

K-34915

Until a change is requested, all tax statements shall be sent to the following address: Grantee P.O. Box 2508 Bakersfield, CA 93303

Return to Same as above

WARRANTY DEED

A. T. SPENCE, JR. and JOHN R. NORTON, III, hereinafter referred to as Grantors, do hereby grant, bargain, sell and convey unto MONTGOMERY DRILLING CO., a California corporation, hereinafter referred to as Grantee, its heirs, successors and assigns, that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath, State of Oregon, described as follows:

A parcel of land situate in Sections 11, 12, 13, 14, 23, 24, and 25, all in Township 34 South, Range 7-1/2 East of the Willamette Meridian, being more particularly described as follows:

Beginning at a brass capped monument marking the Northeast corner NW 1/4 of said Section 13; thence South 01° 18' 11" East along the center of section line 1329.05 feet to a 5/8 inch iron pin; thence North 83° 55' 56" East, 303.21 feet to a 5/8 inch iron pin; thence North 77° 27' 38" East 743.71 feet to a 5/8 inch iron pin; thence South 23° 27' 00" East, 904.20 feet to a 5/8 inch iron pin; thence East 155.31 feet to a 5/8 inch iron pin on the Northwesternly bank of Crooked Creek; thence continuing East, to the center line of said Crooked Creek; thence Southerly along the centerline of said Crooked Creek to a point on the North line SE 1/4 NW 1/4 SE 1/4 of said Section 13; thence North 89° 55' 34" West along said North line to a 5/8 inch iron pin on the Northwesternly bank of Crooked Creek; thence continuing along said North line, North 89° 55' 34" West, 208.75 feet to a 5/8 inch iron pin marking the Northwest corner SE 1/4 NW 1/4 SE 1/4 of said Section 13; thence South 01° 27' 14" East, 662.91 feet to a 5/8 inch iron pin marking the Southwest corner SE 1/4 NW 1/4 SE 1/4 of said Section 13; thence South 89° 56' 02" East, 661.13 feet to a 5/8 inch iron pin marking Southeast corner NW 1/4 SE 1/4 of said Section 13; thence South 01° 36' 42" East, 1325.74 feet to a 5/8 inch iron pin marking the Southwest corner SE 1/4 SE 1/4 of said Section 13; thence South 89° 56' 58" East 1329.56 feet to a brass capped monument marking the Southeast corner of said Section 13; thence South 00° 03' 20" East along the section line 1450.38 feet to a one-half inch iron pin; thence South 82° 39' 36" West, 280.19 feet to a one-half inch iron pin; thence South 85° 18' 24" West, 267.93 feet to a 36-inch pine tree; thence South 01° 51' 47" West, 357.64 feet to a one-half inch iron pin; thence South 83° 37' 38" West, 161.18 feet to a 32-inch pine tree; thence South 02° 03' 27" East, 145.28 feet to a one-half inch iron pin; thence South 77° 38' 34" West, 540.43 feet to a one-half inch iron pin on the Easterly bank of Crooked Creek; thence

continuing South $77^{\circ} 38' 34''$ West to the centerline of said Crooked Creek; thence Southerly along the centerline of said Crooked Creek to a point in said Section 25 from which the Northeast corner of said Section bears North $87^{\circ} 18' 30''$ East a distance of 1589.28 feet; thence leaving said creek South $27^{\circ} 52' 51''$ East, 252.57 feet to a $5/8$ inch iron pin; thence continuing South $27^{\circ} 52' 51''$ East, 43.43 feet to a $5/8$ inch iron pin on the center line of that certain easement described in Deed Volume 358 at page 471, Klamath County Deed Records; thence along the centerline of said easement the following courses and distances: North $85^{\circ} 16' 31''$ West, 420.66 feet to a $5/8$ inch iron pin; South $69^{\circ} 16' 28''$ West, 339.99 feet to a $5/8$ inch iron pin; South $52^{\circ} 04' 22''$ West, 307.99 feet to a $5/8$ inch iron pin; South $28^{\circ} 50' 21''$ West, 134.01 feet to a $5/8$ inch iron pin; South $43^{\circ} 40' 20''$ West, 224.00 feet to a $5/8$ inch iron pin; South $29^{\circ} 27' 04''$ West, 201.00 feet to a $5/8$ inch iron pin; South $04^{\circ} 07' 38''$ East, 42.10 feet to a $5/8$ inch iron pin; South $23^{\circ} 32' 52''$ East, 415.26 feet to a $5/8$ inch iron pin on the mean high water line of Wood River; thence leaving said easement and along the mean high water line of said Wood River in a Northerly direction upstream to a point in said Section 14 where said mean high water line intersects the North line of said Section 14; thence leaving the mean high water line of said Wood River North $89^{\circ} 48' 46''$ East along the section line 1122.00 feet to a one inch iron pipe; thence North $01^{\circ} 00' 35''$ West, 1349.19 feet to a $5/8$ inch iron pin marking the Northwest corner SE $1/4$ SW $1/4$ of said Section 11; thence South $89^{\circ} 57' 19''$ East, 3958.62 feet to a $5/8$ inch iron pin marking the Northeast corner SE $1/4$ SE $1/4$ of said Section 11; thence South $89^{\circ} 36' 42''$ East, 2651.91 feet to a brass capped monument marking the Northwest corner SW $1/4$ SE $1/4$ of said Section 12; thence South $00^{\circ} 45' 00''$ East 1322.61 feet to the point of beginning.

