

Authorization ID _____
Contact ID _____
Expiration Date: _____

FS-2700-9a (9/96)
OMB No. 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
Forest Service
AGRICULTURE IRRIGATION AND LIVESTOCK WATERING SYSTEM EASEMENT
Act of October 21, 1976, Act of October 27, 1986
(P.L. 99-545), 36 CFR 251, Subpart B**

THIS EASEMENT issued this 5TH day of SEPTEMBER, 2001, by the UNITED STATES OF AMERICA, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to VERN KEFFER, a Person, of the State of Oregon, hereinafter called the Holder.

WHEREAS, the Holder has applied for an easement under Section 501 of the Federal Land Policy and Management Act of October 21, 1976, as amended by P. L. 99-545 (90 Stat. 2743; 43 U.S.C. 1761), for agricultural irrigation or livestock watering system facilities located on lands owned by the United States on the Winema National Forest, in the County of Klamath, State of Oregon.

WITNESSETH

WHEREAS, upon acceptance of this easement the Holder relinquishes all right, title, and interest in and to any easement issued for the same lands by the United States by any previous grant or permit.

Certified Correct to Description
Conditions and Consideration
Date 8/27/01
Title Land Special

NOW THEREFORE, the United States does hereby grant, subject to valid existing rights, an easement for occupancy with water conveyance system facilities of lands described below and shown on the plat and specifically described by a centerline description contained in Exhibit A, attached hereto and incorporated herein, as provided by the Holder and hereby accepted by the Authorized Officer.

Willamette Meridian
T. 34 S., R. 6 E.
Sec. 22, NE1/4SE1/4NE1/4
Sec. 23, W1/2NW1/4NW1/4

This easement is issued subject to the following terms, provisions, and conditions applicable to the Holder, its permittees, contractors, assignees, and successors in interest.

1. AUTHORIZED USE. This easement authorizes only the right-of-way and water conveyance system facilities as constructed and operated on October 21, 1976, as specified herein.
2. EXTENSIONS or ENLARGEMENTS. This easement does not authorize extensions or enlargements of the water conveyance system.
3. FEES. This easement is issued free of charge.

State of Oregon, County of Klamath
Recorded 09/12/01 at 9:34 a. m.
In Vol. M01 Page 46225
Linda Smith,
County Clerk Fee \$ 56⁰⁰

56⁰⁰ Rt: Winema National Forest
ATTN: Richard Woodward
HC 10 Box 337, Lakeview OR 97636

4. TRANSFERABILITY. This easement is fully transferable provided the water conveyance system facilities are used for agricultural irrigation or livestock watering. Holder shall notify Grantor within sixty (60) days of any address change or change in ownership.
5. TENURE. This easement shall continue for as long as the above described lands and water conveyance system facilities are used, operated, and maintained in accordance with the terms and conditions herein described.
6. OPERATION and MAINTENANCE.
 - a. Holder agrees to operate and maintain the facilities and use the authorized easement in accordance with applicable Federal, State, and local laws, regulations, and standards.
 - b. Holder shall notify, consult with, and obtain concurrence of the Grantor for operation and maintenance of the authorized facilities.
 - c. Holder agrees to install and maintain an operable headgate at each diversion structure. Such headgate shall be capable of controlling the amount of water entering the system.
 - d. Holder will not use fire or herbicides on the authorized right-of-way except as permitted in writing by the Grantor.
7. EMERGENCY REPAIRS.
 - a. Except for emergency repairs required to protect the environment, property of the United States, or public health and safety, the Holder may not use materials on National Forest System lands outside the easement prior to obtaining written authorization and paying for the materials to be used. Holder's use of material within the easement is limited to maintenance of the water conveyance system facility.
 - b. If the water conveyance system facilities authorized by this Easement are allowed to deteriorate to the point of threatening persons or property, and the Holder, after notification by the Grantor, refuses to perform the repairs and maintenance required to remove the threat to persons or property, Grantor shall have the right to undertake such repair and maintenance and to assess the Holder for the costs of such repair and maintenance, regardless of whether Grantor had required the Holder to furnish a bond or other security.
8. INDEMNIFICATION. Holder shall indemnify the United States against liability for any and all injury, loss, or damage, including fire suppression costs, that the United States may suffer as a result of claims, demands, losses, or judgements caused by the Holder's use or occupancy under this easement.
9. LIABILITY. Holder is liable for and agrees to repair damage to National Forest System lands caused by Holder's negligence, intentional acts, or of failure to comply with the terms and conditions of this easement or of any law or regulation applicable to the National Forests.

