

'05 JUL 20 AM 9:24

Vol M05 Page 58356

RECORDING REQUESTED BY:

GRANTOR: Flowers Brothers,  
Inc.

GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER  
1950 MALLARD LANE  
KLAMATH FALLS, OR 97601

State of Oregon, County of Klamath  
Recorded 07/28/05 9:24 AM  
Vol M05 Pg 58356-66  
Linda Smith, County Clerk  
Fee \$ 71.00 # of Pgs 11

---

## RIGHT OF WAY EASEMENT

---

71 ↓  
**RECEIVED**  
JUN 23 2005  
BY: R7C 0940

**RECEIVED**  
MAR 11  
BY: V&P 1000

Return to: Pacific Power  
1950 Mallard Lane  
Klamath Falls, Oregon 97601

CC#: 11176 WO#: 02502445

RIGHT OF WAY EASEMENT

**58357**

For value received, Flowers Brothers, Inc., ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way 20 feet in width and 2390 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchor, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets, along the general course now located by Grantee on, over or under the surface of the real property of Grantor in Klamath County, State of Oregon, more particularly described as follows and as more particularly described and/or shown on Exhibit(s) A B attached hereto and by this reference made a part hereof:

Said property generally located in the NE & NW of Section 22 & 23, Township 40 South, Range 8 East, of the Willamette Meridian and more specifically described in Volume M88, Page 21226 to 21232 in the official records of Klamath County.

Assessor's Map No. M88-21226 to 21232 Tax Parcel No.

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns. DATED this 3 day of 3, 2005.

Marjorie Lukens  
Grantor(s) Flowers Brothers, Inc.  
Marjorie Lukens 6-23-05

Grantor(s)

INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }  
County of Klamath } ss

On 06-23-05 before me, Rita F. Collins  
Name, Title or Officer (eg Jane Doe, Notary Public)

Personally appeared Marjorie Lukens  
Name(s) of Signer(s)

☐ personally known to me ~ OR ~ ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that He/she/they executed the same in his/her/their authorized capacity (ies) and that by His's/her's/their's signature(s) on the instrument the person(s), or the entity upon

