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FS-2700-4b (01/93)

OMB No. 0596-0082

(Expires: 06-30-96)

U. S. DEPARTMENT OF AGRICULTURE Forest Service FOREST ROAD SPECIAL-USE PERMIT Act of October 21, 1976 (PL 94-579); 36 CFR 251.50, et seq	Holder No. 6028 -01	Issue Date 0 6 / 2 4 / 9 7	Expir. Date 12 / 31 / 17
	Type Site 7 5 3	Authority 6 7 6	Auth. Type - 2 0 -
	Region/Forest/District 0 6 / 0 1 / 0 2		State/County 4 1 / 0 3 5
	Cong. Dist. 0 2	Latitude - - - - -	Longitude - - - - -

Carol Ahern of P.O. Box 160, Crescent, OR. (hereafter called the Permittee) is hereby authorized to use the following described National Forest Development Road within the Deschutes National Forest for the following purposes: Access to Private Land.

The road covered by this permit is located in the County of Klamath, State of Oregon, and is shown on the attached map and identified as follows: Approximately 3.7 miles of Forest Road 58-100, and 58-110, in sections 8, 17, 20, 29 T 25 S, R 8 E, Willamette Meridian.

This permit authorizes use of approximately 3.7 miles of road.

The attached General Maintenance Specifications are listed in Exhibit A.

This permit is made subject to the following terms, provisions, and conditions:

1. This permit is subject to all existing easements and valid rights existing on this date.
2. Permittee shall comply with applicable Federal or State law and shall comply with State standards for public health and safety, environmental protection, and siting construction, operation, and maintenance if those standards are more stringent than applicable Federal standards.
3. The Permittee shall cut no timber except as authorized by construction stipulations or maintenance agreements.
4. Permittee shall pay the United States for all injury, loss, or damage, including fire suppression costs, in accordance with Federal and State laws and regulations.
5. Permittee shall indemnify the United States for any and all injury, loss, or damage, including fire suppression costs the United States may suffer as a result of claims, demands, losses, or judgments caused by the Permittee's use or occupancy under this permit.
6. Permittee shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use authorized by this permit. The initial payment is set at \$61.15 for the remainder of the calendar year. Payments for each subsequent calendar year shall be the amount of \$61.15 adjusted using the Implicit Price Deflator-Gross National Product index (IPD-GNP), or other factor selected by the Forest Service, to reflect more nearly the current fair-market value of the use. At intervals to be determined

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by certain changes in the indexes used to establish the linear rights-of-way fee schedule, the fee shall be reviewed and adjusted as necessary to assure that it is commensurate with the value of the rights and privileges authorized. In addition to the annual payment, the permittee shall pay its proportionate share of road costs prior to using the road for commercial use. Failure of the Permittee to pay the annual payment, late charges, or other fees or charges shall cause the permit to terminate.

7. The Permittee shall pay an interest charge on any fee amount not paid by the payment due date.

Interest shall be assessed using the most current rate prescribed by the United States Department of Treasury Financial Manual (TFM-6-8020). Interest shall accrue from the date the fee payment was due. In addition, certain processing and handling administrative costs may be assessed in the event the account becomes delinquent and added to the amounts due.

A penalty of 6 percent per year shall be assessed on any fee amount overdue in excess of 90 days from the due date of the first billing.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments or fee calculation statements fall on a nonworkday, the charges shall not apply until the close of business of the next workday.

8. Permittee shall pay the Forest Service for its share of maintenance cost or perform maintenance, as determined by the Forest Service for all commercial use of the road. The maintenance obligation of the Permittee shall be proportionate to total use and commensurate with its use. Any maintenance to be performed by the Permittee shall be authorized by and shall be performed in accordance with an approved maintenance plan. In the event the road requires maintenance, restoration, or reconstruction work to accommodate the Permittee's needs, the Forest Service shall authorize the work required in the same manner as provided herein for maintenance or in clause 10 for reconstruction. The Permittee shall perform such work at its own expense.

