

THIS SPECIAL TRUST DEED, dated this 22<sup>nd</sup> day of February, 1985, from the United States of America, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to Edison Chiloquin, hereinafter called Grantee.

## WITNESSETH:

The Grantor is authorized by Private Law 96-68 (94 Stat. 3613) to set aside in a special trust certain lands and interests therein subject to his control; and

The Grantee meets the requirements of the foregoing Act and is entitled to this conveyance;

NOW THEREFORE, The Grantor, in consideration of said Act, does hereby reserve and set aside unto the Grantee, his heirs and assigns, the beneficial use and occupancy in and to that certain parcel of land situated in the County of Klamath, State of Oregon, and described as follows:

T. 35 S., R. 7 E., W.M.

Section 2:  $E\frac{1}{2}NW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ ,  
 $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ ;

Section 11:  $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ,  
 $E\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ ,  
 $NE\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ .

Together with the right to maintain and use the existing road across the  $NE\frac{1}{4}NW\frac{1}{4}$  and  $SE\frac{1}{4}NW\frac{1}{4}$  of Section 2, T. 35 S., R. 7 E., W.M., as identified on the plat included in the Memorandum of Understanding between the United States of America and Edison Chiloquin dated June 1, 1984.

RESERVING UNTO THE UNITED STATES OF AMERICA and its assigns, the legal fee to the above-described lands and the right to reverter of the beneficial use and occupancy should the Grantee, his heirs and assigns, or others with their consent, use the lands for purposes inconsistent with those set out in P.L. 96-68, (94 Stat. 3613);

ALSO RESERVING UNTO THE UNITED STATES OF AMERICA and its assigns, the right to maintain, reconstruct, improve, and use those roads identified in the Memorandum of Understanding between the United States and Edison Chiloquin dated February 22, 1985.

SUBJECT to that easement dated April 7, 1958, to Pacific Power and Light Company for the maintenance, reconstruction, improvement, use, and control of a transmission line.

SUBJECT to an easement to Klamath County for County Road Number 652.

MAR 19 AM 10 59

SUBJECT to access rights of adjacent landowners over an existing road located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 2, T. 35 S., R. 7 E., W.M., said rights being established prior to the acquisition of subject land by the USDA - Forest Service, being more particularly described as follows:

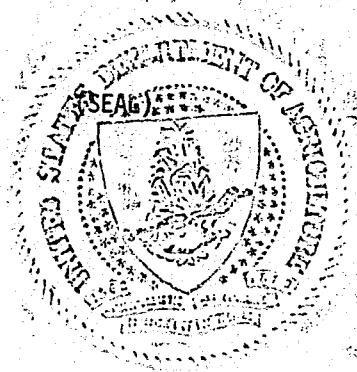
Beginning at a point on the north line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 2, which point is approximately 2,640 feet south and 2,245 feet east of the northwest corner of said Section 2, and traversing in a southerly and easterly direction to a point on the east line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 2, which point is approximately 1,715 feet north and 1,320 feet west of the southeast corner of said Section 2.

IN WITNESS WHEREOF, the Grantor, by its duly authorized representative, has executed this deed pursuant to P.L. 96-68 (94 Stat. 3613) on the day and year first above written.

UNITED STATES OF AMERICA

By: 

Chief, Forest Service - USDA



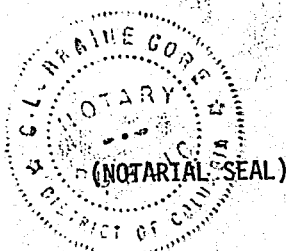
UNITED STATES OF AMERICA  
DISTRICT OF COLUMBIA

} SS

4054

On this 22<sup>nd</sup> day of February, 1985, before me, a Notary Public within and for said District, appeared R. May Peterson, to me personally known, who, being by me duly sworn, did say that he is the Chief, Forest Service, United States Department of Agriculture, and that the seal affixed to the foregoing instrument is the seal of said Department, and that the said instrument was signed and sealed in behalf of the United States of America by its authority duly given, and acknowledged that he executed the same as the free act and deed of the United States of America for the purposes and considerations therein expressed.

Given under my hand and seal the day and year above written.



