

Returned at Counter

2018-009638

Klamath County, Oregon



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08/14/2018 11:11:43 AM

Fee: \$117.00

After Recording Return To:  
Oregon Department of Fish and Wildlife  
ATTN: Realty Services (Tofte)  
4034 Fairview Industrial Dr. SE  
Salem, OR 97303

Document Title: Notice of Federal Participation  
Grantor: Limnes Land Company, LLC,  
and Trout Unlimited  
Grantee: The Public  
County: Klamath  
Assessor's Parcel Numbers:

Account	T	R	S	TL
R74369	33	07		200
R74305	32	07		900

## NOTICE OF FEDERAL PARTICIPATION

Sun Creek In-Stream Water Rights Acquisition

from

Limnes Land Company, LLC

Limnes Land Company, LLC, an Oregon 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. Limnes Land Company, LLC 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 250 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.

Limnes Land Company, LLC, 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 Sun Creek In-Stream Water Rights Acquisition.

Limnes Land Company, LLC, 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. Limnes Land Company, LLC, 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 Limnes Land Company, LLC, 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.

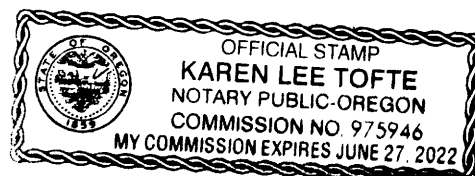
THE STATE OF OREGON acting by and through the  
Oregon Department of Fish and Wildlife  
on behalf of the Oregon Fish and Wildlife Commission

  
Shannon Hurn, Deputy Director

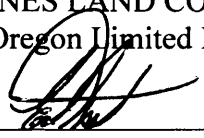
STATE OF OREGON            )  
  )ss  
County of Marion            )

This instrument was acknowledged before me on July 17, 2018, by Shannon Hurn, as Deputy Director of the Oregon Department of Fish and Wildlife.

  
Notary Public for the State of Oregon  
My Commission Expires: 06/27/2022



LIMNES LAND COMPANY, LLC,  
An Oregon Limited Liability Company

  
Edward L. Maletis, Managing Member

STATE OF OREGON            )  
  )ss  
County of Washington    )

This instrument was acknowledged before me on 4/20, 2017, by  
Edward L. Maletis, as Managing Member of Limnes Land Company, LLC.

  
Maureen Weber Iverson

Notary Public for the State of Oregon

My Commission Expires: 2/3/2019



TROUT UNLIMITED  
a Michigan nonprofit corporation

  
Chrysten Lambert

Director, Oregon Water Project

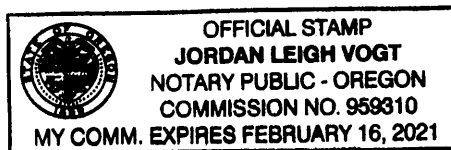
STATE OF OREGON            )  
  )ss  
County of Jackson            )  
County of Klamath ✓        )

This instrument was acknowledged before me on May 1, <sup>2018</sup>~~2017~~, by  
Chrysten Lambert, as Director of the Oregon Water Project for Trout Unlimited.

  
Jordan Leigh Voft

Notary Public for the State of Oregon

My Commission Expires: Feb. 16, 2021



## **EXHIBIT A**

### **Legal Description**

#### **Parcel 1:**

The following described real property situate in Klamath County, Oregon:

**Township 32 South, Range 7 1/2 East of the Willamette Meridian**

Section 32: The South 550 feet of the SE1/4; The South 550 feet of the SE1/4 of the SW1/4.

Section 33: The South 550 feet of the SW1/4; The South 550 feet of the SW1/4 of the SE1/4 and All the SE1/4 of the SE1/4.

