

## IRRIGATION DITCH AGREEMENT

1  
2 THIS AGREEMENT made and entered into this 30 day of July,  
3 1974, by and between DONALD STEVENSON and DIANE  
4 STEVENSON, husband and wife, hereinafter referred to as FIRST  
5 PARTIES, and E.W. McCULLOCH and DONNA McCULLOCH, husband and wife,  
6 hereinafter referred to as SECOND PARTIES,

7 WITNESSETH:

8 WHEREAS, First Parties are the owners and/or contract pur-  
9 chasers of that certain real property located in Klamath County,  
10 Oregon, and more particularly described on Exhibit "1" which is  
11 attached hereto and by this reference made a part hereof, and

12 WHEREAS, Second Parties are acquiring and will soon be the  
13 owners of that certain real property located in Klamath County,  
14 Oregon, and more particularly described on Exhibit "2" which is  
15 attached hereto and by this reference made a part hereof, and

16 WHEREAS, First Parties desire by these presents to grant  
17 unto Second Parties an easement for the purpose of permitting  
18 Second Parties to construct an irrigation ditch on First Parties'  
19 said property and to thereafter use said ditch for the purpose  
20 of irrigating Second Parties' said property which is contiguous,

21 NOW, THEREFORE, for and in consideration of the mutual  
22 covenants of the parties herein contained and other valuable  
23 consideration,

24 IT IS MUTUALLY AGREED as follows:

25 1. First Parties do hereby grant unto Second Parties the  
26 right to construct an irrigation ditch on First Parties said real  
27 property which said ditch shall be approximately 250 feet in  
28 length and running in a generally easterly-westerly direction  
29 across said property approximately 20 feet south of the  
30 existing Klamath County improved road known as Del Fatti Lane.

31 2. Second Parties shall cause all expenses in constructing  
32 said ditch to be paid promptly when due and shall further furnish

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ATTORNEY AT LAW  
FIRST FEDERAL SAVINGS  
BUILDING  
KLAMATH FALLS, ORE.



1 at their expense thirty (30) feet of 12 inch culvert so as to  
2 permit First Parties access to their said property over and across  
3 said ditch.

4 3. Second Parties shall be responsible for the maintenance  
5 of said ditch and culvert, reasonable wear and tear thereof ex-  
6 cepted, and shall have the right to enter upon Second Parties'  
7 property upon request for the purpose of maintenance.

8 4. First Parties by these presents further grant to Second  
9 Parties a continuing right to use and transport water when avail-  
10 able from Klamath Irrigation District, through said ditch for  
11 irrigation purposes.

12 5. Second Parties shall at all times during their use of  
13 said ditch use and transport water through same in a reasonable  
14 and prudent manner and indemnify and pay promptly for any damage  
15 done to the property of First Parties resulting from any of their  
16 negligence use of said ditch.

17 6. This agreement shall bind and inure to the benefit of  
18 the parties hereto, their assigns, successors and legal represent-  
19 atives.

20 7. First Parties have the right at any reasonable time upon  
21 request to enter upon Second Parties property to clean and repair  
22 the drain on Second Parties' property at First Parties expense.

23 8. First Parties shall cause to be installed a sliding 12"  
24 gate in said ditch at the point where said ditch enters First  
25 Parties property, all at First Parties expense, provided, how-  
26 ever, that Second Parties shall pay First Parties upon the exe-  
27 cution hereof the sum of \$16.08 for one-half the cost of said  
28 sliding gate and cost of fill material of said culvert.

29 IN WITNESS WHEREOF the parties have hereunto set their hands  
30 and seals the day and year first hereinabove written.

31 FIRST PARTIES: Don Stevenson  
32 Donna Stevenson

Diane Stevenson  
Diane Stevenson

FRANKIE K. PUCKETT, P.C.  
ATTORNEY AT LAW  
FIRST FEDERAL SAVINGS  
& LOAN BUILDING  
KLAMATH FALLS, ORE.



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SECOND PARTIES:

E.W. McCulloch  
E.W. McCulloch

Donna McCulloch  
Donna McCulloch

STATE OF OREGON )

) ss

July 31, 1974

COUNTY OF Klamath )

Personally appeared the within named DONALD STEVENSON and  
DIANE STEVENSON, husband and wife, and acknowledged the fore-  
going instrument to be their voluntary act and deed.

BEFORE ME:

Betty C. Puckett  
Notary Public for Oregon  
My Commission expires:

STATE OF OREGON )

) ss.

July 31, 1974

County of Klamath )

Personally appeared the within named E.W. McCULLOCH and  
DONNA McCULLOCH, husband and wife, and acknowledged the fore-  
going instrument to be their voluntary act and deed.

BEFORE ME:

Betty C. Puckett  
Notary Public for Oregon  
My Commission expires: 1-7-76

PRENTISS K. PUCKETT, P.C.  
ATTORNEY AT LAW  
FIRST FEDERAL SAVINGS  
& LOAN BUILDING  
KLAMATH FALLS, ORE.



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The following described real property in Klamath County, Oregon:

A parcel of land situated in the NE 1/4 of the NW 1/4 of Section 31, Township 39 South, Range 9 East of the Willamette Meridian, being more particularly described as follows:

Beginning at a point on the center line of an existing County Road from which the section corner common to Sections 25, 30, 31 & 36, Township 39 South, Range 9 East of the Willamette Meridian bears South 89° 42' 30" West a distance of 2086.4 feet; thence South 0° 17' 30" East a distance of 30.0 feet to a point on the Southerly right of way line of said County Road being the true point of beginning of this description; thence South 0° 17' 30" East a distance of 87.2 feet; thence South 89° 42' 30" West a distance of 250.0 feet; thence North 0° 17' 30" West a distance of 871.2 feet; thence North 89° 42' 30" East a distance of 250.0 feet to the true point of beginning.

STEVENSON R/E DES.

EXHIBIT "1"



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The following described real property in Klamath County, Oregon:

A parcel of land situate in the NE 1/4 NW 1/4 of Section 31, Township 39 South, Range 9 East of the Willamette Meridian, being more particularly described as follows:

Beginning at a point on the center-line of an existing County Road from which the Northwest corner of Section 31, Township 39 South, Range 9 East of the Willamette Meridian bears South 89° 42' 30" West a distance of 2086.4 feet distant; thence South 0° 17' 30" East 30.0 feet to a point in the Southerly right of way line of said County Road, being the true point of beginning of this description; thence North 89° 42' 30" East along said Southerly right of way line 500.0 feet to a point; thence South 0° 17' 30" East 871.2 feet to a point; thence South 89° 42' 30" West 500.0 feet to a point; thence North 0° 17' 30" West 871.2 feet to the true point of beginning.

EXHIBIT "2"

STATE OF OREGON, }  
County of Klamath } ss.

Filed for record at request of:  
Donna McCulloch

on this 12th day of August A. D., 19 74  
at 3:37 o'clock P. M. and duly  
recorded in Vol. M-74 of Deeds  
Page 9820

WM. D. MILNE, County Clerk

By *[Signature]* Deputy.  
Fee \$10.00