

K-30441  
When recorded, mail to:  
U. S. Bureau of Reclamation  
Real Estate Division (MP-2600)  
2800 Cottage Way  
Sacramento, CA. 95825

Loan Nos. 143098 and  
163888

<sup>m</sup>  
Vol. 79 Page 14965

69562

Klamath Straits Drain Enlargement  
Unit No. K-6  
5:3:9

CONSENT TO EASEMENT

WHEREAS, The Federal Land Bank of Spokane, a corporation in Spokane, Washington, is mortgagee on two mortgages as follows:

Mortgage executed by Francis M. Flowers and Pauline M. Flowers, husband and wife; George E. Flowers and Blanch E. Flowers, husband and wife; James M. Flowers and Freeda M. Flowers, husband and wife, to The Federal Land Bank of Spokane, a corporation in Spokane, Washington, dated March 19, 1971, recorded March 24, 1971, in Volume M71, page 2437, Mortgage Records of Klamath County, Oregon;

Mortgage, executed by Flowers Bros., Inc., an Oregon Corporation; Francis M. Flowers and Pauline M. Flowers, husband and wife; George E. Flowers and Blanch E. Flowers, husband and wife; James M. Flowers and Freeda M. Flowers, husband and wife, to The Federal Land Bank of Spokane, a corporation in Spokane, Washington, dated March 1, 1976, recorded March 4, 1976, in Volume M76, page 3115, Mortgage Records of Klamath County, Oregon; and

WHEREAS, Flowers Bros., Inc., a corporation, on March 28, 1979, executed a Contract and Grant of Easement granting to the United States permanent easements totaling 3.54 acres for Klamath Straits Drain Enlargement; 1.11 acres permanent easement for use of an existing farm road and 7.19 acres in temporary easements for construction, on land described in said two mortgages;

NOW, THEREFORE, said Mortgagee hereby consents to the said grant of easement, and to the payment to Flowers Bros., Inc., a corporation, of all money payable under the terms of said Contract and Grant of Easement, and hereby subordinates its rights under said mortgages to the rights granted to the United States by said Contract and Grant of Easement in the land described on Exhibit "A" attached hereto, by this reference made a part hereof, and designated "Unit No. K-6, Rev. 2-23-79, Sheets 1, 2 and 3", situated in the County of Klamath, State of Oregon.

IN WITNESS WHEREOF, said Mortgagee hereby executes this instrument this 13th day of June, 1979.

THE FEDERAL LAND BANK OF SPOKANE,  
a corporation in Spokane, Washington

By William K. Miller  
Assistant Vice President

By Robert L. Thomas  
Assistant Secretary

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Six tracts of land in Sections Fifteen (15), Twenty-two (22) and Twenty-three (23), Township Forty (40) South, Range Eight (8) East, Willamette Meridian (W.M.), County of Klamath, State of Oregon, being a portion of those certain parcels of land described in the Warranty Deed to Flowers Bros, Inc., dated January 15, 1973, and recorded January 22, 1973, in Volume M73 of Deeds at Page 765, Records of Klamath County. Said tracts have a combined area of 11.84 acres, more or less, and are separately described as follows:

**TRACT ONE:** A strip of land having a variable width lying on the left or northerly side of the following described line, said strip being all that portion of Lot 4 of said Section 23 lying between said line and the southerly boundary of the second recited strip of land conveyed in the Donation Deed from W. M. and Elizabeth Anna Williams to the United States of America dated August 25, 1944, and recorded January 20, 1945, in Volume 172 of Deeds at Page 333, Records of Klamath County.

