

State of Oregon, County of Klamath
Recorded 09/02/2003 1:48 pm
Vol M03 Pg 64762-69
Linda Smith, County Clerk
Fee \$ 56.00 # of Pgs 8

'03 SEP 2 PM 1:48

AGREEMENT FOR EASEMENT

THIS AGREEMENT, made and entered into this 2 day of Sept. 2003 by and between Rodney O. Detrick oc/ and Donna L. Detrick, hereinafter collectively called Grantors, and Rodney R. Lyon and Marie M. Lyon, hereinafter collectively called Grantees:

WHEREAS, Grantors are the record owner of the real property in Klamath County, State of Oregon, described on the attached Exhibit "A" and have the unrestricted right to grant the easement hereinafter described relative to said real property.

Grantors convey to Grantees, their heirs, successors, and assigns, a perpetual non-exclusive easement across the property of Grantors, more particularly described on the attached Exhibit "B".

The terms of this easement are as follows:

1. Grantees, their agents, independent contractors and invitees shall use the easement for irrigation purposes only, for the property described in paragraph 8 and in conjunction with such use may construct, reconstruct, maintain and repair an irrigation line thereon.

2. Grantors reserve the right to use the property located upon the easement and Grantor may grant use rights for use by third parties. The parties shall cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to the others, however, in case of conflict, Grantors' right of use shall be dominant.

1. AGREEMENT FOR EASEMENT

56CK

3. Grantors reserve the right to relocate the irrigation easement at any time and in such case shall move the irrigation line at such new location in as good or better condition as existed at the prior location. If the irrigation line is relocated, Grantors may record an instrument indicating the relocated easement and such instrument shall serve to amend this easement and eliminate any rights of Grantees in the original easement. Such amendment of the description shall be effective whether or not signed by Grantees but Grantees shall execute it or such other document necessary to indicate relocation of the easement, when and if requested by Grantors.

4. Grantees agree to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantees' use of the easement. Grantees assume all risks arising out of their use of the easement and Grantors shall have no liability to Grantees or others for any condition existing thereon.

5. This easement is appurtenant and for the benefit of the real property owned by Grantees and described below in paragraph 8 below.

6. This easement shall be perpetual and shall not terminate for periods of non-use by Grantees. Said easement may be terminated upon written agreement by Grantors and Grantees, their heirs, successors and assigns.

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

2. AGREEMENT FOR EASEMENT

8. The following is a description of the Grantees dominant property to which this easement is appurtenant;

See attached Exhibit "C".

IN WITNESS THEREOF, the parties have caused this instrument to be executed this 2 day of Sept. 2003.

Grantor:

Rodney O. Detrick
Rodney O. Detrick

Donna L. Detrick
Donna L. Detrick

Grantee:

Rodney R. Lyon
Rodney R. Lyon

Marie M. Lyon
Marie M. Lyon

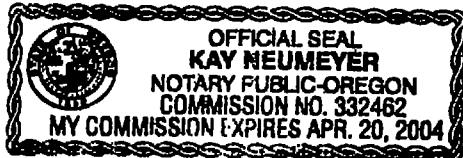
STATE OF OREGON)

County of Klamath)

ss

September 2, 2003

Personally appeared the above-named Rodney O. Detrick and Donna L. Detrick, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Kay Neumeyer
Notary Public for Oregon
My Commission expires: April 20, 2004

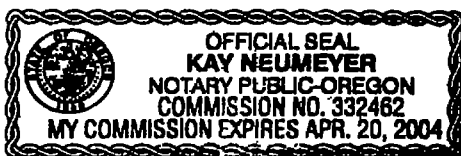
STATE OF OREGON)

County of Klamath)

ss

September 2, 2003

Personally appeared the above-named Rodney R. Lyon and Marie M. Lyon, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Kay Neumeyer
Notary Public for Oregon
My Commission expires: April 20, 2004

TA-38-211666-1-1

64765

Vol. M Page 10387WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That CHARLES G. DUNCAN and LEONE M. DUNCAN, husband and wife, hereinafter called the Grantors, for the consideration hereinafter stated to the Grantors paid by RODNEY O. DETRICK and DONNA L. DETRICK, husband and wife, hereinafter called the Grantees, do hereby grant, bargain, sell and convey unto the Grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath, State of Oregon, described as follows, to-wit:

The SE $\frac{1}{4}$ and S $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, Township 41 South, Range 11 East of the Willamette Meridian;

EXCEPTING THEREFROM that portion conveyed to Louie M. Lyon, et ux, by deed recorded in Volume 128 of Deeds, page 62, Records of Klamath County, Oregon, described as follows:

