

Agreement made and entered into this 28 day of June, 19 85 by and between Warren R. McNeely hereinafter referred to as "Grantors," and Michael D. Radford and Donna Joy Radford hereinafter referred to as "Grantees."

WHEREAS, grantees have entered into an agreement to purchase the property described in schedule A, said real estate property being hereinafter referred to as the grantee's property, and

WHEREAS, grantors own certain property adjacent to grantee's property, said property being described below and hereinafter referred to as the grantor's property, to wit:

SEE SCHEDULE B

WHEREAS, the grantors desire to grant to grantees an easement across the grantor's property for ingress and egress to maintain, repair, and replace the pumping equipment, pipeline, and related facilities, situated or to be installed upon and across the grantor's property supplying the grantee's property with irrigation water for farming purposes, and

WHEREAS, grantees desire to grant unto grantors the right to use said pumping equipment to be installed by grantees on the grantor's property where said easement crosses the existing canal,

NOW THEREFORE, in consideration of \$10 in hand paid and for other good and valuable consideration, and the mutual covenants and promises herein contained, the parties agree as follows:

1. Grantors do hereby grant unto grantees their successors, heirs and assigns a perpetual 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: The North 20 feet of the property described in Schedule B beginning at the NW corner of the parcel described in Schedule B and running east to the existing irrigation canal, to the pump site above described.
2. Grantees in return grant unto grantor the right to use the pump and motor for the irrigation of up to ~~five~~ <sup>seven</sup> acres on grantor's property.
3. Grantors agree to pay 50 per cent of the cost of repair, maintenance and operation of the pump and motor during any year the system is used to the benefit of grantor's property. Power to be put in Grantees name at outset. <sup>Grantee will be responsible to insure that pump is drained at end of season</sup>
4. Said easement shall run with the land herein above described as Parcel A, and shall extend to and be binding upon all heirs, executors, administrators, successors, and assigns of the respective parties.

Michael D. Radford

Donna Joy Radford 6-28-85

Vernon L. Pleasant  
Witness

Address: 2340 So 6th St.

Blanchet, Baker, Oregon,

Warren R. McNeely

Bruce L. Pleasant  
Witness

Address: 2340 So 6th

Blanchet, Baker, Oregon

85 JUL 5 AM 11 25

SCHEDULE A

10388

## DESCRIPTION

A tract of land situated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a 5/8" rebar on the Section line between Sections 3 and 4, Township 40 South, Range 9 East of the Willamette Meridian, from which the Section corner common to Sections 3 and 4, said Township and Range and Sections 33 and 34, Township 39 South, Range 9 East of the Willamette Meridian bears North 0° 54' 43" West 30 feet; thence South 89° 57' 30" West 590 feet parallel to the North line of said Section 4, to a 5/8" rebar; thence South 0° 54' 43" East 438 feet to a 5/8" rebar; thence North 89° 57' 30" East 590 feet to a 5/8" rebar on the Section line between Sections 3 and 4, said Township and Range; thence North 0° 54' 43" West 438 feet along said Section line to the point of beginning.

Bearings based on Survey No. 2672.

SCHEDULE B

All that property situated in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, Township 40 South, Range 9, EWM lying Northwesterly of the C-4-H irrigation Lateral and Southwesterly of the C-4 AKA: C-4-9 Lateral.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Mountain Title

Filed for record ..

this 5 day of July A. D. 19 85 at 11:25 o'clock A. M., and

duly recorded in Vol. M 85, of Deeds on Page 10387

Fee 9.00

EVELYN BIEHN, County Clerk

By Bernetha Heloch