## IRRIGATION DITCH EASEMENT

We, LOREN LOVENESS and ELSIE LOVENESS, husband and wife, hereinafter referred to as Grantors, for the consideration hereinafter stated, hereby grant to WINIFRED MENDIBOURE, her respective successors, assigns, lessees and agents, hereinafter referred to as Grantee, a right-of-way and easement to construct, maintain and repair an irrigation ditch across Grantors' property, to be located within a 16-fcot wide strip of land described as follows, to-wit:

A 16-foot strip of land situated in the Southwest quarter of the Southwest quarter of Section 18, and the Northwest quarter of the Northwest quarter of Section 19, Township 41 South, Range 13 East, of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: A strip of land 16 feet in width, lying Westerly of and adjacent to the Westerly right-of-way line of Stastny Road from the centerline of the Malin Irrigation District Canal, in said Section 18 (being 930 feet, more or less, North of the South line of said Section 18), to the South line of the Loveness property in said Section 19 (being 213 feet, more or less, South of the North line of said Section 19) as shown on record of Survey No. 5020.

Such easement includes the right of the Grantee to enter onto Grantors' property for the purpose of constructing, maintaining or repairing said irrigation ditch; however, in doing so,

Grantee shall not disturb the land any more than is reasonably necessary, and shall restore the land as near as possible to the condition it was in prior to doing any such work.

Grantee shall have the obligation to maintain such irrigation ditch so as to keep any water from flowing out of the bounds of the ditch easement. Grantee shall not construct or maintain any fence along said ditch where it crosses Grantors' property.

Grantor shall have the right to allow livestock to water out of said ditch.

Such easement is for the benefit of and is appurtenant to the real property owned by Grantee and described in Exhibit "A", attached hereto and by this reference made a part hereof.

<sup>\* \* \* \* \*</sup> 

There is no monetary consideration given for this easement, the consideration being the mutual benefits to accrue to the parties under the agreement for easement.

DATED this 6 day of Sept. 1991.

Loren Loveness

Elsie Lovenes

STATE OF OREGON

County of Klamath

ss.

Sept 6 , 1991

Personally appeared the above-named LOREN LOVENESS and ELSIE LOVENESS, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:

Nodary Public for Oregon

My Commission Expires: /0/11/93

The following described real property in Klamath County, Oregon:

A parcel of land situate in Government Lot 1 of Section 19, Township 41 South, Range 13 East of the Willamette Meridian, more particularly described as follows:

- Beginning at the intersection of the South line of said Lot 1 and the East right of way of the highway in said Lot 1; thence
- North along said East right of way line 1124 feet more or less to the South right of way line of a irrigation ditch, as shown on the Klamath County, assessors areal photo map, thence
- Easterly and Southeasterly along the South right of way of said irrigation ditch to the South line of said Government Lot 1, thence

West along the South line of Lot 1 to the point of beginning.

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Exhibit A

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