

28-8028

IN CONSIDERATION OF Representations made to PACIFIC POWER & LIGHT COMPANY, a Maine corporation ("Pacific") by HENRY G. WOLFF and GERALD C. WOLFF ("the Wolffs"), to the effect that no portion of the Wolffs' lands hereinafter described lies below elevation 4186 feet above sea level U.S.G.S. datum (Equal 4187.78 feet above sea level U.S.R.S. datum), Pacific releases and quitclaims to the Wolffs those certain rights reserved by the Grantor in that deed from The California Oregon Power Company to Tulana Farms, dated May 18, 1948 and recorded April 7, 1948 in Book 219, Page 47 in the County of Klamath, State of Oregon, in certain lands described as follows (excluding all other lands thereby conveyed):

Lots 20, 21, 28 and 29 in Section 17 and Lots 17, 18, 21 and 22 in Section 18, both in Township 35 South, Range 7 East, W.M., Klamath County, Oregon.

The rights hereby released with respect to the above described lands are set forth in said deed as follows:

SAVING, AND EXPRESSLY RESERVING, to the Grantor, its successors in interest and assigns, the right, privilege and easement at any time, or from time to time, to flood or overflow any or all of the premises which are conveyed hereby by waters from Upper Klamath Lake, Agency Lake or any other waters, to the extent that such flooding and overflowing may be caused by or result from the raising of the level of said waters to not above 4143.3 feet above sea level (U.S.R.S. datum) measured in a state of calm at the official U. S. government gaging station near the lower end of Upper Klamath Lake; whether the level of said waters at the premises hereby conveyed be above or below the level at said gaging station; and further saving and reserving to the Grantor, its successors in interest and assigns, the right, privilege and easement, at any time, or from time to time, to withdraw or cause to be withdrawn the waters of Upper Klamath Lake, Agency Lake, or other waters, from the premises hereby conveyed, or from contact therewith, and of uncovering and exposing the shores and beds of said lake and streams, and of dredging and filling the shores and beds of said lake and streams lying outside the premises hereby conveyed and constructing, altering, filling and removing channels, ditches and dykes thereon and therein and of otherwise affecting the area, shape, contour, navigability, purity and other physical characteristics of said lake and streams and accessibility thereof and of the waters thereof from the premises hereby conveyed.

All other rights reserved by Grantor in said deed shall remain as therein provided.

DATED this 13TH day of JUNE, 1975.

PACIFIC POWER & LIGHT COMPANY

By

E. B. Seely
Vice President

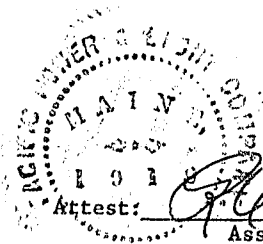
Attest:

G. H. Anderson
Assistant Secretary

JUN 27 1975

RECEIVED

10:40 am



STATE OF OREGON)

7276

County of Multnomah)

ss.

On this 13th day of June, 1975, personally appeared E. B. HEDBERG, who being duly sworn, did say that he is a Vice President of Pacific Power & Light Company and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and he acknowledged said instrument to be its voluntary act and deed.

Before me:



John F. Larson
Notary Public for Oregon
My commission expires: June 10, 1977

Please See attachment!

*Return
TA-File*

FORM 2101

PACIFIC POWER & LIGHT COMPANY
INTERNAL CORRESPONDENCE

PLEASE REFER TO FILE NO.

SUBJECT:

Portland, Oregon
June 12, 1975

MEMORANDUM TO FILES

SUBJECT: Reservation of Overflow Rights Deed to Tulana Farms, Upper Klamath Lake Area

In January 1975, Bill Scholtes forwarded a request from Henry G. and Gerald C. Wolff through their attorney Mr. Henderson to lift the deed restriction on certain property adjacent to Upper Klamath Lake so that this property could be sold in parcels for subdividing.

The deed restrictions essentially provide overflow rights to protect the Company's interest in the event the dike on Upper Klamath Lake failed, such as to cause flooding of lands in the area.

A survey of the elevation of the specific lots in question by Westvold & Associates demonstrates that the low point of this property is at elevation 4186 or 43 feet above the maximum lake level in a state of calm of 4143.

Although most of the lands in the original deed conveying this property to Tulana Farms (the lots in question having been sold by Tulana Farms to the Wolffs) are now and should continue to be subject to the flooding restrictions, the lots in question are clearly not in jeopardy in the event of flooding and it is therefore concluded that removing the flooding restrictions as an encumbrance on the sale of this property by the Wolffs is a reasonable request and not in conflict with the Company's interest.

In view of the above, we have today signed a Quitclaim Deed releasing these restrictions from the lots now owned by the Wolffs.

E. B. Hedberg
E. B. Hedberg

EBH:si

cc: Messrs. Bennett, Drennan, Bartholomew, Alsbaugh, Mitchell, Selliken,
W. Clark - Medford, D. Brain - Klamath Falls, B. Scholtes -
Klamath Falls

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of TRANSAMERICA TITLE INS. CO

this 27th day of JUNE A. D., 1975 at 10:40 o'clock A. M., and duly recorded in

Vol. M 75 of DEEDS on Page 7275

FEE \$ 6.00

WM. D. MILNE, County Clerk

By *Harold Dragic* Deputy