Commencing at the NE corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 3, Township 41 South, Range 11 East of the Willamette Meridian; thence South along the East line of said section a distance of 1305 feet; thence West parallel with the North line of said quarter section a distance of 425 feet; thence North parallel with the East line of said section a distance of 1305 feet; thence along the North line of said quarter section a distance of 425 feet to the point of beginning;

AND ALSO EXCEPT the following parcel:

Beginning at a 5/8 inch iron pin at the intersection of the county roads marking the East one-fourth corner of Section 10, Township 41 South, Range 11 East of the Willamette Meridian; thence North 00 deg. 02' 50" East 2643.30 feet to the intersection of the county road from the South and East marking the Southeast corner of said section 3; thence North 07 deg. 40' 53" West 871.59 feet to a point on the Westerly right-of-way line of the U.S.N.R. D-13 Lateral marking the true

point of beginning of this description; thence North 02 deg. 52' 10" East along the Westerly right-of-way line of said lateral 290.40 feet; thence North 87 deg. 07' 50" West perpendicular to said right-of-way line 150.00 feet; thence South 02 deg. 52' 10" West parallel to the said right-of-way line 290.40 feet; thence South 87 deg. 07' 50" East 150.00 feet to the true point of beginning

AND ALSO EXCEPTING THEREFROM a triangular piece of land in the E4SE4 of said Section 3 and more particularly described as follows:

Beginning at the Northeast corner of the SE4 of Section 3; thence South on the section line between Sections 2 and 3 to the Southeast corner of Section 3; thence West 125 feet; thence Northeasterly to the place of beginning.

ALL SUBJECT TO:

1971-72 taxes; easements and rights of way of record or apparent on the land; and all contracts, water right, proceedings, taxes and assessments for irrigation or drainage purposes.

To have and to hold the above described and granted premises unto the said Grantees, as tenants by the entirety, their heirs and assigns forever.

And Grantors hereby covenant to and with Grantees and the heirs of the survivor and their assigns, that Grantors are lawfully seized in fee simple of the above granted premises, free from all encumbrances, except those above stated, and that Grantors will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$80,000.00.

IN WITNESS WHEREOF, the grantors have executed this instrument on the 24th day of March, 1972.

Charles G. Duncan
Charles G. Duncan
Leone M. Duncan
Leone M. Duncan

STATE OF OREGON }
County of Klamath } ss

On this 24th day of March, 1972, before me, Wilbur O. Brickner, a Notary Public for Oregon, personally appeared the above named Charles G. Duncan and Leone M. Duncan, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Wilbur O. Brickner
Notary Public for Oregon
My comm. expires Oct. 29, 1975

Return to: 7/A - Julie

Page 2 - WARRANTY DEED.
STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 6th day of June A.D., 1980 at 3:35 o'clock P.M., and duly recorded in Vol. 180 of Deeds on Page 10387.

FEE \$7.00

WM. D. MILNE, County Clerk
By Rosemary H. Hetch Deputy

EXHIBIT "A"
Page 2 of 2

OWNERS

DENNIS ENSOR O.L.S. C.W.R.E.
SANDIE ENSOR

TRU SURVEYING, INC. LINE

2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603
PHONE: (541) 884-3691

64767

JOHN HEATON L.S.T.

JULY 24, 2003

LEGAL DESCRIPTION

A 16 FOOT WIDE IRRIGATION EASEMENT SITUATED IN THE NE1/4 OF SECTION 3, T41S, R11EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 3, FROM WHICH THE EAST 1/4 CORNER OF SAID SECTION 3 BEARS EAST 70 FEET; THENCE SOUTHEASTERLY TO A POINT 8 FEET WEST OF THE WEST RIGHT OF WAY LINE OF ADAMS POINT ROAD AND ON THE NORTHERLY RIGHT OF WAY LINE OF THE USBR D CANAL.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dennis A. Ensor

OREGON
JULY 26, 1990
DENNIS A. ENSOR
2442

Dennis A. Ensor
DENNIS A. ENSOR O.L.S. 2442

EXPIRES 12/31/03

EXHIBIT B

35800

QUITCLAIM DEED

Vol. 99 Page 21105

KNOW ALL MEN BY THESE PRESENTS, That RICK LYON & JEANNIE LYON, HUSBAND & WIFE, AND TRACEY LYON hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto AND MARIE M. LYON hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereto belonging or in any-wise appertaining, situated in the County of KLANATH, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT 1

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ N/A

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 92.830.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 8 day of SEP, 1991; If a corporate grantor, it has caused its name to be signed and sealed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON, KLANATH

County of KLANATH

STATE OF OREGON, County of KLANATH

Personally appeared the above named
RICK LYON, JEANNIE LYON AND
TRACEY LYON

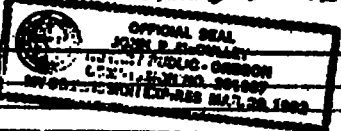
Personally appeared _____ and
_____, who, being duly sworn,
each for himself and not one for the other, did say that the former is the
president and that the latter is the
secretary of _____

and acknowledged the foregoing instru-
ment to be _____ voluntary not and deed.