Beginning at that certain point in the northerly boundary of said Lot 4 which bears South 89°06' East 378.4 feet from the Northwest corner of said Section 23; thence from said point of beginning South 46°17' East 659.4 feet to a point tangent to the following curve; thence along a curve to the left with a radius of 919.3 feet an arc distance of 675.7 feet to a point (last said point bears South 67°21' East a chord distance of 660.6 feet from the beginning of said curve); thence tangent to the preceding curve South 88°24' East 845.6 feet; thence South 71°43' East 135.5 feet to a point in the westerly boundary of the Southern Pacific Railroad Right of Way which bears South 72°13' East 2560.8 feet from said Northwest corner of Section 23; the sideline boundaries of said TRACT ONE are to be lengthened or shortened, as the case may be, so as to begin in the northerly boundary of said Lot 4 and terminate in the westerly boundary of said Southern Pacific Railroad Right of Way. Said TRACT ONE contains an area of 2.68 acres, more or less.

**TRACT TWO:** All that portion described as follows of Lots Six (6) and Seven (7) in the South half of the Southeast quarter (S½SE¼) of said Section 15 as said lots are shown on General Land Office Plat of Township 40 South, Range 8 East, Willamette Meridian, State of Oregon dated January 19, 1882.

Beginning at that certain point in the northerly boundary of the strip of land described in the unrecorded purchase of improvements contract dated September 6, 1945, between Marie Flowers, et al, Vendors, and the United States of America, Purchaser; said strip description being herein recited and thereby made a part of this description:

"A strip of land extending to the Klamath Straits on the left or northerly side and sixty (60) feet on the right or southerly side, measured at right angles to the center line of the Klamath Straits Drain Outlet, said center line beginning at a point on the South boundary of Section Fifteen (15), Township and Range aforesaid from which the one-quarter section corner common to Sections Fifteen (15) and Twenty-two (22), Township and Range aforesaid bears S89°58' West 530.0 feet distant and running thence from a tangent bearing N67° 21' E along a curve to the left with a radius of 781.3 feet a distance of 682.4 feet; thence a strip of land one hundred thirty feet in width extending seventy (70) feet on the left or northerly side and sixty (60) feet on the right or southerly side measured at right angles to the center line of said Klamath Straits Drain Outlet and running thence N17° 18' 30" E 6.7 feet; thence on a curve to the right with a radius of 260.4 feet a distance of 377.0 feet measured on 25 foot chords; thence S79° 45' 30" E 888.9 feet; thence on a curve to the right with a radius of 572.9 feet a distance of 133.9 feet measured on 50 foot chords; thence a strip of land extending to the Klamath Straits on the left or northerly side and sixty (60) feet on the right or southerly side measured at right angles to the center line of the said Klamath Straits Drain Outlet and running thence S66° 32' 30" E 103.0 feet; thence a strip of land extending to the Klamath Straits on the left or northerly side and fifty (50) feet on the right or southerly side, measured at right angles to the center line of said Klamath Straits Drain Outlet and running thence S 66° 32' 30" E 200.0 feet; thence a strip of land

Checked as to Engineering data

Donald R. B. 3-22-79

extending to the Klamath Straits on the left or northerly side and sixty (60) feet on the right or southerly side measured at right angles to the center line of said Klamath Straits Drain Outlet and running thence S66° 32' 30" E 94.5 feet to a point on the east boundary of Section Fifteen (15), Township and Range aforesaid from which the southeast corner of Section Fifteen (15), Township and Range aforesaid bears South 0° 30' W 317.5 feet distant; also the west 530 feet of said Lot six (6) of Section Fifteen (15), Township and Range aforesaid, lying south of Klamath Straits."

