

'05 FEB 2 PM 1:56

**RECORDING COVER SHEET
For CONVEYANCES**State of Oregon, County of Klamath
Recorded 02/02/05 1:56 pm
Vol M05 Pg 07674-81
Linda Smith, County Clerk
Fee \$ 40.00 # of Pgs 8**AFTER RECORDING RETURN ORIGINAL DOCUMENT TO:**Catherine Callaghan
Fremont-Winema National Forests
1301 South G Street
Lakeview, OR 97630

1. Name of the Transaction: **DECLARATION OF TITLE**
2. Direct Party, Grantor: **UNITED STATES DEPARTMENT OF AGRICULTURE;
FOREST SERVICE; PACIFIC NORTHWEST REGION**
3. Indirect Party, Grantee: **UNITED STATES DEPARTMENT OF
AGRICULTURE; FOREST SERVICE; PACIFIC NORTHWEST REGION**
4. True and Actual Consideration Paid: **-0-**
5. Until a change is requested, all tax statements shall be sent to the following: **N/A**

DECLARATION OF TITLE

The undersigned, on behalf of the United States of America hereby declares that all rights, title and interest in the lands described in Exhibit A are vested in the United States of America pursuant to the provisions of the Public Law 103-48, commonly referred to as the Resolution of Western Land Dispute Act of July 2, 1993 (107 Stat. 234).

WHEREAS, the Resolution of Western Land Dispute Act of July 2, 1993 (107 Stat. 234), which is attached as Exhibit B, was enacted by Congress to resolve the title to certain lands previously relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36).

WHEREAS, the Resolution of Western Land Dispute Act of July 2, 1993, required the Secretary of Agriculture to identify and publish a list of lands deemed "nationally significant" and that list was published in the Federal Register on December 26, 1995 (60 F.R. 66780, *et seq.*).

WHEREAS, section 2(c) of the said Resolution of Western Land Dispute Act of July 2, 1993, vested and confirmed title in the United States for the lands described on the list of nationally significant lands, except for valid existing rights arising by factors other than those described in subsection 2(b)(1) of the said Resolution Western Land Dispute Act.

AND, WHEREAS, the United States Forest Service is the managing agency of the United States for each of the parcels of property identified above and described in Exhibit A.

NOW THEREFORE, I, KIMBERLY EVART BOWN, Director, Recreation, Lands, and Mineral Resources, for the Pacific Northwest Region, Regional Office, United States Department of Agriculture, Forest Service, being duly authorized, hereby declare that, as of December 26, 1995, all right, title, and interest in and to each of the parcels of property identified herein on Exhibit A was vested and confirmed in the United States pursuant to the Resolution of Western Land Dispute Act of July 2, 1993 (107 Stat. 234).

Dated this 17TH day of DECEMBER, 2004.

UNITED STATES OF AMERICA

BY 

Name: KIMBERLY EVART BOWN
Director, Recreation, Lands, and Mineral Resources
Pacific Northwest Region
United States Department of Agriculture
Forest Service

EXHIBIT AState: **OREGON**County: **KLAMATH**Meridian: **WILLAMETTE**

Name of Grantor under Act of June 4, 1897 (30 Stat. 11, 36)	Legal Description	Acres
HYDE, F.A.	T.23S., R.7E., sec. 36, SE1/4SW1/4.	40
HYDE, F.A.	T.35S., R.6E., sec. 16, SW1/4NW1/4.	40
CLARKE, C.W.	T.37S., R.5E., sec. 36, SW1/4SW1/4.	40
HYDE, F.A.	T.37S., R.6E., sec. 16, S1/2SE1/4, NW1/4, N1/2SW1/4, SW1/SW1/4.	360
HYDE, F.A.	T.23S., R.8E., sec. 16, SW1/4SE1/4.	40
HYDE, F.A.	T.27S., R.6.5E., sec. 36, S1/2.	320

EXHIBIT BUNITED STATES PUBLIC LAWS
103RD CONGRESS-FIRST SESSIONPUBLIC LAW 103-48 [H.R. 765]
JULY 2, 1993
[RESOLUTION OF WESTERN LAND DISPUTE]*103 P.L. 48; 107 Stat. 234; 1993 Enacted H.R. 765; 103 Enacted H.R. 765*BILL TRACKING REPORT: 103 Bill Tracking H.R. 765
FULL TEXT VERSION(S) OF BILL: 103 H.R. 765
CIS LEGIS. HISTORY DOCUMENT: 103 CIS Legis. Hist. P.L. 48

An Act

To resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[*1]

SECTION 1. FINDINGS AND PURPOSE.

(a) Findings. Congress finds the following:

(1) Pursuant to the invitation requirements contained in the 15th paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended or supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 4, 1901 (31 Stat. 1010, 1037), and September 22, 1922 (42 Stat. 1067), certain landowners or entrymen within forest reserves acted to transfer their lands to the United States as the basis for an in lieu selection of other Federal lands (hereafter in this Act referred to as "lieu lands") in exchange for such lands within such reserves (hereafter in this Act referred to as "base lands").

