

1 42461

AMENDED

Vol. ^m78 Page 1890

2 NOTICE OF PENDENCY

3 OF ACTION

4 (LIS PENDENS)

5 In accordance with the provisions of ORS 93.740, notice is hereby given as
6 follows:

7 1. On September 29, 1975, an action was filed in the United States District
8 Court for the District of Oregon, entitled United States of America v. Ben Adair,
9 et al., Civil No. 75-914.

10 2. On or about July 8, 1976, a Notice of Pendency of Action was filed in
11 Klamath County, Oregon.

12 3. Thereafter, by orders of the United States District Court for the District
13 of Oregon, various defendants were dropped and added as parties of said action.

14 4. The name of the plaintiff in said action is the United States of America.

15 5. The names of the defendants in said action are as follows: Ben Adair;
16 Edith Adair; Harold R. Adams; Patricia E. Adams; C. L. Ambers, Jr.; Robin E. Ambers;
17 Evelyn M. Ball; Joseph S. Ball; Bank of California, N.A.; LaVina Grace Barney and
18 Levi Richard Barney, heirs of Grace Barney, deceased; Eldon Albert Beck; Richard
19 Howard Beck; Velma Jean Beck; Vicki Roe Beck; Dorothy G. Bell; Hugh I. Bell; John L.
20 Bell Logging Co.; Leona June Berglund, Roy Vincent Berglund; Gladys Bishop; Barbara
21 Joyce Kirk Bravo; C. Vermont Bridgman; J. Annette Bridgman; Betty D. Casteel; Cleo
22 Casteel; Jack R. Chapman; James L. Chapman; Arnold E. Christenson; Cathleen C. Christenson;
23 Loretta S. Christenson; Franklin Clark; Harry Clarkson; Ouida Clark; Harold Cole;
24 Phyllis Cole; Clara L. Crescenti; Mary E. Crescenti; Richard J. Crescenti; Robert E.
25 Crescenti; Bernadine Cress; Eldon Cress; Crown Zellerback Corp.; Ida Lee Cunningham;
26 D. G. Shelter Products Company; Carl Dawson; Donal H. Dean; Everett R. Dennis; Frances
27 Dennis; Dexter Corporation; Oscar D. Dike; Virginia D. Dike; Gladys Dixon; Oliver P.
28 Dixon; Keith W. Dodd; Lila M. Dodd; Kenneth Douglas; Forrest G. Downing; Lillian M.
29 Downing; Betsy Effman; Mabil S. Eggsman; Wilbur Eggsman; Ellingson Lumber Co.;

78 60-51 7-12 54

60-51
2/00

1891

1 Dorothy I. Emery; Kenneth L. Emery; Alton Fairchild; Lucy S. Fairchild; First
2 National Bank of Oregon; Nettie Cress Foster; Jesse F. Francis; Arthur Gale; Geinger
3 Enterprises, Inc.; Lyle W. Glenly; Valrey Kay Glenly; Alice A. Gross; Albert B.
4 Gross; Berneil B. Greene; Donald Greene; Ann Grossman, Jeffrey Grossman, Belles
5 Ormont, Linda Grossman and Beatrice Schweber, heirs of Bernard Grossman, deceased;
6 Viola M. Gouldin, trustee; Ehrman Danell Guistina; Jerry Halvorsen; Donald A. Hammer;
7 Brigitta A. Hanke; Klaus G. Hanke; Cabell Terry Hatfield; Wilda Henkle; Elenor E.
8 Hinsch; Gerhard F. Hinsch; Alice M. Hobbs; Ray O. Hobbs; John C. Horton; Dayton O.
9 Hyde; Gerda V. Hyde; Janet S. Ingalls; William E. Ingalls; J. Spear Ranch Co.;
10 Investors Acquisition Corp.; Frank Isaac; Virginia Isaac; Harry J. Jackson; Bert
11 Johnson; Arlene Marie Jones; Harold Wilson Jones; John W. Jones; Eleanor C. Kalita;
12 John Kalita; William K. Kalita; Beth Kesler; Calvin Kesler; Frieda Kirk; Friedman
13 Kirk; Lelia Kirk; Oscar Kittredge; Klamath County, a municipal corporation and
14 political subdivision of the State of Oregon; C. H. Kleyn; Katherine Ellen Kleyn;
15 Louis T. Knight; Hugh Knight; Kenneth Knight; L. Paul Knight; Beatrice Kramer;
16 Carl Kramer; Mildred G. Lautenschlager; James Bowles Lawrence; Steven E. Lawrence;
17 Howard N. Lightener; L. Margaret Lightener; Lloyd's Bank of California; Herman M.
18 Lovett; Lowe, Inc.; Vickie Lee Fairchild Macy; Cordie McCormick; Woodrow W. McCormick;
19 Everett James McGilvary; Shirley Ann McGilvary; Michael McGinnis; Carlos A. Medrano;
20 Patricia A. Medrano; Ray J. Michels, trustee; Modoc Hunters, Inc.; Modoc Lumber Co.;
21 John M. Mosby; Marilyn J. Mosby; Gary A. Moulet; Joan E. Moulet; Mount Scott Prop-
22 erties; Richard A. Myers; Nicol Land and Cattle Company; Donovan L. Nicol, on his
23 own behalf and as trustee; Mary Ann Nicol, trustee; John L. Nystrom; Alan Hann
24 Oelke; State of Oregon, State Board of Forestry; Donna Marie Osborne; Douglas Verne
25 Osborne; Patscheck - Veiga Development, Inc.; Virginia Jane Payne; Gladys A. Perry;
26 Joseph M. Perry; Edward Peterson; Mildred H. Peterson; Jean D. Pettit; Ralph L.
27 Pettit; Steve J. Pettit; Cecil Petty; Helen Petty; Marion B. Pinneo; Donald A. W.
28 Piper; J. E. Poe; Patty Lou Poe; Carlton A. Pollock; Margie M. Pollock; Patricia
29 P. Pool; George A

