

**FREMONT - WINEMA NATIONAL FORESTS
BLY RANGER DISTRICT**

CONSENT AGREEMENT

State of Oregon, County of Klamath
Recorded 04/28/2004 9:32 a m
Vol M04 Pg 25560-67
Linda Smith, County Clerk
Fee \$ 56⁰⁰ # of Pgs 8

File Code: 5460, T.37S., R.14E., WM., Key #9
Road Name & Number: Fishhole Creek Road, #3790

WHEREAS, the United States of America, hereinafter called the Government, has an interest in the real property hereinafter described by virtue of right-of-way quitclaim deed dated May 25, 1960 in Volume 321, Page 453, in the records of Klamath County, Oregon and which easement traverses the following described real property in the County of Klamath, State of Oregon to wit:

T.37S., R.14E., WM.
Section 1, SW1/4

WHEREAS, CenturyTel of Eastern Oregon, Inc. dba CenturyTel, hereinafter called CenturyTel, has a need to construct, operate, maintain, replace, and remove buried communication cables and appurtenances thereto within the Government's easement, subject to the following conditions:

1. Construction will be in accordance with location drawings submitted from CenturyTel, on file with the Government in the Fremont - Winema National Forests' right-of-way files at the Forest Headquarters in Lakeview, Oregon.
2. CenturyTel shall repair all damage to the National Forest road (which includes surface, shoulder, ditches, etc.) caused by CenturyTel in the construction, operation, maintenance, replacement, and removal of said underground communication cables and appurtenances.
3. This agreement is executed with the express understanding that should future reconstruction or maintenance of Government's road require the relocation of the buried communication cables and appurtenances, such relocation will be done by CenturyTel at its expense within sixty (60) days following a written request to relocate.
4. CenturyTel shall indemnify and hold harmless the Government against all claims or liabilities for damage to life or property arising from all acts or omissions in the construction, operation, maintenance, replacement, and removal of said buried communication cables and appurtenances.
5. This Consent Agreement is issued on the condition that CenturyTel has secured, or will secure permission from the landowner(s).

04 APR 28 AM 9:32

Return To: Allied Land Services, Inc.
P.O. Box 17035, Salem, OR 97316

At:

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25561

IN WITNESS WHEREOF, the Government, by the Acting Forest Supervisor, Fremont - Winema National Forests, Pacific Northwest Region, Forest Service, Department of Agriculture, has caused this instrument to be executed this 8 day of APRIL, 2004.

UNITED STATES OF AMERICA




Richard C. Ford, Acting for
Karen Shimamoto
Forest Supervisor
Fremont - Winema National Forests
Pacific Northwest Region
Forest Service
Department of Agriculture

ACKNOWLEDGMENT

STATE OF OREGON)
)ss.
COUNTY OF Lake)

On this 8 day of APRIL, 2004, before me the undersigned a Notary Public, within and for said State, personally appeared Richard C. Ford, acting for Karen Shimamoto, Forest Supervisor, Fremont - Winema National Forests, Pacific Northwest Region, Forest Service, Department of Agriculture, and that said instrument was signed in behalf of the United States of America by its authority duly given and by him delivered as and for its act and deed. And he did further acknowledge that he executed said instrument as the free act and deed of the United States of America, for the purposes and consideration therein mentioned and set forth, and I do hereby certify.

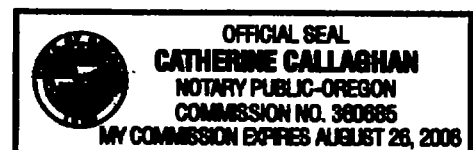
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.


Notary Public in and for said

State of Oregon

Residing at Lakeview

My Commission expires Aug. 26, 2006



USDA FOREST SERVICE

PROJECT SPECIFICATIONS

25562**EXCAVATION AND BACKFILL FOR UTILITIES****PART 1 - GENERAL****1.01 SUMMARY**

- A. This section specifies excavation and backfill for utilities, including excavation; furnishing, hauling and placing of backfill material; disposal of excess or unsuitable backfill material; and grading.
- B. An approved disposal site should be located off National Forest Lands or Forest Service easement rights of way.
- C. Class of Material.
 - 1. Material to be excavated for installation of utilities is unclassified.

1.02 SUBMITTALS

- A. Excavation.
 - 1. Notify Forest Service prior to excavation (minimum of three working days notice to Forest Service contacts). Do not place pipe, cable or bedding backfill until the excavation is approved by the Forest Service.

1.03 PROJECT CONDITIONS

- A. Contractor shall be responsible to call for utility locate services.