10. SITE RESTORATION. Holder shall, upon termination of this easement, stabilize the site as required by the Grantor. If Holder does not stabilize the site, the Holder agrees to pay the costs of such stabilization if undertaken by the Grantor.
11. SPECIAL PROVISIONS. Pursuant to the requirements of 36 CFR 251.56(b)(1)(v), the terms and conditions for operation and maintenance set forth in this section, and any operation and maintenance plan incorporated in this Easement pursuant to paragraph (e) of this section, may be revised or modified by the Authorized Officer upon determination that:
- a. modification or revision of such terms and conditions is necessary to meet requirements of 43 U.S.C. 1765 or to comply with the requirements of any other applicable Federal law; or
 - b. terms and conditions contained herein are no longer needed to protect National Forest System lands or resources, or to meet the requirements of 43 U.S.C. 1765 or any other applicable Federal law.

The foregoing notwithstanding, this easement is granted subject to the following reservations by Grantor, for itself, its permittees, contractors, and assigns.

- A. NONEXCLUSIVE USE. The Grantor reserves the right to use or permit others to use the easement area, provided such use does not unreasonably interfere with the rights and privileges hereby authorized.
- B. TERMINATION. This easement may be terminated with consent of Holder, or if Holder fails to exercise the rights and privileges authorized for any continuous period of five (5) years or more. This easement expires according to its terms if Holder uses the water conveyance system for any purpose other than agricultural irrigation or livestock watering. Grantor may take action to terminate this easement under 7 CFR 1.130 - 1.151, for noncompliance with applicable statutes and regulations, or the terms and conditions of this easement.

ACCEPTANCE On this 22 day of AUG, 2001, I, the undersigned Holder have read, understand, and accept the terms and conditions of this easement.


Vern Keffer

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing an managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

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; 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.

LEGAL DESCRIPTION

Keffer Ditch

An easement for ditch purposes, the Keffer Ditch, 10 feet wide, 5 feet each side of the following description. The ditch is located in sections 22 and 23, T. 34 S., R. 6 E., W.M. Klamath County, Oregon. More particularly described as follows;

Segment I:

Beginning at the Center West Northwest (C-W-NW)1/64 corner of section 23, T. 34 S., R. 6 E., W.M., thence