(2) By the Act of March 3, 1905 (33 Stat. 1264), Congress repealed the in lieu selection provisions of the Act of June 4, 1897, as amended, and terminated the right to select lieu lands, but expressly preserved the rights of land owners who had valid pending applications for in lieu selections, most of which have subsequently been granted.

(3) Other persons affected by the Acts cited in paragraphs (1) and (2) who acted to transfer base lands, or their successors in interest, have never obtained either (A) a patent to the lieu lands or any other consideration for their relinquishment, or (B) a quitclaim of their base lands, notwithstanding relief legislation enacted in 1922 and 1930.

(4) By the Act of July 6, 1960 (74 Stat. 334), Congress established a procedure to compensate persons affected by the Acts cited in paragraphs (1) and (2) who had not received appropriate relief under prior legislation. However, no payments of such compensation were made under that Act.

(5) Section 4 of the Act of July 6, 1960, further provided that lands with respect to which compensation under that Act were or could have been made, and not previously disposed of by the United States, shall be a part of national park, or other area withdrawn from the public domain wherein they are located.

(6) Absent further legislation, lengthy and expensive litigation will be required to resolve existing questions about the title to lands covered by section 4 of the 1960 Act.

[**235] (b) Purpose. The purpose of this Act is to resolve the status of the title to base lands affected by the past legislation cited in subsection (a).

[*2]

SEC. 2. IDENTIFICATION AND QUITCLAIM OF FEDERAL INTEREST IN BASE LANDS.

(a) Quitclaim. Except as otherwise provided by this Act, and subject to valid existing rights, but notwithstanding any other provision of law, the United States hereby quitclaims to the listed owner or entryman, his heirs, devisees, successors, and assigns, all right, title, and interest of the United States in and to the base lands described on a final list published pursuant to subsection (d)(1), effective on the date of publication of such list.

(b) Preparation of Initial Lists. (1) Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior, with respect to lands under such Secretary's jurisdiction, and the Secretary of Agriculture with respect to National Forest System lands, shall each prepare an initial list of all parcels of base lands that were relinquished to the United States pursuant to the Act of June 4, 1897 (as amended), and for which selection or other rights under that Act or supplemental legislation were not realized or exercised.

(2) The initial lists prepared under paragraph (1) shall be based on information in the actual possession of the Secretaries of the Interior and Agriculture on the date of enactment of this Act, including information submitted to Congress pursuant to the directive contained in Senate Report No. 98-578, issued for the Fiscal Year 1985 Interior and Related Agencies Appropriation, as revised and updated. The initial lists shall be published and distributed for public review in accordance with procedures adopted by the Secretary concerned.

(3) For a period of 180 days after publication of a list pursuant to paragraph (2), persons asserting that particular parcels omitted from such a list should have been included may request the Secretary concerned to add such parcels to the appropriate list. The Secretary concerned shall add to the list any such parcels which the Secretary determines meet the conditions specified in paragraph (1).

(c) Nationally Significant Lands. (1) During preparation or revision of an initial list under subsection (b), the Secretary concerned shall identify those listed lands which are located wholly or partially within any conservation system unit and all other listed lands which Congress has designated for specific management or which the Secretary concerned decides, in the concerned Secretary's sole discretion, should be retained in order to meet public, resource protection, or administrative needs. For purposes of this paragraph, the term "conservation system unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, or National Wilderness Preservation System, a national forest monument, or a national conservation area, a national recreation area, or any lands being studied for possible designation as part of such a system or unit.

(2) The provisions of subsection (a) shall not apply to any lands identified by the Secretary concerned pursuant to paragraph (1). The Secretary concerned shall not include any such lands on any list prepared pursuant to subsection (d). Subject to valid existing [*236] rights arising from factors other than those described in subsection (b)(1), any right, title, and interest in and to lands identified pursuant to paragraph (1) and not previously vested in the United States is hereby vested and confirmed in the United States.

(3) In the same manner as the initial list was published and distributed pursuant to subsection (b)(2), the Secretary concerned shall publish and distribute an identification of all lands in which right, title, and interest is vested and confirmed in the United States by paragraph (2).

(d) Final Lists. (1) As soon as possible after considering any requests made pursuant to subsection (b)(3) and the identification of lands pursuant to subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall each publish a final list, consisting of lands included on each Secretary's initial list not identified pursuant to subsection (c)(1). Unless a Secretary has published a final list on or before the date 24 months after the date of publication, pursuant to subsection (b)(2), of such Secretary's initial list, the initial list prepared by such Secretary shall be deemed on such date to be the final list required to be published by such Secretary, and thereafter no lands included on such initial list shall be excluded from operation of subsection (a) except lands located wholly or partially within a conservation system unit or any other area which Congress has designated for specific management.