PAGE TWO - AMENDED NOTICE OF PENDENCY OF ACTION

1 Pondella; Carolyn L. Pride; Walter Ralphs; John W. Reilly; Kathleen Reilly; Manual
 2 A. Reyes; Mary Reyes; Ivan Riffey; Jeannie Riffey; George P. Roncevich; John Ropp;
 3 M. D. Rose; Roseburg Duck Club, Inc.; Jessie P. Royse; Romie Raymond Royse;
 4 Cynthia Russell; Howard E. Salvage; Savannah Land Co.; Mabel Schumacher; Irvin M.
 5 Scott; Nevada D. Scott; Seneca Sawmill Co.; Norman H. Shaw; Thomas J. Shaw; John C.
 6 Siemens; Erlene G. Simington; Jack F. Simington; J. R. Simplot Co.; Geraldine A.
 7 Smith; Maureen Smith; William T. Smith; Jack C. Snyder; Stanley Bernard Soloman;
 8 Bertrand N. Stanley in his own behalf and as trustee; Dorothy M. Stanley in her own
 9 behalf and as trustee; Chloe Marie Suiter; Ted Suiter; Ora Summers; Joseph F.
 10 Szafran; Thelma M. Szafran; Albert J. Tanner; Geri Ann Tanner; Dorothy B. Thompson;
 11 L. D. Thompson; Edward Donald Tompkins, trustee; Mabel L. Tompkins; Willis Stanley
 12 Tompkins, trustee; Fred Tschopp, Jr.; United States National Bank of Oregon,
 13 Trustee; Carol J. Veiga; Nora Marie Waldrip; Jack Lee Walker, Janet Ruth Walker;
 14 William C. Wampler; Samuel G. Warren; Dora L. Watkins; Wallace W. Watkins; Western
 15 Hunt and Waterfowl, OR, Ltd.; Weyerhaeuser, Co.; Doris C. Wilson; Steve W. Wilson;
 16 Wocus Acres, Inc.; Henry Wolff; D. E. Wyman, Jr., trustee; M. H. Wyman; Yamsay Duck
 17 Club, Inc.; Edward R. Zarosinski; Unknown Heirs of Clifford Dale Emery, George
 18 Bishop and Maude Salvage; All other Persons Claiming any Right to the Use of Water
 19 Within the Watershed of the Upper Williamson River, as Defined in the Complaint.

20 6. The object of said action is to establish the water rights appurtenant
 21 to each tract of land in the watershed of the Upper Williamson River in Klamath
 22 County, Oregon, and after establishment of such rights, to enforce the same.

23 7. A description of the real property, all situated in Klamath County, Oregon,
 24 is attached hereto, marked Exhibit A, and by this reference made a part hereof.

