

24489

BEFORE THE BOARD OF DIRECTORS

OF

KLAMATH IRRIGATION DISTRICT

FOR GATEWOOD - K.I.D. W.

In the Matter of the Petition

of MAURICE E. BERCOT and MILDRED A. BERCOT, husband and wife; MELVIN L. STEWART and MARY LOU STEWART, husband and wife; LARRY G. JUDKINS and CONNIE D. JUDKINS, husband and wife; KENNETH L. DALTON and BONITA C. DALTON, husband and wife; and D. L. EAYRS

ORDER EXCLUDING LANDS

This matter having come on to be heard on this 4th day of January, 1977, at the hour of 10:00 a.m., before the Board of Directors of Klamath Irrigation District, at the office of said Board at 6640 K.I.D. Lane, Klamath Falls, Oregon, upon the Petition of Maurice E. Bercot and Mildred A. Bercot, husband and wife; Melvin L. Stewart and Mary Lou Stewart, husband and wife; Larry G. Judkins and Connie D. Judkins, husband and wife; Kenneth L. Dalton and Bonita C. Dalton, husband and wife; and D. L. Eayrs for the exclusion of lands hereafter described from the Klamath Irrigation District pursuant to the provisions of ORS 545.602 to 545.620, that being the time and place heretofore set by said Board for the Hearing on said Petition, and said Board proceeding to hear said Petition finds as follows:

1.

That on December 3, 1976, said Petitioners filed with the Board of Directors their duly verified Petition praying that its lands consisting of 23.35 acres, more or less, in Klamath County, State of Oregon, which said lands are in this Order hereinafter more particularly described, be excluded from Klamath Irrigation District pursuant to the provisions of ORS 545.602 to 545.620.

2.

That said Petitioners did tender to the Klamath Irrigation District with said petition the sum of \$3,141.74, which said sum was determined by said Board of Directors to be the amount provided and required by ORS 545.613.

3.

That the Secretary of the Board of Directors of Klamath Irrigation

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RETURN TO
GANDONG & SEEMORE
Attorneys at Law
540 Main Street
KLAMATH FALLS, ORE.
97601
303/882-7228

1 District caused Notice of the filing of said Petition to be duly published
2 once a week for two weeks in the Herald and News, a newspaper of general
3 circulation published in Klamath County, the County where the Board of Directors
4 of Klamath Irrigation District is situated. That the Notice stated the filing
5 of the Petition, the name of Petitioner, a description of the lands mentioned
6 in the Petition, and the Prayer of the Petitioners, and notified all persons
7 interested in, or who may be affected by such change of the boundaries of
8 the District to appear at the office of the Board at 6640 K.I.D. Lane, Klamath
9 Falls, Oregon, at 10:00 a.m. on January 4, 1977, and show cause in writing, if
10 any they have, why the change in boundaries proposed in the Petition should
11 not be made. That the time so specified in said Notice at which they were
12 required to show cause was the regular meeting of the Board next after the
13 expiration of the time for the publication of said Notice.

4.

14 That the Board of Directors of Klamath Irrigation District at said
15 time and place mentioned in said Notice heard the said Petition and all evi-
16 dence or proofs that were introduced by and on behalf of the Petitioners.

5.

18 That no person, firm or corporation whomsoever or whatsoever made,
19 presented or filed any objections to the granting of said Petition.

6.

22 That there were no outstanding bonds of the District at the time
23 of the filing of said Petition or at any time subsequent thereto.

7.

25 That the Secretary of the Interior through the Manager of the Klamath
26 Irrigation Project, Bureau of Reclamation, has assented in writing to such
27 exclusion.

8.

29 The Board of Directors of Klamath Irrigation District finds and
30 deems it for the best interests of said District for the reasons set forth
31 in said Petition, including the reason that the proposed subdivision will have
32 three or more tracts on each acre of land within the subdivision, that the

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lands mentioned in said Petition, which said lands are hereinafter more particularly described, be excluded from said Klamath Irrigation District, and the Board of Directors now being fully advised in the premises,

It is hereby ORDERED and RESOLVED as follows:

I

That said lands, which are more particularly described as follows:

Beginning at the point where the North-South Center Line of Section 14, Twp. 39 S., R. 9, E.W.M., Klamath County, Oregon, intersects the North Right of Way Line of the United States' 1-C-1-A-1 Drain; Thence, North along said North-South Center Line a distance of 255.0 feet; Thence, North 89°47'00" West 438.97 feet; Thence, South 00°13'00" West 255.0 feet to said North Right of Way Line of said 1-C-1-A-1 Drain; Thence, South 89°47'00" East along said North Right of Way Line a distance of 440.97 feet, more or less, to the Point of Beginning, containing 2.55 acres, more or less,

which said Lands are entered in the Assessment Book by the County Assessor as Code 63, Map 3909-1430, Tax Lot 102, and also as a portion of Code 63, Map 3909-1431.

And, also: Beginning at the Point where the North-South Center Line of Section 14, Twp. 39 S., R. 9, E.W.M., Klamath County, Oregon, intersects the North Right of Way Line of the United States' 1-C-1-A-1 Drain; Thence, North along said North-South Center Line to the Center Section Corner of said Section 14; Thence, East along the East-West Center Line of said Section 14 to the West Right of Way Line of the United States' A-3-B Lateral; Thence, Southwesterly along said West Right of Way Line of said Lateral to its intersection with the North Right of Way Line of said 1-C-1-A-1 Drain; Thence, West along said North Right of Way Line of said Drain to the Point of Beginning, containing 20.80 acres, more or less,

which said Lands are entered in the Assessment Book of the County Assessor as Code 63, Map 3909-1440, Tax Lot 1500 and also as a portion of Code 63, Map 3909-1442,

SAVING AND EXCEPTING from the above-described lands for the purpose of this Exclusion all Rights of Way, Easements and Interests of the United States, Klamath Irrigation District or any other Irrigation District, Drainage District or Improvement District,

be and they hereby are excluded from Klamath Irrigation District, and the Boundaries of the District are hereby changed to eliminate said lands.

II

That a certified copy of these Minutes of the Board excluding the above-described land, certified by the Secretary of the Board, shall be filed for record in the County Clerk's office of Klamath County, Oregon, as required by ORS 545.614.

Done at the Regular Meeting of the Board of Directors of Klamath Irrigation

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1 District held January 4, 1977.

John A. Marshall
Aston M. Sarty
Charles H. Beardslee

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3
4
5 I, Anna G. Booth, Secretary of Klamath Irrigation District, hereby certify
6 that the foregoing is a full, true and correct copy of the Order Excluding Lands
7 duly made and adopted by the Board of Directors of Klamath Irrigation District
8 at the regular meeting of said Board held January 4, 1977, at 10:00 a.m. and
9 of the whole thereof.

10
11 WITNESS my hand and the Seal of said Klamath Irrigation District this 4th
12 day of January, 1977.

Anna G. Booth
 Secretary, Klamath Irrigation District

13
14
15 STATE OF OREGON; COUNTY OF KLAMATH; ss.

16
17 Filed for record ~~extraordinary~~ at _____
 his 21st day of January A. D. 1977 at 2:50 o'clock PM. and
 duly recorded in Vol. M 77, of DEEDS on Page 1199
 FEE \$ 12.00

18
19 By Wm D. MILNE, County Clerk
Hazel Maguire

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