

IRRIGATION CONTRACT TO EXCLUDE FROM KLAMATH IRRIGATION DISTRICT
AND TO RELEASE WATER AND DRAINAGE RIGHTS

AGREEMENT

Vol. M01 Page 34803

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This Agreement made this 22nd day of ^{May}~~April~~, 2001, between Klamath Irrigation District (K.I.D.), an Oregon Irrigation District organized and existing pursuant to ORS Chapter 545, and the State of Oregon acting herein by and through its Department of Transportation (ODOT).

EXPLANATORY RECITALS

K.I.D., pursuant to contracts with the United States of America, maintains and operates most of that portion of the United States Klamath Reclamation Project System which is located within Klamath County, Oregon.

The United States of America through its Bureau of Reclamation Department of the Interior has planned and constructed the Klamath Irrigation Project in Klamath County, Oregon and in Modoc and Siskiyou Counties in California. Agricultural irrigation and drainage is provided for this semiarid region by a complicated network of dams, pumps, canals, laterals, siphons, tunnels and drains and by the Lost River.

ODOT owns a number of tracts of land that are located within K.I.D.'s boundaries. ODOT acquired these lands, as well as the water rights appurtenant thereto for Right of Way and wet land mitigation purposes. These tracts of land are identified and described in Exhibit A attached to this agreement and made part hereof.

ODOT's lands, identified in Exhibit A, presently drain into a drain known as the No. 1 Drain. The No. 1 Drain provides drainage to a portion of Southern Klamath Falls which has been converted from agricultural uses to urban and suburban uses. The No. 1 Drain, as an integral part of the Klamath Irrigation Project, also carries agricultural return

flow water. The No. 1 Drain has been transferred to K.I.D. by the United States of America, through its Bureau of Reclamation for operation and maintenance. Because of K.I.D.'s agreements with the United States, it is concerned about its liability for non-irrigation drainage water entering the No. 1 Drain. Specifically, K.I.D. believes that drainage of Tracts Nos. 7 through 12, inclusive, as identified in Exhibit A may, in the future, contribute to impairment of water quality in the Lost River, where the No. 1 Drain ultimately discharges.

On or about December 11, 2000, ODOT filed with the K.I.D. Board of Directors a Petition to Exclude Certain Lands from K.I.D. (Petition to Exclude). The lands ODOT sought to be excluded are those lands identified in Exhibit A, attached hereto.

On or about December 14, 2000, the K.I.D. Board of Directors conditionally approved ODOT's Petition to Exclude those lands identified in Exhibit A. The condition K.I.D. placed on the approval of ODOT's Petition was that ODOT must agree in writing to indemnify and hold K.I.D. harmless from damages or claims of damages arising from the discharge of drainage water from ODOT's lands draining into the No. 1 Drain.

ODOT contends that under ORS 545.097 to 545.126 (1999), K.I.D. is without statutory or other legal authority to impose the above-recited indemnification condition on ODOT as a condition of exclusion from K.I.D.'s boundaries. K.I.D. disagrees with ODOT's interpretation of the above-referenced statutes. Moreover, any agreement by ODOT to unlimited indemnification of the type demanded by K.I.D. as a condition of exclusion would be void under Article XI, §7 of the Oregon Constitution.

Now, therefore, in consideration of the premises and of the agreements herein contained, K.I.D. and ODOT mutually agree as follows:

I.

The foregoing explanatory recitals are an integral part of this agreement and constitute a part of the consideration for this agreement. They explain the reason why this agreement has been entered into by K.I.D. and ODOT and the explanatory recitals shall be considered in construing the agreement and provisions set forth in this agreement.

II.

K.I.D., in consideration of the execution of this agreement by ODOT, and in settlement of its dispute with ODOT regarding the interpretation of ORS 545.097 to ORS 545.126 (1999) and the related indemnity condition imposed by K.I.D. on ODOT's Petition to Exclude hereby agrees as follows:

- (a) K.I.D. shall fully, and without further conditions of any kind, approve ODOT's Petition to Exclude.
- (b) Upon execution of this agreement by all parties hereto, K.I.D. will record, or cause to be recorded, with the Klamath County Recorder, ODOT's Petition, and a copy of the Resolution by the K.I.D. Board of Directors approving said Petition without further conditions.

