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Vol. m90 Page 22054

NOTICE OF LIS PENDENS
(Civil No. 90-6410 HO)

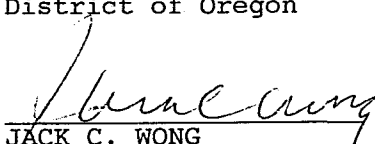
NOTICE IS HEREBY GIVEN that on the 1st day of October, 1990, the United States of America filed in the United States District Court for the District of Oregon a Declaration of Taking of the estate in the property described in Schedule B attached hereto, and deposited in the registry of said court the estimated just compensation for the taking. On the same day the United States of America filed a Complaint in Condemnation based upon the Declaration of Taking, in condemnation proceedings entitled UNITED STATES OF AMERICA, Plaintiff, v. 45 ACRES OF LAND, MORE OR LESS, located in the County of Klamath, State of Oregon; RODNEY R. LYON and MARIE M. LYON, husband and wife; KLAMATH/LAKE DISTRICT, Oregon Department of Forestry; SHASTA VIEW IRRIGATION DISTRICT, a quasi municipal corporation; INTERSTATE PRODUCTION CREDIT ASSOCIATION, a corporation, and as successor in interest for Klamath Production Credit Association; RICK LYON, individually, and as co-partner of Rod Lyon & Sons, a partnership; JEANNIE LYON, individually, and as co-partner of Rod Lyon & Sons, a partnership; TRACEY LYON, individually, and as co-partner of Rod Lyon & Sons, a partnership; JAMES L. ECKHARDT, an individual; SOUTH VALLEY STATE BANK, an Oregon state banking corporation; KLAMATH COUNTY, a municipal corporation and political subdivision of the State of Oregon; and UNKNOWN OWNERS, Defendants, Civil No. 90-6410 HO, to acquire the described

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estate in the property, to determine the just compensation to be paid, and to distribute the just compensation among those entitled thereto.

DATED this 30th day of October, 1990.

CHARLES H. TURNER
United States Attorney
District of Oregon


JACK C. WONG
First Assistant U.S. Attorney
312 U.S. Courthouse
620 S.W. Main
Portland, OR 97205
(503) 326-2101
Of Attorneys for Plaintiff

SCHEDULE B

ESTATE TAKEN:

Transmission Line Easements:

Perpetual easements to construct, maintain, repair, rebuild, replace, operate, and patrol one line of electric power transmission structures with two or more circuits and necessary appurtenances, and the further right to clear the right-of-way hereinafter described, and to keep the same clear of brush, timber, structures, and fire hazards (provided, however, that the words "fire hazards" shall not include annual agricultural crops), and to dispose of such brush, timber, and structures, by sale or other means, in such manner as shall not create a fire hazard over and upon Tracts ALN-139-A-1 and ALN-140-A-1, as hereinafter described.

Easements for Access:

Perpetual easements to construct, use, and maintain a roadway 50 feet wide, together with the right to provide for construction, operation, and maintenance for cuts, fills, ditches, turnouts, and curves over and upon Tracts ALN-140-AR-1, P. 1 and ALN-140-AR-1, P. 3, as hereinafter described; together with the right to dispose of any brush, timber, and structures removed therefrom, by sale or other means, in such manner as shall not create a fire hazard.

ESTIMATED COMPENSATION: \$3,500.00

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PAGE 1 - SCHEDULE B

ALN-139-A-1

A right-of-way 200 feet wide over and across the SE1/4NE1/4 of Section 1, Township 41 South, Range 12 East of the Willamette Meridian in Klamath County, Oregon. The boundaries of said right-of-way lie 100 feet on each side of and parallel with the survey line as monumented on the ground for the Bonneville Power Administration Olinda-Captain Jack No. 1 transmission line and described with reference to the Oregon Coordinate System, South Zone, as follows:

Beginning at a point on said survey line at angle point survey station 8555+13.5 in the NE1/4SW1/4 of Section 6, Township 41 South, Range 13 East of the Willamette Meridian, said County, that bears N.35°58'40"W., 2092.4 feet from the South quarter corner of said Section 6, evidenced by a rock and two bearing trees (1965); thence N.48°32'10"W., 4846.5 feet to a 5/8-inch iron rod with aluminum cap, set by Towill, Inc., at survey station 8603+60.0, a point on said survey line in Government Lot 2 of said Section 1, that bears S.80°14'46"E., 3480.9 feet from the northwest corner of said Section 1, evidenced by a 2-1/2 inch iron pipe (1987).

ALN-139-A-1 contains 6.0 acres, more or less. 5/8-inch iron rod with aluminum cap monuments, set by Towill, Inc., are also set at survey stations 8568+57.0, 8578+76.0 and 8591+76.0.