(2) If after publication of a final list a court makes a final decision that a parcel of land was arbitrarily and capriciously excluded from an initial list as provided by subsection (b), such parcel shall be deemed to have been included on a final list published pursuant to paragraph (1), unless such parcel is located wholly or partially inside a conservation system unit or any other area which Congress has designated for specific management, in which case such parcel shall be subject to the provisions of subsection (c)(2).

(e) Issuance of Instruments. (1) Except as otherwise provided in this Act, no later than 6 months after the date on which the Secretary concerned publishes a final list of lands pursuant to subsection (d), the Secretary concerned shall issue documents of disclaimer of interest confirming the quitclaim made by subsection (a) of this section of all right, title, and interest of the United States in and to the lands included on such final list, subject to valid existing rights arising from factors other than a relinquishment to the United States of the type described in subsection (b). Each such confirmatory document of disclaimer of interest shall operate to estop the United States from making any claim of right, title, or interest of the United States in and to the base lands described in the document of disclaimer of interest, shall be made in the name of the listed owner or entryman, his heirs, devisees, successors, and assigns, and shall be in a form suitable for recordation and shall be filed and recorded by the United States with the recorder of deeds or other like official of the county or counties within which the lands covered by such confirmatory document of disclaimer of interest are located so that the title to such lands may be determined in accordance with applicable State law.

(2) The United States shall not adjudicate and, notwithstanding any provision of law to the contrary, does not consent to be sued in any suit instituted to adjudicate the ownership of, or to quiet [**237] title to, any base land included in a final list and described in a confirmatory document of disclaimer of interest.

(3) Neither the Secretary of the Interior nor the Secretary of Agriculture shall be required to inspect any lands included on a final list nor to inform any member of the public regarding the condition of such lands prior to the issuance of any confirmatory document of disclaimer of interest required by this subsection, and nothing in this Act shall be construed as affecting any valid rights with respect to lands covered by a confirmatory document of disclaimer of interest issued pursuant to this subsection that were in existence on the date of issuance of such confirmatory document of disclaimer of interest.

(4) For purposes of this Act, the term "document of disclaimer of interest" means a memorandum or other document, however styled or described, that references the quitclaim made by subsection (a) of this section and that meets the requirements for recordation established by applicable laws of the State in which the lands to which such document refers are located.

(f) Waiver of Certain Claims Against the United States. Any person or entity accepting the benefits of this Act or failing to act to seek such benefits within the time allotted by this Act with respect to any base or other lands shall be deemed to have waived any claims against the United States, its agents or contractors, with respect to such lands, or with respect to any revenues received by the United States from such lands prior to the date of enactment of this Act. All non-Federal, third party rights granted by the United States with respect to base lands shall remain effective subject to the terms and conditions of the authorizing document. The United States may reserve any rights-of-way currently occupied or used for Government purposes.

[*3]

SEC. 3. OTHER CLAIMS.

(a) Jurisdiction and Deadline. (1) Subject to the requirements and limitations of this section, a party claiming right, title, or interest in or to land vested in the United States by section 2(c)(2) of this Act may file in the United States Claims Court a claim against the United States seeking compensation based on such vesting. Notwithstanding any other provision of law, the Claims Court shall have exclusive jurisdiction over such claim.

(2) A claim described in paragraph (1) shall be barred unless the petition thereon is filed within 1 year after the date of publication of a final list pursuant to section 2(d) of this Act.

(3) Nothing in this Act shall be construed as authorizing any claim to be brought in any court other than a claim brought in the United States Claims Court based upon the vesting of right, title, and interest in and to the United States made by section 2(c)(2) of this Act.

(b) Limitations, Defenses, and Awards. (1) Nothing in this Act shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 2(c), including but not limited to any such right, title, or interest established by the Act of July 6, 1960 (74 Stat. 334).

(2) Nothing in this Act shall be construed as precluding or limiting any defenses or claims (including but not limited to defenses based on applicable statutes of limitations, affirmative defenses relating to fraud or speculative practices, or claims by [**238] the United States based on adverse possession) otherwise available to the United States.

(3) Nothing in this Act shall be construed as entitling any party to compensation from the United States. However, in the event of a final judgment of the United States Claims Court in favor of a party seeking such compensation, or in the event of a negotiated settlement agreement made between such a party and the Attorney General of the United States,

the United States shall pay such compensation from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) Savings Clause. This Act does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534), regardless of whether compensation authorized by the Act of August 31, 1964 (78 Stat. 751) was or was not received.

[*4]

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

DESCRIPTORS: CLAIMS; NATIONAL FORESTS; PROPERTY; DEPARTMENT OF AGRICULTURE;
DEPARTMENT OF INTERIOR; CONSERVATION OF NATURAL RESOURCES; ADMINISTRATIVE LAW AND
PROCEDURE

Approved July 2, 1993.