III.

ODOT, its successors and assigns, in consideration of the execution of this agreement by K.I.D. hereby agrees as follows:

- (a) K.I.D. shall have no duty, expense, responsibility or liability for any water or any water quality of any water entering the No. 1 Drain system as the result of ODOT's drainage of those Tracts of land identified in Exhibit A as Tract Nos. 7 through

12, inclusive. This agreement extends to all water quality standards or requirements now existing or hereafter imposed and without limitation by this recital, for any seepage, percolation, silting, overflow, flooding, or pollution or for the operation, maintenance, repair or construction of any said facilities.

(b) To the extent permitted by Article XI, §7 of the Oregon Constitution and by the Oregon Tort Claims Act, the state shall indemnify K.I.D. against any liability arising from the state's action in draining the lands identified as Tracts Nos. 7 through 12, inclusive, in Exhibit A into K.I.D.'s No. 1 Drain system provided, however, the state shall not be required to indemnify K.I.D. for any such liability arising out of the wrongful acts or omissions of employees or agents of K.I.D.

IV.

ODOT and K.I.D. contemplate cooperating to find a mutually agreeable solution to K.I.D.'s water quality concerns which pertain to water entering the No. 1 Drain system from ODOT's lands identified in Exhibit A. All obligations of the state to indemnify and hold K.I.D. harmless shall terminate if, and when, K.I.D. and ODOT mutually agree in writing upon measures to be taken by ODOT to prevent water flowing from ODOT's lands identified in Exhibit A. Failure to reach a mutually agreeable solution to K.I.D.'s water quality concerns, which pertain to water entering the No. 1 Drain system, however, shall not constitute a material breach of this agreement.

In witness whereof, the parties have caused this agreement to be executed as of the date first herein written.

34807

The Technical Services Manager, acting under delegated authority from the Oregon Transportation Commission and the Director and Executive Deputy Director/Chief Engineer, authorized the Right of Way Manager to approve and execute this contract on behalf of the Commission.

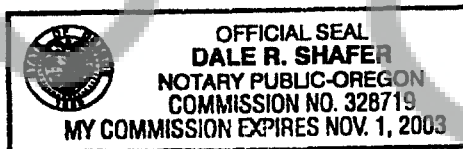
DATED this 22nd day of ^{May}~~April~~, 2001.

STATE OF OREGON, by and
through its DEPARTMENT OF
TRANSPORTATION, Highway
Division

Dee Jones
Dee Jones, Right of Way Manager

STATE OF OREGON)
County of Marion)ss.

The foregoing instrument was acknowledged before me this 22 day of ^{May}~~April~~, 2001, by DEE JONES, Right of Way Manager of State of Oregon, Department of Transportation, Highway Division.



Dale R. Shafer
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/01/2003

34808

KLAMATH IRRIGATION DISTRICT

BY:

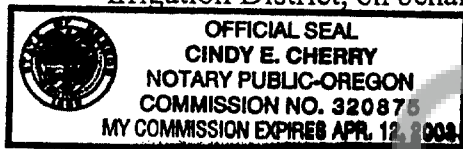
Steven L Kandra
President

BY:

David A Solem
Secretary

STATE OF OREGON)
)ss.
County of Klamath)

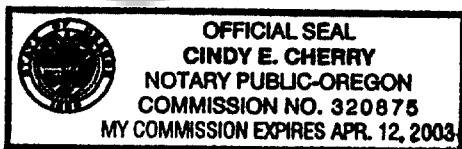
The foregoing instrument was acknowledged before me this 12th day of July, 2001, by Steven L Kandra, President of Klamath Irrigation District, on behalf of Klamath Irrigation District.



Cindy E Cherry
NOTARY PUBLIC FOR OREGON
My Commission Expires: 4/12/03

STATE OF OREGON)
)ss.
County of Klamath)

The foregoing instrument was acknowledged before me this 12th day of July, 2001, by David A Solem, Secretary of Klamath Irrigation District, on behalf of Klamath Irrigation District.



