

TITLE REPORT
OUTSTANDING AND THIRD PARTY INTERESTS
UMATILLA CHEMICAL DEPOT
UMATILLA, OREGON

Tract A

Tract A use and jurisdiction were withdrawn by EO 8794 from all forms of appropriation under the public-land laws, including the mining laws, and subject to all valid existing rights. This was amended by Executive Order 9526 and Public Land Order 986 which ordered that jurisdiction would cease to be in the War Department after six months and would be restored to BLM but Tract A would remain withdrawn from appropriation until otherwise ordered. No existing rights were then or later identified and none are now known.

Tract B

Tract B use and jurisdiction were withdrawn by EO 8999 from all forms of appropriation under the public-land laws, including the mining laws, and subject to valid existing rights. The order was specifically subject to the "...order of December 18, 1936, of the Secretary of the Interior establishing Oregon Grazing District No. 7. After the present national emergency has been officially terminated, this order shall be without effect upon notice to the War Department by the Secretary of the Interior that the above-described land is needed for grazing or other uses by the Department of the Interior." In essence, the withdrawal was subject to Oregon Grazing District No. 7 and the jurisdiction was to be temporary in the Army. This was amended by Executive Order 9526 and Public Land Order 986 which ordered that jurisdiction would cease to be in the War Department and would be restored to BLM after six months but Tract B would remain withdrawn from appropriation until otherwise ordered. No other existing rights in others were then or later identified and none are now known.

Tract C

Tract C was withdrawn by Public Land Order 1789 from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, subject to valid existing rights. No such rights were then or later identified and none are now known.

Tracts 1 and 2 (Civil 570)

The Certificate of Title dated November 25 1941 show Tracts 1 and 2 were acquired subject to the following:

1. Taxes for 1941,
2. Taxes and assessments of the Westland Irrigation District and the John Day Irrigation district,
3. Reservations for "coal and iron" in J. Frank Watson in a deed executed by Northern Pacific Railway Company on June 12 1905,
4. Possible interests of Tom Bolen, Jr.,

5. Possible interests of R. E. McGreer.

The Declaration of Taking and the Judgements for Civil 570 do not name the above Watson, Bolen, or McGreer as parties in the case or list any of these or other outstanding interests. According to office records, it is not known if these interests were acquired, subordinated, or otherwise cleared from title. The Final Opinion of Title issued by the Office of the Attorney General dated June 8 1942 reflects that the lands are vested in the USA in fee simple.

Tract 3 (Civil 569)

The Certificate of Title dated December 8 1941 shows Tracts 3 was acquired subject to:

1. Taxes and assessments of the Westland Irrigation District,
2. Reservation of "coal and iron" in J. Frank Watson in a deed executed by Northern Pacific Railway Company on June 12 1905.

The Declaration of Taking and the Judgements for Civil 569 do not name the above Watson as party in the case or list the noted or other outstanding interests. According to office records, it is not known if this interest was acquired, subordinated, or otherwise cleared from title. The Final Opinion of Title issued by the Office of the Attorney General on May 27 1942 reflects that the lands are vested in the USA in fee simple.

Tracts 4, 5, 7, 8, 9, 10, 11 (Civil 568)

Tracts 4, 5, 7, 8, 9, 10, and 11 were acquired in fee simple with no reservations, exceptions, or outstanding interests of any type. No title exceptions are shown on a title policy and a Final Opinion of Title reflects that the lands are vested in the USA in fee simple.

Tract 6 (Civil 567)

Tract 6 was acquired in fee simple with no reservations, exceptions, or outstanding interests of any type. No title exceptions are shown on a title policy and a Final Opinion of Title reflects that the lands are vested in the USA in fee simple.

Tracts 12, 14, 15, 17, and 18 (Deed)

Tracts 12, 14, 15, 17, and 18 were acquired in fee simple subject to an easement in the public for any public roads planned or established and now existing over and across any part of the land according to Deed No. 24598-W dated October 4 1941. The tracts were acquired subject to further liens, assessments, or interests identified in that Certificate of Title No. 22914 dated 24 November 1941 as follows:

1. Roads, ways, easement, county roads, water rights, water locations, mining rights exceptions or reservations in patents or deeds from the State of Oregon,
2. Rights, claims, or liens not of record,
3. Taxes or assessments not due,
4. Any affect of a change in boundary of the John Day irrigation District shown on a certain Order dated February 5, 1924,

5. Taxes and assessments of the John Day Irrigation District,
6. An easement in the public for any public roads planned or established and now existing over and across any part of the land according to Deed No. 24598-W dated October 4 1941.

The Final Title Opinion from the Office of the Attorney General dated February 4 1942 indicates valid title in the USA subject to easements for public roads, right of way and utilities and lien of the 1942 taxes which were paid.

Umatilla County Road No. 852 crossed Tracts 15 and 17 and Umatilla County Road No. 853 crossed Tracts 17 and 18. County Roads 852 and 853 were officially vacated by Order Vacating Said Road and Order Vacating Road dated June 29th, 1946. This cleared the known existing public road interests. Office records do not show any other outstanding interests existed or were acquired.

