

ROAD EASEMENT

The STATE OF OREGON, acting by and through the Division of State Lands, GRANTOR, for and in consideration of two hundred ninety two dollars (\$292), does hereby grant to the OREGON DEPARTMENT OF TRANSPORTATION, by and through its OREGON STATE HIGHWAY DIVISION, GRANTEE, an easement, for highway right-of-way purposes in, over, and across state-owned submerged and submersible land at River Mile 10.5 of the Williamson River, located in Section 4 of Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon; said easement being more particularly described as follows:

All state-owned submerged and submersible land lying below the line of mean high water on the right bank of the Williamson River and included in a strip of land 70 feet in width, lying on the Easterly 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 3125+00, said station being 1288.13 feet South and 1086.50 feet East of the North quarter corner of Section 4, Township 35 South, Range 7 East, W.M.; thence South 6°29'28" West 519.89 feet; thence on a spiral curve left (the long chord of which bears South 6°21'58" West 250 feet) 250 feet; thence on a 19,098.59 foot radius curve left (the long chord of which bears South 5°43'33" West 260.18 feet) 260.19 feet; thence on a spiral curve left (the long chord of which bears South 5°05'08" West 250 feet) 250 feet; thence South 4°57'38" West 6419.92 feet to Engineer's center line Station 3202+00.

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

The parcel hereinabove described contains 0.02 acres, more or less.

TO HAVE AND TO HOLD the same unto GRANTEE in perpetuity, subject to the following conditions:

1. Construction in navigable waters shall conform to standards and specifications set by the U. S. Army Corps of Engineers or the U. S. Coast Guard for the project.
2. The bed and banks of the waterway shall be restored to a condition acceptable to the GRANTOR as soon as construction or maintenance is completed.

88 JUN 8 AM 9 38

3. Any blasting during construction shall be performed according to the laws of the state. Underwater blasting permits are required under ORS 509.140.

4. Public access to the navigable waters must be maintained and/or restored upon completion of construction or maintenance.

5. If a facility is not used for a period of five (5) consecutive years, the easement will automatically terminate and the land shall be restored by the GRANTEE to its original condition.

6. The GRANTEE agrees to defend and hold GRANTOR harmless from any and all claims suffered or alleged to be suffered on the premises. Further, GRANTEE shall be responsible for the payment of any fines or penalties charged against the premises as a result of GRANTEE's action in not complying with laws of regulations affecting the premises.

7. Any removal/fill activity in the waters of the state shall require a permit from the director in accordance with ORS 541.605 et seq.

8. The GRANTOR, after thirty (30) days written notice may revoke any purchased easement for non-compliance with the terms or conditions of the easement.

This easement does not convey an estate in fee simple of the lands used for a right-of-way. This grant is for an easement only, and title remains in the State of Oregon.

Witness the seal of the Division of State Lands affixed the 13th day of February, 1989.

STATE OF OREGON acting by and through the Division of State Lands



Martha O. Pagel
Martha O. Pagel, Director

1155E

STATE TO OREGON DEPARTMENT OF TRANSPORTATION
Page 2 of 2

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Oregon Hwy Div. the 8th day of June A.D., 19 89 at 9:38 o'clock AM., and duly recorded in Vol. M89, of Deeds on Page 10181.

FEE \$13.00

Evelyn Biehn - County Clerk

By Caroline Muelendorp