

When Recorded, Return to:
PacifiCorp, Rcal Estate Mgmt.
825 NE Multnomah St. Suite 1700
Portland, OR 97232

2010-008873
Klamath County, Oregon



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07/27/2010 09:12:22 AM

Fee: \$52.00

DECLARATORY STATEMENT
(Farm/Forest)

THIS COVENANT, made this 7th day of June, 2010, by and between PacifiCorp, an Oregon corporation, successor in interest to Pacific Power & Light Company (Owner) and Klamath County (County) in consideration of County's issuance of CUP 16-10, which is incorporated herein by this reference, for the real property located in Klamath County, Oregon described as follows:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ and a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17; and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, all located in Township 41 South, Range 13 East, Willamette Meridian, and more particularly described as follows:

Beginning at the southerly quarter corner of Section 17, Township 41 South, Range 13 East, Willamette Meridian; said corner being the true point of beginning;

thence N. 0° 04' W., 1336.58 feet along the center section line of Section 17 to the NW corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said section;

thence continuing N. 0°04' W., 800 feet along said center section line to a point, said point being the NW corner of land hereby conveyed;

thence N. 89°48'23" E., 1276.26 feet to a point on the East 1/16 section line of said Section 17, said point being the NE corner of land hereby conveyed;

thence S. 0°12' E., 800 feet along said East 1/16 section line to the NE corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17;

thence continuing S. 0°12' E., 1331.60 feet along said East 1/16 section line, to the SE corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17;

thence S. 0°08' E, 1320.99 feet along the East 1/16 section line of said Section 20, Township 41 South, Range 13 East, W.M., to the SE corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20;

thence continuing S. 0°08' E., 270 feet to a point, said point being the SE corner of land hereby conveyed;

thence S. 89°44'28" W., 1281.95 feet to a point on the center section line of said Section 20, Township 41 South, Range 13 East, W.M.;

thence N. 0°06'30" W., 270 feet along said center section line of Section 20, to the SW corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said section;

thence continuing N. 0°06'30" W., 1317.47 feet along said center section line to the quarter corner common to Sections 17 and 20, Township 41 South, Range 13 East, Willamette Meridian, and the true point of beginning.

LESS THAT PORTION DESCRIBED AS FOLLOWS:

A tract of land in the Southwest quarter of the Southeast quarter of Section 17, Township 41 South, Range 13 East, Willamette Meridian, Klamath County, Oregon described as follows:

Commencing at the south quarter corner of said Section 17 (monumented by a 1¼" iron pipe with brass cap marked "Klamath County Surveyor" Y-124,730.3 and X-1,777,608.3);

thence North 25° 31' 52" East 363.50 feet to a point designated "B-5";
thence North 89° 24' 12" East 510.0 feet;
thence North 0° 35' 48" West 211.0 feet to the true point of beginning;
thence North 0° 35' 48" West 546.0 feet;
thence North 89° 24' 12" East 140.0 feet;
thence South 0° 35' 48" East 546.0 feet;
thence South 89° 24' 12" West 140.0 feet to the true point of beginning, containing 1.75 acres more or less.

AND LESS THAT PORTION DESCRIBED AS FOLLOWS:

Malin Substation Site, Parcel 1: A tract of land in the SW¼SE¼ of Section 17, Township 41 South, Range 13 East, Willamette Meridian, Klamath County, Oregon, containing 5.39 acres more or less, and described as follows:

Commencing at the quarter corner common to said Sections 17 and 20 (monumented by a 1¼" iron pipe with brass cap marked "Klamath County Surveyor", Y-124,730.3 and X-1,777,608.3);

thence North 25° 31' 52" East 363.50 feet to a point designated "B-5";
thence North 89° 24' 12" East 110 feet; thence South 0°35'48" East 5 feet to the true point of beginning;
thence North 0° 35' 48" West 238.3 feet;
thence North 29° 24' 12" East 400.0 feet;
thence North 0° 35' 48" West 177.3 feet;
thence North 89° 24' 12" East 200.0 feet;
thence South 0° 35' 48" East 762.0 feet;
thence South 89° 24' 12" West 400.0 feet to the true point of beginning.

This tract is to be known as "Area No. 2 of the Malin 500 kV Substation."

The bearings refer to the Oregon Coordinate System—South Zone.

AND LESS THAT PORTION DESCRIBED AS FOLLOWS:

Malin Substation Site Parcel 2: A tract of land in the SW¼SE¼ of Section 17 and the NW¼ NE¼ of Section 20, Township 41 South, Range 13 East, Willamette Meridian, Klamath County, Oregon, containing 3.82 acres, more or less, and described as follows:

Commencing at the quarter corner common to said Sections 17 and 20;

thence North 25° 31' 52" East 363.50 feet to a point designated "B-5";
thence North 89° 24' 12" East 390.0 feet;
thence South 0° 35' 48" East 220.0 feet to the true point of beginning;
thence North 89° 24' 12" East 115.0 feet;
thence South 22° 26' 09" East 282.3 feet;

thence South 0° 35' 48" East 556.0 feet;
thence South 89° 24' 12" West 220.0 feet;
thence North 0° 35' 43" West 818.0 feet to the true point of beginning.

