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State of Oregon, County of Klamath
Recorded 11/25/03 2:22 P m
Vol M03 Pg 86721-4
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

IRRIGATION PIPELINE EASEMENT

THIS AGREEMENT made this 18 day of November, 2003,
between BARBARA J. WHITLATCH, hereinafter called "Grantor,"
and DAVID P. WHITLATCH, hereinafter called "Grantee."

RECITALS

1. WHEREAS, Grantor owns certain real property described in Exhibit "A" attached hereto, herein referred to as "Grantor's Parcel;"

2. WHEREAS, Grantee owns real property described in Exhibit "B" attached hereto, herein referred to as "Grantee's Parcel;" and

3. WHEREAS, the Grantor desires to grant an exclusive irrigation pipeline easement across Grantor's Parcel for the benefit of the Grantee and Grantee has installed a pipeline and has been using the same by permission of Grantor, Now, Therefore, in consideration of the mutual grants and covenants contained herein and other valuable consideration,

GRANTOR HEREBY GRANTS a nonexclusive irrigation pipeline easement across a portion of Grantor's parcel running from the Enterprise Irrigation District Ditch and then southerly to and under Kings Way to Grantee's parcel. However, Grantor makes no representations of her ability to grant herein rights under Kings Way. Said easement shall be 10 feet in width and located 5 feet on either side of the center of the pipe which is presently buried and existing at such location. The use of the easement shall be for delivery of irrigation water by buried pipeline as set forth herein. Said pipeline shall be buried below the surface, no closer to the surface than the existing pipeline.

Grantee has the right of ingress and egress to operate a head gate or other control device located at said Enterprise Irrigation District ditch and maintain and reconstruct the pipeline. Grantee may not unreasonably interfere with Grantor's real property or Grantor's use thereof. Grantor shall not be responsible for damages that may occur to the pipeline of the system of the Grantee, providing that such damage is not caused by the negligence or intentional act of Grantor.

36- OC: *Sainelo*

It is further understood that this is a covenant and conveyance which runs with the land. This grant of easement benefits Grantee's Parcel, and burdens Grantor's Parcel. It is further binding upon the parties hereto, their heirs, assigns and successors in interest.

If suit or action is instituted to enforce any of the provisions of this Agreement, the party prevailing therein shall be entitled to recover from the other such sum as the Court may adjudge reasonable as attorney's fees therein, including any appeal thereof.

IN WITNESS WHEREOF, the Parties hereto have set their hands.

X Barbara J. Whitlatch

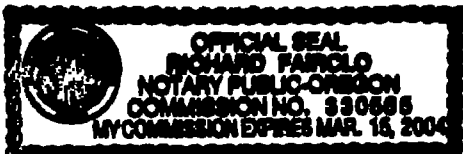
David P. Whitlatch

STATE OF OREGON]

] ss.

County of Klamath]

On this 18 day of November 2003, personally appeared before me the above-named BARBARA J. WHITLATCH, and acknowledged the above to be her voluntary act and deed.



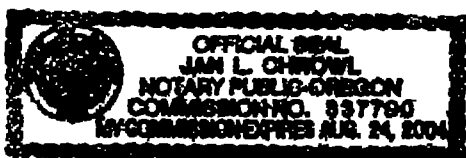
[Signature]
Notary Public for Oregon
My Commission expires:

STATE OF OREGON]

] ss.

County of Klamath.]

On this 25th day of November, 2003, personally appeared before me the above-named DAVID P. WHITLATCH, and acknowledged the above to be her voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission expires:

WHITLATCH
Exhibit "A"

A parcel of land situated in the Northwest one-quarter of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Commencing at the Northwest corner of Section 18 and running thence, South 00 degrees 01' 10" West 2132.46 feet; thence, South 89 degrees 51' 42" East 1039.16 feet to the point of beginning; thence, due North: 25.39 feet; thence Westerly along the arc of a curve to the right (radius = 100 feet, central angle = 113 degrees 45' 00") 198.53 feet; thence North 42 degrees 55' 14" West 339.64 feet; thence North 64 degrees 56' 14" West 116.01 feet; thence South 00 degrees 02' 42" East 354.17 feet; thence South 89 degrees 51' 42" East 409.33 feet to the true point of beginning with bearings, based on recorded Survey No. 2026, as recorded in the Klamath County Surveyor's Office.

WHITLATCH
Exhibit "B"

A tract of land situated in the NW $\frac{1}{4}$, Section 18, Township 39 S., R. 10 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Section 18; thence S. 00°01'10" W. 2192.47 feet; thence S. 89°51'42" E. 1293.84 feet to the true point of beginning of this description; thence S. 00°02'03" E. 465.00 feet to the South line of the NW $\frac{1}{4}$, said Section 18; thence N. 89°51'42" W., along said line, 468.50 feet; thence N. 00°02'03" W. 260.00 feet; thence N. 89°51'42" W., 800.00 feet to the Easterly right of way line of State Highway No. 39; thence N. 00°02'03" W. 205.00 feet; thence S. 89°51'42" E. 1268.50 feet to the true point of beginning, containing 8.76 acres, more or less, with bearings based on recorded survey No. 2026, recorded in the Klamath County Surveyor's office.