

2013-003086

Klamath County, Oregon

03/22/2013 10:22:52 AM

Fee: \$92.00

MTL 94966

Until a change is requested, all tax statements  
shall be sent to the following address:

**THE NATURE CONSERVANCY**

821 SE 14<sup>th</sup> Avenue

Portland, OR 97214

Attn: Director of Protection

**DRAINAGE PUMP ACCESS EASEMENT**

This Easement is created this \_\_\_\_ day of March 2013, by and among TERRY MARIE BENGARD, a married woman ("the Grantor"); and by the "Grantees," which consist of 4 MILE AND WEED RANCHES, LP, a California limited partnership, as to the property described in Exhibit A-1; and CHARLES W. BACCHI, a married man as his sole and separate property, NIKKI BACCHI BARI, a married woman as her sole and separate property, CHERI BACCHI LITTLE, a married woman as her sole and separate property, HENRY F. BACCHI, a married man as his sole and separate property, and BRUSH CREEK CO., a California general partnership, all as tenants in common as to Parcels 1 through 5 of the property described in Exhibit A-2; and BRUSH CREEK CO., a California general partnership, as to Parcel 6 of the property described in Exhibit A-2.

**RECITALS**

A. The Grantees are the owners of that certain real estate situated in Klamath County, Oregon, which is more particularly described in **EXHIBIT A**, attached hereto and made a part hereof (the "Benefited Property").

B. The Grantees desire access over and across the Burdened Property for purposes of accessing, operating, and maintaining a drainage pumping system consisting of drainage pumps and pipes and the portions of existing drainage and collection ditches and drainage discharge area located within the area of the Easement granted herein (collectively, the "Drainage Pumping System"). The Drainage Pumping System benefits the Benefited Property but is located on the Grantor's real property, which is described in **EXHIBIT B**, attached hereto and made a part hereof (the "Burdened Property"). The Grantor desires to allow Grantees to use the Burdened Property for that purpose under the conditions contained in this Easement.

**EASEMENT**

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor hereby conveys and grants to Grantees a permanent,

92 AMT

nonexclusive easement on, over, under, and across the Burdened Property, in the locations described in Paragraph 1, for ingress and egress to the Drainage Pumping System by Grantees and their employees, agents, contractors, and invitees, and for purposes of using, maintaining, improving, repairing, and replacing the Drainage Pumping System. This Easement includes rights of access and such other appurtenant and incidental rights as are reasonably necessary or incidental to the use, maintenance, improvement, repair, enjoyment, and replacement of the Drainage Pumping System. The Easement granted herein is subject to all existing easements, encumbrances, rights, reservations, covenants, and restrictions of record.

The true consideration for granting this Easement shall be \$0.00.

**Location of Easement.** The Easement shall be located on a portion of the Burdened Property described in this paragraph, and consisting only of that portion of the Burdened Property that is located outside the Wetland Reserve Program Easement Boundary as depicted and described in the record of survey filed in the Office of the Klamath County Surveyor on January 7, 2013. The Easement shall be located (i) over and across the existing location of the access road following along the southwesterly bank of the Seven Mile Canal; (ii) at the drainage pumps located at the easternmost corner of the Burdened Property; and (iii) the area under, outside, and around such drainage pump site to allow the Grantees space reasonably required for the Grantees to access, operate, maintain, repair, and replace the Drainage Pumping System.

**2. Conditions of Easement Use.** This Easement is limited to the purposes of ingress and egress by Grantees and their employees, agents, contractors, and invitees. Grantees shall not make or permit any use of the Burdened Property that is unlawful, improper, or contrary to any applicable law or ordinance. Grantees shall be solely responsible, at their own cost and expense, for compliance with all federal, state, and local laws governing or applicable to Grantees' use of the Easement, including without limitation any responsibility to obtain, maintain, and comply with any necessary governmental permits, approvals, or licenses for Grantees' activities on the Burdened Property. The Grantees shall repair, or cause to be repaired, at its sole cost and expense, any damage caused by Grantees (their employees, agents, contractors, or invitees) to the access road and Drainage Pumping System that exceeds normal and prudent usage of said road or normal and prudent usage, operation, maintenance, repair, or replacement of the Drainage Pumping System, or any other area of the Burdened Property, notwithstanding that such area is outside the scope and location of the Easement granted herein.