Cindy E Cherry
NOTARY PUBLIC FOR OREGON
My Commission Expires: 4/12/03

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Klamath Irrigation District
Property Tract Descriptions

Tract 1-

KID Map No.: 3809 3440 13000

Klamath Co. Tax Lot No.: 3809 34DC 13000

Acres of land to be excluded: 16.67

Acres of water being assessed: 5.9

Tract 1 consists of three parcels described in the Warranty Deed dated September 7, 1956 and recorded in Volume 286, Page 399 of Klamath County Record of Deeds, and is described more particularly below.

The three parcels comprising Tract 1 are described
more particularly as follows:

Parcel 1

A parcel of land lying in the Enterprise Tracts 40 A, 39 B, and 39A, situated in the Southwest quarter of the Northwest quarter (SW¼ NW¼) of section 34, Township 38 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being that portion of said tracts included in a strip of land variable in width, lying on each side of the center line of the Klamath Falls-Malin Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 142+36.1, said Station being 104.2 feet North and 1209.7 feet West of the Southeast corner of said Tract 39 B; thence on a 1,432.39 foot radius curve right (the long chord of which curve bears South 60° 23' East) 519.2 feet; thence on a spiral curve right (the long chord of which curve bears South 43° 20' East) 500 feet; thence South 40° 00' East 1044.7 feet to Station 163+00, said center line crossing the North line of Tract 40 A and the East line of Tract 39 A, approximately at Station 144+40 and 157+10, respectively.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northeasterly side of center line	Width on Southwesterly side of center line
142+36.1		149+00	125 feet	East line of Alameda Ave.
149+00		150+70	110 feet	East line of Alameda Ave.
150+70		163+00	110 feet	110 feet

EXCEPT that part of said strip of land lying within that property described in that deed to James B. and Louis Eiler, recorded in book 270, Page 124, Klamath County Deed Records.

(Bearings used herein are based upon the Oregon Co-ordinate System, South Zone).

The parcel of land to which this description applies contains 5.77 acres outside of the existing right of way.

Parcel 2

A parcel of land lying in the Enterprise Tract 22 B, Klamath Falls, situated in Section 34, Township 38 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being that portion of said Tract 22 B, lying Southwesterly of a line which is parallel to and 110 feet Northeasterly of the center line of the Klamath Falls-Malin Highway as said highway has been relocated, which center line is described as follows;

Beginning at Engineer's center line Station 175+00, said Station being 333 feet North and 965.9 feet West of the Northeast corner of said Tract 22 B (the North line of said Tract 22 B for the purpose of this description being along the center line of the County Road which runs along the North side of said Tract); thence South 40° 00' East 2000 feet to Station 195+00, said center line crossing the North and East lines of said Tract 22 B, approximately at Station 179+49 and 190+10, respectively.

EXCEPT that portion thereof lying within that tract described in that deed to W. G. and Eleanor Franks, recorded in Book 256, Page 521 of Klamath County Deed Records.

(Bearings used herein are based upon the Oregon Co-ordinate System, South Zone).

The Parcel of land to which this description applies contains 7.17 acres outside of the existing right of way.

Parcel 3

That part of Enterprise Tract 22 B lying North and East of Parcel 2, containing 3.73 acres.

Tract 2-

KID Map No.: 3909 03CA 02000

Klamath Co. Tax Lot No.: 3909 003CA 02000

Acres of land to be excluded: 0.48

Acres of water being assessed: 0.60

Tract 2 is described in the Warranty Deed dated March 20, 1958 and recorded in Volume 298, Page 572 of Klamath County Record of Deeds, and is described more particularly below.

Tract 2 is described more particularly as follows:

All of Lot 2, Block 1, First Addition to Altamont Acres, Klamath County Oregon, containing 21,000 square feet, more or less.

Tract 3 & Tract 4-

KID Map No.: 3909 0800 01700

Klamath Co. Tax Lot No.: 3909 00800 01700

Acres of land to be excluded: 20.90

Acres of water being assessed: 3.0

KID Map No.: 3909 0900 01400

Klamath Co. Tax Lot No.: 3909 00900 01400

Acres of land to be excluded: 20.9

Acres of water being assessed: 6.0

Tracts 3 and 4 together consist of two parcels described in the Warranty Deed dated March 18, 1992 and recorded in Volume M92, Page 6488 of Klamath County Record of Deeds. The two parcels of Tracts 3 and 4 are described more particularly below.