C. Lavinia Gore  
Notary Public, District of Columbia  
United States of America

My commission expires: May 14, 1985.

MEMORANDUM OF UNDERSTANDING  
between  
EDISON CHILOQUIN and The UNITED STATES  
Private Law 96-68, 94 Stat. 3613

4055

I. Parties

This is a Memorandum of Understanding (MOU) between Edison Chiloquin on behalf of himself, his heirs and assigns, and the Secretary of Agriculture (hereinafter "Secretary") on behalf of the United States of America.

II. Purpose

The purpose of the MOU is to clarify the relationship of the parties in order to facilitate the transfer of the beneficial use and occupancy of that parcel of land described in Section III of this agreement pursuant to Private Law 96-68 (94 Stat. 3613).

III. Transfer and Land Description

The Secretary of Agriculture will set aside in special trust through a document in recordable form to Edison Chiloquin, his heirs and assigns, the beneficial use and occupancy of those lands situated in Klamath County, Oregon, and described as follows:

T. 35 S., R. 7 E., W.M.

Section 2:  $E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ ,  
 $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ ;

Section 11:  $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ,  
 $E\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ ,  
 $NE\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ .

Together with the right to maintain and use the existing road across the  $NE\frac{1}{4}NW\frac{1}{4}$  and  $SE\frac{1}{4}NW\frac{1}{4}$  of Section 2, T. 35 S., R. 7 E., W.M., as identified on the attached plat dated June 1, 1984.

SUBJECT TO that easement dated April 7, 1958, to Pacific Power and Light Company for the maintenance, reconstruction, improvement, use, and control of a transmission line as shown on the attached map.

SUBJECT TO an easement to Klamath County for County Road Number 652.

SUBJECT TO access rights of adjacent landowners over an existing road located in the  $NE\frac{1}{4}SW\frac{1}{4}$  and  $NW\frac{1}{4}SE\frac{1}{4}$  of Section 2, T. 35 S., R. 7 E., W.M., said rights being established prior to the acquisition of subject land by the USDA - Forest Service, being more particularly described as follows:

Beginning at a point on the north line of the  $NE\frac{1}{4}SW\frac{1}{4}$  of said Section 2, which point is approximately 2,640 feet south and 2,245 feet east of the northwest

corner of said Section 2, and traversing in a southerly and easterly direction to a point on the east line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 2, which point is approximately 1,715 feet north and 1,320 feet west of the southeast corner of said Section 2.

#### IV. Interest Conveyed

The Secretary shall, subject to the reverter described in Section V, convey in special trust to Edison Chiloquin, his heirs and assigns, the beneficial use and occupancy of the above described lands set aside in special trust, to be used for traditional Indian purposes.

##### A. Traditional Indian Uses

Traditional Indian purposes are to be determined by those activities undertaken upon the land by North American Indian cultures up to and including the time when horses and wagons were introduced into those cultures. It is understood and agreed that from time to time some implements and tools of more modern times may be necessary to conform with local and state laws. Any variance of this nature should be as inobtrusive as is possible under the circumstances. As an example, some traditional abodes were made with animal skins which no longer exist in sufficient abundance to permit continued use in that manner. Canvas and like materials are an acceptable substitution in such cases. However, the visible use of metal sheeting or black, clear, or other plastic materials is not appropriate.

Large gatherings will be held on the land which include members of the public, and some individuals may remain upon the land for extended periods. Should state and local laws require certain facilities or safeguards for such circumstances, such as commodes or septic systems, these will not be considered nonconforming uses. This does not, however, contemplate permanent shelters of modern construction.

##### B. Prior Agreement for Certain Uses

There may be uncertainty whether a particular usage is a traditional Indian usage within the meaning of P.L. 96-68. Generally, Mr. Chiloquin and his designees are responsible for determining whether a particular usage is a consistent and proper practice or usage on the land. Where doubt exists, however, it is agreed that Mr. Chiloquin, his successors or their representatives and the Forest Supervisor or his or her representative may by prior agreement concur that a usage is a conforming usage.