**3. Grantor's Reservation.** Grantor hereby reserves the right to use the Burdened Property for any and all purposes that do not materially interfere with Grantees' rights under this Easement. Grantor further reserves the right to convey the Burdened Property or to grant any other easement, license, or right-of-way over, under, or across the Burdened Property for any purpose not inconsistent with the Easement granted herein.

**4. Indemnification.** The Grantees agree to indemnify and hold the Grantor harmless for any and all liability, loss, or penalty arising in any way; including without limitation from personal injury or death, property damage, fire, or harm to wildlife; out of use of the Easement or the Burdened Property, or breach of this access easement agreement, by Grantees or their

**5. Attorneys' Fees.** In the event of any controversy, claim, or dispute relating to this agreement or the breach thereof, the prevailing party shall be entitled to recover from the losing party the prevailing party's costs and expenses, including, without limitation, reasonable attorneys', experts', and consultants' fees and costs.

**6. Binding Effect.** The Easement granted herein and the conditions contained herein shall be covenants running with the land and shall be binding upon Grantor's and Grantees' successors and assigns and all future owners of the Burdened Property and Benefited Property.

EXECUTED as of the day and year first above written.

GRANTOR:

  
TERRY MARIE BENGARD

STATE OF CALIFORNIA

COUNTY OF MONTEREY

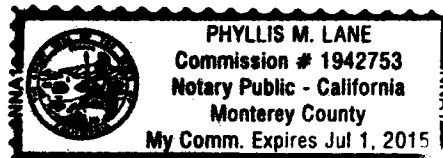
} ss.

On this 13 day of March, 2013, before me, Phyllis M. Lane, Notary Public, personally appeared TERRY MARIE BENGARD, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: 



(Seal)

GRANTEES:

CW Bacchi  
CHARLES W. BACCHI

Cheri Bacchi Little  
CHERI BACCHI LITTLE

Nikki Bacchi Bari  
NIKKI BACCHI BARI

HENRY F. BACCHI H.F. Bacchi

CW Bacchi  
By: Charles W. Bacchi, Attorney-in-Fact for  
Henry F. Bacchi

BRUSH CREEK CO., a California general partnership

By:

CW Bacchi  
Charles W. Bacchi, General Partner

Nikki Bacchi Bari  
Nikki Bacchi Bari, General Partner

Cheri Bacchi Little  
Cheri Bacchi Little, General Partner

SEE ATTACHED  
NOTARY CERTIFICATE

STATE OF CALIFORNIA

COUNTY OF EL DORADO

SS.

On this 12<sup>th</sup> day of MARCH; 2013, before me, CHRISTINA L. HAVENS, NOTARY PUBLIC, personally appeared CHARLES W. BACCHI, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as an individual and in his authorized capacities as a General Partner of BRUSH CREEK CO., a California General Partnership, and as Attorney-in-Fact for HENRY F. BACCHI, and that by his signature on the instrument the persons or entities upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]



(Seal)

## ACKNOWLEDGMENT

State of California  
County of El Dorado

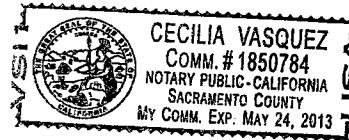
On 3/12/13 before me, Cecilia Vasquez, Notary Public  
(insert name and title of the officer)

personally appeared Nikki Bari,  
who 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/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

} ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, \_\_\_\_\_, personally appeared NIKKI BACCHI BARI, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same as an individual and in her authorized capacity as a General Partner of BRUSH CREEK CO., a California General Partnership, and that by her signature on the instrument the person or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

(Seal)

STATE OF CALIFORNIA

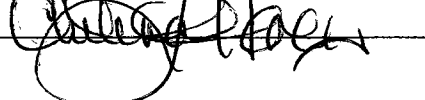
COUNTY OF EL DORADO

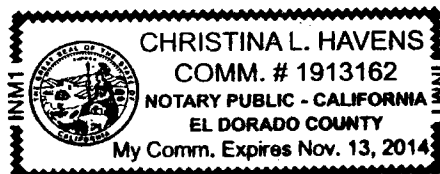
} ss.