Section 34: All that portion of the SW1/4 and the SW1/4 of the SE1/4 lying Westerly of the following described line: Beginning at a point on the South line of the SW1/4 of the SE1/4 of said Section 34, said point being 2578.0 feet North and 2239.1 feet West of the quarter corner common to Sections 2 and 3, Township 33 South, Range 7 1/2 East of the Willamette Meridian; thence along said line North 32°41' West, 189.5 feet; thence North 44°24' West, 413.0 feet more or less to a point on the West line of said SW1/4 of the SE1/4; said point also being 2232.7 feet South and 2693.3 feet East of the quarter corner common to Sections 33 and 34, Township 32 South, Range 7 1/2 East of the Willamette Meridian; thence North 40°16' West, 261.5 feet; thence North 44°21' West, 124.6 feet; thence North 57°07' West, 99.7 feet; thence North 47°58' West, 76.5 feet; thence North 40°56' West 191.3 feet; thence North 36°35' West, 186.8 feet; thence North 33°07' West, 98.3 feet; thence North 26°13' West, 82.2 feet more or less to a point on the North boundary of the SE1/4 of the SW1/4, said point being 1388.2 feet South and 1970.0 feet East of the quarter corner common to Sections 33 and 34, said Township and Range; thence North 10°40' West, 102.1 feet; thence North 20°39' West, 227.6 feet; thence North 39°26' West 397.4 feet; thence North 47°59' West, 334.7 feet, more or less, to a point on the West boundary of the NE 1/4 of the SW 1/4, said point being 543.9 feet South and 1369.7 feet East of said quarter corner between Sections 33 and 34; thence North 37°07' West, 188.6 feet; thence North 33°09' West, 130.5 feet; thence North 26°13' West 324.7 feet more or less to a point on the North boundary of the NW1/4 of the SW1/4, said point also being 7.1 feet North and 1041.0 feet East of the quarter corner common to Sections 33 and 34, Township 32 South, Range 7 1/2 East of the Willamette Meridian.

**Township 33 South, Range 7 1/2 East of the Willamette Meridian.**

Section 3: Government Lots 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17 and 18, EXCEPTING THEREFROM all that portion of Government Lots 2, 7, 8 and 11, lying Easterly of the following described line: Beginning at a point on the South boundary of said Government Lot 8, said point begin 43.9 feet South and 1004.3 feet West of the quarter corner common to Sections 2 and 3, said Township and Range; thence North 20°48' West 120.0 feet; thence North

25°30' West 191.4 feet; thence North 5°04' West, 129.0 feet; thence North 1°19' East 134.7 feet; thence North 9°38' West, 163.2 feet; thence North 18°16' West, 223.0 feet; thence North 28°06' West 256.7 feet; thence North 36°37' West, 233.0 feet; thence North 38°08' West, 207.5 feet; thence North 44°36' West, 200.8 feet; thence North 26°20' West, 186.0 feet; thence North 49°19' West, 173.6 feet; thence North 23°06' West, 173.8 feet; thence North 14°49' West, 360.6 feet; thence North 27°37' West, 217.7 feet, more or less to a point on the North boundary of said Government Lot 2, Section 3, Township 33 South, Range 7 1/2 East of the Willamette Meridian.

AND FURTHER EXCEPTING THEREFROM all that portion of Government Lots 17 and 18 of said Section 3, more particularly described as follows: Beginning at the Southeast corner of Government Lot 19, being the corner common to Government Lots 17, 19, 24 and 25; thence North along the East line of Government Lot 19 and its Northerly extension thereof to the center thread of the Wood River; thence Easterly and Southerly upstream along said center thread to the East line of Government Lot 18; thence South along said East line to the Southeast corner of Government Lot 18; thence West along the South line of Government Lot 18 and the most Southerly line of Government Lot 17 to the point of beginning.

Section 4: Government Lots 1 through 19, both inclusive and Government Lots 22 and 23.

Section 5: Government Lot 3; SE1/4 of the NW1/4; all that portion of the SW1/4 lying Northerly of the State Highway; the SE1/4.

Section 9: Government Lot 7,

EXCEPTING THEREFROM any portion of said Government Lot 7 described in Deed recorded May 5, 1932 in Deed Volume 97 at page 412, Klamath County Deed Records, more particularly described as follows: Beginning at the Southeast corner of Government Lot 7; thence North along the East line thereof, 574 feet; thence West 524 feet to the County Road; thence Southeasterly along the Easterly line of said County Road to the Southerly line of Government Lot 7; thence East along said Southerly line to the point of beginning.

ALSO EXCEPTING THEREFROM any portion of the above described tract lying Westerly of the Easterly right of way of the State Highway.

All that portion of Government Lot 12 described as follows: Beginning at the Southeast corner of said Lot 12; thence North 0°20' East, along the Easterly line thereof, 594.88 feet to the centerline of the Wood River Ditch; thence South 35°44' West along said centerline, 648.78 feet to the Easterly right of way of the Crater Lake Highway; thence South 18°26' East, along said right of way, 85.80 feet to the Southerly line of Lot 12; thence along said Southerly line North 89°42' East, 348.48 feet to the point of beginning.

Government Lot 13;

EXCEPTING THEREFROM any portion of said Lot 13 described as follows: Beginning at the Northwest corner of said Government Lot 13; thence South 0°20' West along the West line thereof, 729.30 feet to the centerline of the Wood River Ditch; thence North 37°37' East, along said centerline, 914.76 feet to the North line of Government Lot 13; thence South 89°46' West along said North line 559.68 feet to the point of beginning.

