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BEFORE THE BOARD OF DIRECTORS
OF

KLAMATH IRRIGATION DISTRICT

In the Matter of the Petition of)
L.Q. DEVELOPMENT OF OREGON, LTD.)

ORDER EXCLUDING LANDS

This matter having come on to be heard on this 11th day of September, 1985, 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 Petition of L.Q. DEVELOPMENT OF OREGON, LTD., 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 July 5, 1985, said Petitioner filed with the Board of Directors its duly verified Petition praying that its lands consisting of 6.48 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 \$1,992.18, 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

85 DEC 17 AM 10 34

RETURN TO
KLAMATH IRRIGATION DISTRICT
6640 KID LANE
KLAMATH FALLS OR 97603

WM. GANONG
LAWYER
P.O. BOX 57
KLAMATH FALLS, OREGON
97601 - 0003
PHONE: (503) 842-7228

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1 News, a newspaper of general circulation published in Klamath
2 County, the County where the Board of Directors of Klamath
3 Irrigation District is situated. That the Notice stated the
4 filing of the Petition, the name of Petitioners, a description of
5 the lands mentioned in the Petition, and the Prayer of the
6 Petitioners, and notified all persons interested in, or who may
7 be affected by such change of the boundaries of the District to
8 appear at the office of the Board at 6640 K.I.D. Lane, Klamath
9 Falls, Oregon, at 10:00 a.m. on September 11, 1985 and show cause
10 in writing, if any they have, why the change in boundaries
11 proposed in the Petition should not be made. That the time so
12 specified in said Notice at which they were required to show
13 cause was the regular meeting of the Board next after the
14 expiration of the time for the publication of said Notice.

15 4.

16 That the Board of Directors of Klamath Irrigation District
17 at said time and place mentioned in said Notice heard the said
18 Petition and all evidence or proofs that were introduced by and
19 on behalf of the Petitioner.

20 5.

21 That no person, firm or corporation whomsoever or whatsoever
22 made, presented or filed any objections to the granting of said
23 Petition.

24 6.

25 That there were no outstanding bonds of the District at the
26 time of the filing of said Petition or at any time subsequent
27 thereto.

28 7.

29 That the Secretary of the Interior of the United States of
30 America, through the Manager of the Klamath Irrigation Project,
31 Bureau of Reclamation, has assented in writing to such exclusion.
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8.

8.

The Board of Directors of Klamath Irrigation District finds and deems it for the best interests of said District for the reasons set forth in said Petition, including the reasons that said lands were purchased by Petitioner for subdivision and residential housing purposes, to-wit: 5th Addition to Cypress Villa, now known as LOCKFORD DRIVE - TRACT 1228, and will continue to be so used in the future; that said proposed subdivision will have three or more tracts on each acre of land within the subdivision; that it is not feasible to construct adequate irrigation facilities to serve the individual lots as required by ORS 545.611; that said lands are not to be used for agricultural, horticultural, viticultural or grazing purposes and, therefore, said lands hereinafter more particularly described should be excluded from said Klamath Irrigation District pursuant to the provisions of ORS 545.610 and 545.611; and the Board of Directors now being fully advised in the premises.

It is hereby ORDERED and RESOLVED as follows:

I

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

A Tract of Land situated in the S. 1/2 NE 1/4 SE 1/4 of Section 11, Twp. 39 S.R. 9 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a 2" x 36" galvanized iron pipe with bronze head marking the initial point of TRACT's 1006 and 1105, said point being on the South line of that property described in Deed Volume 342, Page 647, Klamath County Deed Records, and being N00°12'00"W-1320.00 feet, N.99°51'00"W-661.31 feet, and N00°26'00"W-328.55 feet from the Southeast corner of said section 11; thence S89°40'10"E along the South line of said Deed Volume 587.66 feet to the West line of the A-3 Lateral; thence along the Westerly line of the A-3 Lateral N00°12'00"W-277.36 feet to a point on the Southwesterly right-of-way line of the U.S.B.R. Toe Drain of the "A" Canal; thence along said Southwesterly right-of-way line on the arc of a curve to the left (Radius point bears S33°12'39"W-457.96 feet and central angle=16°20'13")

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130.58 feet to a point on the North line of said N 1/2 S 1/2 NE 1/4 SE 1/4; thence along said North line N89°41'00"W-932.43 feet to the Northeast corner of Parcel 1, Major Land Partition No. 79-7; thence S00°19'50"W-141.54 feet to the Southeast corner of said Parcel 1; thence N89°40'10"W-200.00 feet to the Easterly right-of-way line of Homedale Road; thence S00°26'00"E, along said Easterly right-of-way line, 60.00 feet; thence S89°40'10"E-205.00 feet to the Northeast corner of Parcel 2 of said Major Land Partition No. 79-7; thence S00°19'50"W-129.99 feet to the Southeast corner of said Parcel 2, said point being on the South line of said Deed Volume 342, Page 647; thence S89°40'10"E-459.76 feet to the point of beginning,

which said Tract of Land contains 6.48 acres, more or less, which said lands are entered in the Assessment Book by the County Assessor as Code R, Map 3909-11DA, Tax Lot 02100.

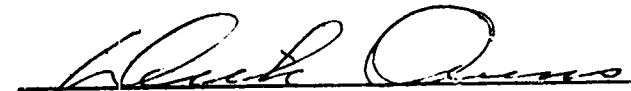


SAVING AND EXCEPTING from the above described lands for the purpose of this Exclusion all Rights of Way, Easements and Interests of the United States, Klamath Irrigation District or any other Irrigation District, Drainage District or Improvement District.

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

II

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

Done at the Regular Meeting of the Board of Directors of Klamath Irrigation District held September 11, 1985.




Directors of Klamath Irrigation District

20477

1 STATE OF OREGON)
2 County of Klamath) SS

3
4 I, David A. Solem, Secretary of Klamath Irrigation District,
5 hereby certify that the foregoing is a full, true and correct
6 copy of the Order Excluding Lands duly made and adopted by the
7 Board of Directors of Klamath Irrigation District at the regular
8 meeting of said Board held on September 11, 1985, at 10:00 a.m.
9 and of the whole thereof.

10 WITNESS my hand and the Seal of said Klamath Irrigation
11 District this 11th day of December, 1985.

12
13 (SEAL)

David A. Solem
Secretary, Klamath Irrigation District

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 17th day
of December A.D., 19 85 at 10:34 o'clock A M., and duly recorded in Vol. M85
of _____ Deeds on Page 20473

FEE \$21.00

Evelyn Biehn, County Clerk
By *Pam Smith*

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WM. GANONG
LAWYER
P.O. BOX 57
KLAMATH FALLS, OREGON
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PHONE: (503) 882-7228