PART 2 - PRODUCTS**2.01 MATERIALS**

- A. Backfill Materials.
 - 1. Backfill material shall contain no frozen or organic material.
 - a. Asphalt Surfaces.
 - 1) Oregon Department of Transportation (ODOT), Hot Asphaltic Concrete Class "C".
 - 2. Crushed Rock.
 - a. Crushed aggregate, meeting the requirements of AASHTO M147 grading D.
 - 3. Electrical Bedding Material.
 - a. Natural sand passing the #8 sieve, without sharp chips or points.
 - 4. Select Material.
 - a. Fine soil or sand, 100 percent passing the #4 sieve.

PART 3 - EXECUTION**3.01 CONSTRUCTION**

- A. Excavation.
 - 1. Excavation shall not begin until all clearing and grubbing work is completed except for final debris disposal. Operations shall be in compliance with the

Fremont-Winema National Forests/Bly Ranger District

Fishhole Creek Road #3790

CenturyTel Project location: T.37S., R.14E., WM., Section 1, SW1/4

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requirements and restrictions of OSHA, and the Oregon Occupational Safety and Health Code.

2. All trenches shall be excavated in reasonably close conformity with the lines and grades shown on the Drawing. Any shifting or change from the alignment and grade shown on the Drawing must receive prior approval by the Forest Service in writing.
3. Trim roots flush with trench wall.
- B. Overexcavation.
 1. Restore to grade any overexcavation by backfilling with select material.
- C. Wet Excavation.
 1. If water is encountered during trench excavation, provide adequate pumping equipment and piping to keep trench free from water and dispose of the water without damage to adjacent property.
- D. Unsuitable Material.
 1. Where unsuitable material is encountered in the trench bottom, as determined by the Forest Service, excavate the trench below grade to the depth specified by the Forest Service.
- E. Rock Excavation and Blasting.
 1. Blasting for excavation will be permitted when proper precautions are taken for the protection of persons and property. Notify the Forest Service of blasting schedule a minimum of 48 hours prior to commencing blasting operations.
 2. Any damage caused by blasting shall be repaired at the Contractor's expense. The methods or procedure shall conform to Oregon State laws and regulations.
 3. The hours of blasting shall be between 10:00 AM and 2:00 PM. (Do not blast during weekends and holidays).
- F. Backsloping, Sheeting and Shoring.
 1. Backsloping of trench walls will be allowed only upon prior written approval of the Forest Service.
 2. Remove all shoring and sheeting when construction is completed. Withdraw to prevent trench wall caving while backfilling.
- G. Excavated Material.
 1. Pile excavated material at the side of the trench where it will give the best protection for the work. Leave adequate space between the toe of the spoil pile and edge of trench to prevent material from falling into the trench.
- H. Backfill.
 1. Do not place backfill until installation of pipe or cable has been approved by the Forest Service.
 2. Before compacting backfill other than rock or sand, prepare material to a water content that will permit proper compaction by either aerating the material if it is too wet, or spraying the material with water if it is too dry. Thoroughly mix each lift before compaction to assure uniform distribution of water content. Do

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not compact material above pipe or cable until there are 6 inches of cover over the pipe or cable.

3. Compact each lift (with the required number of passes of a mechanical vibrating tamper over the entire layer) (to the required density).
 - a. Select Material.
 - 1) Place in 6 inches lifts or less and compact with a minimum of 3 passes over the entire lift surface.
 - b. Bedding Material.
 - 1) Place in lifts 4 inches or less in thickness and compact with a minimum of 3 passes over the entire lift surface. Compact around pipe barrel and bells by hand tamping.
 - c. Select Excavated Material.
 - 1) Distribute large rocks so they are individually surrounded by fine materials. Place select excavated material as follows where backfill classes are indicated on Drawings.
 - a) Place in 12 inch lifts or less and compact each lift with 3 passes of tamper.
4. Water compaction shall not be used.

3.02 REPAIR/RESTORATION

- A. Damage to existing underground utilities.
 1. Stop all work associated with damage to existing utilities, and notify the utility owner. Repair utility as directed by the utility owner.
 2. Repair at Contractor's expense underground utilities that are damaged by the Contractor.
- B. Surface Restoration.
 1. Restore all paved surfaces with 3" depth (minimum) of "cold mix" asphalt or "hot mix" asphalt.
 - a. For natural ground: Mound final uncompacted lift above finished grade.
 - b. Place crushed rock in 6 inch lifts or less and compact each lift with 6 passes of tamper. Trim and prime existing asphalt edges before patching. Asphalt mix temperature shall not be less than 240 degrees F at time of placement. Compact asphalt with an aggregate size vibratory roller in a direction parallel to the cut if possible. Begin compaction at and parallel to the edge of the patch.
 2. Final Finish.
 - a. After the utility installation and backfill has been completed, finish all disturbed areas, except trench area required to be mounded, to a smooth, uniform grade and texture, well blended to the original contours, showing minimum evidence of construction activity.

