seaports or larger cities.

When the railroad terminated at Heppner, a golden spike was driven to designate the completion of the line. Several oldtimers living in Heppner today remember the occasion.

In June 1903, a cloudburst or water-spout struck Heppner and over 200 people lost their lives. Railroad bridges were washed out, but the O.R.R. & N. ran the train from Heppner Junction to within two miles of Heppner so merchandise could be transferred from train to horse-drawn wagon to supply the flood torn city with necessities.

After the tracks were repaired, the old fashioned steam locomotive made the daily trip to Heppner in the years that followed, bringing mail, passengers and freight.

The conductor was glad to stop his train to pick you up or let you off at any of the farms along his 47-mile run from Heppner to Heppner Junction. The train was called "The Galloping Goose" or "Sage Brush Annie" but we all loved to hear her coming up the branch.

Years passed by with nothing very eventful happening until 1916 or 1917 when a flash flood washed out some of the piling of the railroad bridge at the horseshoe bend near Morgan.

At this time the section men lived in outfit or work cars which were moved from station to station. The Hungarian foreman was a friend of every family along the 47 mile track.

He often said in his broken English, "My job is to keep de train on de track."

On a particular morning, he was going to Cecil to attend a funeral of an old pioneer buried at Morgan. Being a maintenance-of-way-employee, he took the opportunity of riding the locomotive, No. 1716 from Heppner to Cecil to show the engineer the weak spots of the track.

Willow Creek was holding the flood waters nicely, and no great damage was in view, so there was no cause for alarm. But unknown and unseen to the train crew, the bridge near Morgan was weakened by debris lodging against the pilings. As the locomotive's weight reached the center of the bridge, the decking collapsed, dropping the engine into Willow Creek below, drowning

the engineer and section foreman.

The Foreman jumped into the muddy water and survived. It was several days later when the bodies of the other two where found, one a mile below the bridge.

Rail service to Heppner was delayed only a short time, as an extra train working out of Heppner was between the damaged bridge and Heppner.

Engine No. 1716 was rebuilt and put back in service. Several years later, the same engine was badly burned in a round-house fire at Shaniko. Again she was rebuilt and put back to work. She was what is known to railroad men as a "ten wheeler."

Once more the series of events was as usual until 1934. Another flash flood washed out two railroad bridges, but only a short time was required to restore full railroad service to Heppner.

The last steam locomotive in Heppner was engine No. 2111 in February 1954. Since then the "glorified street car" or the diesel electric locomotive has taken over with more power and cheaper to operate, so the steamer died.

Instead of a train to Heppner every day, we have three a week with the same train running three days a week to Condon.

Once more the train was a matter of form until December 21, 1964, when a 70 degree temperature rise caused snow to melt followed by a warm rain. Normally dry canyons became rushing torrents of muddy water. Heppner was lucky with very little damage, but as the runoff from canyon to canyon and creek to creek met, the depth of water from railroad to highway increased beyond belief.

Again the railroad was put out of service, so extensive was the damage that some people wondered if it would ever be repaired. Part of the railroad grade built 77 years ago looked as it did when the Indians roamed the hills.

Shortly after the flood that raised havoc throughout the entire Northwest, a low flying helicopter, with Union Pacific engineers aboard, viewed the rail damage. A report was given out, "A train will be in Heppner on January 11, 1965."

What a long shot after seeing all the damage! Twenty-one days with no rail service to Heppner, the longest since the first train arrived in Heppner in 1889. The ribbon of steel from coast to coast has been broken.

At 3:45 p.m. on January 11, 1965, as predicted, the train, be it "Sage Brush Annie" or "The Galloping Goose" arrived in Heppner on time. The iron horse rides again!