Tracts 13 and 16 (Deed)

Tracts 13 and 16 were acquired in fee simple and the Certificate of Title dated November 15 1941 shows no reservations, exceptions, or outstanding interests of any type. A Final Opinion of Title reflects that the lands are vested in the USA in fee simple.

Tract 19 (Civil 903)

Tract 19 was acquired in fee simple with no reservations, exceptions, or outstanding interests of any type. No title exceptions are shown on a title policy and a Final Opinion of Title reflects that the lands are vested in the USA in fee simple.

Tract 20 (Civil 902)

Tract 20 was acquired in fee simple subject to the following exceptions identified in Certificate of Title dated 18 March 1942:

1. Right of Way Easement in Umatilla Electric Cooperative Association for an electric transmission line,
2. Agreement for Easement and Right of Way to the USA for wind erosion control treatment.

The Declaration of Taking and the Judgements for Civil 902 do not name the above Umatilla Electric Cooperative Association as party in the case or list the noted or other outstanding interests. According to office records, it is not known if this interest was acquired, subordinated, or otherwise cleared from title. The Final Title Opinion issued by the Office of the Attorney General dated 17 June 1942 indicates that a valid title to the lands is vested in the USA in fee simple. Multiple long-term easements have been granted to the same entity over the years and this particular transmission line is probably included in one of those easements. See outgrants listed in the Title Report.

Tracts 23E through 29E, 130E and 131E

These tracts were generally acquired subject to liens and assessments and subject to existing easements for public roads and highways, public utilities, railroads and pipelines, and reserving rights which do not interfere with the Government rights including the rights to graze and farm. Outstanding liens and assessments were against

the servient estates and do not affect the acquired easements. The outstanding easements for public utilities did not affect the title to the safety easements or the intended use as a safety area by the USA as the rights in those easements did not allow them to exercise rights excluded by the acquired safety easement. Likewise, the reserved uses and rights to graze and farm do not interfere with or violate the excluded rights acquired by the Government.

Tract 23E (Deed)

A perpetual restrictive easement in Tract 23E was acquired reserving to Grantors, their successors and assigns, all right, title, interest and privilege as may be used and enjoyed without interfering with the rights conveyed to the USA, including but not limited to, the right to graze livestock on said lands, and the right to farm same, and subject to existing easements for public roads and highways, public utilities, railroads and pipelines, over and across the lands. There were no other reservations, exceptions, or outstanding interests other than those not acquired from the owner. No title exceptions are shown on a title policy and a Final Opinion of Title reflects that the easement interests are vested in the USA.

Tract 24E, 25E, 26E, 27E, and 28E (Civil 9025)

Perpetual restrictive easements in Tracts 24E-28E were acquired for a safety area reserving to the owners, their heirs and assigns, all right, title, interest, and privilege as may be enjoyed without interfering with the rights conveyed to the USA, including the right to graze and farm the lands, and subject to existing easements for public roads and highways, public utilities, railroads and pipelines, over and across the lands. These tracts were acquired subject to certain liens, encumbrances, and outstanding rights shown below for each tract. The public easements were specifically excluded from the taking in the above estate. The Declaration of Taking and the Judgements for Civil 9025 do not name the owners of the outstanding interests as parties in the case or list the noted or other outstanding interests. Office records do not show that outstanding rights for minerals, oil and gas, oil and gas leases, etc., were acquired, subordinated to the safety easements, or otherwise cleared from title. The Final Title Opinion dated 29 July 1960 by the Office of the Attorney General indicates the USA is vested with a perpetual restrictive easement in all tracts.

Tract 24E was acquired subject to the following liens, encumbrances, and reservations as specified in that Certificate of Title from Oregon Title Insurance Company dated 17 March 1959:

1. The assessments of the West Extension Irrigation District,
2. An exception and reservation of all minerals of any nature whatever including coal, iron, natural gas and oil together with use of the surface as may be necessary for mining, etc., in the deed from Northern Pacific Railway Company to Lawrence P. Doherty in Book 56 of Deeds, page 559, Records of Morrow County, Oregon,
3. An easement to Umatilla Electric Cooperative Association, a cooperative corporation, dated November 1, 1957, recorded April 24 1958 in book 62 of

Deeds, Page 556, Records of Morrow County, Oregon, to construct, operate and maintain an electric transmission or distribution line or system.

Tract 25E was acquired subject to the following liens, encumbrances, and reservations as specified in that Certificate of Title from Oregon Title Insurance Company dated 29 January, 1960:

1. Taxes for years 1958-59 and 1959-60,
2. Assessments of West Extension Irrigation district,
3. Excepting and reserving all minerals of any nature whatever including coal or iron, and use of such surface ground as may be necessary for mining operation, and the right of access to such reserved and excepted coal and iron lands, for the purpose of exploring, developing and working the same, as specified in Deed from Northern Pacific Railroad Company to Oregon Land and Water Company in Book "S" of Deeds, page 342, Records of Morrow, County, Oregon.

