P2:

AGREEMENT FOR EXCLUSION FROM KLAMATH IRRIGATION DISTRICT AND RELEASE OF WATER AND DRAINAGE RIGHTS

This Agreement is made by and between Steven M. and Henrietta JoAnne Carson, and on parcel #3909-10CC-00200 Theresa G. Ganong Trustee herein called Landowners, whether one or more, and the Klamath Irrigation District, hereincalled KID.

RECITALS

A. Landowners own land in Klamath County, Oregon, which contains 13.53 Total acres of irrigable land, is Klamath County Tax Assessor Account No.(s): 3909-10CB-01200 (1.63 acres); 3909-10CC-00200 (8.74 acres); 3909-10CC-00202 (3.16 acres); and is more particularly described as follows:

See Attached Exhibit "A", Exhibit "B", and Exhibit "C" on Page 1-A.

- B. Landowners predecessors in interest agreed to be included within the Klamath Irrigation District for the purpose of receiving irrigation water and drainage services from KID and the United States of America, by and through the Bureau of Reclamation, Klamath Project.
- C. Landowners no longer desire to be included in Klamath Irrigation District and receive said services and pay the costs thereof.

AGREEMENT

NOW, THEREFORE, in consideration of the exclusion by KID of Landowners' Land from the Klamath Irrigation District and the release from KID's assessments, lien, collection and foreclosure rights under Oregon Revised Statutes Chapter 545, Landowners and Landowners' heirs, devisees, personal representatives, grantees, vendees, successors and assigns, jointly and severally represent, warrant, guarantee, covenant and agree with KID and its successors and assigns as follows:

(1) Landowners are the sole owners and holders of the fee simple title to the above described lands and have good right to execute this Agreement and to bind said lands as herein agreed.

AGREEMENT FOR RELEASE OF WATER AND DRAINAGE RIGHTS - Page 1

All that portion of the West one-half of Lot 12, ALTAMONT RANCH TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, lying Easterly of the 60 foot wide right of way described as Parcel One in Deed to Klamath County, dated September 20, 1990, recorded January 11, 1991 in Volume M91, page 745, Deed records of Klamath County, Oregon.

MAP AND TAX LOT NO.: 3909-10CB-01200

EXHIBIT "B"

The following described real property situate in Klamath County, Oregon.

A tract of land situated in Tracts 13 and 14, of Altamont Ranch Tracts, according to the official plat thereof on file in the office of the County Clerk of Rismath County, Oregon, and a portion of vacated Bristol Avenue, being in the SWISME of Section 10, Township 39 South, Range 9 East of the Willamette Heridian, more particularly described as follows:

Beginning at a point on the South line of said Tract 14, from which the Southeast corner of said Tract 14 bears NS9°37'34" E 500.00 feet; thence S89°37'34" H 697.55 feet to a point on the Easterly right of way line of Washburn Way (said right of way as shown on recorded Survey No. 4918); thence NO3°06'50" W, along said right of way, 144.05 feet; thence N34°36'07" E 657.36 feet to a point on the Southerly right of way line of Bristol Avenue; thence along the right of way of Bristol Avenue, along the arc of a curve to the left (radius point bears H28°55'20" E 240.00 feet and central angle equals 28°57'18") 121.29 feet, N00°01'48" W 10.00 feet, and N89°58'02" E 160.55 feet; thence S00°04'41" E 660.57 feet to the point of beginning, with bearings based on the recorded survey of Property Line Adjustment 2-96.

MAP AND TAX LOT NO.: 3909-10CC-00200

EXHIBIT "C"

A TRACT OF LAND SITUATED IN TRACTS 13 AND 14 OF SUPPLEHENTAL PLAT OF ALTAMORT RANCH TRACTS", AND A PORTION OF VACATED BRISTOL AVENUE, BEING IN THE SW1/4 SW1/4 OF SECTION 10, T39S, R9EWM, KLAMATH COUNTY, OREGON, HORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF WASHBURN WAY (SAID RIGHT OF WAY AS SHOWN ON RECORDED SURVEY NO. 4918) FROM WHICH THE SOUTHEAST CORNER OF SAID TRACT 14 BEARS \$90006'50"E 144.05 FEET AND 18903'34"E 1197.55 FEET; THENCE NO3006'50"W, ALONG SAID EASTERLY RIGHT OF WAY LINE, 521.63 FEET TO THE INTERSECTION WITH THE CENTER LINE OF VACATED BRISTOL AVENUE; THENCE 889058'02"E 404.17 FEET; THENCE \$34036'07"W 657.36 FEET TO THE POINT OF BEGINNING, CONTAINING 2.50 ACRES AND WITH BEARINGS BASED ON THE RECORDED SURVEY OF SAID PROPERTY LINE ADJUSTMENT 2-96.

