

## EASEMENT

Vol. 17162 / Page 8

This DEED by and between the STATE OF OREGON, acting by and through its Board of Forestry, hereinafter called the "Grantor", and the UNITED STATE OF AMERICA, hereinafter called the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of \$1.00, the receipt of which is hereby acknowledged, does hereby grant and convey unto the Grantee and its assigns an exclusive easement for a road to be located, constructed, reconstructed, improved, used, operated, patrolled, and maintained, and known as the Dicks Well Road, Project No. 3312E, over, upon, along, and across the following described premises situated in the County of Klamath, State of Oregon, to wit:

A strip of land 66 feet in width traversing the following described real property:

U.S. Government Lot 3 of Section 5, Township 34 South, Range 14 East, Willamette Meridian

The said strip being 33 feet in width on each side of a centerline as located and constructed on the ground, with as much additional width as required for adequate protection of cuts and fills, the said centerline being located and described as shown on Exhibit "A" which is attached hereto and made a part hereof.

If the road is located substantially as described herein, the centerline of the road as constructed is hereby deemed accepted by the Grantor as the true centerline of the easement granted.

Together with such reasonable rights of temporary use of the Grantor's lands immediately adjacent to said right-of-way as may be necessary for the construction, reconstruction, improvement, and maintenance of said road.

The acquiring agency is the Forest Service, Department of Agriculture.

This conveyance is made subject to the following reservations by the Grantor, its successors, and assigns:

1. The right to cross and recross the easement at any point and for any purpose in such manner as will not materially interfere with the use of the road.
2. The right of all timber now growing or which may hereafter grow within the easement and the right to use any land therein not devoted to road use for grazing and the growing and harvesting of crops including timber crops; provided, the United States and its assigns shall have the right to cut timber upon the easement to the extent necessary for construction, reconstruction, improvement, and maintenance of the road. Such timber shall become the property of Grantee's timber purchaser or road contractor after entering into a special sale with Grantor and making payment to Grantor at the same rate per thousand Grantee receives for the timber sale that requires the cutting of timber upon the easement. Such special sale shall be entered into and said payment made prior to any cutting of timber upon the easement and shall be based on Grantor's cruise.

Act.  
Wm. Grant  
1390  
150 B-4  
Cash  
16.00

60  
1111  
09  
25  
27  
23  
18

3. The right to use, maintain, patrol, and reconstruct said road for any purpose in such manner as not unreasonably to interfere with the use of said road by the Grantee or its authorized users, or cause substantial injury thereto; provided, that during periods when Grantor, its licensees or permittees, successors or assigns use said road for the hauling of forest or other products, its use shall be subject to reasonable traffic regulations by Grantee; and provided further that Grantor shall require its licensees or permittees, when using said road, to perform a proportionate share of road maintenance and resurfacing, or contribute to the cost of said maintenance and resurfacing, to the extent necessary to restore the road to the condition existing at the start of said use.

The rights, privileges, and authorities herein granted shall be forever. Provided, however, that if for a period of five years the Grantee ceases to use the road, or parts thereof, for the purposes granted, or shall abandon the same, then in any such event, the premises traversed thereby shall be freed from said easement, or grants thereof, as fully and completely as if this easement had not been made. In the event of such nonuse for the period stated, the Regional Forester shall furnish to the Grantor a statement in recordable form evidencing such nonuse.

IN WITNESS WHEREOF, the State of Oregon, acting by and through its Board of Forestry, has caused this instrument to be executed by its Secretary this 22nd day of September, 1981.

WITNESS

Lu Linda Zucker

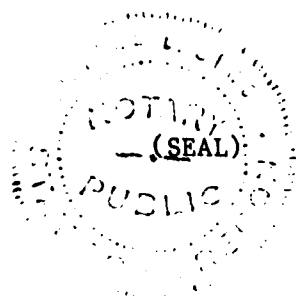
STATE OF OREGON, acting by and  
through its Board of Forestry  
By

H. Mike Miller  
H. Mike Miller, State Forester  
and Secretary of the Board

STATE OF OREGON    )  
                          ) ss.  
County of Marion    )

On this 22nd day of September, 1981, before me appeared H. Mike Miller, to me personally known, who being first duly sworn, did say that he, the said, H. Mike Miller, is the Secretary of the Oregon State Board of Forestry and that the within instrument was signed for and by authority of said Board, and said H. Mike Miller acknowledged said instrument to be the free act and deed of said Board, acting for and in behalf of the State of Oregon.

