

33754

NOTICE OF LIS PENDENS
CIVIL NO. 77-576

14340

NOTICE IS HEREBY GIVEN that on the 27th day of July, 1977, the United States of America filed in the United States District Court for the District of Oregon, a Declaration of Taking as to the taking of the estate set out in Exhibits "A" and "B" attached hereto in the lands described in said Exhibits "A" and "B", and deposited in the Registry of said Court the estimated just compensation for the taking of said estate in said lands; and on the same day the United States of America, in said Court, filed a Complaint in Condemnation based upon Declaration of Taking, in condemnation proceedings entitled UNITED STATES OF AMERICA, Plaintiff, versus KLAMATH DRAINAGE DISTRICT; KLAMATH COUNTY, a municipal corporation and political subdivision of the State of Oregon; and 2.0 ACRES OF LAND, more or less, in the County of Klamath, State of Oregon, Defendants, Civil No. 77-576 to acquire said estate in said lands, to determine the just compensation to be paid therefor, and to distribute the just compensation among those entitled thereto.

DATED at Portland, Oregon, this 8th day of August, 1977.

SIDNEY I. LEZAK
United States Attorney
District of Oregon

Joseph E. Buley
JOSEPH E. BULEY
Assistant United States Attorney
Attorneys for Plaintiff

506 U.S. Courthouse
P.O. Box 71
Portland, Oregon 97207
Telephone: 221-2101

EXHIBIT "A"

1. In the land described under the Center Canal Parcel are the rights of the United States:

- A. To enlarge the existing Klamath Straits Drain to a capacity of 600 cubic feet per second under the Klamath Drainage District's Center Canal and to operate and maintain the enlarged Drain.
- B. To construct an extension of the Center Canal flume over the enlarged Klamath Straits Drain.
- C. To reconstruct the inlet transition of the Center Canal into the Center Canal flume.
- D. To construct a vehicle bridge across the Center Canal flume.

2. In the land described under the Ady Canal Parcel are the rights of the United States:

- A. To operate and maintain the existing Klamath Straits Drain over a siphon section of the Ady Canal.
- B. To construct, operate and maintain a new crossing of the Ady Canal by the enlarged Klamath Straits Drain, said crossing to consist of an 84-inch diameter concrete pipe, with a capacity of 300 cubic feet per second, placed under the Ady Canal.

Provided that whatever rights the Klamath Drainage District possesses to the use of the Klamath Straits Drain prior to enlargement from 300 cubic feet per second shall not be increased or decreased or in any way affected by this Declaration of Taking or by the enlargement of said Drain.

The estates defined herein are taken subject to existing rights of way in favor of the public or third parties for highways, roads, railroads, telegraph, telephone and electrical transmission lines, and canals, laterals, ditches, flumes, siphons and pipelines on, over, and across said land.

14342

EXHIBIT "B"

Two parcels of land in Klamath County, State of Oregon, having a combined area of 2.0 acres, more or less, and separately described as follows:

Center Canal Parcel

A parcel of land in the northeast quarter (NE $\frac{1}{4}$) of Section Thirty-one (31) and the northwest quarter (NW $\frac{1}{4}$) of Section Thirty-two (32), Township Forty (40) South, Range Nine (9) East, Willamette Meridian, described as follows:

All that portion of that certain 100-foot-wide right-of-way granted to Klamath Drainage District for an irrigation canal in the right-of-way deed dated October 14, 1922, recorded October 23, 1922, in Volume 59 of Deeds, page 245, Klamath County Records, lying westerly of a course called "South 0°19' West 440.0 feet" in that certain 0.7 acre, more or less, parcel of land described as PARCEL ONE in the deed to the United States dated November 19, 1975, recorded April 2, 1976, in Volume M76 at page 4627, records of Klamath County, and easterly of the westerly sideline boundary of the strip of land described in the deed to the United States dated September 2, 1944, recorded January 20, 1945, in Volume 172 of Deeds at page 347, records of Klamath County, said parcel of land having an area of 1.0 acre, more or less.

Ady Canal Parcel

A parcel of land in the north half of the northeast quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 23, Township Forty (40) South, Range Eight (8) East, Willamette Meridian, described as follows:

All that portion of that certain 100-foot-wide right-of-way granted to Klamath Drainage District for an irrigation canal in the right-of-way deed dated October 14, 1922, recorded October 23, 1922, in Volume 59 of Deeds, page 245, Klamath County Records, lying northerly of the course called "North 71°43' West 1226.7 feet" in PARCEL THREE described in Grant Deed to the United States dated December 2, 1975, recorded April 5, 1976, in Volume M76 at page 4718, records of Klamath County and lying southerly of the course called "N55°53 $\frac{1}{2}$ 'E" in the description of "East Triangle" in Warranty Deed to the United States dated March 31, 1908, recorded May 7, 1908 in Volume 24 of Deeds at page 163, records of Klamath County, and containing an area of 1.0 acre, more or less.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at _____

this 9 day of August A. D. 1977 at 9:56 o'clock A. M., and
duly recorded in Vol. M 77, of Deeds on Page 14340

Fee \$9.00

Wm D. MILNE, County Clerk
Wm D. Milne