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PROJECT SPECIFICATIONS
25566**3.03 CLEANING**

- A. Disposal of Excess of Excavation and Unsuitable Material.
 - 1. Haul excess (and unsuitable) material to an approved disposal site off National Forest lands or Forest Service rights of way. Remove excess and unsuitable material from the site for disposal off National Forest Land or Forest Service rights of way.

3.04 SCHEDULES

- A. Backfill and restore surface materials of utility line trenches located in the existing roadway within 1 day after approval to place backfill by Forest Service.

TRAFFIC CONTROL:

During trench installation, the contractor will keep at least one lane open, with traffic control.

At the end of the working day, an open trench will not be left by the contractor.

FOREST SERVICE CONTACTS:

Contact the following Forest Service staff, at least three working days, prior to starting excavation:

MIKE WELLS (on site engineering inspector)

Office: Klamath Falls, Oregon

Phone: 541-883-6777

CATHERINE CALLAGHAN (Realty Specialist)

Office: Lakeview, Oregon

Phone: 541-947-6326

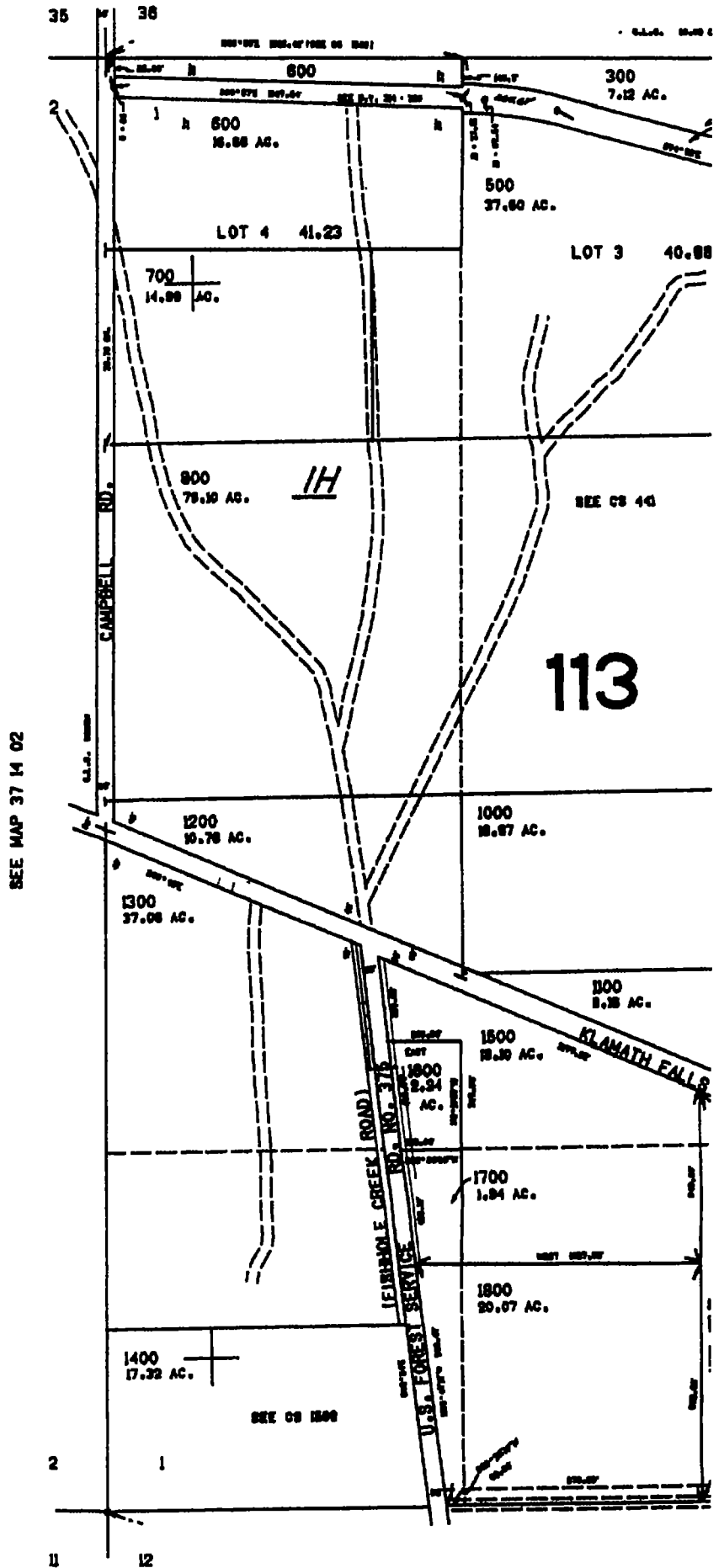
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SECT

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

CENTURYTEL CONSENT AGREEMENT

T37S, R14E, WM
SECTION 1, SW 1/4



BFC 25x24 (1975)

BFC 50x24 (1980)

B 25x19 (1990)

ADAMS - SORELL (2004)