The two parcels comprising Tracts 3 and 4 are described more particularly as follows:

Parcel 1

A parcel of land lying in Lots 6, 7 and 9 of Section 8 and in the W½ SW ¼ of Section 9, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being that portion of said subdivisions described as follows:

Beginning on the Southerly line of the South Klamath Falls Highway (formerly the South Side Bypass) at a point opposite and 60 feet Southerly of Engineer's Station "L5" 143+60 on the center line of said South Klamath Falls Highway; thence Southeasterly in a straight line to the Southwesterly line of that property described in that deed to Klamath County, recorded in Book M-83, Page 9575 of Klamath County Record of Deeds at a point opposite and 1252 feet, more or less, Southerly of Engineer's Station "L5" 149+38 on said center line; thence Northwesterly along said Southwesterly line 2000 feet, more or less, to the mean high water line on the Easterly bank of the Klamath River; thence Northerly along said mean high water line to said Southerly line of said South Klamath Falls Highway, said Southerly line being parallel with and 90 feet Southwesterly of said center line; thence Southeasterly parallel with said center line to a point opposite Engineer's Station "L5" 137+68.20; thence Northerly at right angles to said center line 30 feet; thence Easterly along said Southerly line to the point of beginning.

The center line of said South Klamath Falls Highway referred to herein is described as follows:

Beginning at Engineer's center line Station "L5" 130+00 said station being 2450.15 feet North and 1761.69 feet West of the Southeast corner of Section 8, Township 39 South, Range 9 East, W.M.; thence South 66° East 268.20 feet; thence on a spiral curve left (the long chord of which bears South 69° 20' East 499.32 feet) 500 feet; thence on 1432.39 foot radius curve left (the long chord of which bears South 80° 54' 15" East 244.91 feet) 245.21 feet; thence on a spiral curve left (the long chord of which bears North 87° 31' 30" East 499.32 feet) 500 feet; thence North 84° 11' 30" East 176.24 feet; thence on a spiral curve right (the long chord of which bears North 87° 31' 30" East 499.32 feet) 500 feet; thence on a 1432.39 foot radius curve right (the long chord of which bears South 72° 22' 30" East 665.53 feet) 671.67 feet; thence on a spiral curve right (the long chord of which bears South 52° 16' 30" East 499.32 feet) 500 feet; thence South 48° 56' 30" East 138.68 feet to Engineer's center line Station "L5" 165+00.

Bearings are based upon the Oregon Co-Ordinate System of 1927, South Zone.

The Parcel of land of which this description applies contains 13.30 acres, more or less.

Parcel 2

A parcel of land lying in lots 6 and 7 of Section 8 and in the W½ SW¼ of Section 9, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Klamath County, recorded in Book M-85, Page 9575 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Southerly of the South Klamath Falls Highway and Northeasterly of Parcel 1.

The parcel of land of which this description applies contains 7.60 acres, more or less.

Tract 5 & Tract 6-

KID Map No. Tract 5: 3909 1600 002KC

Klamath Co. Tax Lot No.: 3909 1600 00200

Acres of land to be excluded: 15.43

Acres of water being assessed: 11.67

KID Map No. Tract 6: 3909 1680 001KC

Klamath Co. Tax Lot No.: 3909 01680 00100

Acres of land to be excluded: 15.43

Acres of water being assessed: 2.14

The land identified by Klamath County and the Klamath Basin Improvement District (KBID) as Tracts 5 and 6 consist of land owned by the State of Oregon, by and through its Department of Transportation (ODOT) and is identified by ODOT as consisting of ODOT Right of Way file numbers: R-52177 and R-53859. Each Right of Way file consists of two parcels of land as described in the Stipulated Final Judgment filed in the Circuit Court of the State of Oregon for Klamath County, Case No. 85-750CV and dated June 5, 1987, and is set forth more particularly below.

