

23498

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After recording return to:
Oregon Dept. of Transportation
417 ODOT Bldg.
Salem OR 97310
Attn: Deolinda G. Jones

Send tax statements to:
Oregon Dept. of Transportation
417 ODOT Bldg.
Salem OR 97310

DONATION DEED

The Grantor, **WEYERHAEUSER COMPANY**, a Washington corporation, does hereby grant, bargain, convey and donate to Grantee, **STATE OF OREGON, DEPARTMENT OF TRANSPORTATION**, the real property, situated in County of Klamath, State of Oregon, described on EXHIBIT A attached, incorporated by reference herein.

Grantee, for itself and its successors and assigns, as a covenant running with the land in perpetuity, agrees that no part of the land herein conveyed may be used for any purpose other than outdoor recreation, education of the general public, protection of a relatively natural habitat for fish, wildlife or plants, or of a similar ecosystem, or other conservation purposes specified in Section 170(h) of the Internal Revenue Code or any successor statute of similar effect. Grantee and its successors or assigns may reconvey the land herein conveyed only to another organization qualified under that section, and any such conveyance shall require that said conservation purposes continue to be carried out. This conveyance is intended in part to constitute a qualified conservation contribution under Section 170(h) of the Internal Revenue Code, and any ambiguities shall be construed in a manner consistent with that section and any regulations implementing it.

The true consideration for this conveyance stated in terms of dollars is zero. Deed is a donation to Grantee.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.390.

IN WITNESS WHEREOF, said corporation has caused this instrument to be executed by its proper officers and its corporate seal to be hereunto affixed this the 9th day of July, 1996.

WEYERHAEUSER COMPANYBy: J. WhittigTitle: Acquisitions and Valuation Manager, TimberlandsAttest: Pamela M. Redmon

Assistant Secretary

STATE OF WASHINGTON)

COUNTY OF KING)

) ss.

On this 10th day of July, 1996, before me personally appeared J. Whittig and Pamela M. Redmon to me known to be the Acquisitions and Valuation Manager, Timberlands and the Assistant Secretary, respectively, of **WEYERHAEUSER COMPANY**, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Aida M. Ewson
Notary Public in and for the State of Washington
My Commission expires 3/28/97

KLAMATH COUNTY, OREGON**25714**

A Tract of Land situated in Sections 25 and 36, Township 37 South, Range 7 East, W.M., Section 1, Township 38 South, Range 7 East, W.M., and Section 6, Township 38 South, Range 8 East, W.M., more particularly described as follows:

Beginning at the West $\frac{1}{4}$ corner of said Section 25;

Thence S $00^{\circ} 44' 32''$ E, along the Section line, 118.05 feet;

Thence S $49^{\circ} 22' 41''$ E 361.49 feet;

Thence S $47^{\circ} 44' 12''$ East 975.72 feet;

Thence S $48^{\circ} 52' 17''$ E 494.19 feet to a point 50.00 feet West of the East line of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 25;

Thence S $00^{\circ} 37' 23''$ E, parallel to said East line, 1321.50 feet to the South line of said Section 25;

Thence S $01^{\circ} 08' 39''$ W 409.18 feet;

Thence S $03^{\circ} 45' 51''$ E 467.91 feet;

Thence S $05^{\circ} 38' 45''$ E 437.66 feet;

Thence S $18^{\circ} 21' 38''$ E 291.62 feet;

Thence S $30^{\circ} 57' 13''$ E 2238.35 feet;

Thence S $60^{\circ} 32' 37''$ E 1918.82 feet;

Thence S $08^{\circ} 13' 26''$ E 398.57 feet;

Thence S $17^{\circ} 10' 32''$ E 2344.00 feet;

Thence S $30^{\circ} 55' 21''$ E 476.40 feet;

Thence S $07^{\circ} 14' 33''$ E 337.65 feet;

Thence S $03^{\circ} 10' 08''$ E 150.16 feet;

Thence N $74^{\circ} 27' 41''$ E 433.52 feet to a point on the Westerly right of way of State Highway #140 at Station 1617+26.64;

Thence Northerly along said right of way 8500 feet, more or less, to the South line of said Section 25;

Thence N $89^{\circ} 38' 19''$ W 1350 feet, more or less, to the West $\frac{1}{16}$ corner common to said Section 25 and 36;

Thence N $00^{\circ} 37' 23''$ W 2621.14 feet;

Thence N $88^{\circ} 33' 26''$ W 1406.56 feet to the Point Of Beginning.

ALSO including that portion of the Government Lot 2 of said Section 25 lying Southwest of State Highway #140.

Grantor hereby reserves, for itself and its successors and assigns, all of Grantor's right, title and interest in and to subsurface oil, gas and other minerals in the above-described parcel of land, and the right to access to such resources; provided, however, that access to or mining or extraction of any such resources shall not be accomplished by any means which would destroy or substantially damage the natural values of the property and the conservation purposes of this conveyance, to wit: the protection of a significant relatively natural habitat for fish, wildlife or plants or similar ecosystems. Surface mining will not be permitted. Any other mining or extraction shall be conducted in a manner having only limited, localized impact on the natural values of the property, and may not be irretrievably destructive of significant conservation interests. These restrictions on access to and mining and/or extraction of the minerals reserved hereunder are intended to be enforceable in perpetuity against Grantor, its successors and any other transferees of the reserved mineral rights. Grantee agrees that although drilling for gas and oil and underground mining on the property may have some temporary localized impact, such activities generally will not interfere with the overall conservation purpose of this conveyance so long as conducted consistently with applicable laws and regulations relating to protection of natural values.

Before exercising any of its reserved rights in a manner which might have an adverse impact on the conservation interests associated with this conveyance, Grantor or its successor must notify Grantee or its successor. Grantee or its successor may inspect the property and any mineral extraction operations associated with it to determine if there is compliance with the terms of this conveyance and may enforce the conservation restrictions by appropriate legal proceeding, including suits to require restoration of the property to a condition consistent with such restrictions.

Subject as to the lands described herein to:

1. Mineral reservations, conveyances and/or exceptions made by prior owners.
2. Matters contained in patents or government acts related thereto.
3. The rights of the public and other third parties in and to any public roads and utilities.
4. Easement dated July 1, 1941 granted to Pacific Power & Light Company, formerly The California Oregon Power Company.

EXHIBIT A

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25714-A

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Oregon Department Of Transportation the 20th day
of August A.D., 19 96 at 3:02 o'clock P.M., and duly recorded in Vol. M96,
of Deeds on Page 25713.

FEE \$20.00

Bernetha G Letsch, County Clerk

By

[Signature]