On this 12<sup>th</sup> day of MARCH, 2013, before me, CHRISTINA L. HAVENS, <sup>NOTARY</sup> PUBLIC, personally appeared CHERI BACCHI LITTLE, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same as an individual and in her authorized capacity as a General Partner of BRUSH CREEK CO., a California General Partnership, and that by her signature on the instrument the person or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: 



(Seal)

**GRANTEE:**

4 MILE AND WEED RANCHES, LP, a California limited partnership

By: Jeffery Mathis  
Name: Jeffery Mathis  
Title: Partnership

STATE OF CA

COUNTY OF Merced

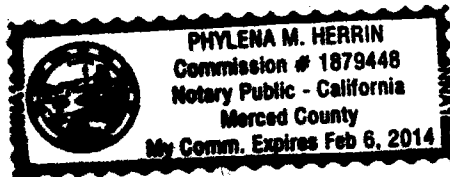
} ss.

On this 13 day of March 2013, before me, Phylana M. Herrin personally appeared Jeffery Mathis, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as Partner of 4 MILE AND WEED RANCHES, L.P., a California limited partnership, and that by his signature on the instrument the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: 4 Mile and Weed Ranches L.P. by Jeff H. Mathis



(Seal)

## **EXHIBIT A-1**

### **LEGAL DESCRIPTION OF BENEFITED PROPERTY**

Real property in the County of Klamath, State of Oregon, described as follows:

A TRACT OF LAND SITUATED IN SECTIONS 6, 7, 18 AND 19, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/16 CORNER COMMON TO SECTIONS 1 AND 6, TOWNSHIP 34 SOUTH, RANGE 6, EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, AS MARKED BY A 1931 G.L.O. BRASS CAP MONUMENT; THENCE NORTH 00° 03' 52" WEST ALONG THE WEST LINE OF SAID SECTION 6, 620 FEET, MORE OR LESS, TO THE CENTERLINE OF SEVEN MILE CANAL; THENCE EASTERLY, ALONG THE CENTERLINE OF SAID SEVEN MILE CANAL, 310 FEET, MORE OR LESS, THENCE SOUTH 00° 12' 47" WEST 195 FEET, MORE OR LESS, TO A PK NAIL ON A FENCE POST; FROM WHICH SAID NORTH 1/16 CORNER BEARS SOUTH 35° 49' 22" WEST 516.81 FEET; THENCE SOUTH 00° 12' 47" WEST 287.54 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 01° 02' 38" EAST 120.71 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 02° 26' 25" WEST 287.52 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 18° 02' 14" EAST 1131.66 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 83° 43' 23" EAST 48.62 FEET TO A PK NAIL ON A FENCE POST; THENCE NORTH 83° 31' 40" EAST 16.38 FEET TO A PK NAIL ON A FENCE POST; THENCE 43° 54' 16" EAST 58.37 FEET TO A PK NAIL ON A FENCE POST; THENCE NORTH 73° 09' 13" EAST 629.63 FEET TO A PK NAIL ON A FENCE POST; THENCE NORTH 71° 53' 47" EAST GENERALLY ALONG AN EXISTING FENCE, 709.12 FEET TO A 5/8 INCH IRON PIN ON THE NORTHEAST SIDE OF A FENCE CORNER; THENCE NORTH 31° EAST 75 FEET, MORE OR LESS, TO THE CENTERLINE OF THE SAID SEVEN MILE CANAL; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF THE SAID SEVEN MILE CANAL; 1440 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE CENTERLINE OF THE DIXON AND MCQUISTON CENTER CANAL: SOUTH 00° 13' 57" EAST 16.175 FEET, MORE OR LESS, SOUTH 23° 53' 22" EAST 156.11 FEET AND SOUTH 13° 18' 22" WEST 681.05 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF AN EXISTING CANAL; THENCE NORTH 74° 27' 51" WEST, ALONG THE CENTERLINE OF SAID CANAL, 3243.55 FEET TO THE CENTERLINE OF FOUR-MILE CANAL AND BEING ON THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED VOLUME 331, PAGE 367, PARCEL 1, AS RECORDED IN THE KLAMATH COUNTY DEED RECORDS; THENCE NORTH 00° 04' 38" WEST ALONG THE CENTERLINE OF SAID FOUR MILE CANAL, 2222.53 FEET TO THE NORTHEAST CORNER OF SAID DEED VOLUME 331, PAGE 367, PARCEL 1; THENCE WEST 98.00 FEET TO THE NORTHWEST CORNER OF SAID DEED VOLUME 331, PAGE 367, PARCEL 1, ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE NORTH 00° 23' 47" EAST 1557.50 FEET TO THE CORNER COMMON TO SECTIONS 13 AND 24, TOWNSHIP 34 SOUTH, RANGE 6 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, AND SAID SECTIONS 18 AND 19, AS MARKED BY A 1931 G.L.O. BRASS CAP MONUMENT; THENCE NORTH 00° 08' 26" WEST 2547.24 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 13 AND 18, AS MARKED BY A 1931 G.L.O. BRASS CAP MONUMENT; THENCE NORTH 00° 04' 44" WEST 11,466.34 FEET TO THE POINT OF BEGINNING WITH BEARINGS BASED ON SURVEY NO. 3146, AS RECORDED IN THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

