

3120

078 14-20-0500-2241

WHEREAS, By Order of the Assistant Secretary of the Interior, dated August 30, 1963, approved by Act of August 20, 1964 (P.L. 88-456, 78 Stat. 554) it was determined that \$306,980.37 construction costs and \$66,064.30 operation and maintenance costs of the Modoc Point Unit Irrigation Project of the Bureau of Indian Affairs would be canceled:

"...provided the landowners execute contracts with the Secretary of the Interior for payment to the United States of \$50 per acre in construction costs against class 2 and 3 lands over a 50 year repayment period or that part which remains unpaid at the time the order becomes effective, make such contracts a first lien against the land, and file or record them in the appropriate county records."

and

WHEREAS, the United States reserved by the patent issued for the herein-after described property, a first and prior lien for such charges; and

WHEREAS, the Secretary of the Interior is authorized to prescribe the other terms and conditions of such contracts.

THE UNDERSIGNED OWNERS of the following described lands in Klamath County, Oregon: Lot 17 & 24, Sec. 4-36-7

formerly a part of the Klamath Indian Reservation as Allotment No. 163, for which the patent was recorded March 13, 19 64 at Book 351, page 512, Klamath County Deed Records, containing 40.00 acres of which 1.80 acres were a part of the 5501.94 acres of class 2 and 3 irrigable lands designated by the public notice published in the Federal Register on November 11, 1959, as irrigable lands hereby do agree to pay to the United States the sum of \$ 90.00 as construction costs at the rate of \$50 per irrigable acre for said class 2 and 3 lands, which sum shall be paid in no more than 50 equal annual installments, without interest if paid when due, but bearing interest on all past due installments at 6% per annum. The first of such installments is to be paid on or before January 1, 196 6 and a like installment is to be paid on or before the 1st day of each year thereafter until said 50 installments are paid, and if any of said installments be not paid when due, all remaining installment amounts may be declared to be due and payable and payment thereof enforced in the same manner as real estate mortgages are enforced in the State of Oregon.

It is further agreed by the undersigned that the United States now has by the terms of the above described patent a first and prior lien against the above described lands and that such lien shall continue and be retained by the United States as security for the above stated sum, but upon the express condition that such lien shall be a separate lien as to such lands and no liability for any other charges for said project, or for delinquencies in payments by other tracts, may be asserted against this land, and that full payment of the amount above set forth shall release this tract from said lien and from any further liability to the United States, it being the intention of the parties that the lien herein provided is and shall be a separate and individual lien and not joint with any other tract or tracts of land.

34

The undersigned landowners further agree that the ditches, structures, and facilities of the Modoc Point Unit Irrigation Project may be transferred by the United States to such quasi-municipal corporation organized under the laws of the State of Oregon as the landowners of said project may agree upon, and that the United States hereby is released from any responsibility further to operate or maintain said Modoc Point Unit Irrigation Project in whole or in part.

This agreement shall run with the above described lands and bind the heirs, executors, administrators and assigns of the owners of said lands.

APPROVED AS TO FORM: January 13, 1965
By Stewart L. Udall, Secretary of Interior
Executed in accordance with authority
delegated by the Commissioner in Office
letter of December 31, 1964.

G. W. Gelhardt
Acting Area Director
DEC 21 1965

Earnest Ashworth
Landowner Earnest Ashworth
(1/4)

Alfred Isaacs
Landowner Alfred Isaacs
(1/4)

Marceline Johnson Herkshan
Marceline Johnson Herkshan
(1/4)

Lorraine Bayan Jackson
Lorraine Bayan Jackson
(1/4)

STATE OF OREGON, COUNTY OF JOHNSON :

Filed for record at request of Alfred Isaacs
this 5th day of January, 1966, at 4:30 o'clock P.M., and
duly recorded in Vol. M-66, of Books, on Page 78
DOROTHY ROGERS, County Clerk
By Dolores Savio