

THIS AGREEMENT, made and entered into as of the last date set opposite the signatures of the parties hereto, by and between The Federal Land Bank of Spokane ("FLB"), Darlene F. Cain ("Cain"), Vonda E. Rowe ("Rowe"), and Joseph F. Bedard and Barbara L. Bedard, husband and wife ("Bedards"),

W I T N E S S E T H

WHEREAS the FLB is the owner in fee title of the real property described in Exhibit "A" ("Tract A"); Cain and Rowe are the owners in fee title respectively of the Parcel 1 and the Parcel 2 of real property described on Exhibit "B" (collectively "Tract B"); and Bedards are the owners in fee title of the real property described in Exhibit "C" ("Tract C");

WHEREAS the parties to this Agreement share in the use of an existing spring located on Tract A ("Spring") approximately 350' East and 400' South of the most northerly Northwest corner of Tract A, including irrigation equipment consisting of, but not limited to, pump, motor and approximately 350' of buried PVC mainline situated on Tract A and approximately 615' of buried PVC mainline situated near and along the easterly boundary of Tracts B and C; and

WHEREAS each of the parties desires to grant to each other a perpetual easement across their respective property for joint use of the spring and irrigation facilities, together with a nonexclusive easement for ingress and egress to inspect, repair, and maintain the spring, pump, motor, related equipment, and mainline that jointly carry water from the spring to each parties' property;

NOW, THEREFORE, PURSUANT TO THIS AGREEMENT and for and in consideration of the reciprocal easements and use rights made and granted each to the other, and the covenants and agreements herein, each of the said parties grants and conveys to each other and to their heirs and assigns a nonexclusive, perpetual right of way and easement for the spring, pump, motor, related equipment, and mainline for the purposes set forth above, said easement across the respective properties of the parties being further described as follows:

Beginning at the present location of the spring located in Tract A approximately 350' East and 400' South of the most northerly Northwest corner of Tract A, thence West along the existing buried mainline 350', more or less, to and across the West line of Tract A where said mainline intersects its North/South extension, thence North and South from said point of intersection along the full length of the East boundaries of Tracts B and C, said easement to be 20 feet in width, the centerline of which is the existing mainline.

For purposes of this Agreement, it is agreed that Tract A covers 7 acres, Tract B covers 5 acres, and Tract C covers 2 acres, for a total of 14 acres. Each party shall be entitled to water from the spring in the proportion that the acreage of such party bears to the total acreage described above. The costs of operation, power, maintenance, repairs, and replacement of equipment shall be borne by each party in proportion that the acreage of each party bears to the total acreage described above.

In the event any party fails to pay his just share of the costs of said operation within thirty (30) days after due, the other parties by unanimous agreement may discontinue water delivery to the delinquent party until the same is paid, or any party paying the same may sue the delinquent party by proper court action for such moneys,

SEP 16 PM 2 52

OK
22.00

TRACT A

Parcel 1: A tract of land situated in the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 7, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, all in Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch rebar marking the South 1/16 corner common to said Section 7 and 8; thence West 299.19 feet; thence along the arc of a curve to the right (radius = 188.70 feet and central angle = 100°12'14") 330.02 feet to a point 45 feet Easterly of an existing drain; thence paralleling said drain as follows: along the arc of a curve to the left (radius point bears N79°47'46"W 165.00 feet and central angle = 64°29'22") 185.72 feet, N54°17'08"W 70.42 feet, along the arc of a curve to the right (radius = 105.00 feet and central angle = 33°10'29") 60.80 feet, N21°06'39"W 31.90 feet, along the arc of a curve to the right (radius = 125.00 feet and central angle = 21°50'41") 47.66 feet, N00°44'02"E 528.19 feet; thence leaving said drain along the arc of a curve to the left (radius = 289.41 feet and central angle = 90°33'15") 457.40 feet; thence N89°49'13"W 345.45 feet to the Easterly right of way line of Booth Road; thence along said Easterly right of way line S00°10'47"W 30.00 feet to a point from which the C=E 1/16 corner of said Section 7 bears N89°49'13"W 30.00 feet; thence S89°49'13"E 345.45 feet; thence along the arc of a curve to the right (radius = 259.41 feet and central angle = 90°33'15") 409.99 feet to a point 15 feet Easterly of the said drain; thence paralleling said drain as follows: S00°44'02"W 528.19 feet, along the arc of a curve to the left (radius = 155.00 feet and central angle = 21°50'41") 59.10 feet, S21°06'39"E 31.90 feet, along the arc of a curve to the left (radius = 135.00 feet and central angle = 33°10'29") 78.17 feet, S54°17'08"E 70.42 feet, along the arc of a curve to the right (radius = 135.00 feet and central angle = 64°29'22") 151.95 feet; thence N79°47'46"W 15 feet to the centerline of said existing drain; thence along the centerline of said drain Southwesterly to a point on the West line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 7; thence along said West line S00°29'26"W 430 feet, more or less, to the Northerly right of way line of the O.C. & E. Railroad; thence Southeasterly along said right of way line 1773 feet, more or less, to the Easterly bank of an existing drain; thence Northerly along said Easterly bank, passing through a point 304 feet East of the Southeast corner of said Section 7, to a point on the South line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8; thence Easterly along said South line 1019.7 feet, more or less, to the Southeast corner of said N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence Northerly to the Northeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8; thence Westerly to the point of beginning.

