

8861
Klamath Straits
Unit No. K-11
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Vol. 1782 Page 1425

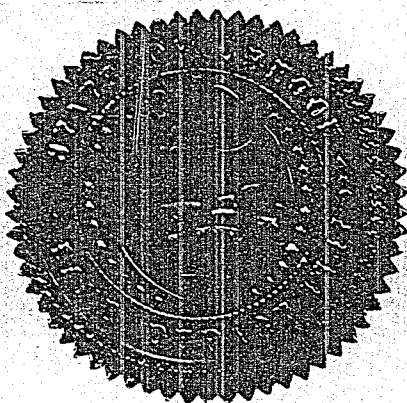
DIKE EASEMENT

The State of Oregon, by and through its Division of State Lands (Grantor), for and in consideration of ONE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$1,200.00), the receipt of which is hereby acknowledged, and the conveyance of acceptable replacement navigation rights in the relocated Ady Intake Channel, upon completion of said channel, to the State of Oregon, hereby grants to the UNITED STATES and its assigns (Grantee) the perpetual right, privilege and easement to enter upon and use two tracts of land, TRACT ONE, containing an area of 0.34 acre, more or less and TRACT TWO, containing an area of 0.37 acre, more or less, situated in the County of Klamath, State of Oregon, as described in Exhibit "A" attached hereto and by reference made a part hereof, to construct and maintain cut off dikes in, over, and across the State-owned submerged and submersible lands of the Ady Intake Channel of the Klamath River.

TO HAVE AND TO HOLD the same unto Grantee, subject to the following conditions:

1. All construction shall conform to standards and provisions set by the Klamath Straits Drain Enlargement Specification No. 20-C0061 and approved modification or supplements thereto.
2. Grantor reserves the right to lease or otherwise utilize the State-owned lands within the granted areas hereinabove described in a manner and for uses that will not be detrimental to the primary use for which this easement is granted.
3. Grantee shall construct a new Ady Intake Channel across lands of the Tule Smoke Hunting Club which, when completed, will tie into that portion of the existing Klamath Straits lying easterly of the dike to be constructed on the subject easements and will be constructed and maintained in a manner which will accommodate the above mentioned navigation rights.
4. Nothing in this document may be construed as permission to Grantee to interfere with or reduce the public's rights to the free and unimpeded use of the waters of the State of Oregon except to the extent necessary to facilitate construction and maintenance of this project.
5. In case of permanent abandonment of said easement, the title and interest herein granted shall end, cease and terminate and the Grantee will restore said area, as nearly as practicable, to its condition existing prior to the granting of this easement.
6. This easement does not convey an estate in fee simple of the lands used for the right of way. This grant is an easement only, and title shall remain in the State of Oregon.

WITNESS the seal of the Division of State Lands affixed this 15th day of December, 1981.



STATE OF OREGON, acting by and
through its Division of State Lands

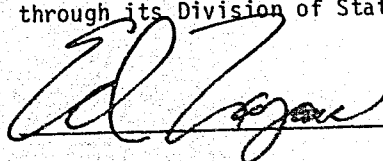

Director

EXHIBIT "A"

1426

Two tracts of land in Section Fifteen (15), Township Forty (40) South, Range Eight (8) East, Willamette Meridian, County of Klamath, State of Oregon, said tracts being portions of the Klamath Straits and are more particularly described as follows:

TRACT ONE

A tract or strip of land having a uniform width of 80.0 feet lying within 40.0 feet where measurable at right angles on each side of the following described centerline: Beginning at a point which bears North 45°20'45" West 1880.97 feet from the Southeast corner of said Section 15; thence South 0°55'51" East 184.66 feet to a point which bears North 49°34'18" West 1753.83 feet from said Southeast corner; the sideline boundaries of said strip of land are to be lengthened or shortened, as the case may be, so as to begin in a course described as "North 59°16'46" West 1443.0 feet" in the Warranty Deed to the STATE OF OREGON recorded in Volume M 77 of Deeds at page 11832, Records of Klamath County, and in the southwesterly boundary of Parcel No. 2 as described in the Warranty Deed to the Tule Smoke Hunting Club, Inc. recorded in Volume M 77 of Deeds at page 11830, Records of Klamath County; said sidelines to terminate in the southerly mean highwater line of said Klamath Straits. Said Tract One contains an area of 0.34 acre, more or less.