##### C. Administration

There will be an annual joint review of the status of the land by the Forest Supervisor or his/her designee and Mr. Chiloquin, his successors or their designee. The joint review shall take place on the land described in Section III in the spirit of discussion to anticipate concerns either may have concerning uses of the land or its resources, potential fire or disease hazard, use or maintenance of roads on the land or any other appropriate concern.

V. Interest Retained by the United States: Easements, Maintenance, Reverter

The Secretary of Agriculture shall retain to the United States the legal fee to the above-described lands and the right to reverter of the beneficial use and occupancy should the uses of the land be inconsistent with those set out in P.L. 96-68, 94 Stat. 3613. Should the reverter be effectuated, the land would be held in perpetuity to protect the significant archaeological, cultural, and traditional values associated with these lands.

Those roads identified on the attached map may be maintained, reconstructed, improved and used by Forest Service and its permittees, contractors, or licensees for access to National Forest lands for resource protection, logging, and other necessary purposes. However, these roads will not be open for use by the general public.

The Forest Service shall discourage use by the public of the lands described in Section III which are riparian to the Sprague River. Where appropriate, the Secretary or his designees will advise the public and others that these lands are not open for public use and as such are not available for landing and other access except in cases of emergency.

VI. The Secretary or his Designee

Future revision of the MOU by mutual consent of the parties may be desirable or necessary. For this purpose it is agreed that the Forest Supervisor is delegated the necessary authority to act on behalf of the Secretary in negotiating future modifications, if any.

IN CONSIDERATION of the above, we have entered into this Memorandum of Understanding in a spirit of cooperation and good will.

Edison Chiloquin

EDISON CHILOQUIN for Himself,  
His Heirs and Assigns

[Signature]

for SECRETARY OF AGRICULTURE  
on Behalf of the United States  
and his Successors

On this 24 day of August,  
1984.

On the 22<sup>nd</sup> of February,  
1984.

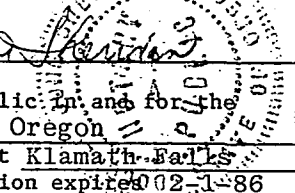
ACKNOWLEDGEMENT

4058

State of Oregon )  
 ) ss.  
County of Klamath )

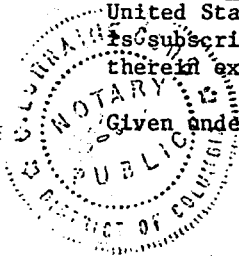
On this day personally appeared before me Edison Chiloquin to me known to be the identical individuals described in and who executed the within and foregoing instrument and acknowledged to me that they signed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal this 24th day of August, 1984.

  
Notary Public  
Notary Public in and for the  
State of Oregon  
residing at Klamath Falls  
My commission expires 02-1-86

UNITED STATES OF AMERICA)  
 ) ss.  
DISTRICT OF COLUMBIA )

