

85953

Vol. <sup>74</sup> Page 2302

The Board of Directors of the MALIN IRRIGATION DISTRICT met in regular monthly meeting at the office of the Board this the 6th day of November, 1973.

There were present the following members of the Board:

Bill Schmidt, Homer Clark

The meeting was called to order by Bill Schmidt.

The minutes of the previous meeting were read and approved as read.

MATTER OF PETITION FOR THE EXCLUSION OF CERTAIN LANDS FROM THE MALIN IRRIGATION DISTRICT AND THE INCLUSION OF CERTAIN LANDS WITHIN THE MALIN IRRIGATION DISTRICT, KLAMATH COUNTY, OREGON.

The following Order was regularly made and entered by the Board of Directors:

MALIN IRRIGATION DISTRICT  
OF KLAMATH COUNTY, OREGON.

BEFORE THE BOARD OF DIRECTORS

IN THE MATTER OF THE PETITION OF )  
RAJNUS BROS. AND OTHERS PRAYING )  
THAT CERTAIN LANDS OWNED BY THEM )  
BE EXCLUDED FROM THE MALIN IRRIGATION DISTRICT, AND IN THE MATTER )  
OF THE PETITION OF HAROLD BARNEY )  
AND OTHERS PRAYING THAT CERTAIN )  
LANDS OWNED BY THEM BE INCLUDED )  
WITHIN THE BOUNDARIES OF THE MALIN )  
IRRIGATION DISTRICT.

ORDER.

This matter coming on to be heard at this time in joint hearing upon the Petitions of certain landowners praying that certain lands owned by them and hereinafter described be excluded from the MALIN IRRIGATION DISTRICT, and upon the Petition of certain other landowners praying that certain lands

FEB 12 3 45 PM 1974



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owned by them and hereinafter described be included within the boundaries of the MALIN IRRIGATION DISTRICT, and evidence having been offered, and the Board of Directors being advised in the premises, and it appearing to the Board of Directors:

That at a regular meeting of the Board of Directors held on the 4th day of October, 1973, there were presented by Rajnus Bros., Patricia and James R. Ottoman, Keith S. and Georgia A. Gentry, Maude E. and D. D. Liskey, and Jas H. Blankenship c/o D.H. Gordon, Petitions praying that said lands hereinafter described, be excluded from the District;

That said Petitions were in proper form and duly and regularly described the lands to be excluded, and were regularly signed and executed by said Petitioners;

That said Petitioners are the owners of said lands;

That the date of hearing on said Petitions was set for the next regular meeting of the Board of Directors of the District, being the 6th day of November, 1973;

That due notice of the filing of said Petitions and of the time and place set for the hearing thereon have been given and published once a week for two weeks in the Herald and News, a newspaper printed and published in Klamath County, Oregon, as made and provided by law, and proofs of publication of said notices having been filed with the Board of Directors;

That the Secretary of the Interior of the United States by his duly authorized agent, has filed herein his written assent to the exclusion of said lands from the District.

And it appearing further that no objections, either



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in writing or otherwise, have been offered to the exclusion of the lands, and the Board of Directors deeming it for the best interests of the District that said lands be excluded from the District;

NOW, THEREFORE, IT IS HEREBY ORDERED That said Petitions be and the same are hereby granted, and the following-described lands, as enumerated in said Petitions be and the same are hereby excluded from the MALIN IRRIGATION DISTRICT of Klamath County, Oregon:

As set forth in Exhibit B attached hereto.