N. 00°22'36"W., 714.54 feet to where the ditch begins and the true point of beginning of segment I, thence

- | | |
|-----------------------|---|
| (1) S. 76°27'26" W., | 15.33 feet to a point, thence |
| (2) N. 77°05'59" W., | 34.66 feet to a point, thence |
| (3) S. 64°44'20" W., | 56.85 feet to a point, thence |
| (4) S. 87°19'54" W., | 47.37 feet to a point, thence |
| (5) S. 76°00'33" W., | 34.51 feet to a point, thence |
| (6) S. 79°26'53" W., | 30.12 feet to a point, thence |
| (7) S. 81°23'00" W., | 30.56 feet to a point, thence |
| (8) S. 75°27'08" W., | 22.07 feet to a point, thence |
| (9) S. 80°15'14" W., | 48.02 feet to a point, thence |
| (10) S. 12°37'28" W., | 19.20 feet to a point, thence |
| (11) S. 39°04'38" W., | 41.62 feet to a point, thence |
| (12) S. 35°35'22" W., | 35.76 feet to a point, thence |
| (13) S. 46°11'44" W., | 19.34 feet to a point, thence |
| (14) S. 05°58'49" W., | 29.72 feet to a point, thence |
| (15) S. 08°43'55" E., | 30.72 feet to a point, thence |
| (16) S. 32°42'24" W., | 41.58 feet to a point, thence |
| (17) S. 09°00'43" E., | 48.98 feet to a point, thence |
| (18) S. 05°12'16" E., | 97.14 feet to a point, thence |
| (19) S. 13°25'40" W., | 51.52 feet to a point, thence |
| (20) S. 20°29'27" W., | 17.83 feet to a point, thence |
| (21) S. 11°07'44" E., | 54.89 feet to a point, thence |
| (22) S. 09°48'12" W., | 61.00 feet to a point, thence |
| (23) S. 21°29'44" W., | 33.16 feet to a point, thence |
| (24) S. 04°57'02" E., | 34.66 feet to a point, thence |
| (25) S. 14°51'10" W., | 23.21 feet to a point, thence |
| (26) S. 31°49'17" W., | 48.33 feet to a point, thence |
| (27) S. 14°53'37" W., | 18.42 feet to the property boundary line and the end of segment I, thence |

S.89°52'08"W., 215.48 feet to the North (N)1/16 section corner of 22 | 23.

Segment II:

Beginning at the North (N) 1/16 section corner of 22 | 23, T. 34 S., R. 6 E.,
W.M., thence

S. 00°24'01" E., 358.57 feet to the property boundary line and the
true point of beginning of segment II, thence

(28) S. 37°28'09" W.,	39.30 feet to a point, thence
(29) S. 75°04'56" W.,	21.00 feet to a point, thence
(30) S. 67°39'34" W.,	20.55 feet to a point, thence
(31) S. 51°55'52" W.,	50.38 feet to a point, thence
(32) S. 06°43'22" W.,	16.49 feet to a point, thence
(33) S. 30°50'40" W.,	21.94 feet to a point, thence
(34) S. 49°38'53" W.,	32.52 feet to a point, thence
(35) S. 49°32'50" W.,	40.20 feet to a point, thence
(36) S. 56°52'19" W.,	28.84 feet to a point, thence
(37) N. 89°03'32" W.,	38.56 feet to a point, thence
(38) S. 67°15'21" W.,	16.88 feet to a point, thence
(39) S. 86°56'58" W.,	43.09 feet to a point, thence
(40) S. 75°14'13" W.,	23.89 feet to the end of the ditch and the end of segment II.

Linear length of ditch is 1,420.21 feet more or less.

Total = .33 Acres more or less

Peter A. Olson
Forest Land Surveyor
Fremont National Forest
May 3, 2001

R. 6 E.
N.F.S.L.

T. 34 S.

NOTES

The survey was performed using a resource grade GPS.

