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21606

K-37269

Vol. MEYPOC

## GRANT OF EASEMENT AND JOINT USE AGREEMENT

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AGREEMENT made and entered into this 27 day of December, 1984, by and between TAYLOR HIGH, the executor of the estate of Joseph C. Taylor, deceased, hereinafter referred to as "Grantor", and DEAN HIGH and VICKIE HIGH, husband and wife, hereinafter referred to as "Grantee".

## R E C I T A L S:

WHEREAS, Grantee has applied to the Federal Land Bank of Spokane for a loan to be secured by certain real property owned by Grantee and described in Exhibit "A", attached hereto and by this reference made a part hereof, said real property being hereinafter referred to as "Grantees' property" and said loan being conditioned on Grantee obtaining the Grant of Easement described below; and

WHEREAS, Grantor owns certain property adjacent to Grantees' property, said property being described in Exhibit "B", attached hereto and by this reference made a part hereof, and hereinafter referred to as "Grantor's property"; and

WHEREAS, the Grantor desires to grant to Grantee a perpetual, non-exclusive easement across the Grantor's property for an irrigation ditch or canal supplying Grantees' property with irrigation water for farming purposes as well as a perpetual, non-exclusive ingress and egress easement to repair, inspect or maintain said irrigation ditch and related facilities thereto.

NOW, THEREFORE, in consideration of \$10.00 (TEN AND NO/100 DOLLARS) in hand paid and for other good and valuable consideration, and the mutual covenants and promises herein contained, the parties agree as follows:

1. Grantor does hereby grant unto Grantee a perpetual, non-exclusive right and easement across the Grantor's property for the purposes set forth above. The location of said easement on the Grantor's property is as follows:

An easement along an existing ditch beginning at an artesian spring near the Southwestern boundary of Grantor's property, generally located in Government Lot 9, Section 19, Township 39S, Range 11 1/2 E, thence proceeding in a generally Northwesterly direction through Grantor's property onto Grantees' property where the said existing ditch pours into Lost River. See Exhibit "C" with approximate location of existing ditch lined in red.

21607

2. Grantee agrees to pay 50 percent of the cost of repair, maintenance and operation of said irrigation ditch and Grantor agrees to pay the remaining portion of said cost. Grantee shall be entitled to take sufficient irrigation water from said irrigation ditch to farm Grantees' property.

3. This easement shall be perpetual, is granted subject to all prior easements or encumbrances of record and is appurtenant to and shall run with Grantees' property and shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the respective parties, including the Federal Land Bank of Spokane under it's mortgage herein described and its assigns.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

Taylor C. High  
TAYLOR HIGH, Executor of Estate  
of Joseph C. Taylor, deceased.

STATE OF OREGON       )  
                              )ss  
County of Klamath    )

*On December 27, 1984*

Personally appeared the above named TAYLOR HIGH and acknowledged the foregoing to be his voluntary act and deed.

Before me:

Michael L. Bell  
NOTARY PUBLIC FOR OREGON  
My commission expires: 1-14-86

Dean High  
DEAN HIGH, Grantee  
Vickie High  
VICKIE HIGH, Grantee

STATE OF OREGON       )  
                              )ss  
County of Klamath    )

Personally appeared the above named DEAN AND VICKIE HIGH and acknowledged the foregoing to be their voluntary act and deed.

Before me:

Albert J. Hines  
NOTARY PUBLIC FOR OREGON  
My commission expires: Oct. 30, 1988

GRANT OF EASEMENT AND JOINT USE AGREEMENT -- 2

Supplemental  
Order No. K-37269

21608

DESCRIPTION OF PROPERTY

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

A tract of land situated in Sections 13 and 24, Township 39 South Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the section line common to Sections 13 and 24, Township 39 South, Range 10 E.W.M., which point is 634 feet West from the Southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 13; running thence North, parallel with the said section line of said Section 13, to the meander line of Lost River, thence Westerly along said meander line to the intersection of the most Northerly line of Lot 7 of Section 13, thence West along the North line of Lot 7 to the Northwest corner of Lot 7, thence South to the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 13, thence East to the point of beginning. EXCEPTING therefrom all that part lying South and West of USBR "F" Canal.

LESS AND EXCEPTING that portion lying within the right of way of South Poe Valley Road, and any portion within the right of way of the Lost River Channel Improvement.

EXHIBIT "A"

21603

DESCRIPTION

PARCEL 1:

The Easterly 634 feet of Government Lot 8; all Government Lot 9; the Easterly 634 feet of the NW1/4SE1/4; the Easterly 634 feet of the SW1/4SE1/4; the SE1/4 SE1/4 of Section 13; the SE1/4, the NW1/4SE1/4 of Section 24; the NW1/4SE1/4 Section 25 all in Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Government Lot 9, EXCEPTING therefrom that portion conveyed to Jamison, being one acre, more or less; Government Lot 10, Section 19; Government Lots 3 and 4, the SE1/4SW1/4 of Section 30; Government Lot 1, the NW1/4SW1/4 of Section 31, all in Township 39 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon.