And it further appearing to the Board of Directors:

That at a regular meeting of the Board of Directors held on the 4th day of October, 1973, there were presented by Harold and Amelia Barney, A. E. and Mae Jean Evans, W.E.Schmidli, Arnold Scott, E. M. and Mirian C. Stastny, and Charles F.Street, Petitions praying that said lands hereinafter described be included within the boundaries of the MALIN IRRIGATION DISTRICT;

That said Petitions were in proper form and duly and regularly described the lands to be included, and were regularly signed and acknowledged by said Petitioners;

That said Petitioners are the owners of said lands;

That the date of hearing on said Petitions was set for the next regular meeting of the Board of Directors of the District, being the 6th day of November, 1973;

That due notices of the filing of said Petitions and of the time and place set for the hearing thereon have been given and published once a week for three successive weeks in the



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Herald and News, a newspaper printed and published in Klamath County, Oregon, as made and provided by law, and proofs of publication of said notices having been filed with the Board of Directors;

And it appearing to the Board of Directors that said lands are immediately adjacent to the boundaries of the MALIN IRRIGATION DISTRICT and are susceptible of irrigation by the MALIN IRRIGATION DISTRICT;

That the Secretary of the Interior of the United States by his duly authorized agent has filed his written assent for the inclusion of said lands within the District.

And it appearing further that no objections either in writing or otherwise have been offered to the inclusion of said lands, and the Board of Directors deeming it for the best interests of the District that said lands be included within the boundaries of the District;

NOW, THEREFORE, IT IS HEREBY ORDERED That said Petitions be, and the same are hereby granted, and the following-described lands, as enumerated in said Petitions be, and the same are hereby included within the boundaries of the MALIN IRRIGATION DISTRICT of Klamath County, Oregon:

As set forth in Exhibit D attached hereto.

AND IT IS FURTHER ORDERED That the boundaries of the MALIN IRRIGATION DISTRICT be, and the same are hereby changed by the exclusion of said lands and the inclusion of said lands, as hereinabove set forth, and from and after the date of this Order, the boundaries of the said MALIN IRRIGATION DISTRICT are hereby declared to be as follows:



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As set forth in Exhibit E attached hereto.

AND IT IS FURTHER ORDERED That the Secretary of the District file a certified copy of this Order for record in the Office of the County Clerk of Klamath County, Oregon, as provided by law.

DONE AND DATED This 6th day of November, 1973.

ATTEST:

W.E. Schmiedli  
James J. Clark  
Secretary.

Directors of MALIN IRRIGATION  
DISTRICT.

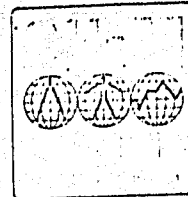
There being no further business to come before the Board of Directors, the meeting was adjourned.

W.E. Schmiedli  
President.

Arthur D. Seider  
Secretary.



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ENGINEERS PLANNERS ECONOMISTS

CORNELL, HOWLAND, HAYES & MERRYFIELD  
 CLAIR A. HILL & ASSOCIATES  
 1525 Court Street P.O. Box 2088, Redding, California 96001, Telephone: 916/243-5831

Redding Regional Office

## DESCRIPTION FOR

## SHASTA VIEW IRRIGATION DISTRICT

Irrigated Project Transfer to  
 Shasta View Irrigation District

28 June 1973  
 R-3053.09

Beginning at the Section corner common to Sections 3, 4, 9, and 10,  
 T. 41 S., R. 12 E., Willamette Meridian, Klamath County, Oregon;  
 thence, South 1,320 feet to the Southeast corner of the Southeast  
 quarter of the Northeast quarter of said Section 9; thence, West  
 100 feet more or less to a point on Malin District Canal; thence,  
 along said canal, Norhtwesterly 5,600 feet more or less to the  
 North part of the Southwest quarter of the Northeast quarter of  
 said Section 4; thence, along said Canal, East 500 feet more or less;  
 thence, Southeasterly 5,000 feet more or less to the Southeast corner  
 of the Northeast quarter of the Southwest quarter of said Section 3;  
 thence, West 1,320 feet; thence, South 1,320 feet; thence, West  
 1,320 feet to the point of beginning.

Containing 208.5 acres, more or less

It is suggested that this description be referred  
 to a title company before incorporating it in any  
 document.

