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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 #10 of River's Bend Plat

formerly a part of the Klamath Indian Reservation as Allotment No. 1407, for which the patent was recorded August 22, 1960 at Book 323, page 676, Klamath County Deed Records, containing .40 acres of which .40 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 \$20.00 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, 1966 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.

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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.

*Fred G. Damuth*  
Landowner Fred G. Damuth

*Carl G. Galt*  
Acting Area Director

*Dorothy H. Damuth*  
Landowner Dorothy H. Damuth

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STATE OF OREGON, COUNTY OF KLAMATH, ss:

Filed for record at request of Fred Damuth  
this 27th day of April 1966 at 10:45 o'clock A.M., and  
duly recorded in Vol. M 66, of Deeds on Page 3740  
DOROTHY ROGERS, County Clerk

By *Louise Mitchell*