25 Dated this 18th day of January, 1978.

26 SIDNEY I. LEZAK
 27 United States Attorney
 28 District of Oregon

29 Thomas C. Lee
 THOMAS C. LEE
 Assistant United States Attorney

UNITED STATES OF AMERICA
V.
BEN ADAIR, ET AL
(D. ORE., CIVIL NO. 75-914)

1893

WILLAMETTE MERIDIAN

- T. 28 S., R. 5½ E.,
that portion lying within the Williamson River Watershed.
- T. 29 S., R. 5½ E.,
sec. 1, all;
secs. 2, 11 and 12, that part lying within the Williamson
River Watershed.
- T. 27 S., R. 6 E.,
that portion lying within the Williamson River Watershed.
- T. 28 S., R. 6 E.,
that portion lying within the Williamson River Watershed.
- T. 29 S., R. 6 E.,
all, except that portion lying within the boundary of the
Crater Lake National Park.
- T. 30 S., R. 6 E.,
all, except that portion lying within the boundary of the
Crater Lake National Park.
- T. 26 S., R. 6½ E.,
that portion lying within the Williamson River Watershed.
- T. 27 S., R. 6½ E.,
that portion lying within the Williamson River Watershed.
- T. 26 S., R. 7 E.,
that portion lying within the Williamson River Watershed.
- T. 27 S., R. 7 E.,
secs. 6 thru 9, inclusive, secs. 14 thru 24, inclusive and
secs. 26 thru 31, inclusive;
sec. 25, N½, N½SW¼, NW¼SE¼;
sec. 32, N½, SW¼, W½SE¼, SE¼SE¼;
sec. 33, N½;
sec. 34, N½, N½SE¼;
sec. 35, N½, SW¼, W½SE¼;
secs. 3, 4, 5, 10, 11, 12 and 13, that portion lying within
the Williamson River Watershed.
- T. 28 S., R. 7 E.,
secs. 5 and 6;
sec. 4, S½NW¼, S½SW¼;
sec. 7, N½, SW¼, N½SE¼;
sec. 8, N½NE¼, SW¼NE¼, W½, NW¼SE¼;
sec. 9, NW¼NW¼, SE¼NW¼, NE¼SW¼, S½SW¼, SW¼SE¼;
sec. 12, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼;
sec. 17, NE¼, N½NW¼;
sec. 18, lot 1;
sec. 19, NE¼SE¼;
sec. 20, NW¼SW¼, NE¼SE¼;
sec. 21, SE¼NW¼, NW¼SW¼;
sec. 29, S½N½, S½;
sec. 30, S½NE¼, E½NW¼, E½SW¼, SE¼, lots 1, 2 and 3;
sec. 32, NW¼NE¼, NW¼, SE¼SE¼;
sec. 34, S½SE¼NE¼, W½NE¼, N½SE¼, N½SE¼SE¼.

EXHIBIT A

- T. 29 S., R. 7 E.,
 sec. 3, secs. 8 thru 17, inclusive, secs. 21 thru 28, inclusive,
 secs. 33 thru 36, inclusive;
 sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, lots 1, 3 and 4;
 sec. 5, S $\frac{1}{2}$ S $\frac{1}{2}$;
 sec. 6, S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 sec. 7, E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, lots 3 and 4;
 sec. 18, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, lot 1;
 sec. 20, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 excepting that portion within the right-of-way of Oregon State
 Highways 97 and 232.
- T. 30 S., R. 7 E.,
 all, excepting that portion within the right-of-way of Oregon
 State Highways 97 and 232.
- T. 31 S., R. 7 E.,
 all, excepting that portion within the right-of-way of Oregon
 State Highways 97 and 232 and the Southern Pacific Railroad.
- T. 32 S., R. 7 E.,
 secs. 1 thru 18, inclusive, secs. 20 thru 29, inclusive, secs.
 33 thru 36, inclusive;
 secs. 30, 31 and 32, that portion lying within the Williamson
 River Watershed;
 sec. 19, excepting lots 7, 8 and 13, that portion lying within
 the Williamson River Watershed.
- T. 33 S., R. 7 E.,
 that portion lying within the Williamson River Watershed.
- T. 31 S., R. 7 $\frac{1}{2}$ E.,
 all, except that portion within the boundaries of Crater Lake
 National Park.
- T. 32 S., R. 7 $\frac{1}{2}$ E.,
 secs. 1 thru 3, inclusive, secs. 10 thru 14, inclusive;
 sec. 15, that portion lying within the Williamson River Watershed;
 sec. 4, lots 1, 5, 6 and 7;
 sec. 9, lots 1, 2, 3 and 4;
 sec. 16, lot 1 and that portion of lot 2 within the Williamson
 River Watershed.
- T. 26 S., R. 8 E.,
 that portion lying within the Williamson River Watershed.
- T. 27 S., R. 8 E.,
 secs. 1, 9 and 10, secs. 12 thru 15, inclusive, secs. 18
 and 19, secs. 22 thru 27, inclusive, secs. 30, 35 and 36,
 lying within the Williamson River Watershed;
 sec. 17, that part lying within the Williamson River Watershed,
 except the right-of-way of Oregon State Highway 97 and the
 rights-of-way of Southern Pacific Railroad and Burlington
 Northern Railroad;
 sec. 20, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, lying within the Williamson River
 Watershed, except the right-of-way of Oregon State Highway 97
 and the rights-of-way of Southern Pacific Railroad and
 Burlington Northern Railroad;
 sec. 29, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 sec. 31, E $\frac{1}{2}$ E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 sec. 33, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 sec. 34, E $\frac{1}{2}$ E $\frac{1}{2}$.

