



2014-008052

Klamath County, Oregon

08/01/2014 03:27:18 PM

Fee: \$82.00

WHEN RECORDED MAIL TO:

USDA Forest Service
Western & Central Oregon Lands Zone
63095 Deschutes Market Rd.
Bend, OR 97701
Attn: Jeff Sims

USDA FOREST SERVICE

JWTR Oregon, LLC. - Existing Road
Forest Service Roads 6215, and 6210.

**U. S. DEPARTMENT OF AGRICULTURE
Forest Service
FOREST ROAD EASEMENT
Act of October 21, 1976 (P. L. 94-579);
36 CFR 251.50, et seq**

THIS EASEMENT, dated this 29 day of July, 2014, from the **United States of America**, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to **JWTR Oregon, LLC an Oregon Limited Liability Company** of the State of Oregon hereinafter called Grantee.

WITNESSETH:

WHEREAS, Grantee has applied for a grant of an easement under the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1761), for a road over certain lands or assignable easements owned by the United States in the County of Klamath State of Oregon, and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor, for and in consideration of one dollar (\$1.00) and the grant of reciprocal easements received by Grantor, does hereby grant to Grantee, subject to existing easements and valid rights, a nonexclusive easement for use of a road, whether existing or as constructed or reconstructed, over and across the following described lands in the County of Klamath, State of Oregon:

Forest Service Road 6210

Willamette Meridian

T. 34 S., R. 7 W.,
Secs. 5, 6, 7, 8, 17 and 18.

Forest Service Road 6215

USA to JWTR Oregon, LLC

Page 1 of 5

Willamette Meridian

T. 34 S., R. 7 1/2 E.,
Sec. 1.
T. 34 S., R. 7 E.,
Secs. 5 and 6.

The location of the road is shown approximately on **Exhibit A** attached hereto.

This grant is made subject to the following terms, provisions, and conditions applicable to Grantee, its permittees, contractors, assignees, and successors in interest.

- A. Grantee 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 of or for rights-of-ways for similar purposes, if those standards are more stringent than applicable Federal standards.
- B. Except as hereinafter limited, Grantee shall have the right to use the road for the purposes set forth in clause D, subject to such traffic control regulations and rules as Grantor reasonably may impose upon or require of other users of the road without unreasonably reducing the rights herein granted.
- C. Upon the change of ownership of the Grantee's land served by this road, the rights granted under this easement can be transferred or assigned to the new owner upon written notification to Regional Forester.
- D. This easement shall continue for as long as needed for the purpose of management and harvesting of the natural resources on the Grantee's land served by this road; Provided, That the Grantee shall make no use of the road for hauling forest products or other commercial use of the road until it pays or makes arrangements acceptable to the Grantor to pay its share of the road construction or reconstruction costs; and Provided further, that the Grantor shall review terms and conditions of this easement at the end of each 30-year period from the date of issuance, and may incorporate in the easement such new terms, conditions, and stipulations as existing or prospective conditions may warrant. These shall have the same force and effect as if included in the original grant.
- E. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Grantor prior to beginning such construction or reconstruction.

- F. The rights herein conveyed do not include the right to use the road for access to developments for short- or long-term residential purposes, unless and until the Grantor and the Grantee agree upon traffic control regulations, rules, and other provisions to accommodate such use of the road.
- G. Grantee shall pay the Grantor for its share of maintenance cost or perform maintenance, as determined by the Grantor. The maintenance obligation of the Grantee shall be proportionate to total use and commensurate with its use. Any maintenance performed by the Grantee shall be authorized by and shall conform with an approved maintenance plan. In the event the road requires maintenance, restoration, or reconstruction work to accommodate the Grantee's needs, the Grantor shall authorize the work required in the same manner as provided herein for maintenance or in clause E for reconstruction. The Grantee shall perform such work at its own expense.
- J. This easement shall terminate in the event an easement is granted subsequently by the United States to a public road agency for operation of this road as a public highway.
- K. Grantee shall pay the United States for all injury, loss, or damage, including fire suppression costs, in accordance with existing Federal and State laws.
- L. Grantee 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 Grantee's use or occupancy under this easement.

