

63245

DECLARATION OF CROSS EASEMENTS

WHEREAS, CON J. FLYNN, also known as Cornelius J. Flynn, D. JACK FLYNN, also known as Dennis John Flynn, also known as Denis John Flynn, and JOSEPH E. FLYNN, also known as Joseph Edward Flynn, were tenants in common of certain real property located in Klamath County, Oregon, and more specifically described in Exhibit "A" attached hereto; and,

WHEREAS, such real property was utilized by them in a partnership known as "Flynn Brothers"; and,

WHEREAS, such property now stands in the name of CON J. FLYNN and NORA L. FLYNN, husband and wife, D. JACK FLYNN and BRED A. L. FLYNN, husband and wife, and JOSEPH E. FLYNN and JULIA D. FLYNN, husband and wife; and,

WHEREAS, the parties desire to provide for cross easements between the parties;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The owners of each and every one of the parcels described in Exhibit "A" attached hereto do hereby grant to the other parties hereto the right to have access to any of the property now owned by that individual to the extent necessary to enable the present owner to utilize the property in accordance with the past practices of the former partnership known as "Flynn Brothers".

2. The parties acknowledge that these cross easements shall include the right to utilize roads for access to wells, corrals, scales, and other like improvements, as well as the right to utilize such improvements, including the right to take water from any such wells for irrigation or livestock watering purposes. These easement rights are given, however, on the express condition that each party who shall utilize these easement rights, including the taking of water from wells, the use of roads, corrals, scales, and other similar or related improvements, shall be responsible for their respective portion of the cost of maintenance and upkeep to the extent necessary to keep such roads, wells, corrals, scales, and other similar or related improvements in a functional condition.

3. This agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

DATED this 24th day of May, 1993.

Con J. Flynn
Con J. Flynn

D. Jack Flynn
D. Jack Flynn

Joseph E. Flynn
Joseph E. Flynn

Nora L. Flynn
Nora L. Flynn

Breda L. Flynn
Breda L. Flynn

Julia D. Flynn
Julia D. Flynn

AFTER RECORDING RETURN TO:

James C. Lynch
P.O. Box 351
Lakeview, OR 97630

STATE OF OREGON, County of Lake.) ss.

On this 24th day of ^{May}~~January~~, 1993, personally appeared before me the above-named CON J. FLYNN and NORA L. FLYNN and acknowledged the foregoing instrument to be their voluntary act and deed.

Anna Gray

Notary Public for Oregon

My Commission Expires: 7-15-93

STATE OF OREGON, County of Lake.) ss.

On this 24th day of ^{May}~~January~~, 1993, personally appeared before me the above-named D. JACK FLYNN and BREDA L. FLYNN and acknowledged the foregoing instrument to be their voluntary act and deed.

Anna Gray

Notary Public for Oregon

My Commission Expires: 7-15-93

STATE OF OREGON, County of Lake.) ss.

On this 24th day of ^{May}~~January~~, 1993, personally appeared before me the above-named JOSEPH E. FLYNN and JULIA D. FLYNN and acknowledged the foregoing instrument to be their voluntary act and deed.

Anna Gray

Notary Public for Oregon

My Commission Expires: 7-15-93

EXHIBIT "A"
(Klamath County, Oregon)
(Con J. & Nora L. Flynn)

The following described real property located in Klamath County, Oregon, to-wit:

Parcel II of Partition Plat #25-91, Klamath County Records, described as follows:

Township 36 South, Range 12 East of the Willamette Meridian
 Section 35: N $\frac{1}{2}$ NW $\frac{1}{4}$ EXCEPTING the westerly 20 feet therefrom,
 NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

ALSO, beginning at the northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, thence westerly along the north line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1320 feet, more or less, to the northwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, thence southerly along the west line of the E $\frac{1}{2}$ E $\frac{1}{2}$ of said Section 35 a distance of 2563.62 feet, more or less, thence S 86°25'43" E along an existing fence a distance of 469.67 feet, thence N 6°31'39" E along an existing fence a distance of 263.53 feet, thence S 86°02'49" E along an existing fence a distance of 397.07 feet, thence N 08°28'22" E along an existing fence a distance of 687.88 feet, thence N 81°59'17" E along an existing fence a distance of 819.97 feet, thence N 18°28'49" E along an existing fence a distance of 1401.72 feet, thence N 74°24'42" E along an existing fence a distance of 835.67 feet to the north line of the S $\frac{1}{2}$ NW $\frac{1}{4}$, thence N 89°24'09" W along said north line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 1730.29 feet to the point of beginning.

TOGETHER WITH that certain well known as the Dice Crane Well located North 4°14' West 3315.3 feet from the SW corner of Section 2, Township 37 South, Range 12 East of the Willamette Meridian, together with the right to take the water therefrom pursuant to law and further TOGETHER WITH the right to use an area surrounding such well in a radius of 20 feet of the center of said well for the purpose of maintenance and operation thereof. TOGETHER WITH the right to transport water through pipes and the channel of a certain creek heretofore unknown, but presently named Brown Creek by the U.S. Forest Service, which runs in a Northerly direction from said irrigation well, water right heretofore referred to being Permit No. G-3969, TOGETHER WITH a right of way for access over the existing roadway 16 feet in width from a junction with the Yellow Jacket and Mineral Springs Road located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 37 South, Range 12 East of the Willamette Meridian and running in a Southerly and Easterly direction to said well located North 4 degrees 14' West, 3315.3 feet from the SW corner of Section 2, Township 37 South, Range 12 East of the Willamette Meridian, together with the right to maintain, operate and repair the existing power line running generally Easterly from said Yellow Jacket and Mineral Springs Road to said well for the purpose of supplying electric energy thereto.