behalf

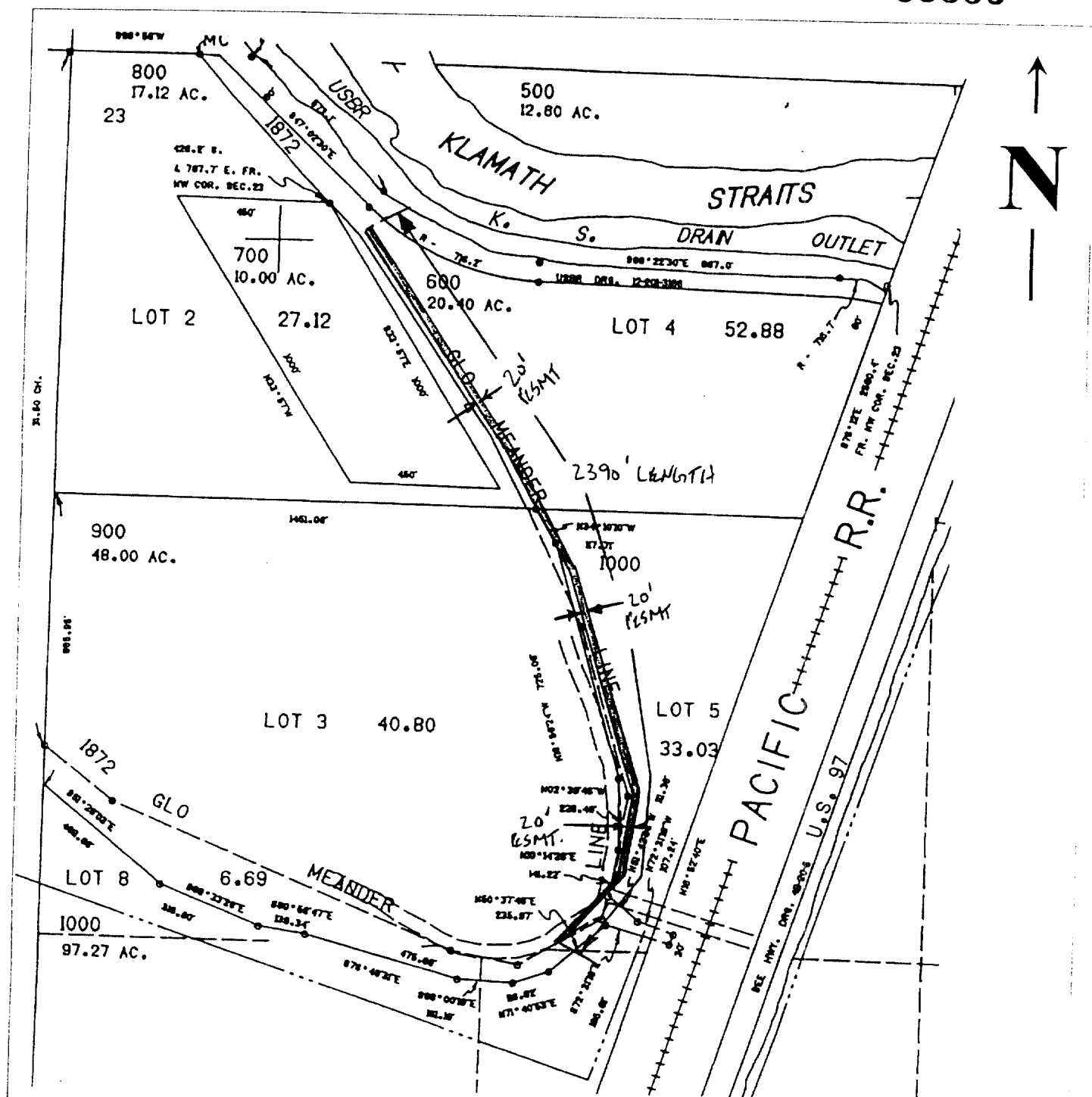
Which the person(s) acted, executed this instrument

WITNESS my hand and official seal.



Rita F. Collins  
SIGNATURE OF NOTARY

58358



CC#: 11176

WO#: 02502445

NAME: Robert G. Flowers

DRAWN BY: Garcia

**EXHIBIT A**

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

**PacifiCorp**

SCALE: N.T.S.

SHEET 1 OF 1

## Description of Property

58359

A tract of land situated in the Southeast one-quarter of the Northeast one-quarter of Section 22, and the Northwest one-quarter of Section 23, Township 40 South, Range 8 East, Willamette Meridain, in Klamath County, Oregon, being more particularly described as follows:

Beginning at the North 1/16 corner common to Sections 22 and 23 from which the corner common to Sections 14, 15, 22 and 23 bears N. 00°44'10" W. 1328.77 feet; thence S. 89°55'07" W. 631.68 feet along the North line of the Southeast one-quarter of the Northeast one-quarter of said Section 22; thence S. 03°24'36" E. 124.78 feet; thence S. 20°14'07" E. 172.95 feet; thence S. 38°20'25" E. 412.59 feet; thence S. 51°28'03" E. 878.25 feet; thence S. 69°33'28" E. 318.80 feet; thence S. 80°56'47" E. 139.34 feet; thence S. 76°49'31" E. 475.69 feet; thence S. 88°00'19" E. 161.69 feet; thence N. 71°40'53" E. 116.82 feet; thence N. 50°37'56" E. 235.97 feet; thence S. 72°31'19" E. 195.61 feet to a point on the Northwestern right-of-way line of the Southern Pacific Railroad; thence N. 16°52'40" E. 30.00 feet along said Northwestern right-of-way line; thence leaving said right-of-way line N. 72°31'19" W. 107.24 feet; thence N. 51°42'36" W. 111.36 feet; thence N. 10°14'28" E. 141.22 feet; thence N. 02°39'46" W. 226.49 feet; thence N. 18°59'24" W. 725.06 feet; thence N. 34°10'10" W. 117.71 feet; thence West 1451.06 feet to the point of beginning.

G  
ROBERT & Christy FLOWERS

58360

94911

QUITCLAIM DEED

21226

KNOW ALL MEN BY THESE PRESENTS, That JAMES A. FLOWERS and TERRY M. FLOWERS, husband and wife  
for the consideration hereinafter stated, does hereby remise, release and quitclaim unto  
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 thereunto belonging or in any  
wise appertaining, situated in the County of KLAMATH  
State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO reservations and restrictions of record,  
easements and rights of way of record and those  
apparent on the land, contracts and/or liens for  
irrigation and/or drainage.

(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 in lieu of  
However, the actual consideration consists of or includes other property or value given or promised which is foreclosure  
part of the consideration which is a part of the consideration for the property described in this deed. See ORS 21.030.  
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 12 day of August, 1987,  
if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by  
order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DE-  
SCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND  
USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING  
THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE  
PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR  
COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON

County of KLAMATH, 1987

Personally appeared the above named  
JAMES A. FLOWERS and  
TERRY M. FLOWERS, husband and  
wife

and acknowledged the foregoing instru-  
ment to be voluntary act and deed.

(OFFICIAL  
SEAL)

Notary Public for Oregon

My commission expires: 3/15/88

STATE OF OREGON, County of \_\_\_\_\_, ss.

Personally appeared \_\_\_\_\_, 19\_\_\_\_

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 that the seal affixed to the foregoing instrument is the corporate seal  
of said corporation and that said instrument was signed and sealed in be-  
half of said corporation by authority of its board of directors; and each of  
them acknowledged said instrument to be its voluntary act and deed.  
Before me:

Notary Public for Oregon

My commission expires: \_\_\_\_\_

(SEAL)

(If executed by a corporation,  
affix corporate seal)

JAMES A. FLOWERS and TERRY M.  
FLOWERS, husband and wife  
ASHLAND STAR ROUTE, K. FALLS, OR  
GRANTOR'S NAME AND ADDRESS 97601  
FLOWERS BROTHERS, INC.  
SLOWBOOTH EMBLEMAN, ORE.  
P.O. BOX 12, MIDLAND, OR 97634  
GRANTEE'S NAME AND ADDRESS

After recording return to:

PPC/CH/24 FATH/24  
240 MA/24/24/24  
KLAMATH FALLS, OR 97601  
NAME, ADDRESS, ZIP

Send a check to pay for off my statement shall be sent to the following address.

P.O. DOROTHY SCULL  
P.O. BOX 12, MIDLAND, OR 97634  
NAME, ADDRESS, ZIP

STATE OF OREGON, } ss.

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/fee file  
instrument/microfilm No. \_\_\_\_\_  
Record of Deeds of said county.  
Witness my hand and seal of  
County affixed.

NAME \_\_\_\_\_ TITLE \_\_\_\_\_  
By \_\_\_\_\_ Deputy \_\_\_\_\_

58361

21227

## EXHIBIT "A" Page -1-

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:

A tract of land situated in Sections 15, 22, 23, 26 and 27, Township 40 South, Range 8 East, Willamette Meridian, in Klamath County, Oregon, containing 306 acres, more or less, being more particularly described as follows:

That portion of section 15 and that portion of section 22 lying easterly of the following described parcel:

A parcel of land situated in sections 15 and 22, Township 40 South, Range 8 East, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a 5/8" iron rod on the South high bank of the Klamath Straits drain from which point the brass cap marking the section corner common to sections 15, 16, 21 and 22 bears N 89°12'37" W, 2255.49 feet; thence S 110°57'22" W, 1936.75 feet to a 5/8" iron rod; thence S 33°31'32" W, 898.11 feet to a 5/8" iron rod on the East-West centerline of section 22; thence S 89°51'07" W, 38.88 feet to the Center-West 1/16 corner of said section 22; thence S 00°15'16" E, 1334.67 feet along the North-South centerline of the southwest one-quarter of said section 22 to the Southwest 1/16 corner of section 22; thence N 89°39'47" E, 1319.83 feet along the East-West centerline of said southwest one-quarter of section 22 to the Center-South 1/16 corner of section 22; thence S 00°13'05" E, 1330.32 feet along the North-South centerline of section 22 to the brass cap marking the South one-quarter corner of section 22; thence N 89°46'59" E, 1341.61 feet along the section line common to sections 22 and 27 to the East 1/16 corner common to sections 22 and 27 marked by a 5/8" iron rod; thence N 00°28'37" W, 2659.06

