

EASEMENT

38-16739-D

WHEREAS, Michael R. Peterson and Peggy Lou Peterson, husband and wife, hereinafter referred to as Grantors are the owners of real property situated in the County of Klamath and State of Oregon, hereinafter referred to as parcel "A", and described as follows:

A parcel of land situate in the E $\frac{1}{2}$ of Section 13, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and being more particularly described as follows:

Beginning at the quarter corner common to Sections 13 and 24, Township 39 South, Range 9 East of the Willamette Meridian; thence North along the North South center section line 30.0 feet to the true point of beginning; thence continuing North along the North South center section line 4190.0 feet to the intersection with the Southerly right of way line of the U.S.B.R. A-Canal; thence Southeasterly along the Southerly right of way line of said canal to a point that is 1130.0 feet East of the West line of the E $\frac{1}{2}$ of Section 13; thence South parallel to the North South center section line 2830.0 feet to the intersection of the North right of way line of the County road (Airway Drive); thence West along the North right of way line 1130.0 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying South of the Northerly boundary of the proposed South Side Bypass.

ALSO EXCEPTING THEREFROM a parcel of land situate in the E $\frac{1}{2}$ of Section 13, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and being more particularly described as follows:

Beginning at the quarter corner common to Sections 13 and 24, Township 39 South, Range 9 East of the Willamette Meridian; thence North along the North South center section line 30.0 feet to the true point of beginning; thence continuing North along the North South center section line 4190.0 feet to the intersection with the Southerly right of way line of the U.S.B.R. A-Canal; thence Southeasterly along the Southerly right of way line of said canal to its intersection with the center line of a drain ditch, some 620 feet East of the West line of the E $\frac{1}{2}$ of said Section 13; thence in a generally Southerly direction along said canal centerline to its intersection with the centerline of a second drain ditch; thence in a generally Southeasterly direction along the centerline of the second drain ditch, to a point that is some 565 feet East of

the West line of the E $\frac{1}{2}$ of said Section 13; thence due South to a point 30 feet North of the South line of said Section 13; thence West 503 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM that portion lying South of the Northerly boundary of the proposed South Side By-Pass.

AND ALSO EXCEPTING those portions lying within the canal right of ways.

WHEREAS, Alton A. Short and Grace Short, husband and wife, hereinafter referred to as Grantees, are the owners of real property situated in the County of Klamath and State of Oregon, hereinafter referred to as parcel "B" and described as follows:

A parcel of land situate in the E $\frac{1}{2}$ of Section 13, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and being more particularly described as follows:

Beginning at the quarter corner common to Sections 13 and 24, Township 39 South, Range 9 East of the Willamette Meridian; thence North along the North South center section line 30.0 feet to the true point of beginning; thence continuing North along the North South center section line 4190.0 feet to the intersection with the Southerly right of way line of the U.S.B.R. A-Canal; thence Southeasterly along the Southerly right of way line of said canal to a point that is 1130.0 feet East of the West line of the E $\frac{1}{2}$ of Section 13; thence South parallel to the North South center section line 2830.0 feet to the intersection of the North right of way line of the County road (Airway Drive); thence West along the North right of way line 1130.0 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying North of the Southerly boundary of the proposed South Side ByPass.

AND ALSO EXCEPTING those portions lying within the canal right of ways.

WHEREAS, there is presently constructed an irrigation ditch beginning more or less at the Northeast corner of parcel "A" at its intersection with the Southerly right of way line of the U.S.B.R. A-Canal, thence in a Southerly direction more or less 3 feet West of and parallel to the Easterly boundary of parcel "A", across the Klamath Irrigation District 1-C-1-A-3 drain by means of a culvert, continuing in

a Southerly direction more or less 3 feet West of and parallel to the Easterly boundary of parcel "A" to the Northerly boundary of the South side By-Pass, thence under the Southside by-pass by means of a culvert and into parcel "B" in a Southwesterly direction.

WHEREAS, there is also presently constructed another irrigation ditch connected to the ditch previously described at a point more or less 1092 feet South of the Northeast corner of parcel "A", thence in a Southwesterly direction across parcel "A" to the Klamath Irrigation District 1-C-1-A-3 drain, where it crosses the Klamath Irrigation District 1-C-1-A-3 drain by means of a culvert at a point more or less 602 feet from the Easterly boundary of parcel "A" measuring parallel to the Klamath Irrigation District 1-C-1-A-3 drain, thence in a Southerly direction to a point where it reaches the Northerly boundary of the South Side By-Pass, under the South Side By-Pass by means of a culvert and thence into parcel "B" in a Southwesterly direction.

WHEREAS, Grantees require the use of normal water flow through the above described ditches for normal agricultural irrigation purposes.

THEREFORE, in consideration, or of the above premises Grantors do hereby grant and convey unto Grantees a perpetual nonexclusive easement to use the above described ditches for normal agricultural irrigation purposes upon parcel "B". The terms of the easement are as follows:

The easement shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors and assigns.

Grantors shall maintain the portions of the above described ditches running across parcel "A" in a proper condition consistent with normal agricultural irrigation purposes.

Grantors reserve the right to use the above described ditches for normal agricultural irrigation purposes upon parcel "A".

This easement is granted subject to all prior easements or encumbrances of record.

DATED this 15 day of November 1978.

Michael R. Peterson
Michael R. Peterson

Peggy Lou Peterson
Peggy Lou Peterson

Alton A. Short
Alton A. Short

Grace Short
Grace Short

FORM NO. 23 — ACKNOWLEDGMENT
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

County of Klamath } ss.

BE IT REMEMBERED, That on this 14 day of December, 1978 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Michael R. Peterson & Peggy Lou Peterson

known to me to be the identical individual(s) described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Donna K. Rick
DONNA K. RICK
NOTARY PUBLIC-OREGON
My Commission Expires 7/21/79

Notary Public for Oregon.

FORM NO. 23 — ACKNOWLEDGMENT
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

County of Klamath } ss.

BE IT REMEMBERED, That on this 15 day of November, 1978 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Alton A. Short & Grace Short

known to me to be the identical individual(s) described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Donna K. Rick
DONNA K. RICK
NOTARY PUBLIC-OREGON
My Commission Expires 7/21/79

Notary Public for Oregon.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 14th day of December A.D. 1978 at 3:42 o'clock P M., and duly recorded in Vol. M-78 of Deeds on Page 28036.

FEE \$12.00

WM. D. MILNE, County Clerk
By Jacqueline J. Mettler Deputy

return to
TA - Donna