

12:00

K-42003

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GRANT OF IRRIGATION EASEMENT

For value received, receipt of which is hereby acknowledged, WAYNE CUNNINGHAM, Grantor, hereby grants, transfers and conveys unto WILLIAM D. McCABE and LINDA J. McCABE, Grantees, a perpetual non-exclusive easement to use a strip of land 30 feet wide, beginning at the intersection of Pine Grove Irrigation District Canal and the south right of way boundary of Highway 140E, running southeasterly along the south line of the right of way line of Highway 140E, and parallel with Highway 140E, to a point where Highway 140E intersects the common section line of Section 8 and 9, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

1. This easement is not personal or in gross but is to be appurtenant to each and every portion of property owned by Grantee further described in the attached Exhibit A.

2. This easement is granted over and across property owned by Grantor in Klamath County, Oregon, further described in the attached Exhibit B.

3. This grant is made upon the following terms:

3.1 Grantees are granted the right to use the thirty (30) foot easement strip for irrigation purposes, and for maintenance and operation of an existing ditch located on the easement, including a non-exclusive right of ingress and egress to and from the land described in the easement, or any portion thereof. Grantees are further granted the right to use the described strip for the installation and maintenance of such irrigation facilities as may be needed to serve the property described in paragraph 1, or any portions thereof.

3.2 The cost of maintenance and operation shall be paid by Grantor and Grantees in proportion to their use. Grantor shall pay the real property taxes on the easement strip.

3.3 Grantor shall have the right to use the easement property for purposes not inconsistent with Grantees' full enjoyment of the rights herein granted.

3.4 This grant of easement shall run with the land and shall be binding on and shall inure to the benefit of Grantor and Grantees, their heirs, successors or assigns.

IN WITNESS THEREOF, I have executed this Grant of Irrigation Easement on this 14th day of ~~January~~ February, 1990.

Wayne Cunningham
Wayne Cunningham
GRANTOR

STATE OF OREGON)

) ss.

County of Klamath)

February

On the 14th day of ~~January~~ February, 1990, personally appeared the above named WAYNE CUNNINGHAM, and acknowledged the foregoing instrument to be his voluntary act and deed, Before me:

KAL:pk2
0613008726

Debra B. Buchanan
Notary Public for Oregon
My Commission Expires: 12-19-92

1 - GRANT OF IRRIGATION EASEMENT

Return To: McCabe
819 Pacific Terrace
Klamath Falls, Oregon 97601

10 3 11 12 1 2 3 4 5 6 7 8 9 10 11 12

Exhibit A

The West half of the Northwest quarter of Section 16 Township 39 South of Range 10 East of the Willamette Meridian, saving and excepting therefrom that portion of the Southwest quarter of the Northwest quarter lying Southerly of the O.C. & E. Railroad, and also saving and excepting therefrom that portion of the NW1/4 NW1/4 lying Northerly of the Klamath Falls-Lakeview Highway.

The SE1/4 NW1/4 and all that portion of the NE1/4 NW1/4 lying Southerly of the Klamath Falls-Lakeview highway, and all that portion of the NE1/4 SW1/4 lying Northerly of the O.C. & E. Railroad, all in Section 16 Township 39 South of Range 10 East of the Willamette Meridian.

Also beginning at the Northeast corner of the NW1/4 SW1/4 of Section 16 thence Southerly to the Northerly line of the right-of-way of the Oregon, California & Eastern Railway (sometimes referred to as Klamath Falls Municipal Railway) thence Northwesterly along said right-of-way to the intersection with the South line of the SW1/4 NW1/4 of said Section 16; thence Easterly along the North line of the said NW1/4 SW1/4 to the place of beginning, and being that portion of the said NW1/4 SW1/4 lying Northerly of said Railway right-of-way.

Also a piece or parcel of land in the SW1/4 SW1/4 of Section 9 Township 39 South, Range 10 East of the Willamette Meridian, more fully described as follows: Beginning at the section corner common to Sections 8, 9, 16 and 17 of the said Township and Range; and running thence North 0 degrees 40' East along the section line between the said Sections 8 and 9, 240 feet, more or less, to the Southwesterly boundary of the right of way of the present Klamath Falls-Lakeview Highway; thence Southeasterly along the said boundary 425 feet, more or less, to its intersection with the section line between the said Sections 9 and 16; thence North 89 degrees 33' West, along the last mentioned section line 357 feet, more or less, to the said point of beginning.

Saving and excepting therefrom that portion conveyed for railroad purposes.

Exhibit B

A parcel of land situate in Sections 8 and 17 of Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the section corner common to Sections 8, 9, 16 and 17, and running thence South 89 degrees 57' West along the section line between Sections 8 and 17 1979.70 feet to the Southwest corner of the E1/2 SW1/4 SE1/4 of Section 8; thence North 0 degrees 33' East to the Southerly right of way line of the Klamath Falls-Lakeview Highway; thence Southeasterly along said highway right of way to the East line of Section 8; thence Southerly along said Section line to the point of beginning.

ALSO the NE1/4 NE1/4 of Section 17, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon. EXCEPTING from the above a strip 10 feet in width parallel with and adjacent to the Southerly right-of-way line of said highway.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 21st day
of March A.D., 19 90 at 3:01 o'clock PM., and duly recorded in Vol. M90,
of Deeds on Page 5218.

Evelyn Biehn. County Clerk

By Pauline Mulendore

FEE \$38.00