

Returned at Counter

WHEN RECORDED MAIL TO:

Bureau of Reclamation
6600 Washburn Way
Klamath Falls OR 97603-936540

PORTIONS of Map Tax Lots Numbers:

R-4011-00200-00100-000

R-4011-00300-00100-000

R-4011-00300-00102-000

2019-002346

Klamath County, Oregon



00236895201900023460060066

03/14/2019 09:44:25 AM

Fee: \$107.00

DOCUMENTARY TRANSFER TAX: None

Area above this line for Recorder's information

Contract No. 19-LC-20-2462

**UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
KLAMATH PROJECT**

NOTICE OF DISCONTINUANCE OF USE AND QUITCLAIM DEED

1. GRANTOR:

United States of America

2. GRANTEES:

David and Marganne Oxley Trust
Bruce K. and Pam J. McEldowney

County Tax Statement Information:

David and Marganne Oxley
909 Barco #110
Corrigan, Texas 75939

Pam J. McEldowney
23770 South Poe Valley Road
Klamath Falls, Oregon 97603

3. AFFECTED PROPERTY:

Grantor is currently the owner of real property interests consisting of easements acquired, or used by exercise of reserved rights, located in Klamath County, Oregon, affecting lands generally described as:

Willamette Meridian, Klamath County, Oregon
Township 40 S., Range 11 E.,
Section 3, Lots 1 and 8 (within)

The following Oregon Tax Lot Numbers are affected:

R-4011-00200-00100-000; R-4011-00300-00100-000; R-4011-00300-00102-000

*This notice of discontinuance of use and quitclaim is made with \$0.00 consideration.

The easement interests released from use and quitclaimed are also more particularly described and depicted in "Exhibit A," attached hereto and by this reference made a part hereof, for that portion of the Lateral No. F-6 situated north of the point identified as the "Intersection of the F-6 and southerly property line" as depicted in "Exhibit A." The area of land subject to this notice of discontinuance of use and quitclaim is estimated to consist of 2 acres, more or less.

4. BENEFICIARIES OF THIS DISCONTINUANCE OF USE AND QUITCLAIM:

This notice of discontinuance of use, and quitclaim of acquired easement rights, shall inure to the benefit of lands of the "David and Marganne Oxley Trust," and to the lands of "Bruce K. and Pam J. McEldowney," current owners of record, as well as or including any and all other owners or holders of interests of the underlying fee estate as may be lawfully entitled, their successors and assigns forever.

5. AUTHORITIES:

This instrument is pursuant to the Act of June 17, 1902 (32 Stat. 388), and all acts amendatory thereof or supplementary thereto, commonly referred to as the Federal Reclamation Laws; the Act of August 30, 1890 (26 Stat. 371, 391), 43 USC 945; and the Federal Property and Administrative Services Act of 1949, (63 Stat. 377) as amended, 40 U.S.C. § 471 et seq. and the regulations promulgated thereunder at 41 C.F.R. Part 102-75.

6. CONDITION OF LAND AND IMPROVEMENTS OF THE UNITED STATES:

It is hereby affirmed that the released and quitclaimed portion of the Lateral No. F-6, north of that point annotated as "Intersection of the F-6 and southerly property line" referenced and depicted on "Exhibit A," which was at one time an open ditch lateral, has been physically unused for an undeterminable number of years, and is in fact totally abandoned physically, has been effectively reclaimed by the activities of the owners of the underlying lands and the process of natural succession, and is no longer identifiable or functional as a part of the Klamath Project.

7. CONTINUED USE OF REMAINING PORTION OF LATERAL NO. F-6:

All rights of the United States of America to use, operate, and maintain the Lateral No. F-6 situated south of that point annotated as "Intersection of the F-6 and southerly property line" on "Exhibit A" are separate and apart from this discontinuance of use and quitclaim, and are hereby retained for use by the United States of America as a part of the Klamath Project.

8. DISCLAIMER OF INTEREST IN NON-FEDERAL IRRIGATION EASEMENT:

The United States of America hereby disclaims any interest or participation in the "Irrigation Easement" created among non-Federal parties by "Land Partition 36-08," also referenced in "Exhibit A" attached hereto, and as recorded in the official records of Klamath County, Oregon.

9. RIGHTS RETAINED GENERALLY BY THE UNITED STATES:

Affirmed hereby is the continued existence of the rights reserved by and for the use of the United States of America under the statutory reservation for rights-of-way for ditches or canals, constructed or to be constructed by the authority of the United States of America, that reservation having been created by the Act of August 30, 1890 (26 Stat. 371, 391), as it has been or may hereafter be amended. This statutory reservation may be exercised and used in the future by the United States of America without limit, diminishment, or respect to this notice of discontinuance of use and quitclaim.

10. CONSIDERATION:

This notice of discontinuance of use and quitclaim is made without consideration.

NOW THEREFORE:

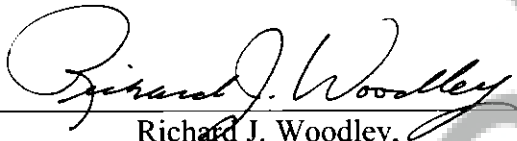
By this instrument, the UNITED STATES OF AMERICA, acting by and through the Department of the Interior, Bureau of Reclamation, Mid-Pacific Region, regarding the abandonment, discontinuance of use, and quitclaim of that portion of the Lateral No. F-6 situated within the lands described above does hereby:

1. Serve notice of the discontinuance of use of that certain described portion of Lateral No. F-6 north of that point annotated as "Intersection of the F-6 and southerly property line" on "Exhibit A" as may have been made by the United States pursuant to the Act of August 30, 1890, as described herein by "Exhibit A" and does hereby;

2. Quitclaim, return, release, and remise the easement acquired pursuant to the Act of June 17, 1902 and used to accommodate the portion of the Lateral No. F-6 north of that point annotated as "Intersection of the F-6 and southerly property line" on "Exhibit A", as described herein.