The two parcels of land identified in ODOT Right of Way File No. R-52177 and the two parcels of land identified in ODOT Right of Way File No. R-53895 comprising Tracts 5 and 6 are described more particularly as follows:

ODOT Right of Way File No. R-52177. Parcel 1:

A parcel of land lying in the SW $\frac{1}{4}$ of Section 9 and the N $\frac{1}{2}$ of Section 16, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being that portion of said subdivisions lying Southeasterly of Manzanita Way and included in a strip of land variable in width, lying on each side of the center line of the South Side Bypass (County Road) which center line is described as follows:

Beginning at Engineer's center line Station "L5" 165+00, said station being 1588.95 feet North and 1499.18 feet East of the Southwest corner of Section 9, Township 39 South, Range 9 East, W.M.; thence South 48° 56' 30" East 561.96 feet; thence on a spiral curve right (the long chord of which bears South 45° 36' 30" East 499.32 feet) 500 feet; thence on a 1432.39 foot radius curve right (the long chord of which bears South 23° 48' 45" East 747.70 feet) 756.46 feet; thence on a spiral curve right (the long chord of which bears South 2° 01' East 499.32 feet) 500 feet to Engineer's center line Station "L5" 188+18.42 Back equals 186+46.18 Ahead; thence South 1° 19' West 162.73 feet; thence on a spiral curve left (the long chord of which bears South 1° 36' East 499.48 feet) 500 feet; thence on a 1637.02 foot radius curve left (the long chord of which bears South 15° 41' East 469.80 feet) 471.43 feet; thence on a spiral curve left (the long chord of which bears South 29° 46' East 499.48 feet) 500 feet; thence South 32° 41' East 1219.66 feet to Engineer's center line Station 215+00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Westerly side of Center Line	Width on Easterly side of Center Line
"L5" 168+80		"L5" 170+61.96	90	100 in a straight line to 75
"L5" 170+61.96		"L5" 171+80	90 in a straight line to 50	75
"L5" 171+80		"L5" 175+61.96	50 in a straight line to 100	75 in a straight line to 160
"L5" 175+61.96		"L5" 181+00	100	160
"L5" 181+00		"L5" 183+18.42	100	160 in a straight line to 100

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"L5" 183-18.42	"L5" 185-50	100 in a straight line to 70	100 in a straight line to 70
"L5" 185-50	210+00	70	70
210+00	211+00	70 in a straight line to 85	70
211+00	215+00	85	70

Bearings are based upon the Oregon Co-Ordinate System, South Zone.

The parcel of land to which this description applies contains 14.5 acres, more or less, outside of the existing right of way.

ODOT Right of Way File No. R-52177. Parcel 2:

A parcel of land lying in the S½ of Section 9, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being described as follows:

Beginning on the Southwesterly line of Parcel 1 at a point 25 feet Southeasterly of the Easterly line of Manzanita Way; thence Northwesterly along said Southwesterly line 25 feet to said Easterly line; thence Southerly along said Easterly line 170 feet; thence Northeasterly in a straight line to the point of beginning.

The parcel of land to which this description applies contains 0.03 acre, more or less, outside of the existing right of way.

ODOT Right of Way File No. R-53859. Parcel 1:

A parcel of land lying in the SW¼SE¼ of Section 9, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being that portion of said SW¼SE¼ included in a strip of land variable in width, lying on the Easterly side of the center line of the South Side Bypass (County Road) which center line is described as follows:

Beginning at Engineer's center line Station "L5" 165+00, said station being 1588.95 feet North and 1499.18 feet East of the Southwest corner of Section 9, Township 39 South, Range 9 East, W.M.; thence South 48° 56' 30" East 561.96 feet; thence on a spiral curve right (the long chord of which bears South 45° 36' 30" East 499.32 feet) 500 feet; thence on a 1432.39 foot radius curve right (the long chord of which bears South 23° 48' 45" East 747.70 feet) 756.46 feet; thence on a spiral curve right (the long chord of which bears South 2° 01' East 499.32 feet) 500 feet to Engineer's center line Station "L5" 188+18.42 Back equals 186+46.18 Ahead; thence South 1° 19' West 162.73 feet; thence on a spiral curve left (the long chord of which bears South 1° 36' East 499.48 feet) 500 feet; thence

on a 1637.02 foot radius curve left (the long chord of which bears South 15° 41' East 469.80 feet) 471.43 feet; thence on a spiral curve left (the long chord of which bears South 29° 46' East 499.48 feet) 500 feet; thence South 32° 41' East 1219.66 feet to Engineer's center line Station 215+00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Easterly Side of Center Line
"L5" 175+61.96		"L5" 181+00	160
"L5" 181+00		"L5" 183+18.42	160 in a straight line to 100
"L5" 183+18.42		"L5" 185+50	100 in a straight line to 70
"L5" 185+50		"L5" 188+18.42	70

Bearings are based upon the Oregon OC-Ordinate System, South Zone.