This easement is granted subject to the following reservations by Grantor:

- 1. The right to cross and recross the road at any place by any reasonable means and for any purpose in such manner as will not interfere unreasonably with Grantee's use of the road.
- 2. The right to relocate the road on which this use is authorized to the extent necessary to accommodate the management needs of the National Forests.
- 3. The right to use the road for all purposes deemed necessary or desirable by Grantor in connection with the protection, administration, management, and utilization of Grantor's lands or resources, now or hereafter owned or controlled.
- 4. The right alone to extend rights and privileges for use of the road and right-of-way to other Government departments and agencies, States, and local subdivisions thereof, and to other users including members of the public; Provided, That the Grantor shall control such use so as not to interfere

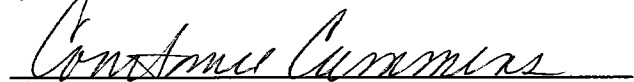
unreasonably with use of the road by Grantee or to cause Grantee to bear a share of the cost of maintenance greater than is commensurate with the Grantee's use of the road.

The grant of a right to use the road described in this easement does not create an obligation on the Forest Service of the United States to maintain the road in a usable condition.

The Regional Forester may take action to suspend, revoke, or terminate this easement under the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes in 7 CFR 1.130-1.151. An administrative proceeding is not required when the easement terminates on the occurrence of a fixed or agreed-upon condition, event, or time.

IN WITNESS WHEREOF, Grantor, by its Director of Recreation, Lands, and Mineral Resources, Pacific Northwest Region, Forest Service, has executed this easement pursuant to the delegation of authority by the Secretary of Agriculture to the Under Secretary for Natural Resources and Environment, the delegation of authority by the Under Secretary for Natural Resources and Environment to the Chief, Forest Service, 7 CFR 2.60, the delegation of authority by the Chief, Forest Service, 47 F.R. 36465, published August 20, 1982, and the delegation of authority by the Regional Forester, Pacific Northwest Region, 52 F.R. 45980, published December 3, 1987, on the day and year first above written.

UNITED STATES OF AMERICA -

A handwritten signature in cursive script, reading "Constance Cummins", is written over a horizontal line.

CONSTANCE CUMMINS
Forest Supervisor
Fremont-Winema National Forest Service
Pacific Northwest Region
USDA Forest Service

ACKNOWLEDGMENT

STATE OF OREGON)
 Salmon)ss.
County of *Klamath*)

On this 29 day of July, 2014, before me, the undersigned, personally appeared CONSTANCE CUMMINS, Forest Supervisor, Fremont-Winema National Forest, Pacific Northwest Region, Forest Service, Department of Agriculture, the same person who executed the within and foregoing instrument, who being by me duly sworn according to law, did say that he/she executed said instrument on behalf of the United States of America by its authority duly given and by him/her delivered as and for its act and deed. And he/she did further acknowledge that he/she executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

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



Kristen C Wells
Name (Printed) Kristen C Wells
Notary Public for the State of Oregon
My Commission Expires 6-18-2016

Certified correct as to consideration, description, reservations or conditions, and form.	
<u><i>Susan E. Beall</i></u>	<u>6/25/14</u>
Susan Beall	Date
RW Specialist, USDA Forest Service	

UNITED STATES DEPARTMENT OF AGRICULTURE
FREMONT-WINEMA NATIONAL FORESTS TO
JWTR OREGON, LLC FOR INGRESS AND EGRESS ACROSS NFSL
NFSR 6215 AND 6210
LOCATED WITHIN SECTION 1, T34S, R7-1/2E, W.M., AND
SECTIONS 5, 6, 8, 17 AND 18, T34S, R7E, W.M.,
KLAMATH COUNTY, OREGON

■ FOUND LAND SURVEY MONUMENT OF RECORD.

NFSR NATIONAL FOREST SYSTEM ROAD

**ALL ROUTES GRANTED EXTEND
FROM AND TERMINATE AT THE
TRUE PROPERTY LINE.**

SHEET 4 OF 4: ROAD THROUGH SECTION 6 AND 1.