1895

- T. 28 S., R. 8 E.,
secs. 1 and 2, secs. 11 thru 14, inclusive, secs. 24, 25
and 35;
sec. 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, lots 1, 2, 3 and 4;
sec. 5, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, lots 1, 2, 3 and 4, that portion
lying westerly of Oregon State Highway 97;
sec. 10, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 29 S., R. 8 E.,
secs. 7 thru 36, inclusive;
sec. 1, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$.
- T. 30 S., R. 8 E.,
all.
- T. 31 S., R. 8 E.,
all.
- T. 32 S., R. 8 E.,
all.
- T. 33 S., R. 8 E.,
that portion lying within the Williamson River Watershed.
- T. 26 S., R. 9 E.,
that portion lying within the Williamson River Watershed.
- T. 27 S., R. 9 E.,
sec. 1, secs. 3 thru 12, inclusive, secs. 14, 15, secs. 17
thru 36, inclusive;
sec. 2, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 13, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 28 S., R. 9 E.,
secs. 1 thru 30, inclusive, secs. 32 thru 36, inclusive;
sec. 31, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, lots 1, 2 and 3.
- T. 29 S., R. 9 E.,
sec. 1, secs. 4 thru 36, inclusive;
sec. 2, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$, lot 1;
sec. 3, S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, lots 1 and 2.
- T. 30 S., R. 9 E.,
all.
- T. 31 S., R. 9 E.,
all.
- T. 32 S., R. 9 E.,
all.
- T. 33 S., R. 9 E.,
that portion lying within the Williamson River Watershed.
- T. 26 S., R. 10 E.,
that portion lying within the Williamson River Watershed.
- T. 27 S., R. 10 E.,
that portion of secs. 6, 7, 15, 16, 18, 20 thru 22, inclusive,
26, 27, 30 thru 36, inclusive, within the Williamson River
Watershed;
sec. 17, S $\frac{1}{2}$ S $\frac{1}{2}$, that portion lying within the Williamson River
Watershed;
sec. 19, E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ of lot 2, lots 3 and 4;
sec. 28, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$.

1896

- T. 28 S., R. 10 E.,
secs. 2 thru 7, inclusive, secs. 10, 11, 14, 15, secs. 17
thru 23, inclusive, secs. 25 thru 32, inclusive, secs. 34
thru 36, inclusive;
sec. 1, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, lots 3 and 4;
sec. 8, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 9, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
sec. 12, W $\frac{1}{2}$;
sec. 13, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
sec. 24, NW $\frac{1}{4}$, S $\frac{1}{2}$;
sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$.
- T. 29 S., R. 10 E.,
secs. 2 thru 36, inclusive;
sec. 1, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, lots 3 and 4.
- T. 30 S., R. 10 E.,
all.
- T. 31 S., R. 10 E.,
all.
- T. 32 S., R. 10 E.,
all.
- T. 33 S., R. 10 E.,
that portion lying within the Williamson River Watershed.
- T. 34 S., R. 10 E.,
that portion lying within the Williamson River Watershed.
- T. 29 S., R. 11 E.,
secs. 7 thru 36, inclusive, lying within the Williamson River
Watershed;
sec. 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 30 S., R. 11 E.,
all that portion lying within the Williamson River Watershed.
- T. 31 S., R. 11 E.,
all.
- T. 32 S., R. 11 E.,
all that portion lying within the Williamson River Watershed.
- T. 33 S., R. 11 E.,
all that portion lying within the Williamson River Watershed.
- T. 34 S., R. 11 E.,
all that portion lying within the Williamson River Watershed.
- T. 30 S., R. 12 E.,
all that portion lying within the Williamson River Watershed.
- T. 31 S., R. 12 E.,
all that portion lying within the Williamson River Watershed.
- T. 32 S., R. 12 E.,
all that portion lying within the Williamson River Watershed.
- T. 33 S., R. 12 E.,
all that portion lying within the Williamson River Watershed.

*Return to Thomas C. Lee
Attorney
P.O. Box 718
Portland Oregon 97207*

STATE OF OREGON; COUNTY OF KLAMATH; ss. .

I hereby certify that the within instrument was received and filed for record on the 31st day of
January A.D., 19 78 at 12:54 o'clock P M., and duly recorded in Vol. M78,
of Mortgages on Page 1890.

FEE \$21.00

WM. D. MILNE, County Clerk

By Bernetha D. Black Deputy