Parcel 2: A tract of land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at 5/8 inch rebar marking the S 1/16 corner common to Sections 7 and 8, Township 39 South, Range 10 East of the Willamette Meridian; thence West 299.19 feet; thence along the arc of a curve to the right (radius = 188.70 feet and central angle = 100°12'14") 330.02 feet to a point 45 feet Easterly of an existing drain; thence paralleling said drain as follows: along the arc of a curve to the left (radius point bears N79°47'46"W 165.00 feet, with a central angle of 64°29'22") 185.72 feet, N54°17'08"W 70.42 feet, along the arc of a curve to the right (radius of 105.00 feet and a central angle of 33°10'29") 60.80 feet, N21°06'39"W 31.90 feet, along the arc of a curve to the right (radius of 125.00 feet and a central angle of 21°50'41") 47.66 feet N00°44'02"E 528.19 feet; thence leaving said drain along the arc of a curve to the left (radius of 289.41 feet and a central angle of 90°33'15") 457.40 feet to a point from which the C=E 1/16 corner of said Section 7 is N89°49'13"W 375.45 feet and S00°10'47"W 30.00 feet; thence S89°49'13"E 134.55 feet; thence N00°10'47"E 614.29 feet to the Southerly right of way line of State Highway No. 140; thence Southeasterly along said right of way line 865 feet, more or less, to a point on the East line of said Section 7; thence along said Section line S00°22'28"W 360 feet, more or less, to the E $\frac{1}{2}$ corner of said Section 7; thence S00°22'28"W 1340.07 feet to the point of beginning. ✓

TRACT B

Parcel 1: A tract of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T39S, R10EWM, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point marked by a 5/8-inch iron pin on the Easterly right of way line of Booth Road, said point being S89°53'08"E (N89°54'E by recorded plat of Junction Acres) 1360.71 feet and N00°10'47"E (N00°04'E by said Junction Acres) 484.00 feet from the C $\frac{1}{4}$ corner of said Section 7, as established by Survey No. 759, as recorded in the office of the Klamath County Surveyor; thence N00°10'47"E, along said Easterly right of way line, 323.95 feet to its intersection with the Southerly right of way line of State Highway No. 140; thence S70°59'35"E, along the Southerly right of way line of said State Highway, 507.13 feet; thence S00°10'47"W, parallel with the Easterly right of way line of said Booth Road, 160.29 feet; thence N89°49'13"W 480.00 feet to the point of beginning, containing 2.67 acres, more or less, with bearings based on Survey No. 2026, as recorded in the office of the Klamath County Surveyor, said tract of land subject to all easements and right of way of record or apparent.

Parcel 2: A tract of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T39S, R10EWM, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point marked by a 5/8-inch iron pin on the Easterly right of way line of Booth Road, said point being S89°53'08"E (N89°54'E by recorded plat of Junction Acres) 1360.71 feet and N00°10'47"E (N00°04'E by said Junction Acres) 257.00 feet from the C $\frac{1}{4}$ corner of said Section 7, as established by Survey No. 759, as recorded in the office of the Klamath County Surveyor; thence N00°10'47"E, along said Easterly right of way line, 227.00 feet; thence S89°49'13"E 480.00 feet; thence S00°10'47"W, parallel with the said Easterly right of way line, 227.00 feet; thence N89°49'13"W 480.00 feet to the point of beginning, containing 2.50 acres, with bearings based on Survey No. 2026, as recorded in the office of the Klamath County Surveyor, said tract of land being subject to all easements and rights of way of record or apparent. ✓

TRACT C

Beginning at a point marked by a 5/8 inch iron pin on the Easterly right of way line of Booth Road, said point being South 89°53'08" East (N89°54'E by recorded plat of Junction Acres) 1360.71 feet and North 00°10'47" East (N00°04'E by said Junction Acres) 30.00 feet from the C $\frac{1}{4}$ corner of said Section 7, as established by Survey No. 759, as recorded in the office of the Klamath County Surveyor; thence North 00°10'47" East, along said Easterly right of way line, 227.00 feet; thence South 89°49'13" East 480.00 feet; thence South 00°10'47" West, parallel with the said Easterly right of way line, 227.00 feet; thence North 89°49'13" West 480.00 feet to the point of beginning, containing 2.50 acres, with bearings based on Survey No. 2026, as recorded in the office of the Klamath County Surveyor, said tract of land being subject to all easements and rights of way of record or apparent.✓

and the delinquent party agrees to pay reasonable attorney fees and costs of the plaintiffs in the event of suit.