Tract 26E was acquired subject to the following liens, encumbrances, and reservations as specified in that Certificate of Title from Oregon Title Insurance Company dated 21 January, 1960:

1. Contract of sale from Vogler to Leonard recorded in Book 248, page 596, of Deed Records of Umatilla County, Oregon,
2. Deed from Vogler to Buskirk and Lloyd recorded in Book 250, page 406, of Deed Records of Umatilla County, Oregon, which conveys 25% of all gas, oil and mineral rights.

Tract 27E was acquired subject to the following liens, encumbrances, and reservations as specified in that Certificate of Title from Oregon Title Insurance Company dated 21 January, 1960:

1. Reservations in Patent and deeds from Northern Pacific Railway Company and Merchants Savings and Trust company,
2. Easements to Umatilla Electric Cooperative, USA, Pacific Telephone and Telegraph Company,
3. Mortgage to United States National Bank of Portland, Contract of Sale between Conner and Leonard,
4. Oil and Gas Lease between Leonard and Pacific Gas and Oil Reserves, Inc.

Tract 28E was acquired subject to the following liens, encumbrances, and reservations as specified in that Certificate of Title from Oregon Title Insurance Company dated 21 January, 1960

1. Assessments of Westland Irrigation district,
2. Reservations in Patent and deeds from Northern Pacific Railway Company, Oregon Land and Construction Company, Hinkle Ditch Company, Western Land and Irrigation Co., Central Trust Company, Robert F. Maquire Master in Chancery in and for the District Court of the US for the District of Oregon, Western Irrigation Company,
3. Easement to Umatilla Electric Cooperative Association.

Tract 29E (Deed)

A perpetual restrictive easement in Tract 29E was acquired reserving to Grantors, their successors and assigns, all right, title, interest and privilege as may be used and enjoyed without interfering with the rights conveyed to the USA, including but not limited to, the right to graze livestock on said lands, and the right to farm same, and subject to existing easements for public roads and highways, public utilities, railroads and pipelines, and reservations, exceptions, and any other outstanding rights to be contained in patents issued by the USA over and across the lands.

The Tract was also acquired subject to the following identified in the Final Certificate of Title dated 15 May 1958:

1. Easements, if any, used by third persons in connection with vested and accrued water rights,
2. The interest of Deloss Webb under Desert Entry No. Oregon 04592 issued by Department of Interior. (Tract 29E was acquired from Deloss Webb and Florence Irene Webb, husband and wife)

There were no other reservations, exceptions, or outstanding interests other than those not acquired from the owner.

The Final Title Opinion issued by the Office of the Attorney General on July 18, 1958 indicates valid title vested in the USA.

Tract 130E (Deed)

A restrictive easement in Tract 130E was acquired subject to existing easements of record for public roads and highways, public utilities, railroads and pipelines; and reserving to the Grantors, their successors and assigns, all right, title and interest and privilege as may be used and enjoyed without interfering with or abridging the rights conveyed to the Government, including, but not limited to, the right to graze livestock on said lands, and the right to farm same.

The Tract was also acquired subject to exceptions identified in the Policy of Title Insurance dated February 8 1974:

1. Taxes if disqualified for farm use.
2. Ditches or canals constructed by the authority of the US, as reserved in patent.
3. The restrictive safety area easement rights, in fact, acquired by the USA in the Restrictive Easement to the USA dated 6 September 1977. (When this area of Tract C was relinquished to BLM these rights were requested by the Army to be placed on this property by BLM when sold and the sale and patent were subsequently issued subject to these rights.)

The Attorney's Final Title Opinion issued by the Seattle District, Corps of Engineers, on June 25 1984 discloses valid title is vested in the USA subject to the above Restrictive Easement.

Tract 131 E (Deed)

A restrictive easement in Tract 131E was acquired subject to existing easements of record for public roads and highways, public utilities, railroads and pipelines; and reserving to the Grantors, their successors and assigns, all right, title and interest and privilege as may be used and enjoyed without interfering with or abridging the rights

conveyed to the Government, including, but not limited to, the right to graze livestock on said lands, and the right to farm same.

The Tract was also acquired subject to the following rights reserved in the patent and or shown on the Policy of Title Insurance dated March 8 1978:

1. Any and all water rights of way, ditches, canals and roads,
2. All oil and gas in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and Department of Interior regulations,
3. Rights for irrigation canal purposes as the Western Land and Irrigation Company, or its successors in interest may have pursuant to right-of-way The Dalles 023691,
4. Taxes for 1977-1978,
5. The restrictive safety area easement rights, in fact, acquired by the USA in the Restrictive Easement to the USA dated 6 September 1977. (When this area of Tract C was relinquished to BLM these rights were requested by the Army to be placed on this property by BLM when sold and the sale and patent were subsequently issued subject to these rights.)

The Attorney's Final Title Opinion issued by the Seattle District, Corps of Engineers, on March 29 1978 discloses valid title is vested in the USA subject to the above public interests and rights of third parties.