The parcel of land to which this description applies contains 0.49 acre, more or less, outside of the existing right of way.

ODOT Right of Way File No. R-53859. Parcel 2:

A parcel of land lying in the SW¼SE¼ of Section 9, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being described as follows:

Beginning on the Easterly line of parcel 1 at the intersection of said Easterly line with the Southerly line of said Section 9; thence Northeasterly in a straight line to a point opposite and 350 feet Easterly of Engineer's Station "L5" 184+00 on the center line of the South Side Bypass (County Road); thence Westerly at right angles to said center line to said Easterly line; thence Southerly along said Easterly line to the point of beginning.

The center line referred to herein is described in Parcel 1.

The parcel of land to which this description applies contains 0.41 acres, more or less.

Tract 7-

KID Map No.: 3909 1800 016X

Klamath Co. Tax Lot No.: 3909 01800 01600

Acres of land to be excluded: 0.07

Acres of water being assessed: 0.04

Tract 7 is described in the Warranty Deed dated October 16, 1992 and recorded in Volume M92, Page 25384 of Klamath County Record of Deeds, and is described more particularly below.

Tract 7 is described more particularly as follows:

A parcel of land lying in Lot 11 of Section 18, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Richard S. and Florence W. Baldwin, recorded November 3, 1960 in Book 325, Page 187 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land 100 feet in width, lying on the Westerly side of the center line of the relocated The Dalles-California Highway which center line is described as follows:

Beginning at Engineer's center line Station 247+76.35, said station being 12,553.26 feet North and 905.45 feet West of the Southeast corner of Section 19, Township 39 South, Range 9 East, W.M.; thence South 20° 35' 30" West 255.81 feet; thence on a spiral curve left (the long chord of which bears South 19° 33' West 499.93 feet) 500 feet; thence on a 4583.66 foot radius curve left (the long chord of which bears South 1° 51' 25.5" West 2466.75 feet) 2497.53 feet; thence on a spiral curve left (the long chord of which bears South 15° 50' 09" East 499.93 feet) 500 feet; thence South 16° 52' 39" East 1878.54 feet; thence on a spiral curve right (the long chord of which bears South 14° 52' 40" East 599.71 feet) 600 feet; thence on a 2864.79 foot radius curve right (the long chord of which bears South 6° 02' 16.5" East 483.38 feet) 483.96 feet; thence on a spiral curve right (the long chord of which bears South 2° 48' 07" West 599.71 feet) 600 feet; thence South 4° 48' 06" West 4533.62 feet; thence on a spiral curve right (the long chord of which bears South 6° 11' 26" West 499.88 feet) 500 feet; thence on a 3437.75 foot radius curve right (the long chord of which bears South 21° 14' 22" West 1461.30 feet) 1472.53 feet; thence on a spiral curve right (the long chord of which bears South 36° 17' 18" West 499.88 feet) 500 feet; thence South 37° 40' 38" West 2079.02 feet to Engineer's center line Station 411+77.36.

Bearings are based upon the Oregon Co-Ordinate System of 1927, South Zone.

The Parcel of land to which this description applies contains 0.07 acre, more or less, outside of the existing right of way.

Tract 8 & Tract 9-

KID Map No. Tract 8: 4010 0600 0090X

Klamath Co. Tax Lot No.: 4010 0600 00900

Acres of land to be excluded: 0.64

Acres of water being assessed: 0.03

KID Map No. Tract 9: 4010 0600 0100X

Klamath Co. Tax Lot No.: 4010 0600 01000

Acres of land to be excluded: 0.64

Acres of water being assessed: 0.62

Tracts 8 and 9 are described in the Warranty Deed dated February 10, 1988 and recorded in Volume M88, Page 4912 of Klamath County Record of Deeds, and is described more particularly below.

