

71A38-14844

Vol. 178 Page 13576

50633

Filed 5/31/78
Robert E. Christ, Clerk
Deputy

78 JUN 26 AM 10 43

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,
Plaintiff,

v.

240.00 ACRES OF LAND, MORE OR
LESS, IN THE COUNTY OF KLAMATH,
STATE OF OREGON, and Lydia E.
Gentry, et al

Defendants.

CIVIL NO. 78- 483
DECLARATION OF TAKING

TO THE HONORABLE, THE UNITED STATES DISTRICT COURT:

I, JEAN P. LOWMAN, Regional Solicitor of the United States Department
of the Interior, do hereby declare that:

1. The land hereinafter described is taken under and in accordance
with the authority set forth in Schedule "A" annexed hereto and made a
part hereof.

2. The public uses for which said land is taken are also set
forth in said Schedule "A".

3. A general description of the tract of land being taken, the
estimated just compensation therefor, and the estates taken for said
public uses are set forth in Schedule "B" annexed hereto and made a
part hereof.

4. A plat showing the land taken is annexed hereto as Schedule
"C" and made a part hereof.

A TRUE COPY
Robert M. Christ, Clerk

By J. Christ
Deputy Clerk

1 5. The gross sum estimated by me as just compensation for
2 such land, comprising 240.00 acres, including any and all interest
3 in said land, is Two Hundred Thousand Dollars (\$200,000.00), which
4 sum I cause to be deposited in the registry of the court for the
5 use and benefit of the persons entitled thereto. I am of the
6 opinion that the ultimate award for said land probably will be
7 within any limits prescribed by law on the price to be paid therefor.

8 IN WITNESS WHEREOF, I have signed this Declaration of Taking
9 in the City of Portland, State of Oregon, this 25 day
10 of May, 1978.

Jean P. Lowman

Jean P. Lowman
Regional Solicitor

BEAR VALLEY NATIONAL WILDLIFE REFUGE

OREGON

AUTHORITY FOR THE TAKING:

The authority for the taking of the land is under and in accordance with the Act of Congress approved August 8, 1956, (70 Stat. 1119, 16 U.S.C. § 742f) and Acts supplementary thereto and amendatory thereof; the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, as amended, 16 U.S.C. § 4601-4 to 4601-11); the Act of Congress approved September 28, 1976 (90 Stat. 1313, 16 U.S.C. § 4601-9); the Act of Congress approved December 28, 1973 (87 Stat. 884, 16 U.S.C. § 1534); the Act of Congress approved August 1, 1888 (25 Stat. 357, 40 U.S.C. § 257), and Acts supplementary thereto and amendatory thereof; and the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. § 258a); and under the authority of the Department of the Interior and Related Agencies, General Appropriation Act of 1978 (91 Stat. 285) which makes funds available for such purposes.

This Declaration of Taking is filed pursuant to the authority delegated to the Solicitor on February 17, 1959, by the Secretary of the Interior, 24 Federal Register 1348, as amended December 27, 1971, under sub-paragraphs (5) and (6) of Part 210.2.2(A) of the Departmental Manual, and as redelegated January 19, 1977, by the Solicitor to the Regional Solicitor, under I SRM 6.1 B(1).

PUBLIC USES:

This tract has been selected for acquisition by the United States for use in connection with the Bear Valley National Wildlife Refuge to be managed by the Fish and Wildlife Service, United States Department of the Interior, as a part of the National Wildlife Refuge System. The said land has been selected for acquisition by the United States of America for said purposes, and for such other uses as may be authorized by Congress or by Executive Order.

SCHEDULE "B"

BEAR VALLEY NATIONAL WILDLIFE REFUGE

OREGON

ESTATE TAKEN:

The estate taken for said public use is the fee simple title in and to the land, together with all and singular the water rights and other rights, tenements, hereditaments, and appurtenances thereunto belonging and in anywise appertaining, subject to existing easements for public roads and highways, railroads, pipelines and public utilities, if any.

DESCRIPTION:

A tract of land situated in the County of Klamath and State of Oregon, described as follows, to-wit:

T. 40 S., R. 8 E., W.M.section 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$;section 30, S $\frac{1}{2}$ SE $\frac{1}{4}$;section 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;section 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Including the right of access to the above described lands.

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Lydia E. Gentry
2025 Applegate St.
Klamath Falls, Oregon 97601

Klamath County, Oregon
County Courthouse
Klamath Falls, Oregon 97601

Thomas L. Selliken, Registered Agent
Pacific Power and Light Company
800 Pacific Building
Portland, Oregon 97204

Thomas Lumber Company
Richard L. Wendt, Registered Agent
Jeld-Wen, Inc.
3303 Lakeport Blvd.
Klamath Falls, Oregon 97601

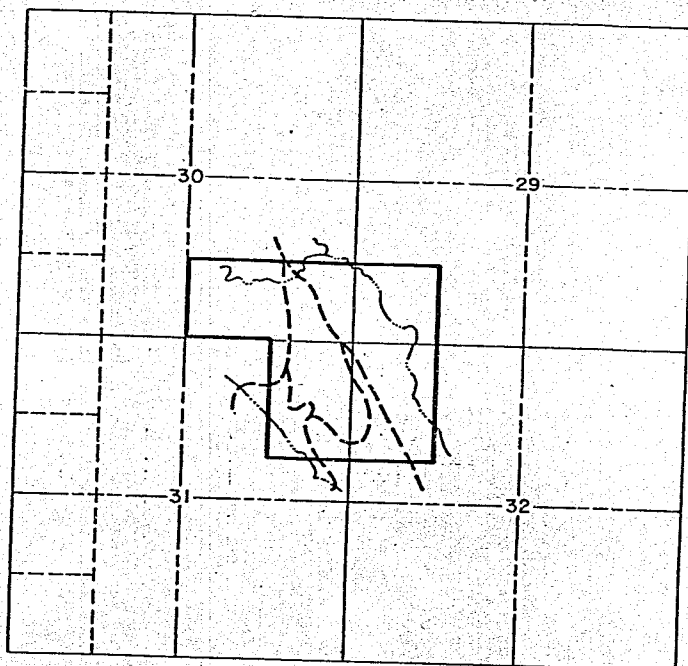
United States Department of the Interior
Fish and Wildlife Service

13580

TRACT: LYDIA GENTRY
UNIT: BEAR VALLEY
NATIONAL WILDLIFE REFUGE

TRACT NO: 15
COUNTY: KLAMATH,
T.40S., R.8E.
WILLAMETTE MERIDIAN

±240 ACRES
STATE OF: OREGON



--- ROAD
--- STREAM

Return to
TA

Scale: .2 inches = 1 mile

Prepared by: LJC 780523

SCHEDULE "C"

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 26th day of
June A.D., 19 78 at 10:43 o'clock A M., and duly recorded in Vol. M78,
of Deeds on Page 13576.

FEE \$15.00

WM. D. MILNE, County Clerk

By Bernice D. Spetch Deputy