(OFFICIAL SEAL)

Before me, _____
Notary Public for Oregon

My commission expires 9-30-92



GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

SAME

NAME, ADDRESS, ZIP

If a change is requested all but statements shall be sent to the following address.

RODNEY R. & MARIE M. LYON
20302 PAGET ROAD
MALIN, OR 97632

NAME, ADDRESS, ZIP

Notary Public for Oregon
My commission expires _____

(SEAL) (If executed by a corporation, affix corporate seal)

STATE OF OREGON,

County of _____

I certify that the within instru-
ment was received for record on the
_____ day of _____, 19____
at _____ o'clock _____ M., and recorded
in book/reel/volume No. _____ on
page _____ or as document/file/
instrument/microfilm No. _____
Record of Deeds of said county.

Witness my hand and seal of
County affixed.

NAME

By _____

EXHIBIT "C"

Page 1 of 2

31 OCT 9 PM 3 31

33.00

PARCEL 1: A parcel of land situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 40 South, Range 11 East of the Willamette Meridian, more particularly described as follows:

Beginning at an iron pipe located at the South and East right of way of the Old Linkville-Tulelake Road at the point said road leaves the North and South centerline of Section 36, Township 40 South, Range 11 E.W.M., and runs East; said iron pipe being also North 1218.0 feet and North 89'48" East 30.0 feet from South quarter-section corner of Section 36; thence North 89'48" East along the South right of way of said Linkville-Tulelake Road, 477.4 feet to the Northwesterly right of way of County Road #1113 known as Paygr Road; thence along Paygr Road South 48'06'20" West 154.25 feet to a beginning of curve; thence around a 10'30'40" curve to the left (radius 348.03) a distance of 104.68 feet; thence South 31'47'20" West 381.5 feet to the intersection of the Westerly right of way of the Old Linkville-Tulelake Road; thence North 690.92 feet, more or less, to the point of beginning. Said parcel contains 3.49 acres, more or less.

PARCEL 2: Township 41 South, Range 11 East of the Willamette Meridian:

Section 4: W $\frac{1}{4}$ SW $\frac{1}{4}$ lying Northerly of the Klamath Irrigation District "D" Canal.

Section 5: E $\frac{1}{4}$ SE $\frac{1}{4}$ lying Northerly of the Klamath Irrigation District "D" Canal.

PARCEL 3: A parcel of land situate in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 41 South, Range 11 E.W.M., described as follows:

Beginning at the Northeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence South along the East line of said Section a distance of 1305.0 feet; thence West, parallel with the North line of said quarter section, a distance of 425.0 feet; thence North parallel with the East line of said Section, a distance of 1305.0 feet; thence East along the North line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 425.0 feet to the point of beginning.

PARCEL 4: Township 40 South, Range 12 East of the Willamette Meridian:

Section 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 23: SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 27: NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 36: All, Except the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 35: All, Except the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 34: NE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 41 South, Range 12 East of the Willamette Meridian:

Section 1: SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 2: NE $\frac{1}{4}$, E $\frac{1}{4}$ W $\frac{1}{4}$

PARCEL 5: SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 40 South, Range 12 East of the Willamette Meridian.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 40 South, Range 12 East of the Willamette Meridian.

W $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 41 South, Range 12 East of the Willamette Meridian.

PARCEL 6: E $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPTING the West 30 feet thereof in Section 5, Township 41 South, Range 11 East of the Willamette Meridian.

W $\frac{1}{4}$ NW $\frac{1}{4}$ SAVING AND EXCEPTING therefrom that portion deeded to Dennis V. and Katherine Kell, recorded June 1, 1981, in Volume M-81, Page 9687, Deed Records of Klamath County, Oregon, in Section 4, Township 41 South, Range 11 East of the Willamette Meridian.

STATE OF OREGON: COUNTY OF KLAMATH: m.

Filed for record at request of _____ the _____ day
 of _____ Oct. _____ A.D. 19 _____ at 3:31 o'clock P.M., and duly recorded in Vol. M91
 of _____ Deeds _____ on Page 21105

FEE \$33.00

Evelyn Riehn County Clerk
 By _____

EXHIBIT "C"

Page 2 of 2