Tracts 8 and 9 are described more particularly as follows:

A parcel of land lying in lot 4 and in the NW¼SW¼ of Section 6, Township 40 South, Range 10 East, W.M., Klamath County, Oregon; the said parcel being that portion of said subdivisions lying Southerly of a line at right angles to the center line of the relocated Klamath Falls-Malin Highway at Engineer's Station 489+50 and included in a strip of land variable in width, lying on the Easterly side of said center line which center line is described as follows:

Beginning at Engineer's center line station 486+00, said station being 1745.99 feet North and 6.57 feet East of the S.W. corner of Section 6, Township 40 South, Range 10 East, W.M.; thence South 0° 12' 56" West 1396 feet; thence South 0° 12' 30" East 1454 feet to Engineer's center line Station 518.00.

The widths in feet of the strip of land referred to are as follows:

Station	to	Station	Width on Easterly side of Center Line
486+00		489+50	30
489+50		492+50	30 in a straight line to 45
492+50		496+00	45 in a straight line to 50
496+00		498+00	50 in a straight line to 58
498+00		503+00	58
503+00		503+50	58 in a straight line to 75

Bearings are based on County Survey No. 1275, dated June 10, 1968, Klamath County, Oregon.

The parcel of land to which this description applies contains 27,700 square feet, more or less, outside of the existing right of way.

Tract 10-

KID Map No.: 4010 0700 0090X

Klamath Co. Tax Lot No.: 4010 00700 00900

Acres of land to be excluded: 0.17

Acres of water being assessed: 0.11

Tract 10 is described in the Warranty Deed dated November 3, 1987 and recorded in Volume M87, Page 22389 of Klamath County Record of Deeds, and is described more particularly below.

Tract 10 is described more particularly as follows:

A parcel of land lying in the NW¼NW¼ of Section 7, Township 40 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Billy G. and Linda K. Patterson, recorded in Book M-86, Page 10905 of Klamath County Record of Deeds; the said parcel being that

portion of said property included in a strip of land variable in width, lying on the Easterly side of the center line of the relocated Klamath Falls-Malin Highway which center line is described as follows:

Beginning at Engineer's centerline station 489+50, said station being 1395.99 feet North and 5.25 feet East of the S.W. corner of Section 6, Township 40 South, Range 10 East, W. M.; thence South 0° 12' 56" West 1396 feet; thence South 0° 12' 30" East 1454 feet to Engineer's center line Station 518+00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Easterly side of Center Line
509+00		517+50	55 in a straight line to 35

Bearings are based on County Survey No. 1275, dated June 10, 1968, Klamath County, Oregon.

The parcel of land to which this description applies contains 7,360 square feet, more or less, outside of the existing right of way.

Tract 11-

KID Map No.: 4010 0700 0080X

Klamath Co. Tax Lot No.: 4010 00700 00800

Acres of land to be excluded: 0.358

Acres of water being assessed: 0.08

Tract 11 is described in the Stipulated Final Judgment filed in the Circuit Court of the State of Oregon for Klamath County, Case No. 88-133CV and dated July 31, 1989.

Tract 11 is described more particularly as follows:

A parcel of land lying in the NW¼ of Section 7, Township 40 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Archie Dallas Cummings and Barbara Jean Cummings, recorded in Book M-76, Page 2847 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the center line of the relocated Klamath Falls-Malin Highway which center line is described as follows:

Beginning at Engineer's center line station 489+50, said station being 1395.99 feet North and 5.25 feet East of the S.W. corner of Section 6, Township 40 South, Range 10 East, W. M.; thence South 0° 12' 56" West 1396 feet; thence South 0° 12' 30" East 1454 feet to Engineer's center line Station 518+00.

The widths in feet of the strip of land referred to are as follows:

Station	to	Station	Width on Easterly Side of Center Line
503+50		503+90	75 in a straight line to 55
503+90		509+00	55
509+00		517+50	55 in a straight line to 35

Bearings are based on County Survey No. 1275, dated June 10, 1968, Klamath County, Oregon.

The parcel of land to which this description applies contains 15,635 square feet, more or less, outside of the existing right of way.