9. The exercise of the use permitted shall be subordinate to any easement on said road subsequently granted by the United States to a public road agency for operation as a public highway.

10. Any construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Forest Service prior to beginning such construction or reconstruction.

11. The United States shall have unrestricted use of the road and right-of-way for all purposes deemed necessary or desirable in connection with the protection, administration, management, and utilization of Federal lands or resources, and it shall have the right alone to extend rights and privileges for use of the right-of-way and road thereon to States and local subdivisions thereof and to other users including members of the public, except users of land or resources owned or controlled by the Permittee. The Forest Service shall control such use to avoid unreasonable interference with use of the road by the Permittee.

12. The Forest Service may relocate the road to the extent necessary to accommodate the management needs of the National Forests.

13. This permit may be terminated or suspended upon breach of any of the conditions herein, or revoked at the discretion of the Regional Forester.

14. Unless sooner terminated or revoked by the Regional Forester, this permit shall expire and terminate on December 31, 2017. At that time, if the permittee still needs the road for the purposes for which this permit is granted, the permit will be reissued for a period of 10 years (or the estimated remaining life of the project, whichever is less). At the time of reissuance, the terms and conditions may be modified and new conditions or stipulations added at the discretion of the Forest Service.

In Witness Whereof, the parties hereto have caused this permit to be duly executed on this 24 day of June, 1997.

Permittee

by Carol A. Chua

(Name)

(Title)

(Company)

USDA Forest Service

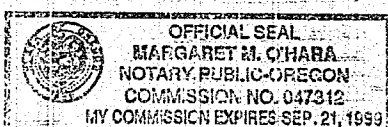
by Karen Sumner

(Name)

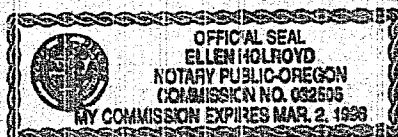
ACTING Forest Supervisor

Deschutes National Forest

Public reporting burden for this collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB # 0596-0082), Washington, D.C. 20503.



Margaret M. O'Hara
Notary for South Valley Bank & Trust



Ellen Holroyd
Notary for Deschutes National Forest

GENERAL MAINTENANCE SPECIFICATIONS

General Road Maintenance Specifications. Permittee shall perform the ordinary road maintenance work made necessary and needed to protect the road from seasonal weather damage and needed to safeguard soil, water, and user safety as follows:

1. Permittee shall maintain existing cross section of cinder roads by blading and shaping surface and shoulders. Banks will not be undercut. Established berms shall be maintained and additional berms shall be placed where needed to protect fills.
2. Permittee shall perform all seasonal weather clean-up, including removal of bank slough, minor slides, and fallen timber. He shall also replace material eroded from fill slopes and clean out drainage ditches and culverts.

When removing material from slides or other sources, permittee shall deposit the material at locations chosen with the objective that such material will not erode into streams. Materials should not be wasted over planted road fills.