MAP AND TAX LOT NO.: 3909-10CC-00202

If said lands are subject to any trust deed, mortgage, contract of sale or other lien upon the land, landowners agree to furnish to KID, a recordable agreement from the owners and holders of such instrument or lien to be subordinate to the terms of this Agreement but the failure of landowners to so secure such Agreement shall not relieve landowners or said lands from any of the terms and conditions of this Agreement.

- (2) Said lands do not have reasonable access to the system of irrigation works of the district, or have been permanently devoted to uses other than agriculture, horticulture, viticulture or grazing, or are subject to being irrigated from another source or, it is in the best interest of KID to exclude said land from assessment and from the benefits of the District.
- (3) Landowners understand and agree that by executing this agreement, they are releasing and waiving all rights of membership in KID, including the right to receive irrigation water, the right to use the drainage system operated and maintained by KID, and the right to vote in any District election.
- Agreement, said lands may lose any right to receive water under State law because they acknowledge that the abandonment by nonuse of any prior right to receive water and by continued nonuse of water under this Agreement, the lands may fail to receive any future water rights. Landowners does hereby assign, quitclaim and transfer unto KID the water right, if any, appurtenant to their land and do hereby irrevocably appoint the chairperson of the Directors of the Klamath Irrigation District as their attorney in fact to execute any and all documents which may be necessary to transfer said water right, and to exclude landowners' land from the District.
- (5) Landowners do hereby recognize, ratify, grant and confirm the existence of all existing rights of RID or the United States affecting Landowners' said property, including, without limitation by this recital, all rights of way, easements and servitudes for all irrigation and drainage facilities of the united States or KID as now constructed and located upon or united States each now own, have and hold and shall continue to United States each now own, have and hold and shall continue to own, have and hold a prescriptive right, right of way, easement own, have and hold a prescriptive right, right of way, easement and servitude for all percolation, seepage, leakage, overflow, and servitude for all percolation seepage, l
- (6) Landowners do hereby absolve, waive and release both KID and the United States from any and all claims of liability

with the ownership, operation or maintenance of the Klamath Project.

- (7) Landowners understand and agree that should they desire to be included in KID in the future, if such inclusion is possible, that before such request will be granted, Landowners will be required as a condition thereof to pay all assessments that have been exempted by this Agreement, plus the amount of all interest which would have been chargeable for nonpayment of such assessments if they had not been exempted by this Agreement.
- (8) Landowners' representations, warranties, covenants, and agreements herein set forth are covenants running with Landowners' said land and each and every part and parcel thereof in perpetuity, forever binding the same for the use and benefit of KID and the United States of America, and their respective successors, grantees, transferees and assigns.
- (9) Landowners do hereby acknowledge that they have read all of the foregoing instrument and consent and agree to each of the representations, warranties, covenants, and agreements contained herein.

This Agreement shall take effect upon the approval of same by the Board of Directors of KID, and the adoption of the Resolution exempting said land from the assessments of said District.

DISCITCO.	
19 <u>47</u> .	ands this 24 day of January,
	hane Cason
STATE OF OREGON	LANDOWNERS
County of Klamath)	estrument was acknowledged before this 24
day of January	, 19 <u>9/</u> , by
CONTROL SEAL CALLE S. WITTEL SETHING FURNAL CONTROL COMMISSION INC. 600077 COMMISSION ESTHES APPR. 28, 2000	Notary Public for Ofegon My commission expires: AFRIL 28,2000