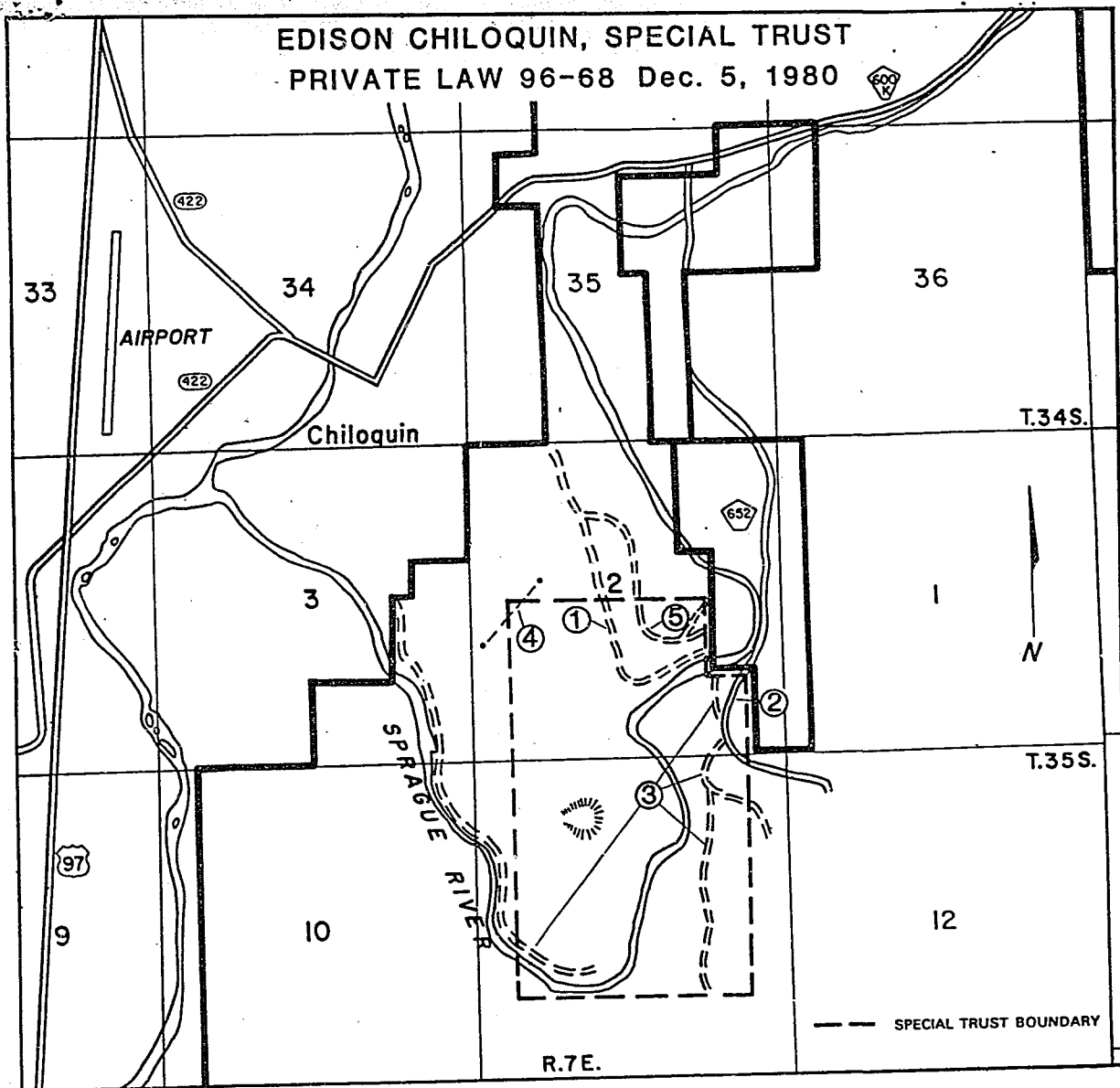
Before me, the undersigned C. Lorraine Son, on this day personally appeared R. May Peterson, Chief, Forest Service, United States Department of Agriculture, known to me to be the person whose name is subscribed to and who executed the same for the purpose and considerations therein expressed as the act and deed of the United States of America.

  
Given under my hand and seal this 22nd day of February, 1985.

C. Lorraine Son  
Notary Public in and for the  
District of Columbia  
United States of America  
My commission expires May 14, 1985

MOUNTAIN TITLE COMPANY, INC. has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

EDISON CHILOQUIN, SPECIAL TRUST  
PRIVATE LAW 96-68 Dec. 5, 1980



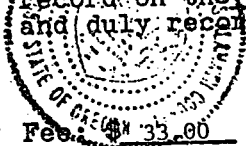
SCALE  
0 1/2 1 mile

*Return: MTC-Jean*

- ① EXISTING ROAD. Exclusive use for adjacent landowners; Edison Chilquin, heirs, and assigns; and U.S. Forest Service administrative use.
- ② KLAMATH COUNTY ROAD 652.
- ③ EXCLUSIVE USE BY U.S. FOREST SERVICE. For administrative use (fire, I&DC, etc.) and access to adjoining National Forest Land.
- ④ TRANSMISSION LINE EASEMENT. Pacific Power and Light, dated April 7, 1958.
- ⑤ SPECIAL USE PERMIT FOR ACCESS ROAD TO PRIVATE LAND.

STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for record on the 19th day of March A.D., 1985 at 10:59 o'clock A M, and duly recorded in Vol M85, of Deeds on page 4052.



INDEXED  
FILED

EVELYN BIEHN, COUNTY CLERK

by: Ron Smith, Deputy