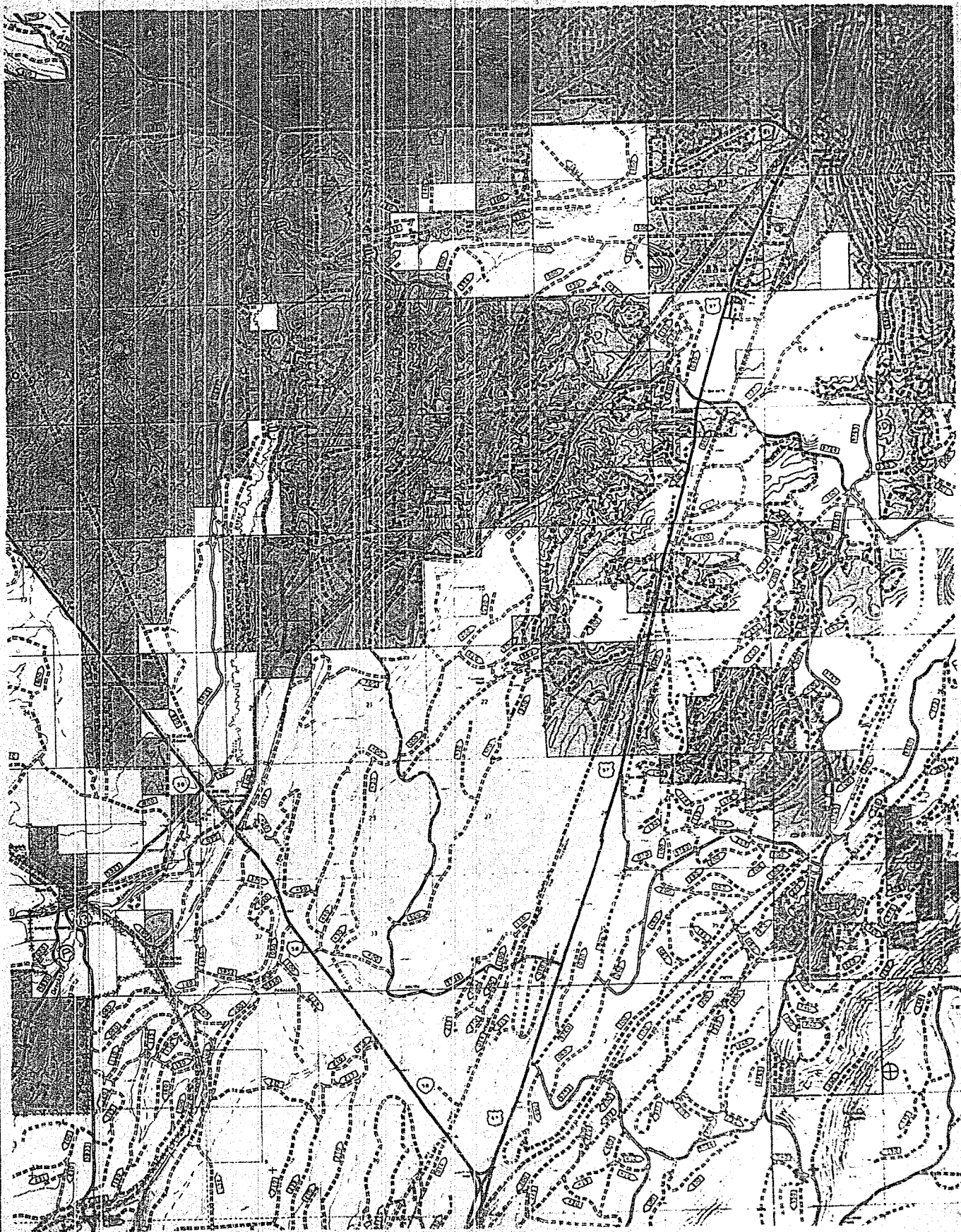
3. Permittee shall perform preventive maintenance at the end of each season to minimize weather damage. This includes cleaning of ditches and culverts.
4. While performing ordinary road maintenance work, permittee shall avoid permanently fouling cinders or bituminous surfaces through covering them with earth or debris from side ditches, slides, or other surfaces. Permittee shall avoid blading surface material off surface of roads.

Snow Removal. Snow removal shall be done in a manner to preserve and protect roads during the periods of use by permittee to the extent necessary to insure a safe and efficient transportation facility and to prevent excessive damage to roads, streams, and other Forest values.

Snow removal work shall include: (1) Removal of snow from all or part of the traveled way, including sufficient turnouts for safe and efficient use; (2) leaving culvert inlets in a natural condition without snow plowed into them so that the drainage system will function normally.

Permittee shall perform snow removal work as follows:

1. Snow will be plowed to full road width.
2. All debris, except snow and ice, that is removed from the road surface and ditches shall be deposited away from the stream channels at agreed upon locations.



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 21st day
of July A.D., 19 97 at 2:25 o'clock P. M., and duly recorded in Vol. M97
of Deeds on Page 22910

FEE \$50.00

By Bernetha G. Letsch County Clerk
Rodman Ross