IN WITNESS WHEREOF, the United States of America has caused this instrument to be executed this 5th day of March, 2019.

THE UNITED STATES OF AMERICA

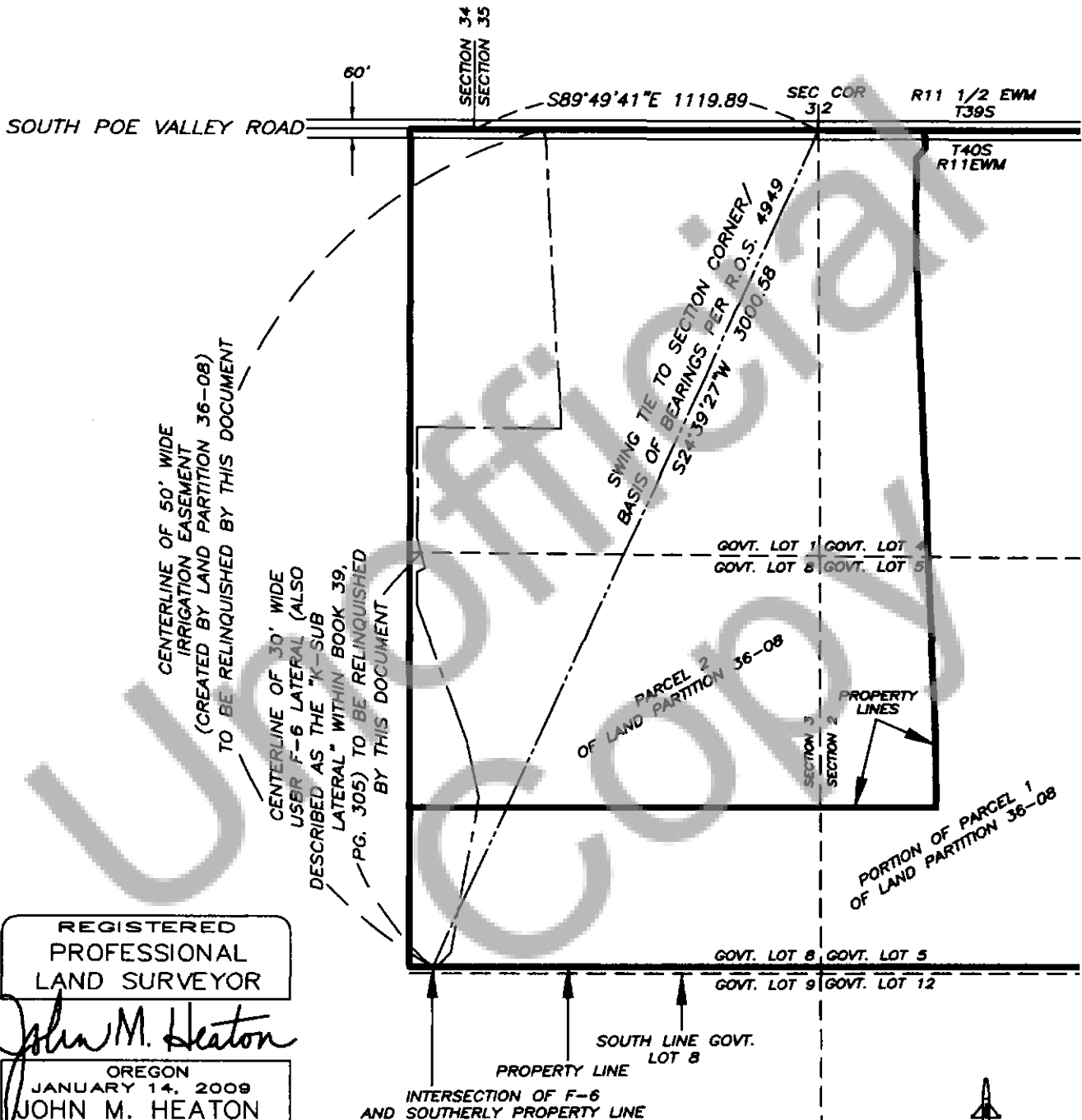
By: 
Richard J. Woodley,
Regional Resources Manager
Mid-Pacific Region
Bureau of Reclamation

EXHIBITS:
EXHIBIT "A"

Unofficial Copy

EXHIBIT "A"

TO ACCOMPANY QUITCLAIM DEED
SITUATED IN GOVERNMENT LOTS 1 & 8 OF SECTION 3, T40S, R11EWM,
KLAMATH COUNTY, OREGON
FEBRUARY, 2018



REGISTERED
PROFESSIONAL
LAND SURVEYOR

John M. Heaton

OREGON
JANUARY 14, 2008
JOHN M. HEATON
72841

RENEWAL DATE: 6-30-19

MAPPED BY:

TRU SURVEYING LINE
2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603



SCALE
1" = 500'

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Sacramento }
On March 5, 2019 before me, Charlene L. Stemen, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Richard J. Woodley
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

Signature Charlene L. Stemen
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: _____