Said TRACT TWO point of beginning bears North 30° 51' West 635.5 feet from the southeast corner of said Section 15; thence from said point of beginning along said northerly boundary (tangent to the following curve at said point of beginning bears North 65° 36' West) along a curve to the left with a radius of 642.9 feet an arc distance of 147.9 feet to a point (last said point bears North 72° 12' West a chord distance of 147.6 feet from the beginning of said curve); thence tangent to the preceding curve continuing along said strip boundary North 78° 47' West 887.8 feet to a point tangent to the following curve; thence continuing along said strip boundary along a curve to the left with a radius of 330.4 feet an arc distance of 478.4 feet to a point (last said point bears South 59° 43' West a chord distance of 437.7 feet from the beginning of said curve); thence tangent to the preceding curve continuing along said strip boundary South 18° 14' West 5.0 feet to a point which bears North 72° 36' West 1799.1 feet from the Southeast corner of said Section 15; thence leaving said strip boundary North 71° 46' West 20.0 feet; thence North 12° 40' East 148.1 feet to a point that shall hereinafter be referred to as Point "A"; thence North 65° 56' East 148.9 feet to a point tangent to the following curve; thence along a curve to the right with a radius of 467.8 feet an arc distance of 291.5 feet to a point (last said point bears North 83° 47' East a chord distance of 286.8 feet from the beginning of said curve); thence tangent to the preceding curve South 73° 22' East 863.9 feet; thence South 61° 16' East 125.9 feet to the point of beginning. Said TRACT TWO contains an area of 0.86 acre, more or less.

**TRACT THREE:** A strip of land having a uniform width of 20.0 feet lying within 10.0 feet where measured at right angles on each side of the following described centerline:

Beginning at that certain point in the westerly boundary of the Right-of-Way of the Southern Pacific Railroad which bears South 35° 10' East 3187.6 feet from the Northwest corner of said Section 23; thence from said point of beginning North 71° 32' West 161.8 feet; thence North 08° 35' East 175.7 feet; thence North 00° 41' West 201.2 feet; thence North 15° 44' West 184.9 feet; thence North 25° 01' West 359.4 feet; thence North 19° 08' West 234.7 feet; thence North 28° 06' West 402.3 feet; thence North 32° 51' West 172.6 feet; thence North 36° 06' West 97.3 feet; thence North 33° 28' West 83.7 feet; thence North 38° 33' West 132.0 feet; thence North 36° 30' West 98.9 feet; thence North 29° 28' West 96.5 feet; thence North 36° 41' West 65.8 feet; thence North 37° 18' East 47.2 feet to a point in the southerly boundary of the hereinbefore described TRACT ONE which bears South 61° 56' East 953.6 feet from said Northwest corner of said Section 23; the sideline boundaries of said strip of land are to be lengthened or shortened, as the case may be, so as to begin in the westerly boundary of the Southern Pacific Railroad Right-of-Way and terminate in the southerly boundary of said TRACT ONE, BUT EXCEPTING THEREFROM any portion of said TRACT THREE lying within the boundaries of that certain parcel of land described in the Guardian's Deed to the State of Oregon recorded February 3, 1934, in Vol. 102 of Deeds at Page 304, Records of Klamath County. Said TRACT THREE contains an area of 1.11 acres, more or less, after said exception has been made.

**TRACT FOUR:** A strip of land having a uniform width of 50.0 feet where measurable at right angles or radially on the right or southerly side of a line; said line being the same as hereinabove described in TRACT ONE; the sideline boundaries of said TRACT FOUR are to be lengthened or shortened, as the case may be, so as to begin in the northerly boundary of said Lot 4 and terminate in the westerly boundary of said Southern Pacific Railroad Right-of-Way, but EXCEPTING THEREFROM all of the hereinabove described TRACT THREE, ALSO EXCEPTING THEREFROM any portion of said TRACT FOUR lying within the boundaries of that certain parcel of land described in the Guardian's Deed to the State of Oregon recorded February 3, 1934, in Vol. 102 of Deeds at Page 304, Records of Klamath County. Said TRACT FOUR contains an area of 2.70 acres, more or less, after said exceptions have been made.