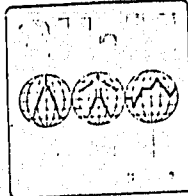
EXHIBIT B.

Checked:

	By	Date
Typing	djp	6-21-73
Traverse	G2c	6-21-73
Map	742	6-21-73



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ENGINEERS PLANNERS ECONOMISTS

CORNELL, HOWLAND, HAYES & MERRYFIELD  
CLAIR A. HILL & ASSOCIATES  
1525 Court Street P.O. Box 2088, Redding, California 96001, Telephone: 916/243-5831

Redding Regional Office

28 June 1973  
R-3053.09

DESCRIPTION FOR  
SHASTA VIEW IRRIGATION DISTRICT

Irrigated Project Transfer to  
Malin Irrigation District

Beginning at the Northwest corner of Section 11, T. 41 S., R. 12 E.,  
Willamette Meridian, Klamath County, Oregon; thence, East 1,800 feet  
more or less to the T-Canal; thence, along said Canal, Southerly  
2,000 feet more or less to the East line of the Northwest quarter  
of said Section 11; thence, East 2,700 feet more or less to a point  
on the West line of Section 12, T. 41 S., R. 12 E., Willamette  
Meridian; thence, Northeasterly 900 feet to a point on the North  
line of the South half of the Northwest quarter of said Section 12;  
thence, along said North line, East 1,400 feet more or less; thence,  
leaving said North line, South 400 feet more or less to a point on  
said T-Canal; thence, along said canal, Southeasterly 600 feet more  
or less to a point on the North-South mid-section line of said  
Section 12; thence, North 500 feet more or less to contour line  
4,160 feet elevation; thence, along said contour line, Southeasterly  
3,000 feet more or less to a point on the East line of said Section 12;  
thence, South 1,500 feet more or less to the Southeast corner of the  
Northeast quarter of the Southeast quarter of said Section 12; thence,  
West 1,320 feet; thence, North 900 feet more or less to a point on

Checked:

	By	Date
Typing	djp	6-28-73
Traverse	GAA	6-28-73
Map	GAA	6-28-73

It is suggested that this description be referred  
to a title company before incorporating it in any  
document.

EXHIBIT D, Page 1.



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DESCRIPTION FOR  
SHASTA VIEW IRRIGATION DISTRICT  
Irrigated Project Transfer to  
Malin Irrigation District

28 June 1973  
R-3053.09  
Page 2

the Malin Canal; thence, along said canal Westerly 5,000 feet,  
more or less; thence, Southerly 400 feet more or less; thence,  
Westerly 700 feet more or less; thence, Northwesterly 5,000 feet  
more or less to the Northwest corner of said Section 11, the point  
of beginning.

Containing 194.7 acres, more or less.

It is suggested that this description be referred  
to a title company before incorporating it in any  
document.

EXHIBIT D, Page 2.

Checked:

Typing	djp	By	WJA	Date	6-28-73
Traverse		By	WJA	Date	6-28-73
Map		By	WJA	Date	6-28-73



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ENGINEERS PLANNERS ECONOMISTS

CORNELL, HOWLAND, HAYES & MERRYFIELD  
 CLAIR A. HILL & ASSOCIATES  
 1525 Court Street P.O. Box 2088, Redding, California 96001, Telephone: 916/243-5831

Redding Regional Office

EXHIBIT E.

DESCRIPTION FOR  
 SHASTA VIEW IRRIGATION DISTRICT

28 November 1973  
 R-3053.09

Exterior Boundary  
 Malin Irrigation District

A portion of T. 41 S., R. 12 E., Willamette Meridian, and a portion of Sections 18 and 19, T. 41 S., R. 13 E., Willamette Meridian, in Klamath County, Oregon, after land exchanges with Shasta View Irrigation District were made in 1973.

