

AGREEMENT AND EASEMENT

Aspen Title Escrow # 46450

This Agreement and Easement, made and entered into this 5 day of August, 1997, by the undersigned Horsefly Irrigation District, a corporation, its heirs, successors and assigns, is for the purpose of creating and granting a perpetual right of ingress and egress to all present and future property owners along and upon the existing means of access, and in particular that road crossing said property as of the date of this conveyance and right of way across property more fully described in deeds recorded on 12-3-54, in Vol. 271 at Page 57 and deed recorded on 6-11-55 in Vol. 275 at Page 35 and deed recorded 2-11-57 in Vol. 289 at Page 540 and by this reference incorporated herein as if fully set forth.

Said right of ingress and egress and right of way shall be for the benefit and use of all present and future property owners, their heirs and assigns, along, upon, or bordering any property described herein, and shall run with the land in which they have an interest, and that no party of interest shall install either a gate, chain, or other obstruction that will prevent or interfere with present or future parties from full use of the easement hereby granted.

This easement is appurtenant to the real property owned by grantees and described herein.

Grantors reserve the right to use said road for the purposes of access. Except as to the rights herein granted, the grantors shall have full use and control of the above described real property.

This easement is granted subject to all prior easements or encumbrances of record.

This easement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement and easement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes made or implied so that this instrument shall apply both to individuals and to corporations.

IN WITNESS WHEREOF, the grantor has executed this instrument this 5 day of August, 1997; if a corporate grantor it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Bruce McCoy
Manager - Sec.

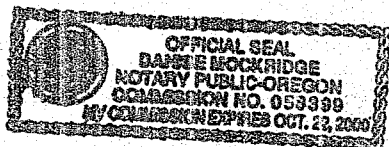
STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on August 5th, 1997,
by Bruce McCoy as Manager - Secretary
by _____ as _____
of Horsefly Irrigation District.

Danise Mockridge

Notary Public for the State of Oregon

My Commission Expires: 10-22-00



STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Aspen Title & Escrow
on this 7th day of August A.D., 19 97
at 10:35 o'clock A. M. and duly recorded
in Vol. M97 of Deeds Page 25957
Bernetha G. Letsch, County Clerk
By Kathleen Ross

Fee, \$10.00

Deputy.