**RIGHT OF WAY IS 30 FEET WIDE.
15 FEET ON BOTH SIDES OF THE CENTERLINE.
TOTAL LENGTH: 21,844.7 FEET**

TOTAL AREA: 15.0± ACRES

OREGON
JULY 21, 1992
RODNEY F. CALLAGHAN
2551

RENEWAL: 12/31/2015



1 INCH = 2640 FEET

DRAWING: FortUSAtJWTRpage1.dwg
DATE: 2/12/2013

EXHIBIT A
SHEET 1 OF 4

USDA FOREST SERVICE
PACIFIC NORTHWEST REGION
FREMONT-WINEMA
NATIONAL FORESTS

APPROVED BY: Donna J. Smith
FOREST ENGINEER

DATE: 1/17/2014

LEGEND

- FOUND LAND SURVEY MONUMENT OF RECORD.
- SURVEYED POINTS ON THE CENTERLINE OF AN EXISTING ROAD.
- SEE CENTERLINE DIMENSIONS TABLE BELOW FOR BEARINGS AND DISTANCES BETWEEN POINTS.
- NFSL NATIONAL FOREST SYSTEM LAND
- NFSR NATIONAL FOREST SYSTEM ROAD
- ROW RIGHT OF WAY

BASIS OF BEARINGS

BEARINGS FOR THIS MAP ARE BASED ON LAND PARTITION 15-10 BY DOUGLAS ADKINS AND RECORDED ON 12/29/2011 IN THE KLAMATH COUNTY CLERK'S OFFICE.

2730 RIGHT-OF-WAY GRANT

UNITED STATES DEPARTMENT OF AGRICULTURE
FREMONT-WINEMA NATIONAL FORESTS TO
JWTR OREGON, LLC FOR INGRESS AND EGRESS ACROSS NFSL
NFSR 6215 AND 6210
LOCATED WITHIN SECTION 17 AND 18, T34S, R7E, W.M.
KLAMATH COUNTY, OREGON

CENTERLINE DIMENSIONS

BEARING	DISTANCE (FEET)
① N58°09'00"E	677.70
② N47°50'40"E	588.08
③ N44°56'41"E	1129.15
④ N43°46'40"E	1791.80
⑤ N43°38'22"E	2338.43
⑥ N37°43'17"E	316.14

POINT OF BEGINNING

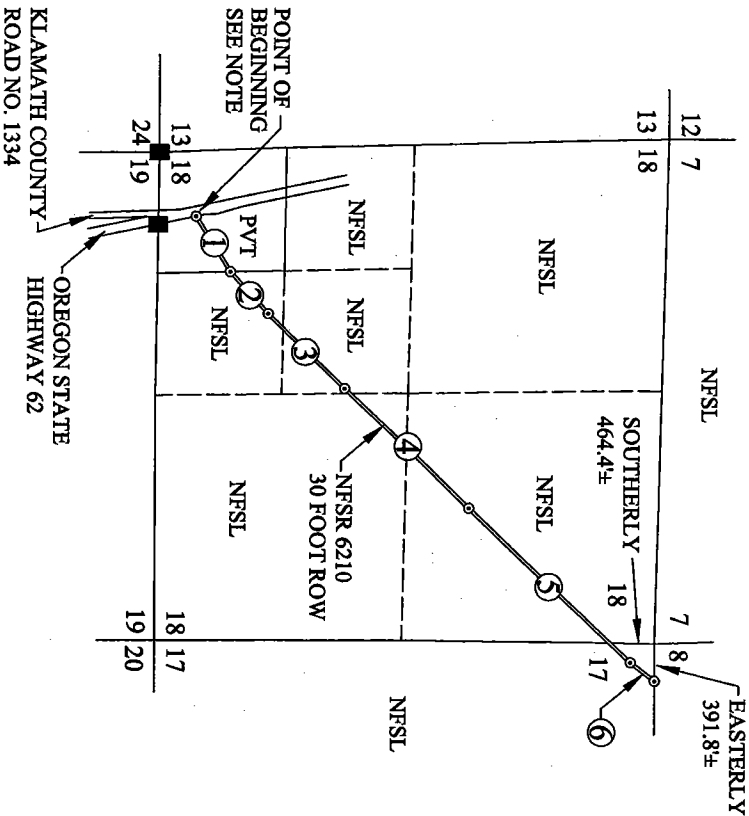
THE POINT OF BEGINNING AS SHOWN ON THIS MAP IS LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF OREGON STATE HIGHWAY 62 AND BEARS N59°56'32"E AT 766.3± FEET FROM THE SOUTHWEST CORNER OF SECTION 18.