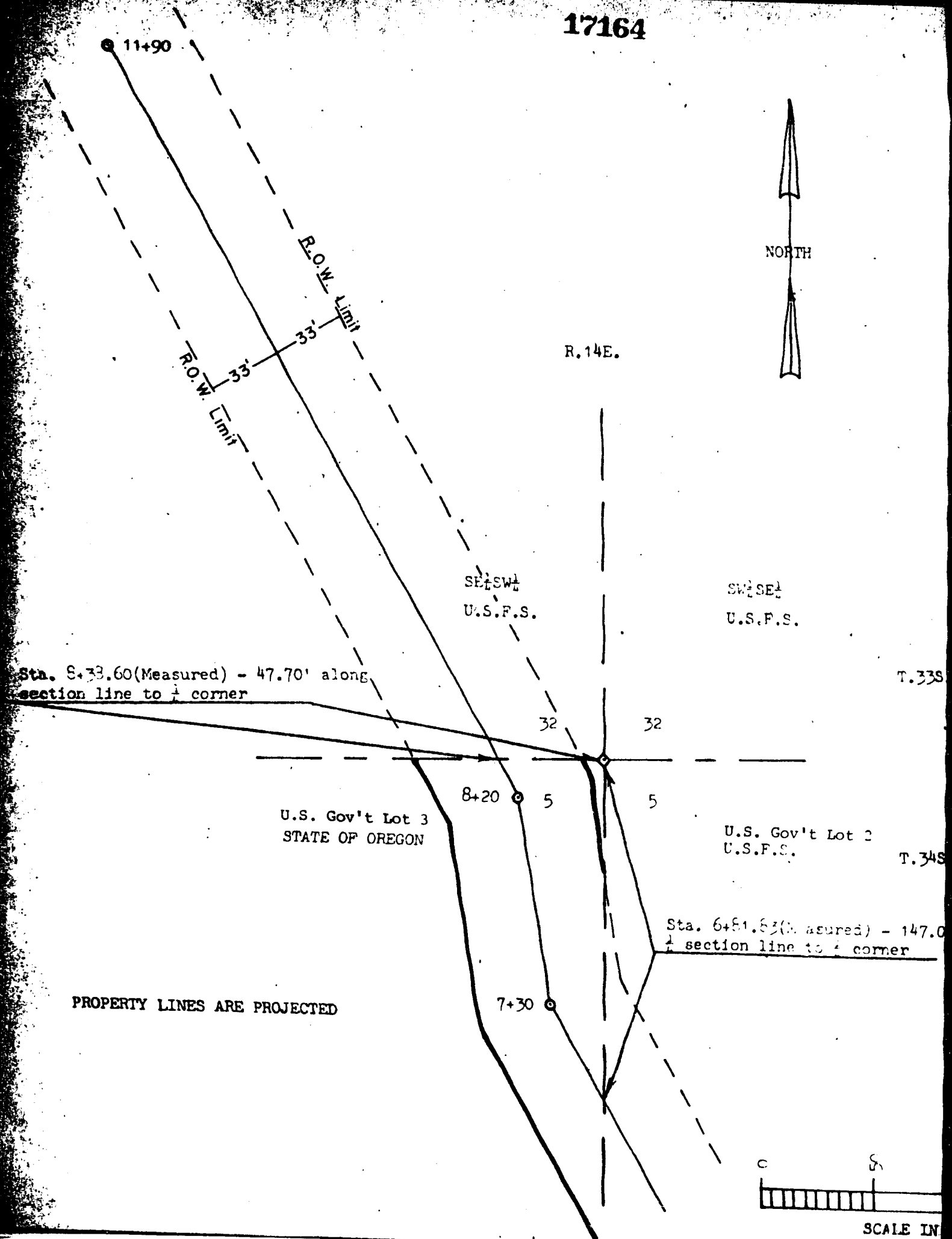
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this day and year last above written.



Emmell E. Encl  
Notary Public for Oregon

My Commission expires: June 1, 1982

17164



17165

17165

LEGEND

SECTION LINE \_\_\_\_\_  
 SECTION LINE \_\_\_\_\_  
 BRASS CAP  $\diamond$   
 R.O.W to be acquired \_\_\_\_\_

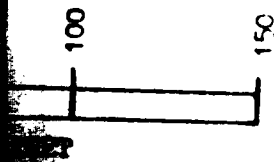
Surveyed By: Weverhaeuser Company

ROAD 3312E

<u>STATION</u>	<u>BEARING</u>	<u>DISTANCE</u>
2+00		
7+30	N 29-00-00 W	530
8+20	N 9-45-00 W	90
11+90	N 29-15-00 W	370

along

EXHIBIT "A"



5460 - Rights of Way Acquired		State of Oregon	
Road No. 3312E		Section 5, T.34S., R.14E., WM.	
Fremont National Forest Klamath County Oregon		SCALE 1"=50'	DRAWN BY Tippie
Recommended By: <u>Harold A. Green</u>		Date: <u>3/10/81</u>	
Forest Engineer			
DATE <u>9/10/81</u>	APPROVED BY <u>John Chambers</u> Forest Supervisor	DRAWING NUMBER	

State of OREGON: COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the

25th day of September A.D., 1981 at 11:09 o'clock A. M., and duly recorded in

Vol M-81 of Deeds on page 17162.

Fee \$ 16.00

EVELYN DIEHN  
COUNTY CLERK

John Chambers deputy