

## Klamath County, Oregon

Grantee: Kenneth and Connie Masten

[REDACTED]

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02/21/2008 11:42:25 AM

**Fee: \$36.00**

ATE = 65588PS

## EASEMENT AND PUMP AGREEMENT

STATE OF OREGON )  
 ) ss.  
County of Klamath )

Linden and Helen Hankins, their heirs, assigns and successors, henceforth, "Grantor", being the owner of the following real property.

Legal Description: See attached Exhibit "A"

AND, Kenneth and Connie Masten, their heirs, assigns and successors, henceforth, "Grantee", being the owner of real property adjoining or adjacent to the above cited property, which said property is described as follows:

Legal Description: See attached Exhibit "B"

AND Grantor, DOES HEREBY GRANT to Grantee, their heirs and assigns, a perpetual, non-exclusive easement along the West boundary of Grantors' property in Section 7 to the sump where an existing lift pump is located from Burgdorf Road, to allow Grantee to install and maintain an irrigation mainline above or below ground as Grantee chooses. The easement shall be four (4) feet in width but Grantee shall have the further right of ingress and egress as is necessary and reasonable from time to time to repair, modify or maintain said mainline so long as the method of access does not damage existing crops or irrigation infrastructure.

Grantor further grants to Grantee, their heirs and assigns, a perpetual, non-exclusive easement along the existing roadway running along the Eastern boundary of Grantors' property in Section 7 from Burgdorf Road to the canal and along the canal to the sump for the purpose of irrigation. Grantee may utilize the existing dam to run water to the pump.

The parties shall share the existing pump and sump and shall split the costs of electricity and maintenance equally. Grantee shall reimburse Grantor for such costs within fifteen (15) days of the mailing of an invoice for such costs by Grantor. If Grantee move his pump to the sump and installs a separate power meter for that pump, then only the costs of maintenance will be split.

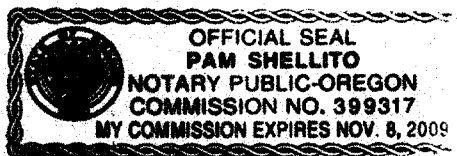
Grantee may modify the sump as necessary as long as any modification does not interfere with the existing pump.

Should either party to this agreement commence litigation to enforce this agreement, then the prevailing party shall be entitled to recover reasonable attorney fees incurred in that litigation.

The consideration for this Agreement is the mutual agreements of the parties.

Julien Hamblin  
GRANTOR  
Walter Hamblin  
GRANTOR

SUBSCRIBED AND SWORN to before me this 20 day of February, 2008 by Linden and Helen Hankins.



Notary Public for Oregon

My Commission Expires: Nov 8, 2009

#36-A

Kenneth Masten  
GRANTEE

Connie Masten  
GRANTEE

SUBSCRIBED AND SWORN to before me this 20 day of February, 2008 by Kenneth and Connie Masten.

Pam Shellito  
Notary Public for Oregon

My Commission Expires: Nov 8, 2009



## EXHIBIT "A"

Those portions of the SE 1/4 of the NW 1/4, the E½ of the SW 1/4 and the SW 1/4 of the SE 1/4, of Section 7, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying West of the Buck Creek Canal as the same is presently located and constructed.

EXCEPTING THEREFROM the following:

A one acre portion of land located in the SE 1/4 SW 1/4 Of Section 7, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Commencing at a point on the South line of SE 1/4 SW 1/4 which lies distant 540 feet from the Southwest corner of said "40" and running thence North at right angles. to said South line 208 3/4 feet; thence East parallel with said South line 208 3/4 feet; thence South at right angles to said South line 208 3/4 feet to said South line; thence Westerly 208 3/4 feet to the point of beginning.

## EXHIBIT "B"

### PARCEL 1:

Those portions of Government Lot 1, Government Lot 2, and the E 1/2 of the NW 1/4 of Section 18, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying West of the Master Drain and North of a diagonal drain as the same are presently located and constructed.

### PARCEL 2:

Those portions of Government Lot 1, the E 1/2 of the NW 1/4, and the NE 1/4 of the SW 1/4 of Section 18, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying East of the Master Drain as the same is presently located and constructed.

### PARCEL 3:

Those portions of Lot 2, Lot 3, Lot 4, SE 1/4 NW 1/4, W 1/2 SE 1/4, and E 1/2 SW 1/4 of Section 18, Township 39 south, Range 11 East, W. M., lying West of the master drain and south of a diagonal drain as the same are presently located and constructed, containing 253 acres, more or less.