

AMENDED AND RESTATED LANDOWNERS' NOTICE  
MIDLAND DISTRICT IMPROVEMENT COMPANY

WHEREAS, a Landowners' Notice was executed March 12, 1952, and recorded March 13, 1952, in Volume 253, Page 420, deed records of Klamath County, Oregon, and

WHEREAS, at the annual meeting of landowners, duly called and held pursuant to notice, on June 1, 1989, there were present in person and by proxy landowners holding 550.4 acres of land within the company, and

WHEREAS, a resolution to amend and restate the landowners' notice was duly adopted, 550.4 acres voted for the resolution and none voted against the resolution.

NOW, THEREFORE, upon the affirmative approval of the owners of more than two-thirds of the acreage of the land within the company, the following amended and restated landowners' notice is adopted. For the purpose of binding the lands described in the Articles of Incorporation of Midland District Improvement Company and for the purpose of limiting, restricting and governing the conduct of the corporation, we, the undersigned owners of land in Midland District Improvement Company, Klamath County, State of Oregon, mutually covenant and agree that:

1. The land described in the Articles of Incorporation, the irrigable acreage thereof and the names of the owners are as follows:

<u>Owner</u>	<u>Description</u>	<u>Irrigable acreage</u>
Cecil Carland	SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 6, Township 40 S., R. 9 E.W.M.	160
Ruth E. Carland	N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 1, Section 6, Township 40 S., R. 9 E.W.M.	137
Henzel Properties, Ltd.	A parcel of land situated in Section 7, Township 40 S., R. 9 E.W.M., more particularly described as follows: Beginning at a point on the westerly right of way line of the Lower Klamath Lake Road, from which point the East 1/4 corner of Section 7, Town- ship 40 S., R. 9 E.W.M., bears N. 22°57' 11" W. 33.4 feet, East 1266.11 feet and South 1784.31 feet distant; thence N. 67°02'49" E. 30.00 feet to a point on the centerline of said Lower Klamath Lake Road; thence along said centerline S. 22°57'11" E. 1588.75 feet to a point; thence along a 2664.0 foot radius curve to the left, the long chord of which bears S. 25° 10'55" E. 207.24 feet, 207.28 feet to a point; thence, leaving said center- line, S. 62°35'20" W. 30.00 feet to a point on the westerly right of way line of said Lower Klamath Lake Road; thence S. 60°42'40" W. 64.25 feet to a 5/8" iron pin reference monument; thence S. 60°42'40" W. 34 feet, more or less, to a point on the centerline of the North Canal of the Klamath Drainage District, as the same is presently located and constructed;	

OwnerDescriptionIrrigable acreage

14704

Donald T. Berger and  
Arlene M. Berger,  
husband and wife,

thence northwesterly along the North Canal centerline 2378 feet, more or less, to a point on line with an existing fence to the East; thence along said fence line N. 86° 58'15" E. 1025.8 feet, more or less, to the point of beginning.

30.6

Commencing at the East one-quarter corner of Section 7, Township 40 S., R. 9 E.W.M., thence North 1784.31 feet; thence West 1266.11 feet to a point on the West boundary of Lower Lake Road for the true point of beginning; thence S. 89°00'50" W. 1060 feet, more or less, to the centerline of the North Canal; thence northwesterly along the centerline of the North Canal to the East boundary of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , said Section 7; thence North, along said East boundary to a point 30.00 feet South of the North boundary of said Section 7, said point also being the South boundary of State Highway No. 425, commonly known as Cross Road; thence easterly, along said road boundary to the westerly boundary of Lower Lake Road; thence S. 22°57'11" E. along the boundary of Lower Lake Road to the point of beginning. EXCEPTING THEREFROM that part of the above-described tract lying within Government Lots 7 and 10, said Section 7.

A parcel of land situated in Section 7, Township 40 S., R. 9 E.W.M., more particularly described as follows: Beginning at a point on the westerly right of way line of Lower Klamath Lake Road, from which point the East  $\frac{1}{4}$  corner of Section 7, Township 40 S., R. 9 E.W.M., bears East 1266.11 feet and South 1784.31 feet distant; thence N. 67°02'49" E. 30.00 feet to a point on the centerline of said Lower Klamath Lake Road; thence along said centerline S. 22°57'11" E. 33.4 feet to a point; thence S. 67°02'49" W. 30.00 feet to a point on the westerly right of way line of said road; thence S. 86°58'15" W. along an existing fence line and the extension thereof 1025.8 feet, more or less, to a point on the centerline of the North Canal of Klamath Drainage District, as the same is presently located and constructed; thence northwesterly along said canal centerline 82.5 feet, more or less, to a point; thence N. 89°00'50" E. 26 feet, more or less, to a  $\frac{5}{8}$ " iron pin reference monument; thence N. 89°00'50" E. 1033.95 feet, more or less, to the point of beginning.