Tract 12-

KID Map No.: 4010 0700 0100X

Klamath Co. Tax Lot No.: 4010 00700 01000

Acres of land to be excluded: 0.073

Acres of water being assessed: 0.36

Tract 12 is described in the Warranty Deed dated June 14, 1949 and recorded in Volume 232, Page 421 of Klamath County Record of Deeds, and is described more particularly below.

Tract 12 is described more particularly as follows:

A parcel of land lying in the NW¼ of section 7, Township 40 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Dewey Clinton and Helen M. Clinton, recorded in Book M-79, Page 6019 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the center line of the relocated Klamath falls-Malin Highway which center line is described as follows:

Beginning at Engineer's center line station 489+50, said station being 1395.99 feet North and 5.25 feet East of the S. W. corner of Section 6, Township 40 South, Range 10 East, W.M.; thence South 0° 12' 56" West 1396 feet; thence South 0° 12' 30" East 1904 feet to Engineer's center line Station 522+50.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Easterly side of Center Line
509+00		517+50	55 in a straight line to 35
517+50		518+00	35 in a straight line to 30
518+00		519+00	30

Bearings are based on County Survey No. 1275, dated June 10, 1968, Klamath County, Oregon.

The parcel of land to which this description applies contains 3,175 square feet, more or less, outside of the existing right of way.

Tract 13-

KID Map No.: 3909 03DA 0010X

Klamath Co. Tax Lot No.: 3909 003DA 00100

Acres of land to be excluded: 0.015

Acres of water being assessed: 0.02

Tract 13 is described in the Warranty Deed dated January 3, 1989 and recorded in Volume M89, Page 6078 of Klamath County Record of Deeds, and is described more particularly below.

Tract 13 is described more particularly as follows:

A parcel of land lying in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Sixty-Eight Scateen Corporation, recorded in Book M-69, Page 948 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the Klamath falls-Lakeview Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 40+00, said station being 406.09 feet North and 649.49 feet West of the Northeast corner of the SW $\frac{1}{4}$ of Section 3, Township 39 South, Range 9 East, W. M.; thence South 55° 50' 30" East 165.50; Thence on a spiral curve left (the long chord of which bears South 59° 31' 20" East 469.22 feet) 470 feet, thence on a 1219.06 foot radius curve left (the long chord of which bears South 72° 54' 30" East 255.77 feet) 256.24 feet, thence on a spiral curve left (the long chord of which bears South 86° 17' 40" East 469.22 feet) 470 feet to Engineer's center line Station 53+61.74 Back equals 53+70.60 Ahead; thence South 89° 58' 30" East 2129.40 feet to Engineer's center line Station 75+00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southerly side of Center Line
71+00		72+90	45
72+90		73+40	45 in a straight line to 70
73+40		73+75	70 in a straight line to 110

Bearings are based on Oregon State Highway Division Survey. See Drawing No. 6B-1-5, dated September, 1941.

The parcel of land to which this description applies contains 650 square feet, more or less.

Tract 14-

KID Map No.: 3909 1300 0080X

Klamath Co. Tax Lot No.: 3909 01300 00800

Acres of land to be excluded: 0.08

Acres of water being assessed: 0.02

Tract 14 is described in the Warranty Deed dated November 14, 1996 and recorded in Volume M96, Page 38848 of Klamath County Record of Deeds, and is described more particularly below.

Tract 14 is described more particularly as follows:

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to David T. Williams and Diane B. Williams, recorded in Book M-87, Page 14281 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of the relocated Klamath Falls-Malin Highway which center line is described as follows:

Beginning at Engineer's center line Station 0+000, said station being 810.021 meters North and 0.274 meter East of the Southwest corner of Section 18, Township 39 South, Range 10 East, W.M.; thence South 0° 01' 10" West 810.021 meters to Engineer's center line Station 0+810.021.

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on Westerly side of Center Line
0+320		0+480	20 in a straight line to 31
0+480		0+600	31 in a straight line to 30
0+600		0+700	30 in a straight line to 20

Bearings are based on County Survey No. 2834 dated December 6, 1978, Klamath County, Oregon.

The parcel of land to which this description applies contains 3 490 square meters, more or less.

State of Oregon, County of Klamath
Recorded 07/17/01 at 10:50a.m.
In Vol. M01 Page 34803
Linda Smith,
County Clerk Fee\$ 111⁰⁰

Rt: KID