

2018-009637**Klamath County, Oregon****00226908201800096370060068****08/14/2018 11:11:31 AM****Fee: \$107.00**

Returned at Counter
Document Title: Notice of Federal Participation
Grantor: Deming Ranch Land & Cattle, LLC,
and Trout Unlimited
Grantee: The Public
County: Klamath
Assessor's Parcel Numbers:

Account	T	R	S	TL
R363797	36	14		4500
R603145	36	15		1000
R118223	36	15		1000
R118349	36	15	31	100
R118287	36	15	31	300

NOTICE OF FEDERAL PARTICIPATION
Deming Creek In-Stream Water Rights Acquisition
from
Deming Ranch Land & Cattle Company

Deming Ranch Land & Cattle Company, a California Limited Liability Company, and Trout Unlimited, a Michigan nonprofit corporation, acknowledge that the In-Stream Water Rights, previously appurtenant to the real property described herein, located in Klamath County, State of Oregon (hereinafter the "Property"), was acquired in part with funds awarded to The Oregon Department of Fish and Wildlife, (hereinafter "ODFW") by the U.S. Department of the Interior, Fish and Wildlife Service, under the authority of Section 6 Non-Traditional Program 16 U.S.C. 4601, and the required nonfederal match. Deming Ranch Land & Cattle Company holds the fee simple interest in the Property and has granted Trout Unlimited an Access Easement and Bypass Flow Covenant recorded simultaneously herewith. The real property contains approximately 4300 acres. The legal description of the real Property is described as follows:

See EXHIBIT "A" attached hereto.

The program is administered by U.S. Fish and Wildlife Service, the Wildlife and Sport Fish Restoration Program, its successors and assigns (hereinafter the "Service"), and the Property is subject to all the terms and conditions of Grant Number F15AP00638, effective September 1, 2015 (hereinafter the "Grant"). A copy of the Grant is kept on file at the offices of the Service, Wildlife and Sport Fish Restoration Program, 2800 Cottage Way, Room W-1729, Sacramento, CA 95825 and of ODFW, Contract Services, 4034 Fairview Industrial Dr. SE, Salem, OR 97302.

Deming Ranch Land & Cattle Company, and Trout Unlimited, acknowledge that the In-Stream Water Rights and the Access Easement and Bypass Flow Covenant were acquired for the approved purpose of protecting in perpetuity the ecosystem upon which species listed as Threatened or Endangered under the Federal Endangered Species Act, and other resident native wildlife species. Deming Ranch Land & Cattle Company, and Trout Unlimited further acknowledge that the In-Stream Water Rights and the Access Easement and Bypass Flow

Covenant will be administered for the conservation of the ecosystem and natural resources dependent thereon, and will continue to be used for the approved purpose for which it was acquired.

The Property will be known as the Deming Creek In-Stream Water Rights Acquisition.

Deming Ranch Land & Cattle Company, and Trout Unlimited, hereby agrees to manage the In-Stream Water Rights in perpetuity pursuant to the terms of the Grant and to provide notice to the Service and ODFW prior to the conveyance of any interest in the Property. The parties shall not allow new debt to accrue against the property without subordination of the debt claim to ensure the property will continue to perform for the purposes of this grant in perpetuity. Deming Ranch Land & Cattle Company, and Trout Unlimited acknowledge there must be no discrimination during the useful life of the project (43 CFR 17.204(c)(2).

ODFW, as Grant Recipient, Trout Unlimited, as sub-grantee, and Deming Creek Ranch & Cattle Company, real property owner, hereby confirms its obligations and responsibilities with regards to the In-Stream Water Rights and the Access Easement and By Pass Flow Covenant pursuant to the terms and conditions associated with the Grant.

In Witness Whereof the parties have executed this document as of the date of the last signature below.
this 19th day of April, 2016.


THE STATE OF OREGON acting by and through the
Oregon Fish and Wildlife Commission, on behalf of the
Oregon Department of Fish and Wildlife



William Herber, Deputy Director of Administration

STATE OF OREGON)
)ss
County of Marion)

This instrument was acknowledged before me on April 11th, 2016, by
William Herber, as Deputy Director of Administration for the Oregon Department of Fish and Wildlife.



Notary Public for the State of Oregon
My Commission Expires: 4/29/2018




Daniel Kominek, Managing Member

[illegible]

Notary Public for the State of California
My Commission Expires: May 1, 2016



Chrysten Lambert
Director, Oregon Water Project

STATE OF OREGON)
County of Klamath)ss
)

This instrument was acknowledged before me on April _____, 2016, by
Chrysten Lambert, as Director of the Oregon Water Project for Trout Unlimited.