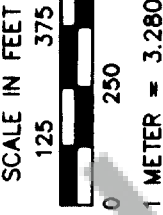
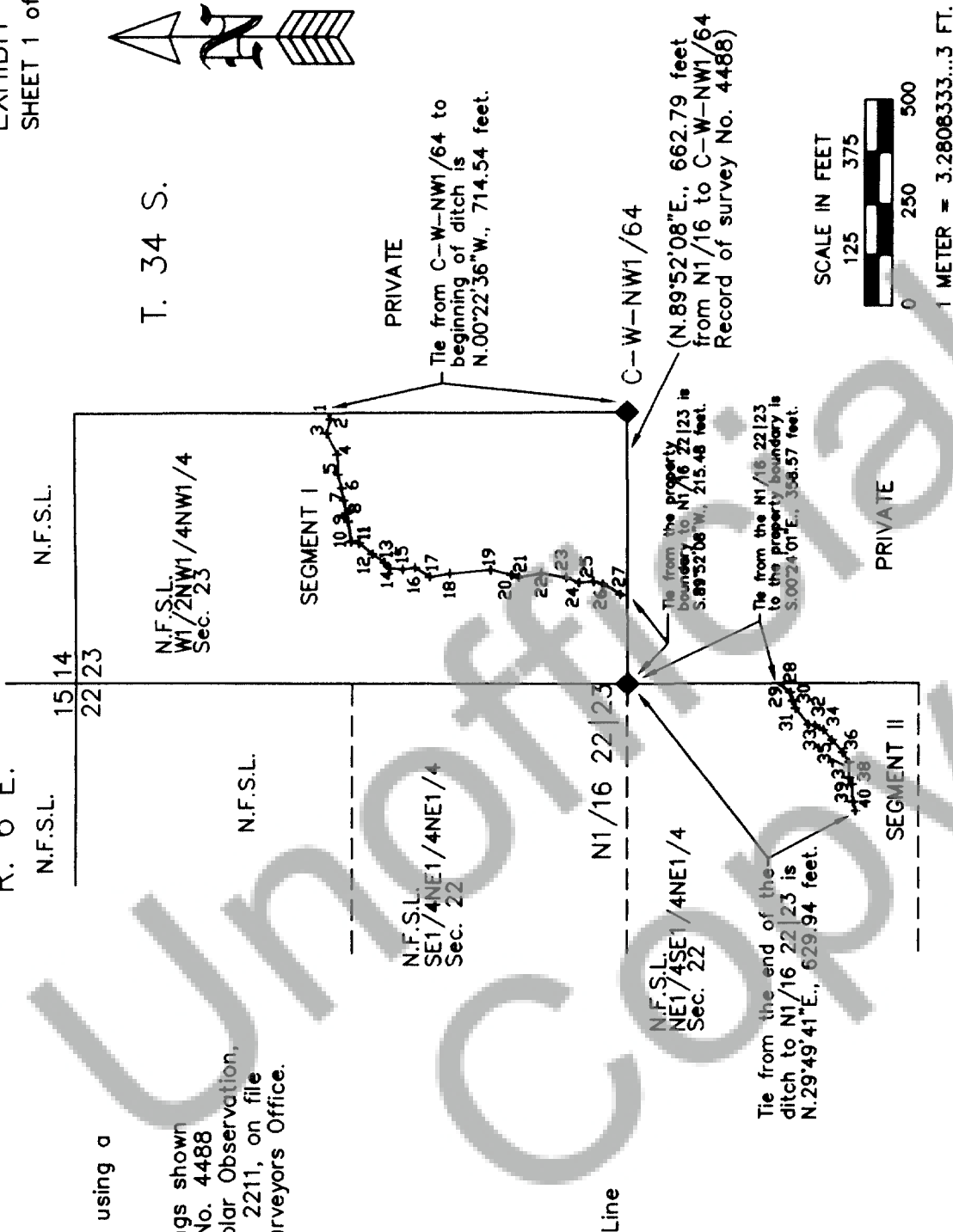
Bearings are record bearings shown on the Record of Survey No. 4488 which were based on a Solar Observation, from record of survey No. 2211, on file at the Klamath County Surveyors Office.

LEGEND

- ◆ Found Corners
- Section Line
- - - Projected Aliquot Line
- 5 3 1
4 2 Ditch 10' Wide

R.O.W. ACRES

TOTAL: 0.33 ACRES
More or less



46232

KEFFER DITCH AGRICULTURAL EASEMENT PL 99-545	2720 SPECIAL USES USDA FOREST SERVICE PACIFIC NORTHWEST REGION WINEMA NATIONAL FOREST Klamath County, Oregon	Surveyed by: JANET E. MOULTON Date: 04/2001
SEC. 22 & 23, T.34S. R.6E., W.M. Method of Survey: GPS Date of PLAT: 05/01/2001		Drawn by: JANET E. MOULTON Date: 05/2001
		Reviewed by: Peter A. Olson Date: 5/16/01
		Approved by: [Signature] Date: 5/17/01

GRANTEE: VERNON KEFFER