TRACT FIVE: All that portion of said Lots 6 and 7 of said Section 15 described as follows:

Beginning at that certain point in the northerly boundary of the hereinbefore described TRACT TWO therein referred to as Point "A"; thence from said point of beginning leaving said northerly boundary North  $12^{\circ} 40'$  East 73.2 feet; thence North  $26^{\circ} 53'$  East 157.1 feet; thence South  $78^{\circ} 21'$  East 1094.9 feet; thence South  $47^{\circ} 30'$  East 52.3 feet; thence South  $61^{\circ} 16'$  East 78.7 feet to a point in said northerly boundary of said TRACT TWO; thence along said northerly boundary North  $78^{\circ} 22'$  West 863.9 feet to a point tangent to the following curve; thence continuing along said TRACT TWO boundary along a curve to the left with a radius of 467.8 feet an arc distance of 291.5 feet to a point (last said point bears South  $83^{\circ} 47'$  West a chord distance of 286.8 feet from the beginning of said curve); thence tangent to the preceding curve continuing along said TRACT TWO boundary South  $65^{\circ} 56'$  West 148.9 feet to said Point "A"; the point of beginning. Said TRACT FIVE contains an area of 1.83 acres, more or less.

TRACT SIX: A strip of land in said Sections 15 and 22 having a uniform width of 120.0 feet where measurable at right angles or radially on the left or southerly side of the following described line:

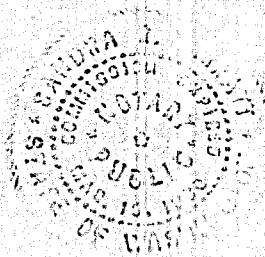
Beginning at a point lying within the boundaries of that strip of land described in the unrecorded purchase of improvements contract dated September 6, 1945, hereinbefore referred to and recited in TRACT TWO; said point of beginning bears North  $58^{\circ} 33'$  West 1,210.5 feet from the southeast corner of said Section 15; thence from said point of beginning North  $78^{\circ} 48'$  West 324.3 feet to a point tangent to the following curve; thence along a curve to the left with a radius of 260.4 feet an arc distance of 377.1 feet to a point (last said point bears South  $59^{\circ} 43'$  West a chord distance of 345.0 feet from the beginning of said curve); thence tangent to the preceding curve South  $18^{\circ} 14'$  West 5.0 feet to a point tangent to the following curve; thence along a curve to the right with a radius of 781.2 feet an arc distance of 1,094.4 feet to a point (last said point bears South  $58^{\circ} 22'$  West a chord distance of 1,007.1 feet from the beginning of said curve); thence tangent to the preceding curve North  $81^{\circ} 30'$  West 128.2 feet to a point in the West boundary of the Northwest quarter of the Northeast quarter (NW1/4NE1/4) of said Section 22 which bears North  $89^{\circ} 51'$  West 2,634.6 feet from the southeast corner of said Section 15; the sideline boundaries of said TRACT SIX are to be lengthened or shortened, as the case may be, so as to begin in a line constructed at right angles to said point of beginning and terminate in the west boundary of the NW1/4NE1/4 of said Section 22, BUT EXCEPTING THEREFROM all of that land described in the unrecorded purchase of improvements contract dated September 6, 1945, hereinbefore referred to and recited in TRACT TWO, ALSO EXCEPTING THEREFROM all of the first recited strip of land described in the Donation Deed from W. M. and Elizabeth Anna Williams to the United States of America, recorded January 20, 1945, hereinbefore referred to in TRACT ONE. Said TRACT SIX contains an area of 2.66 acres, more or less, after said exceptions have been made.

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STATE OF WASHINGTON  
County of Spokane } ss.

On this 13th day of June, 1979, before me,  
Sandra R. Barratt, a Notary Public in and for  
the County and State aforesaid, personally appeared William K. Miller  
and Herb Spencer  
known to me to be the Assistant Vice President and Assistant 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.



Sandra R. Barratt  
Notary Public

(SEAL)

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County Title Co.  
this 25th day of June, A. D. 1979 at 2:32 o'clock P.M., and  
fully recorded in Vol. 2170, of Doods on Page 4965

Wm. D. MILNE, County Clerk

By Barbara A. Hellock

Fee \$15.00