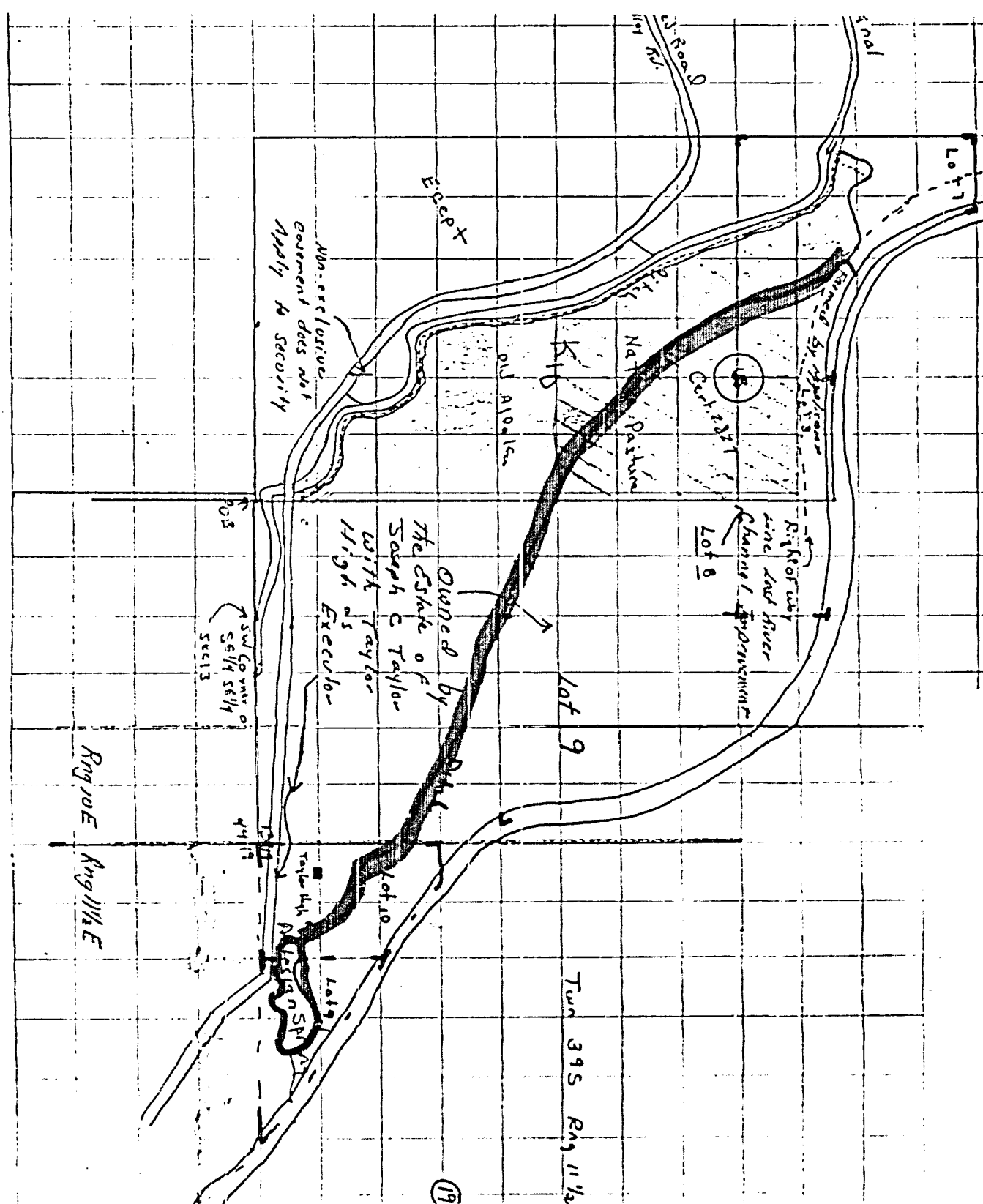
EXCEPTING THEREFROM those portions lying within the boundaries of canals and ditches conveyed to the United States by instruments recorded in Volume 38, page 518 and Volume 38, page 519, Deed Records of Klamath County, Oregon.

Return to:

Federal Land Bank  
6350 South 6th  
Klamath Falls, Or. 97603

EXHIBIT "B"





STATE OF OREGON: COUNTY OF KLAMATH:ss  
I hereby certify that the within instrument was received and filed for  
record on the 28th day of December, A.D., 1984 at 4:16 o'clock P.M.,  
and duly recorded in Vol. 484, of Deeds on page 21606.

EVELYN BIEHN, COUNTY CLERK

by: Linette A. Smith, Deputy

Fee: \$ 21.00