

14-25868  
Klamath Straits Drain Enlargement  
Unit No. K-5  
11:17:5

12186

GRANT DEED

TULANA FARMS, an Oregon corporation, for and in consideration of the sum of TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00), lawful money of the United States to it in hand paid by THE UNITED STATES OF AMERICA, in pursuance of the provisions of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary or applicable thereto, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto THE UNITED STATES OF AMERICA and its assigns, all that certain real property situate in the County of Klamath, State of Oregon, described as follows:

A parcel of land, PARCEL THREE (3.8 acres, more or less) described on Exhibit "A" attached hereto and by this reference made a part hereof, being designated "Unit No. K-5, 5-15-75 Rev. 9-24-75 Rev. 11-11-75."

SUBJECT to existing rights of way, of record or in use, for roads, railroads, telegraph, telephone and electrical transmission lines, canals, laterals, ditches, flumes, siphons and pipelines, on, over and across said premises; and

SUBJECT to existing estates, interests and rights in and to coal, oil, gas, geothermal substances and any and all other minerals, reserved to or outstanding in third parties; and

Reserving to Grantor, its successors and assigns, all of its interest in and to all oil, gas, geothermal substances or minerals in or under said land, without, however, the right to dig, drill or mine therefor through the surface of said land, or within 100 feet of the surface.

The above reserved right shall be so exercised as not to interfere with the use of the land by the United States or endanger facilities of the United States on said lands.

For the same consideration hereinbefore expressed, Grantor also hereby grants to the United States, its successors and assigns, the perpetual right, privilege and easement to enter upon PARCEL ONE (74.0 acres, more or less) and PARCEL TWO (3.9 acres, more or less) described on said Exhibit "A" attached hereto, to construct, reconstruct, operate, repair and maintain a drainage channel with appurtenant berms, embankments, inlets, electric and communication cables, and roads, together with the right to assign or convey non-exclusive road rights to others as needed for purposes granted in this easement and for providing necessary access to neighboring lands, and the right to plant and maintain grasses within said PARCEL ONE and PARCEL TWO.

SUBJECT to existing rights of way, of record or in use, for roads, railroads, telegraph, telephone and electrical transmission lines, canals, laterals, ditches, flumes, siphons and pipelines, on, over and across said premises; and

SUBJECT to existing estates, interests and rights in and to coal, oil, gas, geothermal substances and any and all other minerals, reserved to or outstanding in third parties.

Reserving to Grantor, its successors and assigns, all of its interest in and to all oil, gas, geothermal substances or minerals in or under said land, without, however, the right to dig, drill or mine therefor through the surface of said land, or within 100 feet of the surface; and

Reserving to Grantor, its successors and assigns, the non-exclusive right to travel and use those portions of the existing ranch road, in a manner which will not interfere with the use by the United States or endanger present or future facilities of the United States within said PARCEL ONE located between the following stations:

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appur

of

Station 401+50 to 403+30  
Station 384+00 to 386+00  
Station 344+50 to 346+50  
Station 344+08 to 335+00  
Station 325+00 to 330+00  
Station 314+50 to 318+34  
Station 295+00 to 300+50

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Reserving to Grantor, its successors and assigns, the non-exclusive right to flow water through and use that portion of the existing North Straits Canal within said PARCEL ONE, lying between Station 401+50 to 403+30.

Reserving to Grantor, its successors and assigns, the right to occupy and use said PARCEL ONE and PARCEL TWO for any purpose consistent with the rights herein granted and which will not interfere with the use of or endanger present or future facilities of the United States.

In case of permanent abandonment of said PARCEL ONE and PARCEL TWO, the title and interest herein granted shall end, cease and determine upon filing of a written notice of abandonment by the United States.

For the same consideration hereinbefore expressed, Grantor also hereby grants to the United States, its successors and assigns, the temporary right, privilege and easement until January 1, 1978, to enter upon and use PARCEL FOUR (18.7 acres, more or less), PARCEL FIVE (3.2 acres, more or less), and PARCEL SIX (1.3 acres more or less), described on said Exhibit "A" attached hereto, for the purpose of placing or piling thereon, earth, materials, or machinery, and for access for construction equipment, and for other purposes useful or necessary in connection with the construction of the Klamath Straits Drain Enlargement. At the expiration of said easement period, the United States shall restore the said land, as nearly as may be practicable, to the condition in which it was prior to the commencement of its use by the United States.

For the same consideration hereinbefore expressed, Grantor also hereby grants to the United States, its successors and assigns, the temporary right, privilege and easement until January 1, 1980, to enter upon and use PARCEL SEVEN (1.6 acres, more or less) described on said Exhibit "A" attached hereto for the purpose of placing or piling thereon, earth, materials, or machinery, and for access for construction equipment, and for other purposes useful or necessary in connection with construction of the Klamath Straits Drain Enlargement and pumping plant adjacent thereto. At the expiration of said easement period, the United States shall restore the said land, as nearly as may be practicable, to the condition in which it was prior to the commencement of its use by the United States.

The temporary rights taken in the above articles are subject to the following:

Existing rights of way, of record or in use, for roads, railroads, telegraph, telephone and electrical transmission lines, canals, laterals, ditches, flumes, siphons and pipelines, on, over and across said premises; and

Existing estates, interests and rights in and to coal, oil, gas, geothermal substances and any and all other minerals, reserved to or outstanding in third parties.

TO HAVE AND TO HOLD, the above granted and described premises, with all of its appurtenances, unto THE UNITED STATES OF AMERICA and its assigns, forever.

IN WITNESS WHEREOF, We have hereunto executed this instrument this 2<sup>ND</sup> day of DECEMBER, 1975.

TULANA FARMS, an Oregon corporation

By Edith Hengel pres.

By Elizabeth Hengel - Sec.

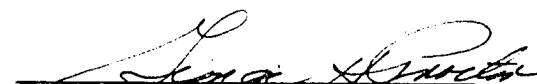
Checked as to Engineering data  
Naypu C. Day 11-11-75

4723

STATE OF OREGON }  
County of Klamath. } ss.

On this 2nd day of December, 1975, before me,  
GEORGE H. PROCTOR, a Notary Public in and for  
the County and State aforesaid, personally appeared DICK HENZEL  
and ELIZABETH HENZEL  
known to me to be the President and Secretary  
of the corporation that executed the within instrument, and to be the  
persons who executed the within instrument on behalf of the corporation  
therein named, and acknowledged to me that such corporation executed the  
same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
official seal this day and year in this certificate above written.

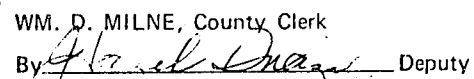
  
Notary Public for Oregon.  
My Commission Expires: 9/17/78.

(SEAL)

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 1976 at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded in Vol \_\_\_\_\_  
of \_\_\_\_\_ on Page \_\_\_\_\_.

FEE \_\_\_\_\_

WM. D. MILNE, County Clerk  
By  Deputy