The foregoing Instrument having been read and considered by the Board of Directors of KID at a meeting of said Board of Directors and said Board of Directors in consideration of all of the representations, warranties, covenants and agreements made by the landowners therein duly moved, seconded and voted that Klamath Irrigation District approve and agree to the same and did order that the above described lands be exempted from the payment of the assessments of the District and accept the release to the District of the water and drainage rights which were appurtenant

1997 .

to said land. NOW, THEREFORE, Klamath Irrigation District does hereby duly execute this Agreement this 13th day of Labrace. KLAMATH IRRIGATION DISTRICT STATE OF OREGON County of Klamath , personally On this /3 day of and appeared Spage being duly sworn Dovid Salam is the did each say that Securlan and Solom U of Klamath Irrigation District an that the seal affixed to this instrument is the official seal of said Klamath Irrigation District by authority of its Board of Directors and each of them acknowledged said instrument to be the voluntary act and deed of Klamath Irrigation District. OFFICIAL SEAL CINDY E. CHERRY Notary Public for Oregon NOTARY PUBLIC-OREGON My commission expires: 4-/2-99 COMMISSION NO. 042258 MY COMMISSION EXPIRES APR. 12, 1999

After recording return to: Klamath Irrigation District 6640 KID Lane, Klamath Falls, Oregon 97601.

SUBORDINATION AGREEMENT

The undersigned owner or holder of a trust deed, mortgage, contract of sale or other lien upon the lands described below, in consideration of the exemption of said lands from future assesssents of KID, does hereby subordinate such interest and liens to the terms and conditions of the Agreement and agrees to be bound by the same.

LAND DESCRIPTION:

EXRIBIT "B"

The following described real property situate in Klamath County, Oregon.

A tract of land situated in Tracts 13 and 14, of Altement Easth Tracts, according to the official plat thereof on file in the office of the County Clerk of Elemeth County, Gregon, and a portion of vacated Bristol Avenue, being in the SVISV of Section 10, Township 39 South, Range 9 East of the Willamotte Meridian, more particularly

Seginaing at a point on the South Line of said Treet 14, from which the Southeast corner of said Treet 14 bears 1899 37'34" E 500.00 feet; themee 589 37'34" # 597.55 feet corner of said Tract 14 bears W89°37'34" E 300.00 feet; thence E89°37'34" E 57.55 feet to a point on the Easterly right of way line of Washburn Way (said right of way as shown on recorded Survey No. 4918); thence M03°06'30" W, along east right of way 144.05 feet; thence H34°36'07" E 657.36 feet to a point on the Southerly right of way line of Bristol Avenue; thence along the right of way of Bristol Avenue; thence along the right of way of Bristol Avenue; thence along the right of way of Bristol Avenue; along the arc of a curve to the loft (radius point bears E28°55'120" E 240.00 feet and central angle equals 28°37'18") 121.29 feet, H90°01'46" u 10.00 feet, and H83°58'02" E 160.55 feet; thence 500°04'41" E 660.57 feet to the point of beginning, with bearings based on the recorded survey of Preperty Line Adjustment 2-96.

MAP AND TAX LOT NO.: 3909-1000-00200

FEE

	THERESA GANONG
OFFICIAL SEAL EARL B. KENT NOTARY PUBLIC-OREGON	m Museu Surous
COMMISSION NO. 028817 COMMISSION EXPIRES DEC. 18, 1997	(Signature)
STATE OF OREGON	BY(Signature)
) sa County of Klamath)	
This instrument was ackno	wledged before me on 12/27/96
officers of this instrument was executed.	, duly authorized , on behalf of whom
	Lareb Kenn
	SOTARY PUBLIC FOR OREGON My commission expires: 12/18/97
agreement for release of water	AND DRAINAGE RIGHTS - Page 5
STATE OF OREGON: COUNTY OF KLAMATH: ss.	. 이 사는 이 사용이 가득했다. 이 이 사용 사용 보다 보고 있다. 휴대를 이 사용하게 휴대를 보고 있는 것이 되었다.
Filed for record at request of Klamath Irrigati	on District the 28th day
of <u>February</u> A.D., 19 <u>97 at 2:28</u> of <u>Deeds</u>	o'clock P M., and duly recorded in Vol M9.7 on Page 605.7
FEE \$35.00	Bernetha G. Letsch, County Clerk by Suttley Ross