EXHIBIT "A"
(Klamath County, Oregon)
(D. Jack & Breda L. Flynn)

The following described real property located in Klamath County, Oregon, to-wit:

Township 36 South, Range 12 East of the Willamette Meridian
 Section 36: E $\frac{1}{2}$ SW $\frac{1}{4}$ EXCEPTING THEREFROM the southerly 1825.00 feet thereof.

Parcel I of Partition Plat #25-91, Klamath County Records, described as follows:

Township 36 South, Range 12 East of the Willamette Meridian
 Section 26: S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 Section 35: S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$.
 Section 36: W $\frac{1}{2}$ NW $\frac{1}{4}$

ALSO, beginning at the northeast corner of the SW $\frac{1}{4}$ of Section 35, thence S 0°14'54" E along the east line of said SW $\frac{1}{4}$ a distance of 1322.26 feet to the southeast corner of the N $\frac{1}{2}$ of said SW $\frac{1}{4}$, thence N 89°10'47" W along the south line of said N $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 2591.39 feet to the southwest corner of said N $\frac{1}{2}$ SW $\frac{1}{4}$, thence S 0°20'53" W along the west line of said Section 35 a distance of 1311.70 feet to the southwest corner of said Section 35, thence westerly along the south line of Section 34 a distance of 1320 feet, more or less, to the southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34, thence Northerly along the west line of E $\frac{1}{2}$ E $\frac{1}{2}$ of said Section 34 a distance of 1363.68 feet, thence S 86°25'43" E along an existing fence a distance of 469.67 feet, thence N 6°31'39" E along an existing fence a distance of 263.53 feet, thence S 86°02'49" E along an existing fence a distance of 397.07 feet, thence N 8°28'22" E along an existing fence a distance of 687.88 feet, thence N 81°59'17" E along an existing fence a distance of 819.97 feet, thence N 18°28'49" E along an existing fence a distance of 1401.72 feet, thence N 74°24'42" E along an existing fence a distance of 835.67 feet to the north line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35, thence S 89°24'09" E along said north line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 833.62 feet to the northeast corner of said S $\frac{1}{2}$ NW $\frac{1}{4}$, thence S 0°14'54" E along the east line of said S $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 1311.48 feet to the point of beginning.

TOGETHER WITH that certain well known as the Dice Crane Well located North 4°14' West 3315.3 feet from the SW corner of Section 2, Township 37 South, Range 12 East of the Willamette Meridian, together with the right to take the water therefrom pursuant to law and further TOGETHER WITH the right to use an area surrounding such well in a radius of 20 feet of the center of said well for the purpose of maintenance and operation thereof. TOGETHER WITH the right to transport water through pipes and the channel of a certain creek heretofore unknown, but presently named Brown Creek by the U.S. Forest Service, which runs in a Northerly direction from said irrigation well, water right heretofore referred to being Permit No. G-3969, TOGETHER WITH a right of way for access over the existing roadway 16 feet in width from a junction with the Yellow Jacket and Mineral Springs Road located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 37 South, Range 12 East of the Willamette Meridian and running in a Southerly and Easterly direction to said well located North 4 degrees 14' West, 3315.3 feet from the SW corner of Section 2, Township 37 South, Range 12 East of the Willamette Meridian, together with the right to maintain, operate and repair the existing power line running generally Easterly from said Yellow Jacket and Mineral Springs Road to said well for the purpose of supplying electric energy thereto.

EXHIBIT "A"
(Klamath County, Oregon)
(Joseph E. & Julia D. Flynn)

The following described real property located in Klamath County, Oregon, to-wit:

Parcel III of Partition Plat #25-91, Klamath County Records, described as follows:

Township 36 South, Range 12 East of the Willamette Meridian
 Section 26: SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 34: NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 35: The westerly 20 feet of the N $\frac{1}{2}$ NW $\frac{1}{4}$

TOGETHER WITH that certain well known as the Dice Crane Well located North 4°14' West 3315.3 feet from the SW corner of Section 2, Township 37 South, Range 12 East of the Willamette Meridian, together with the right to take the water therefrom pursuant to law and further TOGETHER WITH the right to use an area surrounding such well in a radius of 20 feet of the center of said well for the purpose of maintenance and operation thereof. TOGETHER WITH the right to transport water through pipes and the channel of a certain creek heretofore unknown, but presently named Brown Creek by the U.S. Forest Service, which runs in a Northerly direction from said irrigation well, water right heretofore referred to being Permit No. G-3969, TOGETHER WITH a right of way for access over the existing roadway 16 feet in width from a junction with the Yellow Jacket and Mineral Springs Road located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 37 South, Range 12 East of the Willamette Meridian and running in a Southerly and Easterly direction to said well located North 4 degrees 14' West, 3315.3 feet from the SW corner of Section 2, Township 37 South, Range 12 East of the Willamette Meridian, together with the right to maintain, operate and repair the existing power line running generally Easterly from said Yellow Jacket and Mineral Springs Road to said well for the purpose of supplying electric energy thereto.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of James C. Lynch the 17th day
 of June A.D., 19 93 at 11:59 o'clock A.M., and duly recorded in Vol. M93
 of Deeds on Page 14344

FEE \$50.00

Evelyn Biehn County Clerk

By Dorlene Mulendy