

JUL 2 10 47 AM '73  
1 THIS WATER RIGHT EASEMENT Made this 29<sup>th</sup> day of May,  
2 1973, between IRWIN A. BECK and LORRAINE M. BECK, husband and wife,  
3 hereinafter called "Beck", and THEODORE J. PADDOCK and MARY PADDOCK,  
4 husband and wife, as to an undivided one-half interest, and RAYMOND  
5 D. BIXLER and AUDREY M. BIXLER, husband and wife, as to an undivided  
6 one-half interest, hereinafter called "Paddock and Bixler";

7 W I T N E S S E T H:

8 WHEREAS, Beck as Vendor and Paddock and Bixler as Purchaser  
9 have entered into a Contract of Sale of real property covering  
10 that certain real property situate in Klamath County, Oregon,  
11 more particularly described in Exhibit "A" attached hereto; and

12 WHEREAS, said contract provides for subordination of the  
13 contract lien as to that certain parcel of real property described  
14 in Exhibit "B" attached hereto; and

15 WHEREAS; the parties have agreed that the water rights appur-  
16 tenant to the real property described in Exhibit "A" shall inure  
17 to the real property described in Exhibit "B", together with an  
18 easement for water supply from the real property described in  
19 Exhibit "A" to the real property described in Exhibit "B"; and

20 WHEREAS, the parties desire to reduce their verbal agreement  
21 to writing;

22 NOW, THEREFORE, the parties hereto mutually agree as follows:

23 1. Beck hereby grants, bargains and sells to Paddock and  
24 Bixler, their heirs and assigns, an easement and right to take and  
25 use irrigation water from the real property described in Exhibit  
26 "A" for the use and benefit of the real property described in  
27 Exhibit "B".

28 2. Concomitant and coextensive with the right described in  
29 paragraph 1 above is the further right in said Paddock and Bixler,  
30 their heirs and assigns, of ingress and egress over and upon an  
31 area of the real property described in Exhibit "A" to effect the  
32 purposes of said easement for the construction of a supply ditch



1 not to exceed ten (10) feet in width from berm to berm. Said right  
 2 is conditioned upon the reasonable exercise thereof for the benefit  
 3 of the real property described in Exhibit "B" and in the event of  
 4 excessive use, or use for purposes other than irrigation, or use  
 5 by means otherwise injurious to the real property described in  
 6 Exhibit "A", Beck shall have the right to extinguish said ease-  
 7 ment, but unless otherwise extinguished, said easement shall be  
 8 perpetual and run with the land.

9 3. Exhibits "A" and "B" attached hereto are incorporated  
 10 into this instrument as though fully set forth at the place  
 11 in this instrument at which reference to each said exhibit is  
 12 made.

13 Irwin A. Beck (SEAL)  
 14 Irwin A. Beck

15 Lorraine M. Beck (SEAL)  
 16 Lorraine M. Beck

17 Theodore J. Paddock (SEAL)  
 18 Theodore J. Paddock

19 Mary Paddock (SEAL)  
 20 Mary Paddock

21 Raymond D. Bixler (SEAL)  
 22 Raymond D. Bixler

23 Audrey M. Bixler (SEAL)  
 24 Audrey M. Bixler

25  
 26  
 27  
 28  
 29  
 30 STATE OF OREGON )  
 31 County of Klamath )

32 On the 29th day of May, 1973, personally appeared the  
 Water Right Easement -2-



8364

1 above named Irwin A. Beck and Lorraine M. Beck and acknowledged  
2 the foregoing instrument to be their voluntary act and deed.

Before me:

(SEAL)

Notary Public for Oregon  
My commission expires: 8-5-75

3  
4  
5  
6  
7  
8 STATE OF OREGON )  
9 County of Klamath ) ss.

10 On the 29<sup>th</sup> day of May, 1973, personally appeared the  
11 above named Theodore J. Paddock and Mary Paddock and acknowledged  
12 the foregoing instrument to be their voluntary act and deed.

Before me:

(SEAL)

Notary Public for Oregon  
My commission expires: 8-5-75

13  
14  
15  
16  
17  
18 STATE OF OREGON )  
19 County of Klamath ) ss.

20 On the 29<sup>th</sup> day of May, 1973, personally appeared the  
21 above named Raymond D. Bixler and Audrey M. Bixler and acknowledged  
22 the foregoing instrument to be their voluntary act and deed.

Before me:

(SEAL)

Notary Public for Oregon  
My commission expires: 8-5-75

23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
Water Right Easement -3-



8365

EXHIBIT "A"

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

Tracts 1, 2, 3, 4, and 5 of RIVERSIDE TRACTS, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 11, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

Exhibit "A"



8366

Exhibit "B"

A parcel of land situated in Tract 2, "Riverside Tracts" and the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11, all in T 39 S, R 11 EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at the west one-fourth corner of said Section 11, said point being the northwest corner of said "Riverside Tracts" according to the duly recorded plat thereof; thence S 89°49' E along the north line of said "Riverside Tracts" and along the east-west centerline of said Section 11 a distance of 3996.0 feet to a one-half inch iron pin in the County Road; thence S 0°13' W a distance of 406.44 feet; thence S 89°47' E a distance of 12.00 feet to a 5/8 inch iron pin on the True Point of Beginning of this description, said point being in an existing fence line; thence S 0°13' W along said fence line a distance of 208.71 feet to a 5/8 inch iron pin; thence N 89°47' W a distance of 208.71 feet to a 5/8 inch iron pin; thence N 0°13' E a distance of 208.71 feet to a 5/8 inch iron pin; thence S 89°47' E a distance of 208.71 feet to the True Point of Beginning of this description.

The above described parcel of land contains 1.00 acres, more or less.

STATE OF OREGON, }  
County of Klamath } ss.

Filed for record at request of:  
KLAMATH COUNTY TITLE CO

on this 2nd day of July A. D., 19 73  
at 10:47 o'clock A.M. and duly  
recorded in Vol. M 73 of DEEDS  
Page 8366

WM. D. MILNE, County Clerk

By *Royal D. Craig* Deputy.  
Fee \$ 10.00

Exhibit "B"