

The STATE OF OREGON, acting by and through the Division of State Lands, GRANTOR, for and in consideration of Four hundred and forty-five dollars (\$445), including \$250 administrative fee, does hereby grant to Department of Transportation (Highway Department), GRANTEE, an easement, and right to construct, maintain, operate, and replace a bridge in, over, and across State-owned submerged and submersible land of Lost River, more particularly described as follows:

A parcel of land lying in Section 34, Township 40 South, Range 10 East, W.M., Klamath County, Oregon; the said parcel being all state-owned submerged and submersible lands lying between the lines of mean high water on the Southeasterly and the Northwesterly banks of the Lost River included in a strip of land 100 feet in width, 50 feet on each side of the centerline of the relocated Klamath Falls-Malin Highway which center line is described as follows:

Beginning at Engineer's center line Station 827+00, said station being 1641.25 feet North and 703.18 feet East of the South quarter corner of Section 34, Township 40 South, Range 10 East, W.M.;

thence South 46°20'30" East 57.90 feet;

thence on a spiral curve right (the long chord of which bears South 46°00'30" East 399.99 feet) 400 feet;

thence on a 11,459.15 foot radius curve right (the long chord of which bears South 41°32' East 1522.21 feet) 1523.33 feet;

thence on a spiral curve right (the long chord of which bears South 37°03'30" East 399.99 feet) 400 feet to the Engineer's center line Station 850+81.23.

Bearings are based on Oregon Department of Transportation Survey. See Drawing No. 5B-25-2, dated December 1939.

The parcel hereinabove described contains 0.07 acres, more or less.

TO HAVE AND TO HOLD the same unto GRANTEE for 99 years, 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.
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. The GRANTOR reserves the right to lease or otherwise utilize the State-owned lands within the granted area hereinabove described in a manner and for uses that will not be incompatible with the primary use for which this easement is granted.

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

6. 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.

7. 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 or regulations affecting the premises.

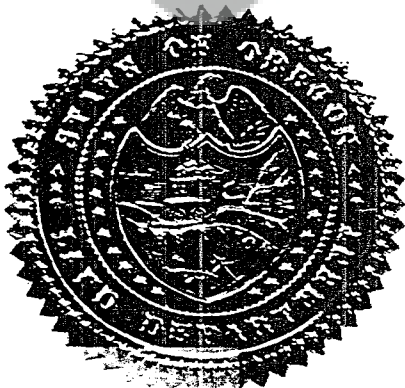
8. The GRANTEE shall pay to the Division the current market value, as determined by the director, of any actual damages to State-owned submerged and submersible land, for example, the loss of minable gravel. The provision shall not apply to materials taken under ORS 273.751(3).

9. Any removal/fill activity in the waters of the State shall require a permit from the Division of State Lands in accordance with ORS 541.605 et seq.

10. 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 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 28th day of May, 1992.



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

Stephen J. Purchase
Stephen J. Purchase, Assistant Director

STATE TO DEPARTMENT OF TRANSPORTATION
Highway Division
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Lost River
eas:150

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Oregon Dept. of Transportation the 26th day
of June A.D., 19 92 at 10:15 o'clock A M., and duly recorded in Vol. M92,
of Deeds on Page 14020.

FEE \$15.00

Evelyn Biehn County Clerk

By David L. McNamee