

ASPEN 34786

WARRANTY DEED

The Grantors, DONOVAN L. NICOL, MARK EDWARD NICOL, and DANA MARIE MORASCH, fka DANA MARIE NICOL, individually; NICOL LAND & CATTLE CO., a co-partnership consisting of Donovan L. Nicol, Mark Edward Nicol, and Dana Marie Morasch, fka Dana Marie Nicol, for and in consideration of the sum of Three Million One Hundred One Thousand Six Hundred Sixty and 00/100 Dollars (\$3,101,660.00), the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns, all of the real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Klamath, State of Oregon, to-wit:

Township 30 South, Range 9 East, Willamette Meridian

Section 10, S1/2 S1/2;
 Section 11, S1/2 SW1/4, SW1/4 SE1/4;
 Section 14, W1/2 E1/2, W1/2;
 Section 15, E1/2, E1/2 W1/2, W1/2 SW1/4;
 Section 16, E1/2 SE1/4, S1/2 SW1/4 SE1/4;
 Section 21, All;
 Section 22, All;
 Section 23, All;
 Section 24, W1/2;
 Section 25, E1/2, NW1/4;
 Section 26, E1/2, NW1/4;
 Section 27, N1/2;
 Section 28, NE1/4, E1/2 NW1/4;
 Section 33, Lots 1, 2, 3, 4, and 5, W1/2 SW1/4 NE1/4, W1/2 NW1/4 SE1/4;
 Section 36, N1/2 NE1/4, N1/2 S1/2 NE1/4;

Township 30 South, Range 10 East, Willamette Meridian

Section 18, E1/2 SW1/4;
 Section 19, Lots 2, 3, and 4, SE1/4 NW1/4, E1/2 SW1/4;
 Section 29, S1/2 SW1/4;
 Section 30, Lots 1, 2, and 3, E1/2 NW1/4, NE1/4 SW1/4, W1/2 NW1/4 SE1/4, S1/2 SE1/4;
 Section 31, NE1/4, NE1/4 SE1/4;
 Section 32, W1/2 E1/2 W1/2 NE1/4, W1/2 W1/2 NE1/4, NW1/4.
 Containing 6,584.37 acres, more or less.

TOGETHER WITH the Grantors' right, title, and interest in and to all mineral and water rights appurtenant to said property.

ALSO TOGETHER WITH the Grantors' right, title, and interest in and to all perpetual non-exclusive easements as reserved in that deed recorded March 15, 1989, in Volume M89 of Deeds, Page 4357, Klamath County Records.

The land is conveyed subject to existing easements for public roads, pipelines, public utilities, and those encumbrances listed on Exhibit A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above-described premises to the UNITED STATES OF AMERICA and its assigns, forever.

The land is being acquired by the Department of the Interior, Fish and Wildlife Service.

The Grantors hereby covenant to and with the United States and its assigns, that Grantors are lawfully seised in fee simple of the above granted premises, have a good and lawful right and power to sell and convey the

200 FEB 2 PM 2 08

same, that the same are free and clear of all encumbrances except those above stated, and that Grantors will warrant and forever defend the title thereto and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Dated this 31 day of JANUARY, 1990.

DONOVAN L. NICOL, MARK EDWARD NICOL, and DANA MARIE MORASCH,
fka DANA, MARIE NICOL, individually;

Mark Edward Nicol
Mark Edward Nicol

Dana Marie Morasch, fka Dana Marie Nicol

Mark Edward Nicol

Mark Edward Nicol, attorney-in-fact for Dana Marie Morasch, fka Dana Marie Nicol

Donovan L. Nicol

By: Mark Edward Nicol

Mark Edward Nicol, attorney-in-fact for Donovan L. Nicol

NICOL LAND & CATTLE CO., a co-partnership consisting of
Donovan L. Nicol, Mark Edward Nicol, and Dana Marie Morasch, fka Dana Marie Nicol

By: Mark Edward Nicol

Mark Edward Nicol

Dana Marie Morasch, fka Dana Marie Nicol

By: Mark Edward Nicol

Mark Edward Nicol, attorney-in-fact for Dana Marie Morasch, fka Dana Marie Nicol

Donovan L. Nicol

By: Mark Edward Nicol

Mark Edward Nicol, attorney-in-fact for Donovan L. Nicol

ACKNOWLEDGEMENTS

STATE OF OREGON, COUNTY OF Multnomah) ss.

The foregoing instrument was acknowledged before me on this 31st day of JANUARY, 1990, by MARK EDWARD NICOL, as attorney-in-fact, on behalf of Donovan L. Nicol.

Notary Public for Oregon
My Commission expires 2-24-94

Mary H. Spence
(OFFICIAL SEAL)

STATE OF OREGON, COUNTY OF Multnomah) ss.

On January 31 1990, personally appeared the above-named MARK EDWARD NICOL, and acknowledged, individually and as partner on behalf of NICOL LAND & CATTLE CO., a co-partnership, the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission expires 2-24-94
Klamath Forest NWR (40a-e) FY90

Mary H. Spence
(OFFICIAL SEAL)

ACKNOWLEDGEMENT

STATE OF OREGON, COUNTY OF Multnomah) ss.
 The foregoing instrument was acknowledged before me on this 31st day of January, 1990, by MARK EDWARD NICOL, as attorney-in-fact on behalf of Dana Marie Morasch, fka Dana Marie Nicol.

Notary Public for Oregon
 My Commission expires 2-24-94

(OFFICIAL SEAL)

Exhibit A

1. All rights of the United States and third parties as cited in the patent.
2. All easements and rights-of-way of record or in use.
3. All existing oil, gas, and mineral reservations in favor of third parties.
4. All existing oil, gas, and mineral leases.
5. All grazing leases through the 1990 grazing season, regardless of the termination date for said leases, at the stocking levels stated in the existing leases.
6. Rules and regulations of the Fire Patrol District.
7. Rights of the public in and to any portion of the herein described premises lying within the boundaries of roads or highways.
8. Right, title, or interest of the public, including governmental bodies in and to that portion of said premises lying below the ordinary high water line of the Williamson River and public rights of fishing and recreation in and to the shore line of said river.
9. Easement, including the terms and provision thereof for irrigation and livestock purposes over adjacent property, granted to Viola M. Gouldin, recorded December 26, 1967, in Book M-67, page 10023.
10. Agreement, including the terms and provisions thereof regarding irrigation between Oscar Kittredge, Frances Kittredge, Maude A. Kittredge, Viola M. Gouldin, Individually, Viola Gouldin, as Trustee, and Donovan L. Nicol and Mary Ann Nicol, recorded April 22, 1968, Book M-68, page 3131.

STATE OF OREGON,
 County of Klamath ss.

Filed for record at request of:

Aspen Title Co.
 on this 2nd day of Feb. A.D., 19 90
 at 2:08 o'clock P.M. and duly recorded
 in Vol. M90 of Deeds Page 2375.
 Evelyn Biehn County Clerk
 By Dorlene Muelndore

Deputy.

Return: A.T.C.

Fee, \$38.00