

AFFIDAVIT

STATE OF OREGON

County of Klamath) ss.

We, Thurston K. Henzel and Sam A. Henzel, being duly sworn, depose and say:

That recently Oregon Department of Affairs foreclosed on the property owned by Fred Hess located at Route 1, Box 631 C, Klamath Falls, Oregon, more particularly described in the attached legal description as Exhibit "A" and incorporated herein by reference.

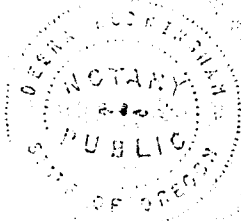
That we have purchased said property, together with all water rights appurtenant thereto; that we are entitled to 70 shares of stock in the Van Brimmer Ditch Company; that the original shares have been lost or destroyed and we are unable to obtain a transfer of same to us.

That we agree to indemnify the Van Brimmer Ditch Company against all loss to the company based upon reissuance of said stock to us, the undersigned.

Thurston K. Henzel
Thurston K. Henzel

Sam A. Henzel
Sam A. Henzel

Personally appeared the above named Thurston K. Henzel and Sam A. Henzel, and acknowledged the foregoing instrument to be their voluntary act and deed.



Debra P. [Signature]
NOTARY PUBLIC OF OREGON
My Commission Expires: 12/19/92

'89 MAY 17 AM 9 27

PARCEL 1:

A tract of land situated in the S 1/2 of Section 21, T40S, R10EW, Klamath County, Oregon, more particularly described as follows:

Beginning at a point from which the E 1/4 corner of said Section 21 bears N68°00'43"E 4124.07 feet; thence South 105 feet to the Southeast corner of a tract of land described as Parcel 1 in Volume M76-4925, as recorded in the Klamath County Deed Records; thence East 1692 feet, more or less, to the Westerly line of Lost River; thence Northwesterly, along said Westerly line to a point which bears East of the point of beginning; thence West to the point of beginning.

PARCEL 2:

A tract of land situated in the S 1/2 of Section 21, T40S, R10EW, Klamath County, Oregon, more particularly described as follows:

Beginning at a point from which the E 1/4 corner of said Section 21 bears N68°00'43"E 4124.07 feet; thence North 107.36 feet; thence West 100 feet; thence South 212.36 feet; thence East 69.28 feet to the centerline of an irrigation ditch; thence along the following courses and distances of the said centerline: S52°05'36"E 88.07 feet, S46°56'52"E 324.75 feet, S88°23'49"E 425.37 feet, N79°52'31"E 19.91 feet, S74°15'24"E 346.81 feet, S66°51'57"E 93.41 feet, S88°01'46"E 413.75 feet, N77°03'52"E 29.04 feet, S87°58'24"E 393.05 feet, and N50°01'E 59 feet, more or less, to the Westerly line of said Lost River; thence Northwesterly, along the said Westerly line of Lost River to a point which bears East from the point of beginning; thence West to the point of beginning.

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Klamath County Title Co.

on this 17th day of May A.D., 19 89
at 9:27 o'clock AM and duly recorded
in Vol. M89 of Deeds Page 8549

Evelyn Biehn
By Deanne Mulkenberg County Clerk

Addendum

Return: K.C.T.C.

Fee, \$13.00

Deputy.