

① 66-78

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KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, Arden-Mayfair, Inc., a Delaware corporation, is the owner of substantially all of the property in Block 2, St. Francis Park, Klamath County, Oregon; and

WHEREAS, the said lands lie within Enterprise Irrigation District, an irrigation district duly and regularly existing under and by virtue of the laws of the State of Oregon, and which said irrigation district has pursuant to the laws of the State of Oregon certain easement and right of way rights existing over said property; and

WHEREAS, Arden-Mayfair, Inc., a Delaware corporation, the said property holder, has requested Enterprise Irrigation District to confine and limit its easement and right of way rights across said Block 2, St. Francis Park, to the southerly portion thereof; and

WHEREAS, said matter was submitted to the Board of Directors of Enterprise Irrigation District at its monthly meeting on May 10, 1966; and

WHEREAS, upon motion duly made, seconded and carried, the Board of Directors of Enterprise Irrigation District unanimously passed a resolution wherein and whereby in substance it agreed that when and if it should ever be necessary for it to exercise any of its easement or right of way rights on Block 2, St. Francis Park, Klamath County, Oregon, it would confine the same to the southerly ten (10) feet of said property;

NOW, THEREFORE, for and in consideration of the premises, Enterprise Irrigation District does hereby covenant to and with the owners of parcels of property within Block 2, St. Francis Park, Klamath County, Oregon, that when and if it is necessary for it to exercise any easement or right of way rights the same will be confined to the southerly ten (10) feet of said Block 2, provided, however, this covenant shall never be construed to delete any portion of the said real property from the boundaries of Enterprise Irrigation District, and the owners of the property will continue to pay their annual water charge assessments levied against their respective parcels of property to the said Enterprise Irrigation District.

IN WITNESS WHEREOF, the undersigned, being all of the members of the

GANDONG, GANDONG,
& GORDON
ATTORNEYS AT LAW
KLAMATH FALLS, ORE.

1 Board of Directors of Enterprise Irrigation District have caused these presents
2 to be executed on the 10th day of May, 1966, pursuant to a resolution duly
3 adopted at a duly and regularly scheduled monthly Board meeting.

4 *Raymond F. Patty*
5 *Ernest Collman*
6 *Ronald E. Phair*
7 *Joe J. Yeller*
8 *Dean Marcum*

13 STATE OF OREGON)
14 County of Klamath) ss. May 10, 1966

15 Personally appeared Raymond F. Patty, Joe Yeller, Dean Marcum, Berniece
16 Collman and Ronald Phair, who being duly sworn, jointly and severally, did
17 say that they are all of the members of the Board of Directors of Enterprise
18 Irrigation District, and that the within instrument was signed in behalf of
19 said Enterprise Irrigation District by authority of its Board of Directors,
20 and acknowledged said instrument to be the free act and deed of said Enterprise
21 Irrigation District.

22 Before me:

23 *W. H. Hart*
24 Notary Public for Oregon
25 My Commission expires: 2-7-69

28 STATE OF OREGON; COUNTY OF KLAMATH; ss.
29 Filed for record at request of *Oregon Tille Co.*
30 this *17* day of *May* A.D. 1966 at *3:51* o'clock P.M., and
31 duly recorded in Vol. *146* of *Books* on Page *5229*
32 By *Dorothy Rogers* County Clerk

Fee 3.00