

-EASEMENT-

The concrete flume intake and discharge structures to be constructed by Anadromous, Inc., in connection with appropriation of water for fish rearing purposes as described by Application 63961, will at time of low flow in Fort Creek serve, in effect, as a relocation of the channel of Fort Creek.

In recognition of the above stated circumstance, Anadromous, Inc., hereby grants and conveys to the State of Oregon, acting by and through its Water Resources Department, a perpetual easement of reasonable ingress and egress and right to inspect, operate and control water control structures and devices to obtain distribution of the flow of Fort Creek among the legal users of such waters in accord with their relative entitlements to such water, by the Water Resources Director and employees of the Director. This grant of easement and right shall be upon the real property located in Klamath County, Oregon, more particularly described as follows:

The Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter and that portion of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter lying east of Highway 62, all in Section 23 Township 33 South and range 7-1/2 East of the Willamette Meridian, county of Klamath, State of Oregon.

This grant of easement and right shall not be construed to diminish the obligation of Anadromous, Inc., for maintenance, repair and replacement of water control structures and devices as may be operated and controlled by the Water Resources Director or the employees of the Director, nor to convey any such obligation upon the State of Oregon.

It is hereby recognized by Anadromous, Inc., that, should the water supply necessary to the operation of Anadromous, Inc., upon said real property be interrupted by action of the Water Resources Director or the Director's employees as a consequence of operation and control of said water control structures and devices by Anadromous, Inc., in violation of the permit issued pursuant to Application 63961, any losses incurred by Anadromous, Inc., as a result of such interruption of water supply shall not constitute a cause for action against the Water Resources Director or employees of the Director. Except as provided in the immediately preceding sentence, Anadromous, Inc., shall retain all rights it may have to assert claims for losses or damages it may suffer as a consequence of the exercise of the easement granted herein by the Water Resources Director or employees of the Director.

ANADROMOUS, INC

By Ernest R. Lewis
President

STATE OF OREGON)
) SS
COUNTY OF Multnomah)

The foregoing instrument was acknowledged before me this 20th day of December, 1982, by Ernest R. Lewis, president of Anadromous, Inc., an Oregon corporation, on behalf of the corporation.

STATE OF OREGON, } ss
County of Marion, }

I certify that the within was received by me on the 21 day of December, 1982, at 3:00 o'clock A.m., and was recorded in Miscellaneous Records, Vol. 6 Page 1087.

James E. Sexson,
Director

James E. Sexson
Notary Public for Oregon
My commission expires: 11/12/85