ROW

RIGHT-OF-WAY IS 30 FEET WIDE,
15 FEET ON BOTH SIDES OF THE
CENTERLINE.
LENGTH: 6841.3± FEET

ROW AREA

AREA= 4.7± ACRES



DRAWING: FortUSa6JWTRpage2.dwg
DATE: 2/12/2013

PROJECT: 6210

SEC. 17 AND 18, T34S, R7EW.M.
KLAMATH COUNTY, OREGON

EXHIBIT A
SHEET 2 OF 4

2730 RIGHT-OF-WAY
GRANT

USDA FOREST SERVICE
PACIFIC NORTHWEST REGION
FREMONT-WINEMA
NATIONAL FORESTS

SURVEYED BY: RODNEY F. CALLAGHAN
DAVID CHRISS

DRAWN BY: RODNEY F. CALLAGHAN

REVIEWED BY: Rodney F. Callaghan
FOREST LAND SURVEYOR

APPROVED BY: Dennis Bratt
FOREST ENGINEER

DATE: JULY, 2012

DATE: 2/12/2013

DATE: 1/17/2014

DATE: 1/17/2014

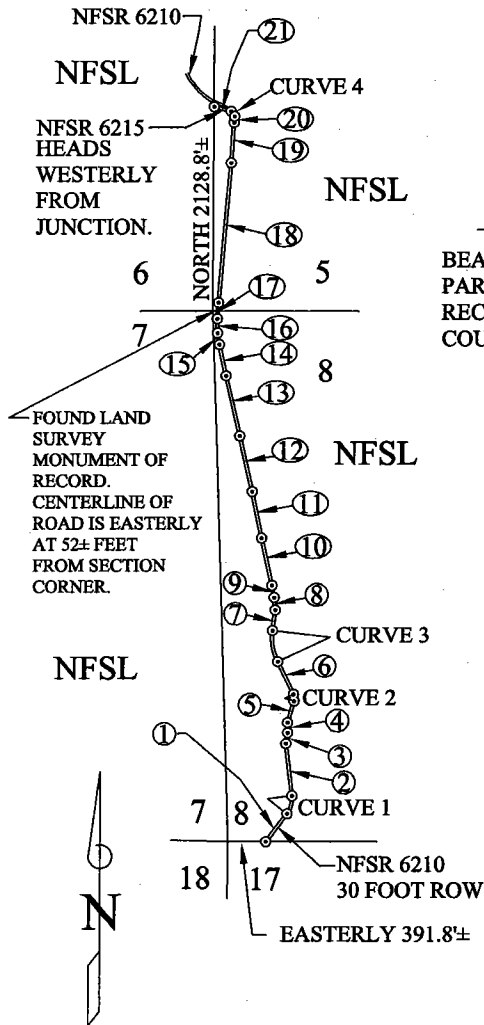
PROPERTY OWNER: USDA- FOREST SERVICE

2730 RIGHT-OF-WAY GRANT

UNITED STATES DEPARTMENT OF AGRICULTURE
FREMONT-WINEMA NATIONAL FORESTS TO
JWTR OREGON, LLC FOR INGRESS AND EGRESS ACROSS NFSL
NFSR 6210
LOCATED WITHIN SECTION 5 AND 8, T34S, R7E, W.M.
KLAMATH COUNTY, OREGON

LEGEND

- FOUND LAND SURVEY MONUMENT OF RECORD.
- SURVEYED POINTS ON THE CENTERLINE OF AN EXISTING ROAD.
- NFSL NATIONAL FOREST SYSTEM LAND
- NFSR NATIONAL FOREST SYSTEM ROAD
- ROW RIGHT OF WAY



BASIS OF BEARINGS

BEARINGS FOR THIS MAP ARE BASED ON LAND PARTITION 15-10 BY DOUGLAS ADKINS AND RECORDED ON 12/29/2011 IN THE KLAMATH COUNTY CLERK'S OFFICE.