31

<u>Owner</u>	<u>Description</u>	<u>Irrigable acreage</u>
Richard Meeker	SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 5; SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 6, Township 40 S., R. 9 E.W.M.	82.2
Frank A. Anderson and Susan M. Anderson, husband and wife,	<p><u>PARCEL 1:</u> Lots 2, 3, 4, 5, 6, 11 and 12, Section 7, Township 40 S., R. 9 E.W.M., less that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Book 207, Page 445, Klamath County deed records, and less that portion conveyed to C. A. Dunn and Anita M. Dunn by deed recorded in Book 215, Page 181, deed records of Klamath County, Oregon. ALSO SAVING AND EXCEPTING that portion conveyed to Donald T. Berger, et ux, by deed recorded in Volume M74, Page 14654, records of Klamath County, Oregon, and more particularly described as follows: Commencing at the East one-quarter corner of Section 7, Township 40 S., R. 9 E.W.M.; thence North 1784.31 feet; thence West 1266.11 feet to a point on the West boundary of Lower Lake Road for the true point of beginning; thence S. 89°00'50" W. 1060 feet, more or less, to the centerline of the North Canal; thence northwesterly along the centerline of the North Canal to the East boundary of the NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, said Section 7; thence North, along said East boundary to a point 30.00 feet South of the North boundary of said Section 7, said point also being the South boundary of State Highway No. 42, commonly known as Cross Road; thence easterly, along said road boundary to the westerly boundary of Lower Lake Road; thence S. 22°57'11" E. along the boundary of Lower Lake Road to the point of beginning; EXCEPTING THEREFROM that part of the above-described tract lying within Government Lots 7 and 10, said Section 7.</p> <p><u>PARCEL 2:</u> NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, Section 7, Township 40 S., R. 9 E.W.M., EXCEPTING THEREFROM that portion conveyed to State of Oregon, by and through its State Highway Commission, by deed recorded in Book 207, Page 445, deed records of Klamath County, Oregon.</p> <p><u>PARCEL 3:</u> NW<math>\frac{1}{4}</math>, NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math> and Lot 1, Section 8, Township 40 S., R. 9 E.W.M., SAVING AND EXCEPTING that portion deeded to Lawrence F. Gray in deed Volume 360, Page 309, records of Klamath County, Oregon, and more particularly described as follows: All that portion of NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>, Lot 1 and the SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>, said Section 8, lying southwesterly, southerly and southeasterly of the following-described line, to-wit: Commencing at a point on the North line of said Lot 1, which point lies westerly 495 feet from the north-easterly corner of said Lot 1, and running thence southeasterly to a point which is westerly 165 feet from a point on the East line of said Lot, which last point is 580 feet South of said Northeast corner of said Lot 1; thence easterly 430 feet to a point which is 265 feet easterly of said point</p>	



OwnerDescriptionIrrigable acreage

580 feet South of the North-east corner of said Lot 1; thence northeasterly in a straight line to a point on the East line of SE $\frac{1}{4}$ NW $\frac{1}{4}$ , said Section 8, which point is 840 feet North of the Southeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 8.

EXCEPTING FROM said Parcels 1, 2 and 3 the following-described premises: A parcel of land situated in Section 7, Township 40 S., R. 9 E.W.M., being more particularly described as follows: Beginning at a point on the westerly right of way line of Lower Klamath Lake Road, from which point the East  $\frac{1}{4}$  corner of Section 7, Township 40 S., R. 9 E.W.M., bears N. 22°57'11" W. 33.4 feet, East 1266.11 feet and South 1784.31 feet distant; thence N. 67°02'49" E. 30.00 feet to a point on the centerline of said Lower Klamath Lake Road; thence along said centerline S. 22°57'11" E. 1588.75 feet to a point; thence along a 2664.0 foot radius curve to the left, the long chord of which bears S. 25°10'55" E. 207.24 feet, 207.28 feet to a point; thence, leaving said centerline, S. 62°35'20" W. 30.00 feet to a point on the westerly right of way line of said Lower Klamath Lake Road; thence S. 60°42'40" W. 64.25 feet to a  $\frac{5}{8}$  inch iron pin reference monument; thence S. 60°42'40" W. 34 feet, more or less, to a point on the centerline of the North Canal of Klamath Drainage District, as the same is presently located and constructed; thence northwesterly along the North Canal centerline 2378 feet, more or less, to a point on line with an existing fence to the East; thence along said fence line N. 86°58'15" E. 1025.8 feet, more or less, to the point of beginning.