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ALN-140-A-1

A right-of-way 200 feet wide over and across the SE1/4SW1/4, and the NW1/4SW1/4 of Section 36, and the NE1/4SE1/4, the S1/2NE1/4, the NW1/4NE1/4, and the NE1/4NW1/4 of Section 35, also that portion of a right-of-way 200 feet wide that lies in the SW1/4SE1/4 and the SW1/4SW1/4 of said Section 36, all in Township 40 South, Range 12 East of the Willamette Meridian in Klamath County, Oregon. The boundaries of said right-of-way lie 100 feet on each side of and parallel with the survey line as monumented on the ground for the Bonneville Power Administration Olinda-Captain Jack No. 1 transmission line and described with reference to the Oregon Coordinate System, South Zone, as follows:

Beginning at a 5/8-inch iron rod with aluminum cap set by Towill, Inc., a point on said survey line at survey station 8603+60.0 in Government Lot 2 of Section 1, Township 41 South, Range 12 East of the Willamette Meridian, said County, that bears S.80°14'46"E., 3480.9 feet from the northwest corner of said Section 1, evidenced by a 2-1/2 inch iron pipe (1987); thence N.48°32'10"W., 7710.7 feet to survey station 8680+70.7, thence N.62°27'21"W., 1290.1 feet to a 5/8-inch iron rod with aluminum cap set by Towill, Inc., at survey station 8693+60.8; thence N.16°27'15"W., 1236.2 feet to survey station 8705+97.0 in the SE1/4SW1/4 of Section 26, said Township 40 South, Range 12 East, that bears N.55°11'20"E., 1742.3 feet from the southwest corner of said Section 26, evidenced by a 2-1/2 inch brass cap (1988).

ALN-140-A-1 contains 38.3 acres, more or less. 5/8-inch iron rod with aluminum cap monuments set by Towill, Inc., are also set at survey stations 8617+60.0 and 8654+28.0.

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ALN-140-AR-1, Parcel 1 and 3

A right-of-way 50 feet wide for a new road to be constructed over and across the SE1/4SW1/4 (Parcel 1) and the NW1/4SW1/4 (Parcel 3) in Section 36, Township 40 South, Range 12 East of the Willamette Meridian in Klamath County, Oregon. The boundaries of said right-of-way lie 25 feet on each side of and parallel with the survey line which is described with reference to the Oregon Coordinate System, South Zone, as follows:

Beginning at access road survey station 0+00, which equals BPA transmission line survey station 8629+87.6, a point in said SE1/4SW1/4 of Section 36 that bears N.51°47'45"E., 1859.8 feet from the southwest corner of said Section 36, evidenced by a 2-1/2 inch iron pipe (1987); thence N.28°34'E., 113 feet; thence N.12°17'E., 89 feet; thence N.10°59'W., 55 feet; thence N.20°17'W., 146 feet; thence N.3°27'W., 168 feet; thence N.1°29'W., 78 feet; thence N.46°14'W., 213 feet; thence N.66°11'W., 164 feet; thence S.73°49'W., 110 feet; thence S.36°43'W., 348 feet to access road survey station 14+84, which equals BPA transmission line survey station 8638+00, a point in said NW1/4SW1/4 of Section 36 that bears N.24°58'10"E., 1908.1 feet from said southwest corner of Section 36.

Parcel 1 contains 0.1 acre and Parcel 3 contains 0.6 acre, both more or less.

1 All tracts being subject to:

- 2 (1) The rights of the public in and to all public roads;
- 3 (2) The continued use and maintenance of pipes and conduits, irrigation
- 4 and drainage lines, ditches and canals, and public utility lines;
- 5 (3) The exercise of existing easements and licenses;
- 6 (4) The exercise of existing mineral, coal, oil, gas, and geothermal
- 7 rights; and
- 8 (5) The rights of the owners, their successors or assigns, to make all
- 9 uses of said right-of-way areas not inconsistent with the rights acquired
- 10 herein for transmission line purposes, together with the right to additional
- 11 compensation, outside of the condemnation proceedings and not included in the
- 12 just compensation determined hereunder, for any damage to drainage tile,
- 13 fences or annual agricultural crops (annual agricultural crops do not include
- 14 trees, brush, etc.) on said rights-of-way that occurs as a result of and
- 15 during construction, operation, and maintenance of said electric transmission
- 16 line.
- 17 /

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of U. S. Attorney-Dist. of Oregon the 2nd day
of Nov. A.D. 19 90 at 12:31 o'clock P.M., and duly recorded in Vol. M90,
of Mortgages on Page 22054.

FEE \$38.00

Evelyn Biehn, County Clerk

By Ruthie Miller

23 /

24 / Return: U. S. Attorney-District of Oregon

25 / 620 SW Main #312

26 / Portland, Or. 97205

27 /

28 /