

AFFIDAVIT OF ROBERT G. FRY.

The undersigned affiant Robt. G. Fry, states:

That he is a member of the Board of Viewers of Tulsa County Drainage District No. 12 of Tulsa County, Oklahoma, duly appointed by the District Court of Tulsa County, Oklahoma; that W. O. Dickenson and C. J. Rush are the other two members of said Board, likewise appointed; that before entering upon the discharge of their duties as such, they each took and subscribed the oath required by law of them, as such, and filed same in the office of the County Clerk of Tulsa County, Oklahoma.

That while engaged in the prosecution of their duties as such Viewers of said Drainage District, and during the first days of week, beginning July 26th, 1943, said Board of Viewers composed of W. O. Dickenson, Chairman, C. J. Rush and myself, as members in a body, called on the Oklahoma Natural Gas Company at their offices in the Gas Building, at the corner of South Boston Avenue at 7th Street, in Tulsa, Oklahoma, to try and effect an agreement with said Company, if possible, as to what amount it should be assessed for benefits to be realized or damages suffered, if any, by reason of the construction of certain proposed levees, drains, ditches and other improvements, within said Drainage District, to control flood waters of the Arkansas River; that upon arrival at said Company's offices, we were directed and referred to Mr. Edward Vann, an official, or employee of said Company, who in turn directed us to the office of Mr. Gilbert Estill, another official of said Company, and with whom said Board of Viewers, then and there, discussed and explained to said Estill at some detail, the purpose of creating said Drainage District, the plan of improvements and co-operation of the War Department; the method, term and amounts assessed against others affected. Thereupon, Mr. Estill advised us he would obtain the value of the Company's property within the Drainage District, and deliver same to Mr. Vann, who in turn would take up the matter of amount of assessment with the proper authorities of the Company.

That during such conference with both Mr. Vann and Mr. Estill, they each told the Board of Viewers, that Mr. Fred W. Peters, an official of the Company, would have the final say for the Company, as to what amount of assessment the Company would consent to, and would let us know within the next few days.

At this particular time, the Board of Viewers had already ascertained and fixed the amounts to be assessed against practically all interested property holders of the District, and were being rushed to complete our report. Within a day or so afterwards, I called Mr. Peters by phone to inquire when he would be in a position to give me the amount to be assessed his Company, and he assured me, that he was assembling the figures, and would furnish us a report by the end of the week.

On Saturday, July 31st, 1943, from the office of Judge Linn, Attorney for the Drainage District, Room 410 Ritz Building in Tulsa, Oklahoma, and in the presence and hearing of W. O. Dickenson, C. J. Rush, and Judge Conn Linn, I called by phone, Mr. Fred Peters, an official of the Oklahoma Natural Gas Company, at his office in the Gas Building at Tulsa, and asked him if they had arrived at the value of their property in the District, and the amount of benefits that his company would be agreeable to, for the Viewers to assess. He then told me that his Company would be willing to pay \$500.00 a year, for ten years and then I repeated, "Then you will be willing for us to assess you \$5000.00 as total benefits?" And Mr. Peters answered, "Yes, \$5000.00 payable \$500.00 per year." I then told Mr. Peters that I thought that amount was very fair and reasonable and it would be acceptable, by the Board and thanked him. He then added, "they did not have very much property in the area, but were willing for us to assess the Company \$5000.00. I repeated his words twice, so that the other Viewers and others present could hear and understand the conversation and at both times Mr. Peters assured me that his Company was willing for us, as Viewers, to assess them \$5000.00.

The Viewers then and there accepted said amount and made the assessment for benefits against the property and holdings of Oklahoma Natural Gas Company within the District at \$5000.00 and reported same in their report filed soon thereafter; that notice of a hearing thereon was duly published as required by law, for four weeks and no objection or protest was filed by said Company, or anyone for it; that said Report, embracing such assessment for said amount against said Company was heard, ratified and confirmed by the Commissioners for such Drainage District, and no appeal was prayed, granted or prosecuted therefrom; that said Drainage District, nor any of its officials, representatives or agents, had knowledge of any claim of misunderstanding regarding such assessment until long after same had become final; that such assessment as made against said Company is in all respects legal and valid.

Robt. G. Fry

Subscribed and sworn to Before me at my office in Tulsa, Oklahoma, by Robert G. Fry, on this April 10th, 1944.

(SEAL)  
My Commission Expires: \_\_\_\_\_

Andy Stokes, Co Clerk Tulsa Co, Okla

AFFIDAVIT

The undersigned affiants, W. O. Dickenson, C. J. Rush, and Conn Linn, each for himself, states:

That they were each present at the time and place referred to by Robt. G. Fry