Beginning at the intersection of the Adams Canal with the section line between Sections 15 and 16, T. 41 S., R. 12 E., Willamette Meridian, Klamath County, Oregon; thence, following the North bank of said Adams Canal, Northwesterly 2,300 feet, more or less, to a point where the left or North bank of the U. S. R. S. Irrigation Canal, known as the Adams Canal, intersects the North boundary line of said Section 16, which point is approximately 1,450 feet (Rec. 1,100 feet) West of the Northeast corner of said Section 16; thence, along said North line, East 850 feet (Record 440 feet) more or less, to the Northeast corner of the Northwest quarter of the Northeast quarter of the Northeast quarter of said Section 16; thence, along the West and North lines of the East half of the Southeast quarter of the Southeast quarter of Section 9, T. 41 S., R. 12 E., W. M., North 1,320 feet and East 660 feet, more or less; thence, along the East line of said Section 9, North 2,300 feet, more or less, to the point of intersection with the left, or West bank of Canal No. 2 of the Malin Irrigation District, as surveyed and located by the C. T. Darley Survey of 1921, the same being filed of record in the Office of the County Clerk of Klamath County, Oregon; thence, along the Southeasterly boundary of that portion of the Malin Irrigation District acceded to Shasta View Irrigation District, the following

It is suggested that this description be referred to a title company before incorporating it in any document.

EXHIBIT E, Page 1.

	By	Date
Typing dp	C.A.H.	11-30-73
Traverse	C.A.H.	11-30-73
Map	C.A.H.	11-30-73



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DESCRIPTION FOR  
SHASTA VIEW IRRIGATION DISTRICT  
Exterior Boundary  
Malin Irrigation District

28 November 1973  
R-3053.09

four courses: continuing along the East line of said Section 9, North 1,600 feet, more or less, to the corner common to Sections 3, 4, 9, and 10, T. 41 S., R. 12 E., W. M.; thence, East 1,320 feet, North 1,320 feet, East 1,300 feet, more or less, to the point of intersection of the North line of the Southeast quarter of the Southwest quarter of said Section 3 with the North bank of said Canal No. 2; thence, along said North bank, Southeasterly 2,600 feet, more or less, to a point on the North line of said Section 10; thence, East 500 feet, more or less, to the Northeast corner of said Section 10; thence, along the North and East boundaries of that area obtained from Shasta View Irrigation District the following four courses: East 2,640 feet to the South quarter corner of Section 2, T. 41 S., R. 12 E., W. M.; thence, South 1,320 feet to a point on the North line of the South half of the Northeast quarter of Section 11, T. 41 S., R. 12 E., W. M.; thence, along said North line and the North line of the South half of the North half of Section 12, T. 41 S., R. 12 E., W. M., East 7,920 feet, more or less, to a point of the Range Line between R. 12 E., and R. 13 E., W. M.; thence, along said Range Line, South 1,320 feet, more or less, to the East quarter corner of said Section 12, an angle point in the previous Exterior Boundary of the Malin Irrigation District; thence, along said Range Line, South 2,800 feet, more or less, to the Northwest corner of Section 18, T. 41 S., R. 13 E., W. M.; thence, East 2,800 feet, more or less, to the quarter corner between Sections 7 and 18; thence, South for a distance of one and five-eighths miles, more or less, to the State Line between the States of Oregon and California; thence, along said State Line, West, a distance of one mile, more or less, to the Easterly or Northeasterly right-of-way line of said Adams Canal; thence, along said right-of-way line Northwesterly 15,500 feet, more or less, to the point of beginning.

It is suggested that this description be referred to a title company before incorporating it in any document.

EXHIBIT E, Page 2.

Checked:

	By	Date
Typing dp	GRIL	7/7/73
Traverse	GRIL	7/7/73
Map		11-30-73





IN REPLY  
REFER TO: KP  
743.1

United States Department of the Interior

BUREAU OF RECLAMATION  
Mid-Pacific Region  
Klamath Project  
P. O. Box R  
Klamath Falls, Oregon 97601

November 5, 1973

George H. Proctor, Attorney  
280 Main Street  
Klamath Falls, Oregon 97601

Dear George:

This will confirm Bureau approval of your request of September 21 for a change in the boundaries of both the Malin and Shasta View Irrigation Districts pursuant to the provisions of the following articles and contracts.