TOGETHER WITH: A roadway easement for the purpose of ingress and egress 50.00 feet in width lying 25.00 feet on each side of the following described centerline: Commencing at the Southeast corner NE $1/4$ of said Section 24: thence North $00^{\circ} 03' 20''$ West along the section line 1194.78 feet; thence South $82^{\circ} 39' 36''$ West, 25.20 feet to the point of beginning for the centerline of this easement; thence South $00^{\circ} 03' 20''$ East parallel to but 25.00 feet Westerly of the section line 1191.58 feet; thence South $00^{\circ} 03' 24''$ East parallel to but 25.00 feet Westerly of the section line 1346.71 feet; thence South $88^{\circ} 57' 13''$ East, parallel to but 25.00 feet Southerly of the North line of Government Lot 4 of Section 19, Township 34 South, Range 7 East of the Willamette Meridian, 922.12 feet; thence South $05^{\circ} 32' 32''$ East parallel to but 25.00 feet Westerly of the Westerly right of way line of Oregon State Highway #427, 657.51 feet to the centerline of an existing roadway easement; thence North $60^{\circ} 36' 37''$ East, 27.33 feet to a point on the Westerly right of way line of said State Highway said point being the

terminus of the centerline of this roadway easement.

TOGETHER WITH: All of the Grantor's interest in the following described irrigation easements: An irrigation ditch easement 30.00 feet in width for the purpose of conveying water and for ditch maintenance lying 15.00 feet on each said of the existing ditch centerline described as follows: Beginning at the intersection of an existing irrigation ditch with the north line SW 1/4 SE 1/4 of said Section 12 said point being South 89° 44' 01" East, 450 feet, more or less, from the northwest corner SW 1/4 SE 1/4 of said Section 12; thence Southerly along the centerline of the existing ditch to a point where said ditch enters the above described property said point being approximately 1250 feet South and 450 feet East of the Northwest corner NW 1/4 NE 1/4 of said Section 13.

ALSO TOGETHER WITH: An irrigation easement 30.00 feet in width for the purpose of conveying water and for ditch maintenance lying 15.00 feet on each side of the following described centerline: Beginning at a ditch intersection as the same now exists said ditch intersection being 485 feet East and 1360 feet South of the Northwest corner NE 1/4 of said Section 13; thence Northwesterly along said existing ditch centerline to a point where said ditch centerline intersects the West line NE 1/4 of said Section 13.

SUBJECT TO: (1) The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. Taxes for the year 1980-81, and possibly prior years have been deferred pursuant to ORS 308.370 to 308.403. These, plus earned interest, are due and payable when said reason for the deferment no longer exist.

(2) Easement for raising and/or lowering the water levels of Upper Klamath Lake, including the terms and provisions thereof, from Fort Klamath Meadows Company to The California Oregon Power Company, dated December 13, 1928, recorded January 10, 1929, in Volume 85 page 123, Deed Records of Klamath County, Oregon.

(3) Reservations and restrictions in Deed of Tribal Property from United States of America to United States National Bank of Portland, Trustee, dated March 3, 1959, recorded March 5, 1959, in Volume 310, page 324, Deed Records of Klamath County, Oregon, as follows: "...subject to a lien prior and superior to all other liens for the amounts of costs and charges due to the United States for and on account of construction, operation and maintenance of the irrigation system or acquisition of water rights, by which said lands have been or are to be retained, and the lien so created is hereby expressly reserved in accordance with the act of March 7, 1928 (45 Stat. 210); Title to the above described properties is

conveyed subject to any existing easements for public roads and highways, for public utilities, for railroads and pipe lines, and for any other easements or rights of way of record."

to have and to hold the same unto Grantee, its heirs, successors and assigns forever.

Grantors hereby covenant to and with said Grantee, its heirs, successors and assigns, that they are lawfully seized in fee simple of the above-granted premises, free and clear of all encumbrances, except those noted above, and that Grantors will warrant and forever defend the above-granted premises and every part and parcel thereof against the lawful demands and claims of all persons whomsoever, except those claiming under the above-described encumbrances.

The true and actual consideration paid for this transfer is \$1,777,334.69.

IN WITNESS WHEREOF, the Grantors have executed this instrument this 15 day of October, 1981.

A. T. Spence Jr.
John R. Norton III
A. T. Spence Jr.
by: His attorney in fact

STATE OF OREGON)
) ss.
County of Klamath)

Before me this 15 day of October, 1981, personally appeared the above-named A. T. SPENCE, JR. and acknowledged the foregoing instrument to be this voluntary act and deed.

(S E A L)

John R. Norton III
Notary Public for Oregon
My Commission Expires: 8-5-83

FORM No. 159—ACKNOWLEDGMENT BY ATTORNEY-IN-FACT.

STATE OF OREGON,)
) ss.
County of Klamath)

On this the 15th day of October, 19 81 personally appeared
A. T. Spence Jr.
who, being duly sworn (or affirmed), did say that he is the attorney in fact for John R. Norton, III and
that he executed the foregoing instrument by authority of and in behalf of said principal, and he acknowledged said instrument to be the act and deed of said principal.

Before me:

(Official Seal)

my commission expires 8-5-83

(Title of Officer)

State of OREGON: COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the

15th day of October A.D., 1981 at 2:51 o'clock P.M., and duly recorded in

Vol M-81 of Deeds on page 18126.

Fee \$16.00

EVELYN BIEHN
COUNTY CLERK

By John R. Norton III deputy