Notary Public for the State of Oregon
My Commission Expires: _____

See page
next signed in
counter part

DEMING RANCH LAND & CATTLE, LLC,
a Delaware limited liability company

Daniel Kominek, Managing Member

STATE OF CALIFORNIA)
)ss
County of _____)

This instrument was acknowledged before me on April _____, 2016, by
Daniel Kminek, as Managing Member of Deming Ranch Land & Cattle Company, LLC.

Notary Public for the State of California
My Commission Expires: _____

TROUT UNLIMITED
a Michigan nonprofit corporation

Chrysten Lambert
Chrysten Lambert
Director, Oregon Water Project

*Signed in
counterpart*

STATE OF OREGON)
)ss
County of Klamath)

This instrument was acknowledged before me on April 18, 2016, by
Chrysten Lambert, as Director of the Oregon Water Project for Trout Unlimited.

Cherice F. Treasure
Notary Public for the State of Oregon
My Commission Expires: 6/17/2016

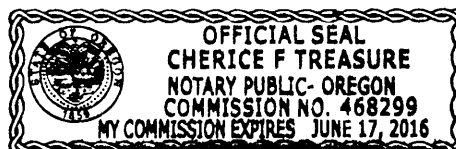


EXHIBIT 'A'

File No. 92799AM

PARCEL 1:

The NW1/4 of Section 29, Township 36 South, Range 15 East of the Willamette Meridian, in the County of Kiamath, State of Oregon. LESS AND EXCEPT the following:

Beginning at the Northeast corner of the NW1/4 of Section 29, Township 36 South, Range 15 East of the Willamette Meridian; thence 1,000 feet South; thence 420 feet West; thence 1,000 feet North; thence 420 feet East to the point of beginning.

PARCEL 2:

Beginning at the Northeast corner of the NW1/4 of Section 29, Township 36 South, Range 15 East of the Willamette Meridian, in the county of Klamath, State of Oregon; thence 1,000 feet South; thence 420 feet West; thence 1,000 feet North; thence 420 feet East to the point of beginning.

PARCEL 3:

The E 1/2 NE 1/4 Section 31, Township 36 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 4:

The W 1/2 NW 1/4, Section 31, Township 36 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 5:

The E 1/2 NW 1/4, Section 35, Township 36 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 6:

The W 1/2 NW 1/4, Section 35, Township 36 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 7:

Township 36 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon; Section 23: Beginning at a point 100 feet West of the Southeast corner of the SW1/4 SE 1/4 of Section 23; thence North 200 feet; thence West 200 feet; thence South 200 feet; thence East 200 feet to the point of beginning.

Section 24: All

Section 25: N 1/2 NW1/4 NW 1/4; E 1/2 NW1/4; NE 1/4 SW 1/4; E 1/2 NE 1/4; SE 1/4 Section 26: All

Section 36: NW1/4 NE 1/4

Township 36 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon:

Section 16: W 1/2 SW 1/4

Section 17: W 1/2; S 1/2 SE 1/4

Section 18: S 1/2 N 1/2; N 1/2 S 1/2

Section 19: All

Section 20: N 1/2 N 1/2; SE 1/4 NW1/4; NE 1/4 SW1/4; SW1/4 NE 1/4

Section 21: W 1/2; SE 1/4

Section 27: W 1/2; SE 1/4

Section 29: E 1/2; SW 1/4

Section 31: W 1/2 NE 1/4; E1/2 NW1/4; N 1/2 S 1/2

Section 33: W1/2; SE1/4

Section 35: S 1/2

SAVING AND EXCEPTING a strip of land 66 feet in width across the SE 1/4 SE 1/4 of Section 21 and the NE 1/4 SE 1/4 of Section 31, Township 36 South, Range 15 East of the Willamette Meridian, conveyed to Weyerhaeuser Timber Company as described in Parcels I and 2 in deed recorded July 25, 1958 in Book 301 at Page 347, Deed Records of Klamath County, Oregon

ALSO SAVING AND EXCEPTING a strip of land 66 feet in width in the N 1/2 NW1/4 and SW1/4 NE1/4 of Section 33, Township 36 South, Range 15 East of the Willamette Meridian, conveyed to Weyerhaeuser Timber Company by deed recorded January 13, 1959 in Book 308 at Page 577, Deed Record of Klamath County, Oregon.

PARCEL 8:

The W 1/2 NE 1/4, Section 25, Township 36 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon.