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Vol M05 Page 26629

State of Oregon, County of Klamath
Recorded 04/15/2005 3:32 p m
Vol M05 Pg 26629-33
Linda Smith, County Clerk
Fee \$ 41.00 # of Pgs 5

CROSS GRANTS OF EASEMENT FOR IRRIGATION AND DRAINAGE

WHEREAS Michael P. Picard and Valerie J. Picard, husband and wife, and Jack L. Picard and Julie M. Picard, husband and wife, are the owners of the real property known as Tract 28, ALTAMONT SMALL FARMS, in the County of Klamath, State of Oregon. LESS the Easterly 10 feet conveyed for road purposes described in Book 147 at Page 82, Deed Records of Klamath County, Oregon.

WHEREAS Barry A. Rigo and Karen D. Rigo, husband and wife, are owners of real property known as Tract 27, ALTAMONT SMALL FARMS, in the County of Klamath, State of Oregon, EXCEPTING THEREFROM the following: Beginning at the Northeast corner of Lot 27, ALTAMONT SMALL FARMS, a platted subdivision in Section 15, Township 39 South, Range 9 East of the Willamette Meridian; thence South 0 degrees 11' West a distance of 330 feet to the Southeast corner of said Lot 27; thence North 88 degrees 46' West a distance of 10 feet; thence North 0 degrees 11' East a distance of 330 feet to the North line of said Lot 27; thence South 88 degrees 46' East a distance of 10 feet to the point of beginning, being a strip of land 10 feet wide along East edge of Lot 27, conveyed to Klamath County.

WHEREAS Cecelia M. Devine is the owner of a strip of land 132 feet wide, measured North and South off the North side of Tract No. 26, ALTAMONT SMALL FARMS, according to the official plat thereof on file in the office of Clerk of Klamath County, Oregon. EXCEPTING THEREFROM a strip of land 10 feet wide, East and West off the East side above, deeded to the State for Highway purposes.

WHEREAS Tami J. Miller and Edward A. Miller are the owners of the Southerly 198 feet of Tract 26, ALTAMONT SMALL FARMS, according to the official plat thereof on file in the office of County Clerk of Klamath County, Oregon, EXCEPTING THEREFROM the East 10 feet thereof, conveyed to Klamath County by Deed recorded September 11, 1944 in Volume 168, Page 579, Deed Records of Klamath County, Oregon; AND EXCEPTING THEREFROM that portion thereof conveyed to Klamath County for Johns Avenue by Deed recorded September 23, 1996 in Volume M96, Page 30112, Microfilm Records of Klamath County, Oregon.

1. **CONSIDERATION**: Now therefore, in consideration of the mutual covenants contained herein, each of the parties issue cross grants of easements to the other as described herein. The grantors covenant and agree as follows:

2. **EASEMENT DESCRIBED**: Each party does hereby grant a non-exclusive easement appurtenant to each grantor's property through the existing irrigation and drainage ditches crossing on and under the property of each respective grantor for purposes of irrigation and drainage.

41 - Lt. Della Rose

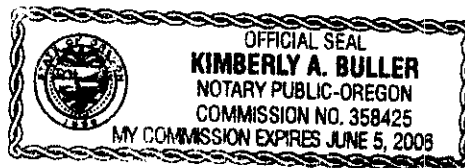
3. **MAINTENANCE AND REPAIR:** This easement shall benefit and burden the grantors, their heirs, successors and assigns. Each grantor, their heirs, successors and assigns shall forever reserve the right to construct, maintain and keep in repair, any open ditch, drain, drain tile or culvert over and across land of grantors of such character and such size as to make proper and efficient use thereof for irrigation and drainage, to sufficiently irrigate and drain their respective properties, retaining the right to make any and all lawful purposes of the property under or over the easement, which does not materially interfere with irrigation and drainage to the properties burdened and benefitted by this grant.

4. **RIGHT OF ENTRY:** Each grantor issues to the other on giving of reasonable notice, the right to enter upon the lands for the purpose of keeping open the irrigation and drainage ditch benefitting or burdening the grantor's property as the case might be.

5. **REDIRECT FLOWS:** Each grantor reserves to themselves the right to re-direct the channel, install pipes or culverts over and across their property provided that in doing so, no person shall unreasonably restrict the flow of irrigation water during the irrigation season or unreasonably restrict drainage across or through their property during such season as the ditches are used for drainage purposes.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals opposite their signatures below.

STATE OF OREGON)
) ss.
County of Klamath)



DATED This 25 day of Oct, 2004
Michael P. Picard
Michael P. Picard

DATED This 25 day of Oct, 2004
Valerie J. Picard
Valerie J. Picard

SUBSCRIBED AND SWORN to before me this 25 day of OCT, 2004 by
Michael P. Picard and Valerie J. Picard.

Kimberly A. Buller
Notary Public for Oregon

DATED This 25 day of Oct, 2004
Jack L. Picard
Jack L. Picard

DATED This 25 day of Oct, 2004
Julie M. Picard
Julie M. Picard

SUBSCRIBED AND SWORN to before me this 25th day of October, 2004 by
 Jack L. Picard and Julie M. Picard.



Laura Jane Smith
 Notary Public for Oregon

DATED This ___ day of ___, 2004

DATED This ___ day of ___, 2004

Barry A. Rigo

Karen D. Rigo

SUBSCRIBED AND SWORN to before me this ___ day of ___, 2004, by
 Barry A. Rigo and Karen D. Rigo.

 Notary Public for Oregon

DATED This 28 day of September, 2004

DATED This 28 day of September, 2004

Tami J. Miller
 Tami J. Miller

Edward A. Miller
 Edward A. Miller

SUBSCRIBED AND SWORN to before me this 28th day of September, 2004 by
 Tami J. Miller and Edward J. Miller.



Duane A. McGrew
 Notary Public for Oregon

DATED This ___ day of ___, 2004

Cecelia M. Devine

SUBSCRIBED AND SWORN to before me this ___ day of ___, 2004 by
 Cecelia M. Devine.

 Notary Public for Oregon

SUBSCRIBED AND SWORN to before me this 4 day of _____, 2004 by
Jack L. Picard and Jule M. Picard.

Notary Public for Oregon

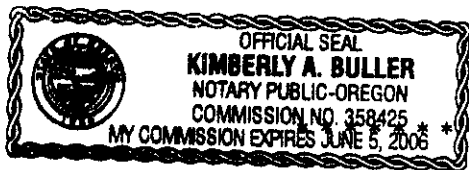
DATED This 4 day of Oct., 2004

Barry A. Rigo
Barry A. Rigo

DATED This 4 day of October, 2004

Karen D. Rigo
Karen D. Rigo

SUBSCRIBED AND SWORN to before me this 4 day of Oct, 2004, by
Barry A. Rigo and Karen D. Rigo.



Kimberly A. Buller
Notary Public for Oregon

DATED This ___ day of _____, 2004

DATED This ___ day of _____, 2004

Tami J. Miller

Edward A. Miller

SUBSCRIBED AND SWORN to before me this ___ day of _____, 2004 by
Tami J. Miller and Edward J. Miller.

Notary Public for Oregon

DATED This ___ day of _____, 2004

Cecelia M. Devine

SUBSCRIBED AND SWORN to before me this ___ day of _____, 2004 by
Cecelia M. Devine.

Notary Public for Oregon

26633

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2004 by
Jack L. Picard and Jule M. Picard.

Notary Public for Oregon

DATED This ___ day of _____, 2004

DATED This ___ day of _____, 2004

Barry A. Rigo

Karen D. Rigo

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2004, by
Barry A. Rigo and Karen D. Rigo.

Notary Public for Oregon

DATED This ___ day of _____, 2004

DATED This ___ day of _____, 2004

Tami J. Miller

Edward A. Miller

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2004 by
Tami J. Miller and Edward J. Miller.

Notary Public for Oregon

DATED This 8 day of October, 2004

Cecelia M. Devine
Cecelia M. Devine

SUBSCRIBED AND SWORN to before me this 8 day of October, 2004 by
Cecelia M. Devine.



Maria Salcedo
Notary Public for Oregon
Jan 8, 2008