TRACT TWO

A tract or strip of land having a uniform width of 80.0 feet lying within 40.0 feet where measurable at right angles on each side of the following described centerline: Beginning at a point which bears North 67°01'51" West 1839.32 feet from the Southeast corner of said Section 15; thence North 78°46'20" West 194.44 feet to a point which bears North 68°08'51" West 2030.08 feet from said Southeast corner; the sideline boundaries of said strip of land are to be lengthened or shortened, as the case may be, so as to begin in the southeasterly mean highwater line of the Klamath Straits and terminate in a line constructed at right angles at last said point. Said Tract Two contains an area of 0.37 acre, more or less.

Checked as to Engineering data
Ronald R. Begg 8-12-81

*Ret. US Bur. of Reclamation
 6600 W. Ashburn Way
 K. Falls*

(a) Manage, control and protect the common school grazing lands under ORS 273.805 to 273.825 so as to secure the greatest permanent value of the lands to all the people of this state, particularly for the dedicated purposes of the lands and the common schools to which the resources of the lands are devoted.

(b) Give due consideration, in the sale, exchange or leasing of any state lands under its control, to the protection and conservation of all natural resources, including scenic and recreational resources, of such lands, so as to conserve the public health and recreational enjoyment of the people, protect property and human life, and conserve plant, aquatic and animal life. [1967 c.421 §7; 1967 c.616 §27b]

273.055 Power to acquire and dispose of real property. If it finds it advisable in carrying out its duties, the division in the name of the State of Oregon may take title to real and personal property in fee simple or absolutely, in trust or under such other conditions as it considers advisable, and may convey title thereto or execute agreements necessary to carry out its duties. [Formerly 273.710; 1969 c.594 §3]

273.060 [Amended by 1967 c.147 §3; 1967 c.421 §39; renumbered 273.201]

273.061 Power of eminent domain. The power of eminent domain may be exercised by the State of Oregon at the request of the division for the condemnation of property of any kind and all water rights, easements and appurtenances thereto necessary for carrying out its powers and duties. [1967 c.421 §8]

273.065 Finality of certain actions. All acts and decisions of the division as to the legal title, and the right to a certificate of sale or deed from the state, shall be final. [1967 c.421 §11]

273.070 [Amended by 1967 c.421 §40; renumbered 273.205]

273.071 Oaths; depositions; subpoenas. (1) At all hearings pertaining to lands owned by the state, the director may administer oaths and take depositions. The board may issue subpoenas to compel the attendance of witnesses and the production of documents or other necessary written information.

(2) If any person served with a subpoena issued under this section fails to obey the subpoena without legal excuse, or refuses to testify on matters on which he lawfully may

be interrogated, the procedure provided in ORS 183.440 shall be followed to compel obedience. [Formerly 273.430]

(Documents)

273.075 Deed to purchaser. When lands formerly belonging to the State of Oregon are disposed of and final payment has been made, the director shall execute and deliver to the purchaser a deed in a manner and form prescribed by the rules of the division, conveying all right, title and interest which the state may have in and to such lands, except as otherwise provided by law. [Formerly 273.720; 1969 c.594 §4]

273.080 [Amended by 1967 c.421 §41; renumbered 273.211]

273.081 Execution of documents; recordation. The director may execute on behalf of the division all documents required to carry out its powers and duties, in the manner and form prescribed by the rules of the division. All documents so executed shall be admitted to record without acknowledgment. [Formerly 273.450; 1969 c.594 §5]

273.085 Recording copies of documents. Copies of any document executed by the director, or executed by the State Land Board before January 1, 1968, and certified by the director, are entitled to record in the office of any county recording officer. Documents affecting the title to real property shall be recorded in the county where such real property is situated; copies of all other documents executed by the division may be recorded in any county designated by the division. [Formerly 273.555; 1969 c.594 §6]

273.090 [Amended by 1967 c.421 §42; renumbered 273.216]

273.091 Recording fees; return of documents. The person offering a copy of a document mentioned in ORS 273.085 for recording shall pay the recording fee. The division is exempt from the payment of such fees. When a copy of a document has been recorded it shall be returned by the recording officer to the director or other party at whose request it was recorded. [Formerly 273.565]

273.095 Copies or transcripts as evidence. The record of any copy of a document recorded under ORS 273.085, or a transcript thereof certified by the county recording officer, shall be received in evidence in all courts

State of OREGON: COUNTY OF KLAMATH: ss.

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

4 day of February A.D., 1982 at 11:37 o'clock A M., and duly recorded in

Vol M82 of Deeds on page 1425.

Fee \$ 12.00

EVELYN BIEHN
COUNTY CLERK

[Signature] deputy