ROW

RIGHT-OF-WAY IS 30 FEET WIDE,
15 FEET ON BOTH SIDES OF THE
CENTERLINE.
LENGTH: 8030.3± FEET

ROW AREA

AREA= 5.53± ACRES

CENTERLINE DIMENSIONS

	BEARING	DISTANCE (FEET)
①	N37°41'39"E	359.41
②	N6°41'47"W	546.65
③	N9°01'25"E	115.73
④	N0°56'48"W	105.73
⑤	N16°26'52"E	234.65
⑥	N25°43'50"W	380.36
⑦	N7°08'48"E	217.13
⑧	N5°00'12"W	129.64
⑨	N10°09'58"W	128.00
⑩	N12°39'02"W	498.23
⑪	N11°38'41"W	488.07
⑫	N12°49'42"W	587.75
⑬	N12°36'43"W	650.22
⑭	N12°01'21"W	338.54
⑮	N9°16'27"W	121.40
⑯	N1°10'07"W	147.41
⑰	N4°36'52"E	166.17
⑱	N5°03'15"E	1456.99
⑲	N3°50'48"E	422.69
⑳	N4°19'34"E	65.73
㉑	N74°50'42"W	190.77

CURVE DATA

CURVE 1

RADIUS= 250.00 FEET
LENGTH= 193.69 FEET
DELTA= 44°23'26"
CHORD= N15°29'56"E 188.88 FEET

CURVE 2

RADIUS= 100.00 FEET
LENGTH= 73.62 FEET
DELTA= 42°10'42"
CHORD= N4°38'29"W 71.96 FEET

CURVE 3

RADIUS= 600.00 FEET
LENGTH= 342.67 FEET
DELTA= 32°43'22"
CHORD= N9°22'09"W 338.03 FEET

CURVE 4

RADIUS= 50.00 FEET
LENGTH= 69.09 FEET
DELTA= 79°10'16"
CHORD= N35°15'34"W 63.72 FEET

DRAWING: FortUSAtJWTRpage3.dwg
DATE: 2/12/2013

PROJECT: 6210
SECTION 5 AND 8, T34S, R7E, W.M.
KLAMATH COUNTY, OREGON

EXHIBIT A
SHEET 3 OF 4

2730 RIGHT-OF-WAY
GRANT
USDA FOREST SERVICE
PACIFIC NORTHWEST REGION
FREMONT-WINEMA
NATIONAL FORESTS

SURVEYED BY: RODNEY F. CALLAGHAN DATE: JULY, 2012
DAVID CHRISS
DRAWN BY: RODNEY F. CALLAGHAN DATE: 2/12/2013
REVIEWED BY: *Rodney F. Callaghan* DATE: 1/17/2014
FOREST LAND SURVEYOR
APPROVED BY: *Dennis Bratt* DATE: 1/17/2014
FOREST ENGINEER

PROPERTY OWNER: USDA-FOREST SERVICE

LEGEND

- FOUND LAND SURVEY MONUMENT OF RECORD.
- ⊗ COMPUTED POSITION USING RECORD DATA.
- SURVEYED POINTS ON THE CENTERLINE OF AN EXISTING ROAD.
- NFSL NATIONAL FOREST SYSTEM LAND
- NFSR NATIONAL FOREST SYSTEM ROAD
- ROW RIGHT OF WAY

BASIS OF BEARINGS

BEARINGS FOR THIS MAP ARE BASED ON LAND PARTITION 15-10 BY DOUGLAS ADKINS AND RECORDED ON 12/29/2011 IN THE KLAMATH COUNTY CLERKS OFFICE.

2730 RIGHT-OF-WAY GRANT

UNITED STATES DEPARTMENT OF AGRICULTURE
FREMONT-WINEMA NATIONAL FORESTS TO
JWTR OREGON, LLC FOR INGRESS AND EGRESS ACROSS NFSL