feet along the North-South centerline of the southeast one-quarter of section 22 to the Center-East 1/16 corner of section 22; thence N 41°18'05" E, 403.16 feet; thence N 29°43'05" E, 117.33 feet to a point on the centerline of a drainage ditch; thence continuing along the centerline of said drainage ditch along the following described courses:

- 1.) N 29°43'05" E, 129.68 feet; thence
- 2.) N 24°30'02" E, 427.04 feet; thence
- 3.) N 18°23'18" E, 177.99 feet; thence
- 4.) N 03°52'20" W, 58.40 feet; thence
- 5.) N 22°45'29" W, 99.17 feet; thence
- 6.) N 00°16'25" E, 78.98 feet; thence
- 7.) N 01°44'04" E, 90.00 feet; thence
- 8.) N 17°49'39" W, 240.04 feet; thence
- 9.) N 18°48'14" W, 322.62 feet; thence
- 10.) N 23°56'53" W, 588.84 feet; thence
- 11.) N 30°17'12" W, 223.59 feet; thence
- 12.) N 16°51'56" W, 191.45 feet; thence

leaving said centerline, N 58°46'58" W, 396.63 feet to a 5/8" iron rod on the South high bank of the Klamath Straits Drain; thence continuing N 58°46'58" W, 25 feet, more or less, to the mean high water line of the Klamath Straits Drain; thence southwesterly and westerly following the sinuosities of the mean high water line on the south bank of said Klamath Straits Drain to a point from which a 5/8" iron rod on the South high bank bears S 11°57'22" W, 15 feet, more or less; thence S 11°57'22" W, 15 feet, more or less, to the point of beginning, containing 278.73 acres, more or less;

and lying southerly of the Klamath Straits Drain.

EXCEPTING THEREFROM the Southeast one-quarter of the Southeast one-quarter of said section 22.

ALSO EXCEPTING, A tract of land situated in the Southeast one-quarter of the Northeast one-quarter of section 22, Township 40 South, Range 8 East, Willamette Meridian, in Klamath County, Oregon being more particularly described as follows:

Beginning at the North 1/16 corner common to sections 22 and 23 from which the corner common to sections 14, 15, 22 and 23 bears N 00°44'10" W, 1328.77 feet; thence S 89°55'07" W, 631.68 feet along the North line of the Southeast one-quarter of the Northeast one-quarter of said section 22; thence S 03°24'36" E, 124.78 feet; thence S 20°14'07" E, 172.95 feet; thence S 38°20'25" E, 412.59 feet; thence S 51°28'03" E, 408.59 feet; thence N 00°44'10" W, 865.95 feet to the point of beginning, containing 8.24 acres, more or less.

Also that portion of section 23 lying northwesterly of the Southern Pacific Railroad and lying South of the Klamath Straits Drain;

EXCEPTING THEREFROM that tract of land described in Volume 102 at Page 304 of Deed Records of Klamath County, Oregon.

ALSO EXCEPTING, A tract of land situated in the Northwest one-quarter of section 23, Township 40 South, Range 8 East, Willamette Meridian, in Klamath County, Oregon, being more particularly described as follows:

Beginning at the North 1/16 corner common to sections 22 and 23 from which the corner common to sections 14, 15, 22 and 23 bears N 00°44'10" W, 1328.77 feet; thence S 00°44'10" E, 865.95 feet along the section line common to sections 22 and 23; thence leaving said section line S 51°28'03" E, 469.66 feet; thence S 69°33'28" E, 318.80 feet; thence S 80°56'47" E, 139.34 feet; thence S 76°49'31" E, 475.69 feet; thence S 88°00'19" E, 161.69 feet; thence N 71°40'53" E, 116.82 feet; thence N 50°37'56" E, 235.97 feet; thence S 72°31'19" E, 195.61 feet to a point on the northwesterly right-of-way line of the Southern Pacific Railroad; thence N 16°53'40" E, 30.00 feet along said northwesterly right-of-way line; thence leaving said right-of-way line N 72°31'19" W, 107.24 feet; thence N 51°42'36" W, 111.36 feet; thence N 10°14'28" E, 141.22 feet; thence N 02°39'46" W, 226.49 feet; thence N 18°59'24" W, 725.06 feet; thence N 34°10'10" W, 117.71 feet; thence West, 1451.06 feet to the point of beginning, containing 47.77 acres, more or less.