ALSO EXCEPTING from said Parcels 1, 2 and 3 those premises conveyed according to the Boundary Line Agreement and Conveyance between Donald T. Berger, et ux, grantees, and Joe Meeker Testamentary Trust, dated September 10, 1982, more particularly described as follows: Beginning at a point on the westerly right of way line of the Lower Klamath Lake Road, from which point the East  $\frac{1}{4}$  corner of Section 7, Township 40 S., R. 9 E.W.M., bears East 1266.11 feet and South 1784.31 feet distant; thence N. 67°02'49" E. 30.00 feet to a point on the centerline of said Lower Klamath Lake Road; thence along said centerline S. 22°57'11" E. 33.4 feet to a point; thence S. 67°02'49" W. 30.0 feet to a point on the westerly right of way line of said road; thence S. 86°58'15" W.

OwnerDescriptionIrrigable acreage

along an existing fence line and the extension thereof 1025.8 feet, more or less, to a point on the centerline of the North Canal of Klamath Drainage District, as the same is presently located and constructed; thence northwesterly along said canal centerline 82.5 feet, more or less, to a point; thence N. 89°00'50" E. 26 feet, more or less, to a 5/8 inch iron pin reference monument; thence N. 89°00'50" E. 1033.95 feet, more or less, to the point of beginning.

140.2

Total irrigable acreage

581

2. Midland District Improvement Company was incorporated under Chapter 2, Title 122, Oregon Compiled Laws Annotated (Chapter 205, Laws of 1937, as amended) now ORS Chapter 554, and the land included in said corporation will be improved as described in the Articles of Incorporation which are filed in the office of the Corporation Commissioner of the State of Oregon and in the office of the County Clerk of Klamath County, Oregon.

3. The land included in the corporation shall be subject to the lien of any assessment prorated and apportioned upon the acreage thereof by said corporation for its works and improvement of said land as described in the Articles of Incorporation and for the maintenance and operation of said works after completion, as described in said Articles of Incorporation, with the limitations and restrictions to said assessments as hereinafter set out. Nothing herein contained shall allow any indebtedness of Midland District Improvement Company to be a direct lien on the land described above.

4. The landowners desire to limit and restrict the corporation in regard to the above-described lands as follows:

- (a) All of the land is to be uniformly and in a like amount per acre thereof benefited by said improvements.
- (b) The whole amount of benefit per acre which will accrue from the works and improvements proposed in the Articles of Incorporation is \$65.00 per acre which amount will be the maximum lien per acre against said land for any purpose of the corporation other than for operation and maintenance.

5. This amended and restated landowners' notice shall be effective retroactively to July 1, 1979, and does supersede the Landowners' Notice dated March 12, 1952.

IN WITNESS WHEREOF, the undersigned have caused this amended and restated landowners' notice to be executed the day and year set opposite their signatures.

Dated: August 1, 1989

MIDLAND DISTRICT IMPROVEMENT COMPANY

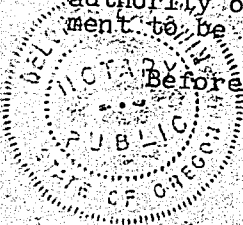
By Frank Anderson  
President

By Ruth Casland  
Secretary

STATE OF OREGON  
County of KLAMATH }

ss. August 1, 1989

Personally appeared FRANK ANDERSON, who, being first duly sworn, did say that he is the President of MIDLAND DISTRICT IMPROVEMENT COMPANY, an Oregon corporation, that the foregoing Amended and Restated Landowners' Notice was signed in behalf of said corporation by authority of its board of directors, and he acknowledged said instrument to be its voluntary act and deed.



Before me:

Delores Caldwell  
NOTARY PUBLIC FOR OREGON  
My commission expires May 13, 1993

Dated: 7-4, 1989

Dated: 8-4, 1989

Dated: 8-3, 1989

Dated: 8-4, 1989

Cecil Carland  
Cecil Carland

Ruth E. Carland  
Ruth E. Carland

Richard Meeker  
Richard Meeker

Frank Anderson

Susan M. Anderson  
Frank A. Anderson and Susan M. Anderson



14709

Dated: Aug 1 - 89, 1989

Donald T. Berger  
Arlene M. Berger  
 Donald T. Berger and  
 Arlene M. Berger

Dated: Aug 1, 1989

HENZEL PROPERTIES, LTD.

By Sam Henzel

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of H. F. Smith the 9th day  
 of Aug, A.D., 19 89 at 9:42 o'clock A.M., and duly recorded in Vol. M89,  
 of Deeds on Page 14703

Evelyn Biehn - County Clerk

FEE \$38.00

By Pauline Mullendar

After recording, return to:  
 H. F. SMITH, Attorney at Law  
 540 Main Street  
 Klamath Falls, Oregon 97601