NFSR 6215
LOCATED WITHIN SECTION 6, T34S, R7E, W.M., AND
WITHIN SECTION 1, T34S, R7E-1/2E, W.M.,
KLAMATH COUNTY, OREGON

CENTERLINE DIMENSIONS

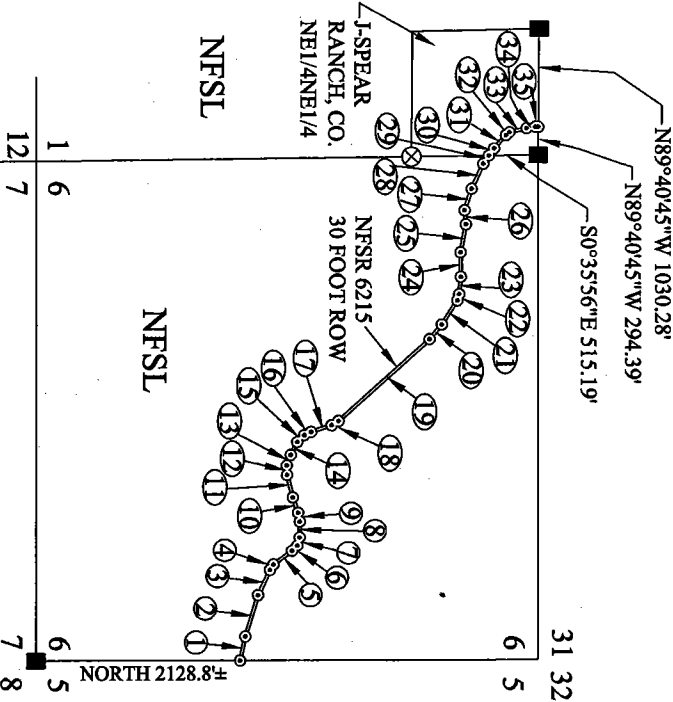
BEARING	DISTANCE (FEET)	BEARING	DISTANCE (FEET)
1 N77°31'58"W	255.17	19 N41°40'16"W	1268.75
2 N72°47'08"W	444.24	20 N49°57'15"W	196.42
3 N64°34'05"W	287.93	21 N56°41'14"W	296.14
4 N57°38'32"W	68.26	22 N74°00'14"W	68.41
5 N36°59'49"W	240.23	23 N84°35'41"W	182.34
6 N44°26'23"W	78.36	24 S89°22'15"W	258.65
7 N74°56'09"W	90.49	25 N79°23'27"W	297.35
8 N89°25'02"W	169.94	26 S84°42'00"W	145.01
9 S78°56'25"W	98.05	27 N71°52'00"W	234.82
10 S71°20'47"W	171.78	28 N64°48'33"W	284.77
11 S75°54'08"W	244.58	29 N55°33'22"W	103.23
12 S88°25'12"W	99.29	30 N53°41'27"W	91.84
13 N69°13'03"W	117.90	31 N48°11'44"W	184.48
14 N63°45'51"W	149.95	32 N41°19'30"W	46.86
15 N43°57'34"W	102.08	33 N12°59'07"W	182.61
16 N25°45'19"W	77.56	34 N9°37'44"W	93.62
17 N17°47'53"W	223.43	35 N1°00'53"W	34.03±
18 N32°07'40"W	84.65		

ROW

RIGHT-OF-WAY IS 30 FEET WIDE,
15 FEET ON BOTH SIDES OF THE
CENTERLINE.
LENGTH: 6973.1± FEET

ROW AREA

AREA = 4.80± ACRES



DRAWING: FortUSArjWTRpage4.dwg
DATE: 2/12/2013

1 INCH = 2000 FEET

PROJECT: 6215
SECTION 1, T34S, R7-1/2E, W.M.
SECTION 6, T34S, R7E, W.M.
KLAMATH COUNTY, OREGON

EXHIBIT A
SHEET 4 OF 4

2730 RIGHT-OF-WAY GRANT
USDA FOREST SERVICE
PACIFIC NORTHWEST REGION
FREMONT-WINEMA
NATIONAL FORESTS

SURVEYED BY: RODNEY F. CALLAGHAN
DAVE CHRISS

DRAWN BY: RODNEY F. CALLAGHAN

REVIEWED BY: Rodney F. Callaghan

APPROVED BY: James F. Brant

FOREST LAND SURVEYOR
FOREST ENGINEER

DATE: JULY, 2012

DATE: 2/12/2013

DATE: 1/17/2014

DATE: 1/17/2014

PROPERTY OWNER: J-SPEAR RANCH, CO. / USDA-FOREST SERVICE