Tax Parcel Number: R76946



## **EXHIBIT A-2**

### **LEGAL DESCRIPTION OF BENEFITED PROPERTY**

Real property in the County of Klamath, State of Oregon, described as follows:

#### **PARCEL 1:**

A TRACT OF LAND SITUATED IN TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST SECTION LINE OF SECTION 6, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN, AND THE CENTERLINE OF THE SEVEN MILE CANAL, AS NOW LOCATED AND CONSTRUCTED; THENCE NORTHWEST ALONG SAID CENTER LINE TO ITS INTERSECTION WITH THE TOWNSHIP LINE BETWEEN TOWNSHIP 34 SOUTH, RANGE 6 EAST WILLAMETTE MERIDIAN AND TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN; THENCE SOUTH ALONG SAID TOWNSHIP TO THE NORTH LINE OF PARCEL 1 OF PROPERTY DESCRIBED IN DEED RECORDED AUGUST 02, 1961 IN VOLUME 331, PAGE 367, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE EAST 98 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID PARCEL 1 OF PROPERTY DESCRIBED IN DEED VOLUME 331, PAGE 367; THENCE SOUTH ALONG THE EAST LINE OF SAID DEED TO THE NORTH LINE OF PARCEL 2 OF THE PROPERTY DESCRIBED IN DEED RECORDED AUGUST 02, 1961 IN VOLUME 331, PAGE 367, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF PARCEL 2 OF SAID DEED TO ITS INTERSECTION WITH THE EAST LINE OF THE SECTION LINE COMMON TO SECTIONS 19 AND 30; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION LINE TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN THE DEED RECORDED JUNE 05, 1958 IN VOLUME 299, PAGE 646, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE WEST ALONG THE SOUTH LINE OF THE REAL PROPERTY DESCRIBED IN SAID DEED TO THE CENTER LINE OF THE DIXON MCQUISTON CANAL; THENCE NORTH ALONG THE CENTER OF SAID CANAL TO THE NORTHWEST CORNER OF THE REAL PROPERTY DESCRIBED IN THE DEED RECORDED MAY 17, 1956 VOLUME 283, PAGE 212, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE EAST ALONG THE NORTH LINE OF THE REAL PROPERTY DESCRIBED IN SAID DEED TO THE EAST LINE OF SECTION 7; THENCE NORTH ALONG THE EAST LINE OF SECTIONS 7 AND 6 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION LYING NORTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINES:

BEGINNING AT THE CORNER COMMON TO SECTIONS 13 AND 24, TOWNSHIP 34 SOUTH, RANGE 6 EAST WILLAMETTE MERIDIAN, AND SAID SECTIONS 18 AND 19, AS MARKED BY A 1931 G.L.O. BRASS CAP MONUMENT; THENCE SOUTH 00° 23' 47" WEST ALONG THE WEST LINE OF SAID SECTION 19, 1557.50 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED VOLUME 331, PAGE 367 OF THE SAID KLAMATH COUNTY DEED RECORDS; THENCE EAST 98.00 FEET TO THE NORTHEAST CORNER OF SAID DEED VOLUME 331, PAGE 367 AND BEING THE CENTERLINE OF FOUR MILE CANAL; THENCE SOUTH 00° 04' 38" EAST ALONG THE EAST LINE OF SAID DEED VOLUME 331 PAGE 367, TO THE INTERSECTION OF THE CENTERLINES OF FOUR MILE CANAL AND AN EXISTING CANAL, SAID INTERSECTION BEING THE TRUE POINT OF THE BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 74° 27' 51" EAST ALONG THE CENTERLINE OF SAID CANAL, 3243.55 FEET, TO ITS INTERSECTION WITH THE CENTERLINE OF THE DIXON AND MCQUISTON CANAL; THENCE, ALONG THE CENTERLINE OF SAID DIXON AND MCQUISTON CENTER CANAL, NORTH 13° 18' 22" EAST 681.05 FEET, NORTH 23° 53' 22" WEST 156.11 FEET AND NORTH 00° 13' 57" WEST 16,175 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE CENTERLINE OF THE SEVEN MILE CANAL, WITH BEARINGS BASED ON SURVEY NO. 3146, AS RECORDED IN THE OFFICE OF THE KLAMATH COUNTY SURVEYOR. THE REMAINING TRACT CONTAINING 1100 ACRES, MORE OR LESS.