The bearings refer to the Oregon Coordinate System—South Zone.

AND LESS THAT PORTION DESCRIBED AS FOLLOWS:

A tract of land in the Northwest Quarter of the Southeast Quarter of Section 17 Township 41 South, Range 13 East, Willamette Meridian, Klamath County, Oregon, described as follows:

Commencing at the south quarter corner of said Section 17, as evidenced by a 1¼ inch iron pipe with Brass Cap marked "Klamath County Surveyor";

thence North 25° 31' 52" East, 363.5 feet;

thence North 89° 24' 12" East, 510.0 feet to a point on the most easterly boundary of the Bonneville Power Administration Malin Substation Site, Parcel 1, as recorded in Microfilm File No. M69-4938 Deed records of said County;

thence North 00° 35' 48" West, 757.0 feet along said most easterly boundary;

thence North 89° 24' 12" East, 390.0 feet;

thence North 00° 35' 48" West, 300 feet to the true point of beginning;

thence continuing North 00° 35' 48" West, 5.0 feet

thence South 89° 24' 12" West 250.0 feet

thence South 00° 35' 48" East 5 feet

thence North 89° 24' 12" East, 250.0 feet to the true point of beginning, containing 0.03 acres more or less;

Bearings are referenced to the Oregon Coordinate System, South Zone, as described in deed recorded in Microfilm File No. M69-4938.

AND LESS THAT PORTION DESCRIBED AS FOLLOWS:

A tract of land in the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 17, Township 41 South, Range 13 East, Willamette Meridian, Klamath County, Oregon, described as follows:

Commencing at the south quarter corner of said Section 17, as evidenced by 1¼ inch iron pipe with Brass Cap marked "Klamath County Surveyor";

thence North 25° 31' 52" East, 363.5 feet;

thence North 89° 24' 12" East, 510.0 feet to a point on the most easterly boundary of the Bonneville Power Administration Malin Substation Site, Parcel 1, as recorded in Microfilm File No. M69-4938 Deed records of said County;

thence North 00° 35' 48" West, 757.0 feet along said most easterly boundary;

thence North 89° 24' 12" East, 140.0 feet to the true point of beginning;

thence continuing North 89° 24' 12" East, 250.0 feet;

thence North 00° 35' 48" West, 300.0 feet;

thence South 89° 24' 12" West, 250.0 feet;

thence South 00° 35' 48" East, 300.0 feet to the true point of beginning, containing 1.72 acres, more or less.

Bearings are referenced to the Oregon Coordinate System, South Zone, as described in deed recorded in Microfilm File No. M69-4938.

Owner does hereby promise and covenant as follows:

The real property herein described is situated in or near a farm or forest zoned area in Klamath County, where the intent is to encourage farm and forest uses and to minimize conflicts with those uses. Specifically, resident property owners, lessees and visitors of this real property may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws. These practices ordinarily and necessarily produce noise, dust, smoke and other impacts.

Owner, its successors, heirs, assigns and lessees, does hereby accept these possible impacts from farm and forest practices as normal, necessary and part of the risk of establishing its improvements or use in this area, and acknowledge the need to avoid activities that conflict with farm and forest practices on nearby property.

Owner will not pursue any claim for relief or cause of action alleging injury from farming or forest practices for which no action is specifically allowed under ORS 30.936 or 30.937.

This covenant will run with the land and is intended to and hereby bind Owner, its successors, heirs, assigns and lessees.

In Witness Whereof, Owner has executed this instrument this 7th day of June 2010.


PacifiCorp

By: Stuart Kelly

Its: Managing Director, Construction and Support Services

STATE OF OREGON

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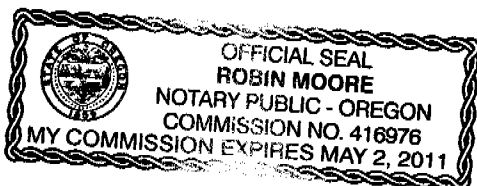
) ss.


COUNTY OF MULTNOMAH

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On this day personally appeared before me Stuart Kelly to me known to be the Managing Director, Construction and Support Services of PacifiCorp, the corporation which executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the use and purposes therein mentioned.

Given under my hand and official seal this 7th day of JUNE, 2010.




NOTARY PUBLIC in and for the State of Oregon
Residing at 825 NE MULTNOMAH, STE 1700
My Commission Expires 5/2/11