Also the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and those portions of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 27 lying Westerly of the Southern Pacific Railroad and Northerly and Westerly of tract conveyed to Klamath Drainage District by Deed recorded in Volume 152 page 31 Deed Records of Klamath County, Oregon.

Also that portion of section 26 lying northwesterly of the Southern Pacific Railroad.

TOGETHER WITH, the following described easements, rights and usages, for agricultural, forestry, or mining purposes, to-wit:

(1) A road easement 30 feet in width for agricultural, forestry, or mining purposes, the centerline of which is more particularly described as follows:

Beginning at a point on the westerly boundary of the first above described parcel from which point the brass cap marking the corner common to sections 15, 16, 21, and 22 bears N 63°15'04" W, 4857.96 feet; thence N 81°39'13" W,



227.30 feet; thence S 17°39'23" W, 40.00 feet; thence S 73°51'58" W, 343.36 feet; thence S 26°58'40" W, 201.60 feet; thence S 01°31'49" E, 669.63 feet; thence S 07°43'09" E, 1031.03 feet; thence S 08°45'48" W, 194.78 feet; thence S 74°11'29" W, 145.59 feet; thence N 59°20'09" W, 157.46 feet; thence N 39°28'23" W, 258.41 feet; thence N 52°21'49" W, 1264.41 feet; thence N 53°19'39" W, 560.41 feet; thence N 60°51'32" W, 676.90 feet to a point from which the Center-- West 1/16 corner of said section 22 bears N 00°15'16" W, 7.44 feet; thence continuing from said point N 61°35'49" W, 15.55 feet to a point on the East-West centerline of said section 22; thence continuing N 61°35'49" W, 1228.83 feet; thence N 65°59'44" W, 817.20 feet; thence N 65°59'04" W, 279.00 feet; thence S 76°47'27" W, 94.90 feet; thence N 82°02'05" W, 402.71 feet; thence S 36°10'00" W, 202.90 feet to a point on the South boundary of that tract of land described in Volume M-80 at Pages 14,906 through 14,912 of Klamath County Deed Records; thence continuing S 36°10'00" W, 21.12 feet to a point 15.00 feet as measured at right angles to the southerly boundary of said tract of land; thence westerly 15' southerly from and being parallel to and adjacent to said southerly boundary along the following described courses:

- 1.) S 81°24'58" W, 41.60 feet; thence
- 2.) S 67°38'26" W, 182.03 feet; thence
- 3.) S 61°25'23" W, 145.04 feet; thence
- 4.) S 27°30'04" W, 67.09 feet; thence
- 5.) S 84°15'10" W, 275.92 feet; thence
- 6.) N 18°50'57" W, 42.67 feet

to a point on the centerline of a 30 foot wide road easement described in said Volume M-80 at Pages 14,906 through 14,912; thence along said centerline along the following described courses:

- 1.) S 74°03'29" W, 483.35 feet; thence
- 2.) N 82°11'24" W, 765.98 feet; thence
- 3.) S 38°05'16" W, 870.44 feet

to a point on the East right-of-way line of the Keno-Worden Road, from which point the brass cap marking the section corner common to said sections 15, 16, 21 and 22 bears N 54°48'27" E, 4663.86 feet.

