

BEFORE THE BOARD OF DIRECTORS
OF

KLAMATH IRRIGATION DISTRICT

In the Matter of the Petition

of JELD-WEN, INC.,

a Corporation

ORDER EXCLUDING LANDS

This matter having come on to be heard on this 12th day of November, 1980, 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 JELD-WEN, INC., a Corporation, 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 October 8, 1980, said Petitioner filed with the Board of Directors its duly verified Petition praying that its lands consisting of 9.5 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 Petitioner did tender to the Klamath Irrigation District with said petition the sum of \$1,779.06, 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 District caused Notice of the filing of said Petition to be duly published once a week for two weeks in the Herald and News, a newspaper of general circulation published in Klamath County, the County where the Board of Directors of Klamath Irrigation District is situated. That the Notice stated the filing of the Petition, the name of Petitioner, a description of the lands mentioned in the Petition, and the Prayer of the Petitioner, and notified all persons interested

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80 DEC 17 PM 1 10

AFTER RECORDING RETURN TO:
Klamath Irrigation District
6640 K.I.D. Lane
Klamath Falls, OR 97601
503-882-7228

WM. GANONG
LAWYER
P. O. BOX 57
KLAMATH FALLS, ORE.
97601
(503) 882-7228

1 in, or who may be affected by such change of the boundaries of the District to
2 appear at the office of the Board at 6640 K.I.D. Lane, Klamath Falls, Oregon,
3 at 10:00 a.m. on November 12, 1980, and show cause in writing, if any they have,
4 why the change in boundaries proposed in the Petition should not be made. That
5 the time so specified in said Notice at which they were required to show cause
6 was the regular meeting of the Board next after the expiration of the time for
7 the publication of said Notice.

4.

8
9 That the Board of Directors of Klamath Irrigation District at said time
10 and place mentioned in said Notice heard the said Petition and all evidence or
11 proofs that were introduced by and on behalf of the Petitioner.

5.

12
13 That no person, firm or corporation whomsoever or whatsoever made, pre-
14 sented or filed any objections to the granting of said Petition.

6.

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

7.

18
19 That the Secretary of the Interior of the United States of America,
20 through the Manager of the Klamath Irrigation Project, Water and Power Resources
21 Service, has assented in writing to such exclusion.

8.

22
23 The Board of Directors of Klamath Irrigation District finds and deems
24 it for the best interests of said District for the reasons set forth in said
25 Petition, including the reasons that said lands were purchased by Petitioner
26 for subdivision and construction of residential housing purposes, to-wit:
27 TRACT 1126 - FIRST ADDITION TO FERNDAL, and will continue to be so used in
28 the future; that the proposed subdivision will have three or more tracts on
29 each acre of land within the subdivision; that under Federal Housing Authority
30 Rules and Regulations, lots must be two feet higher than the streets, and it
31 is not feasible to construct adequate irrigation facilities to serve the indi-
32 vidual lots as required by ORS 545.611; that said lands are not to be used for

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1 agricultural, horticultural, viticultural or grazing purposes and, therefore,
2 said lands hereinafter more particularly described should be excluded from said
3 Klamath Irrigation District pursuant to the provisions of ORS 545.610 and
4 545.611; and the Board of Directors now being fully advised in the premises,

5 It is hereby ORDERED and RESOLVED as follows:

6 I

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

8 A Tract of Land situated in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Twp. 39
9 S. R. 9 E.W.M., Klamath County, Oregon, Westerly of the U.S.B.R.
1-C-1-A Drain, more particularly described as follows:
10 Beginning at the Initial Point, as marked by a 2-inch by 36-inch
galvanized iron pipe, said Point being the North 1/16 Corner
11 between Sections 13 and 14 of said Township and Range;
Thence, North 00°12'05" West along the West Line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$,
480 feet;
12 Thence, South 78°15'55" East, 240.70 feet;
Thence, North 89°47'55" East, 283.00 feet;
13 Thence, South 00°12'05" East, 12.20 feet;
Thence, North 89°47'55" East, 105.00 feet;
14 Thence, North 00°12'05" West, 78.40 feet;
Thence, North 89°47'55" East, 105.00 feet;
15 Thence, North 00°12'05" West, 4.80 feet;
Thence, North 89°47'55" East, 180.0 feet to the Westerly Right of
16 Way Line of said Drain;
Thence, South 00°12'05" East along said Westerly Right of Way Line
17 499.76 feet to a Point on the South Line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence, South 89°42'24" West, 908.50 feet to the Point of Beginning,
18 which said Tract of Land contains 9.5 acres, more or less,

19 which said Lands are entered in the Assessment Book by the County
20 Assessor as Code 80, Map 3909-1300, Tax Lot 101.

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

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

25 II

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

30 Done at the Regular Meeting of the Board of Directors of Klamath
31 Irrigation District held November 12, 1980.

32
WM. GANONG
LAWYER
P. O. BOX 57
KLAMATH FALLS, ORE.
97601
(503) 882-7228

1 STATE OF OREGON)
2) SS.
3 County of Klamath)

24377

4 I, Malcolm D. Crawford, Secretary of Klamath Irrigation District,
5 hereby Certify that the foregoing is a full, true and correct copy of the
6 Order Excluding Lands duly made and adopted by the Board of Directors of
7 Klamath Irrigation District at the regular meeting of said Board held on
8 November 12, 1980, at 10:00 a.m. and of the whole thereof.

9 WITNESS my hand and the Seal of said Klamath Irrigation District this
10 12th day of November, 1980.

11 (SEAL)

12 *Malcolm D. Crawford*
13 Secretary, Klamath Irrigation District

14 STATE OF OREGON; COUNTY OF KLAMATH; ss.

15 Filed for record at ~~RECEIVED~~

16 is 17th day of December A. D. 1980 at 1:29 o'clock P M., and
17 duly recorded in Vol. M80, of Deeds on Page 24374

18 Wm D. MILNE, County Clerk

19 *Benjamin W. Helch*

20 Fee \$14.00