Section 10: Government Lots 20 and 21 and all that portion of the Government Lot 22 lying Westerly of the Westerly right of way of the State Highway.

Section 15: Government Lots 2, 9, 10, 14, 15, 16, 17 and 18; The E1/2 W1/2 SW1/4 SE1/4; The E1/2 SW1/4 SE1/4

EXCEPTING THEREFROM any portion of the above described lots lying Easterly of the Westerly right of way of the State Highway.

Section 16: Government Lot 5.

Section 22: The E1/2 W1/2 W1/2 NE1/4; The E1/2 W1/2 NE1/4;

EXCEPTING THEREFROM that parcel of land described in Warranty Deed recorded June 13, 1960 in Deed Volume 322 at Page 55, Klamath County Deed Records; being the East 510 feet of that portion of the E1/2 of the W1/2 of the NE1/4 of said Section lying Southerly of the State Highway.

AND FURTHER EXCEPTING that portion lying Southerly of the Highway as described in Deed to William A. Bartlett, et us, recorded in Volume M80 page 24360, Records of Klamath County, Oregon.

EXCEPTING THEREFROM any portion of all the above described parcels of land lying within the right of way of State Highway #62 State Highway #232 and County Road #624 (Dixon Road).

EXCEPTING THEREFROM that portion deeded to Department of Transportation, Highway Division, recorded July 18, 1991, in Volume M91 Page 14078, Deed records of Klamath County, Oregon.

**Parcel 2:**

Government Lots 1 and 2 and the S1/2 of the NE1/4 of Section 5, Township 33 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon.

**Parcel 3:**

The following described real property situate in Klamath County, Oregon;



Government Lots 10, 11 and 12 and that portion of Government Lot 13 in Section 9, Township 33 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at the Northwest corner of Government Lot 13 of Section 9, Township 33 South, Range 7 1/2 East of the Willamette Meridian; thence South 0°20' West along the West line of said Government Lot 13, 729.30 feet to the center line of the Wood River Ditch; thence North 37°37' East along said centerline, 914.76 feet, to the North line of said Government Lot 13; thence South 89°46' West along the North line of Government Lot 13, 559.68 feet to the point of beginning.

EXCEPT that portion described as follows: Beginning at the Southeast corner of Government Lot 12, Section 9, Township 33 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon; thence North 0°20' East, along the East line of said Lot 12, 605.88 feet to the center line of the Wood River Ditch; thence South 35°44' West, along said centerline, 648.78 feet, to the Easterly right of way line of the Crater Lake Highway; thence South 18°26' East along said right of way line, 85.80 feet, to the South line of said Government Lot 12; thence North 89°42' East, 348.48 feet, to the point of beginning. According to that Survey of May 22, 1902, recorded in the office of the Klamath County Engineer.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through the Oregon State Highway Division, by deed recorded March 18, 1991 in Volume M91, page 4796, Microfilm Records of Klamath County, Oregon, more particularly described as follows: A parcel of land lying in Government Lots 11 and 12, Section 9, Township 33 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon, and being a portion of that property described in that deed to Glenn T. and Rena A. Williams, recorded in Volume M86, page 6647, Microfilm Records of Klamath County, Oregon; the said parcel being that portion of said property included in a strip of land 40 feet in width, lying on the Easterly side of the center line of the Crater Lake Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 234+17.35, said Station being 4324.02 feet North and 3062.12 feet West of the Southeast corner of Section 9, Township 33 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon; thence South 17°09'01" East 2579.71 feet; thence on a 22,918.31 foot radius curve left (the long chord of which bears South 17°17'16" East 110.04 feet) 110.05 feet; thence South 17°25'31" East 4814.77 feet to Engineer's center line Station 309+21.88.

Parcel 4:

Township 33 South, Range 7 1/2 East of the Willamette Meridian:

Section 9: Government Lots 5, 6, 8, 9, and a portion of Government Lot 7 more particularly described as follows: Beginning at the Southwest corner of Government Lot 6; thence North along the West line of said Government Lot 6, 574 feet, thence West 524 feet to the County Road; thence Southeasterly along the Easterly line of said County Road, to the Southwesterly corner of Government Lot 7; thence East along the South line of said Government Lot 7 to the place of beginning. NOTE: the preceding property description is in accordance with that survey of May 22, 1902, recorded in the office of the Klamath County Surveyor.