The reciprocal easements granted and described herein and this Agreement shall be appurtenant to the respective lands, and this Agreement shall inure to the benefit of and be binding upon the heirs, administrators, executors, and assignees of the respective parties.

Signed on the date set opposite of the parties signing the same.

THE FEDERAL LAND BANK OF SPOKANE

Date: August 19, 1985

By: James M. Hepper

James M. Hepper

Its: Executive Vice President

Attest: Joan E. Haynes

Joan E. Haynes

Its: Assistant Secretary

Date: 8/30/85

Vonda E. Rowe

Vonda E. Rowe

Date: August 30, 1985

Darlene F. Cain

Darlene F. Cain

Date: Sept. 12, 1985

Barbara L. Bedard

Barbara L. Bedard

Date: Sept. 12, 1985

Joseph F. Bedard

Joseph F. Bedard

STATE OF)

County of)

: ss.

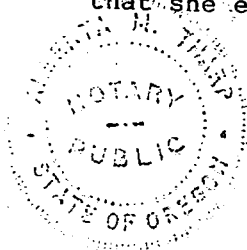
On this 19th day of August, 1985, before me, personally appeared James M. Hepper and Joan E. Haynes, known to me to be the Exec. Vice Pres. and Ass't Secretary, respectively, of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and each on oath stated that he was authorized to execute said instrument.

Shirley L. Bann
Notary Public for the State of Washington
residing at Spokane
My commission expires 9-28-86

STATE OF OREGON)
: ss.
County of Klamath)

15068

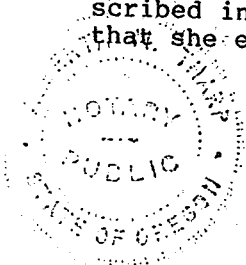
On this 30th day of August, 1985, before me personally appeared Darlene F. Cain, known to me to be the person described in and who executed the within instrument, and acknowledged that she executed the same as her free act and deed.



Alberta G. Sharp
Notary Public for the State of Oregon.
residing at Klamath Falls
My commission expires Oct. 30, 1988

STATE OF OREGON)
: ss.
County of Klamath)

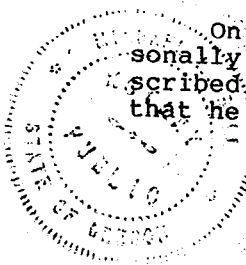
On this 30th day of August, 1985, before me personally appeared Vonda E. Rowe, known to me to be the person described in and who executed the within instrument, and acknowledged that she executed the same as her free act and deed.



Alberta G. Sharp
Notary Public for the State of Oregon.
residing at Klamath Falls
My commission expires Oct. 30, 1988

STATE OF OREGON)
: ss.
County of Klamath)

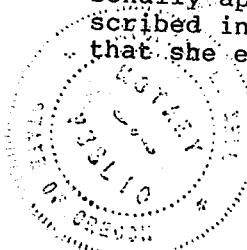
On this 12th day of September, 1985, before me personally appeared Joseph F. Bedard, known to me to be the person described in and who executed the within instrument, and acknowledged that he executed the same as his free act and deed.



Michael L. Bell
Notary Public for the State of Oregon.
residing at Klamath Falls
My commission expires Jan. 14, 1986

STATE OF OREGON)
: ss.
County of Klamath)

On this 12th day of September, 1985, before me personally appeared Barbara L. Bedard, known to me to be the person described in and who executed the within instrument, and acknowledged that she executed the same as her free act and deed.



Michael L. Bell
Notary Public for the State of Oregon.
residing at Klamath Falls
My commission expires Jan. 14, 1986

GRANT OF EASEMENT AND
JOINT USE AGREEMENT -- Page 3
STATE OF OREGON: COUNTY OF KLAMATH: ss.

Return to:
FEDERAL LAND BANK ASSOCIATION
OF KLAMATH FALLS
6350 SOUTH 6TH ST. - KFO

Filed for record at request of _____
of September A.D., 19 85 at 2:52 o'clock P M., and duly recorded in Vol. M85
of Deeds on Page 15063

FEE \$25.00

Evelyn Biehn County Clerk
By Pam Smith