1. Article 22 of the contract dated April 24, 1922 (Symbol and Number Ilr-195) between the United States and the Malin Irrigation District.
2. Article 36 of the amendatory contract dated December 21, 1955 (Symbol and Number Ilr-1531) between the United States and the Shasta View Irrigation District.

The approval is for the transfer of 208.51 acres, as described in Exhibits A and B of Joint Petition, Malin Irrigation District and Shasta View Irrigation District, dated June 28, 1973, from Malin Irrigation District to Shasta View Irrigation District and the transfer of 195.5 acres as described in Exhibits C and D from Shasta View Irrigation District to Malin Irrigation District, which is necessitated by a change in the source of service occasioned by the system Shasta View Irrigation District is installing with Rehabilitation and Betterment Loan (Contract No. 12-06-200-5875A) funds.

It is understood, the Boards of Directors of the two Districts involved have approved the transfers and that such changes will not impair or affect their ability to discharge any contract obligations for which they are liable. Also it is understood that the lands which are being transferred from Shasta View Irrigation District to Malin Irrigation District will pay the prorated share of their existing financial obligation as prepayment so that Malin Irrigation District will not have an obligation to the United States through this action and that this land is not intended to be subject to the R&B loan of Shasta View Irrigation District.

It is also understood that the lands transferred from Malin Irrigation District to Shasta View Irrigation District will benefit from the R&B loan and will, therefore, be obligated to pay their prorata assessed

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share as a part of the District in addition to being responsible commensurate with the District's financial encumbrance associated with this change.

Additional changes will be considered when we are informed regarding areas for inclusion in Shasta View Irrigation District due to abandonment of present rights-of-way for ditches and reservoirs.

Please advise when these changes have been finalized.

Sincerely,



C. D. Lawrence  
Project Manager

Copy to: Shasta View Irrigation District  
P. O. Box 46  
Malin, OR 97632

Malin Irrigation District  
P. O. Box 286  
Malin, OR 97632

Clair A. Hill & Associates  
P. O. Box 2088  
Redding, CA 96001

Mr. Wilbur C. Haskins, CPA  
P. O. Box 547  
Merrill, OR 97633



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United States Department of the Interior

BUREAU OF RECLAMATION  
Mid-Pacific Region  
Klamath Project  
P. O. Box R  
Klamath Falls, Oregon 97601

January 29, 1974

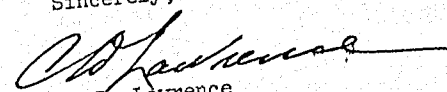
IN REPLY  
REFER TO: KP  
743.1

Shasta View Irrigation District  
c/o George Proctor, Attorney  
280 Main Street  
Klamath Falls, Oregon 97601

Gentlemen:

Receipt is acknowledged of your check, in the amount of \$1,114.35,  
for the balance of contract charges due on the 195.5 acres included  
in transfer from Shasta View Irrigation District to Malin Irrigation  
District.

Sincerely,

  
C. D. Lawrence  
Project Manager



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I HEREBY CERTIFY That the foregoing is a full  
and correct copy of the Order duly adopted by the Board  
of Directors of MALIN IRRIGATION DISTRICT at a meeting  
of said Board held on the 6th day of November, 1973.

Dated this 11<sup>th</sup> day of February, 1974.

[Signature]  
Secretary.

STATE OF OREGON, }  
County of Klamath } ss.

Filed for record at request of:  
MALIN IRRIGATION DIST

on this 12th day of FEBRUARY A. D., 19 74  
at 3:16 o'clock P. M. and duly  
recorded in Vol. M 74 of DEEDS  
Page 2302

WM. D. MILNE, County Clerk

Fee ☒ NONE By [Signature] Deputy.