(2) A road easement 30 feet in width for agricultural, forestry, or mining purposes the centerline of which is more particularly described as follows:

Beginning at a point on the easterly right-of-way line of the Keno-Worden Road from which point the corner common to sections 21, 22, 27 and 28, Township 40 South, Range 8 East, Willamette Meridian, Klamath County, Oregon bears N 45°14'56" W, 1773.11 feet; thence N 64°31'05" E, 179.67

feet; thence S 84°59'13" E, 345.50 feet; thence S 10°51'07" E, 420.73 feet; thence S 58°07'16" E, 236.23 feet; thence S 78°01'42" E, 294.81 feet; thence S 64°59'07" E, 307.84 feet; thence S 79°18'04" E, 148.10 feet; thence S 43°39'13" E, 885.27 feet; thence S 44°52'41" E, 596.18 feet; thence S 79°35'54" E, 194.35 feet to a point on the North-South centerline of the Southeast one-quarter of said section 27.

TOGETHER WITH:

A one quarter (1/4) ownership interest in a 20 h.p., 5,000 gallon per minute, turbine drainage pump, for the purpose of draining water from Grantees' land, through the herein granted drainage ditches, and pumping said water into the Klamath Straits Drain and into the Klamath River, PROVIDED THAT, Grantees shall be required to pay their proportionate share of the cost of operation, maintenance, upkeep, repair and replacement of said pump, and shall be responsible on a pro rata basis for maintenance and upkeep of all drainage and irrigation ditches.

and:

SUBJECT TO a road easement 30 feet in width for agricultural, forestry, or mining purposes, the centerline of which is more particularly described as follows:

Beginning at a point on the westerly boundary of the first above described parcel from which point the Brass Cap marking the section corner common to sections 15, 16, 21 and 22, Township 40 South, Range 8 East, Willamette Meridian, bears N 63°15'04" W, 4857.96 feet; thence S 81°39'18" E, 311.03 feet; thence N 01°00'27" E, 647.17 feet; thence N 02°35'52" E, 131.90 feet; thence N 78°10'39" E, 15.16 feet; thence S 20°14'07" E, 168.34 feet; thence S 38°20'25" E, 408.48 feet; thence S 51°28'03" E, 874.13 feet; thence S 69°33'28" E, 314.92 feet; thence S 80°56'47" E, 138.38 feet; thence S 76°49'31" E, 474.75 feet; thence S 88°00'19" E, 157.54 feet; thence N 71°40'53" E, 111.35 feet; thence N 50°37'56" E, 241.31 feet; thence S 72°31'19" E, 203.57 feet to a point on the northwesterly right-of-way line of the Southern Pacific Railroad and said point being on an existing railroad crossing.

SUBJECT TO an easement 30 feet in width for a drainage canal and drainage purposes the centerline of which is more particularly described as follows:

Beginning at a point on the westerly boundary of the first above described parcel from which the Center-East 1/16 corner of section 22 bears S 38°41'53" W, 518.63 feet; thence S 72°20'37" E, 1817.04 feet; thence S 72°55'31" E, 992.70 feet; thence N 15°59'34" E, 558.49 feet to an existing pumping

58366

21232

tion; thence N 51°42'36" W, 136.92 feet; thence N 10°14'28" E, 141.22 feet; thence N 02°39'46" W, 226.49 feet; thence N 18°59'24" W, 725.06 feet; thence N 34°10'10" W, 466.13 feet; thence N 34°51'48" W, 709.30 feet to an existing drain inlet from which the section corner common to sections 14, 15, 22, and 23, Township 40 South, Range 8 East, Willamette Meridian, bears N 62°08'01" W, 980.72 feet.

SUBJECT TO an easement 60 feet in width for a drainage canal and irrigation purposes, the centerline of which is more particularly described as follows:

Beginning at the outlet of an existing drain siphon on the Klamath Straits Drain at engineer's station 486+75; thence westerly, northwesterly and southwesterly 30 feet southerly from and being parallel to and adjacent to the mean high water line of the southerly bank of said Klamath Straits Drain to a point on the easterly boundary of that tract of land described in Volume M-80 at Page 19097 - 19099.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Proctor & Fairclo  
of Dec. A.D., 19 88 at 9:59 o'clock AM. and duly recorded in Vol. M88  
of Deeds on Page 21226  
By Evelyn Biehn County Clerk  
By Pauline M. Anderson

FEE \$39.00

Page 6

EXH-BIT A