#### **PARCEL 2:**

A PORTION OF THE SOUTH HALF OF SECTION 20, TOWNSHIP 34 NORTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SECTION 20 AND THE NORTH LINE OF PROPERTY DESCRIBED IN DEED VOLUME 331, PAGE 367, RECORDS OF KLAMATH COUNTY, OREGON; THENCE SOUTH 88° 57' EAST ALONG SAID NORTH LINE A DISTANCE OF 4,700 FEET TO A POINT; THENCE NORTH A DISTANCE OF 200 FEET TO A POINT; THENCE WEST TO A POINT ON THE CENTERLINE OF A CANAL RUNNING SOUTHWESTERLY THROUGH SECTION 20; THENCE NORTHWESTERLY ALONG SAID CENTER LINE OF CANAL TO THE WEST LINE OF SAID SECTION 20; THENCE SOUTH 2250 FEET, MORE OR LESS, ALONG SAID WEST LINE OF SECTION 20 TO THE POINT OF BEGINNING.

**PARCEL 3:**

A PARCEL OF LAND SITUATE IN SECTIONS 7 AND 18, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT IN THE CENTER LINE OF THE DIXON AND MCQUISTON CENTER CANAL, AS THE SAME IS NOW LOCATED AND CONSTRUCTED, FROM WHICH THE SECTION CORNER AT THE SOUTHEASTERLY CORNER OF SECTION 1, TOWNSHIP 34 SOUTH OF THE RANGE 6 EAST WILLAMETTE MERIDIAN, AS ESTABLISHED BY NORMAN D. PRICE, U.S. CADASTRAL ENGINEER, BETWEEN OCTOBER 31, 1930 AND JUNE 22, 1931, BEARS NORTH 0° 04' WEST, ALONG SAID CENTER LINE OF THE CENTER CANAL 4246.0 FEET, TO A POINT IN THE CENTER LINE OF THE SEVEN MILE CANAL, AS THE SAME IS NOW LOCATED AND CONSTRUCTED, AND SOUTH 56° 11' WEST 3923.8 FEET TO SAID CORNER, AND RUNNING FROM SAID POINT OF BEGINNING EAST 2006.0 FEET, MORE OR LESS, TO A POINT IN THE SECTION LINE MARKING THE EASTERLY BOUNDARY OF THE SAID SECTION 7, 1796.6 FEET SOUTHERLY FROM THE CORNER COMMON TO SECTIONS 5, 6, 7, AND 8, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN; THENCE SOUTH 0° 01' 1/2" WEST ALONG SAID SECTION LINE 3441.4 FEET, MORE OR LESS, TO THE SECTION CORNER COMMONS TO SECTION 7, 8, 17 AND 18, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN; THENCE SOUTH 0° 18 1/2' WEST, ALONG THE SECTION LINE MARKING THE EASTERLY BOUNDARY OF THE SAID SECTION 18, 37.6 FEET; THENCE WEST 200.3 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF THE SAID DIXON AND MCQUISTON CENTER CANAL; THENCE NORTH 0° 04' WEST, ALONG THE CANAL CENTER LINE 3479.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

**PARCEL 4:**

A PARCEL OF LAND SITUATE IN SECTION 18, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE POINT IN THE CENTER LINE OF THE DIXON AND MCQUISTON CENTER CANAL, AS THE SAME IS NOW LOCATED AND CONSTRUCTED, FROM WHICH THE SECTION CORNER AT THE SOUTHEASTERLY CORNER OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 6 EAST WILLAMETTE MERIDIAN, AS ESTABLISHED BY NORMAN D. PRICE, U.S. CADASTRAL ENGINEER, BETWEEN OCTOBER 31, 1930, AND JUNE 22 1931, BEARS NORTH 0° 04' WEST ALONG SAID CENTER LINE OF CENTER CANAL, 7755.0 FEET TO A POINT IN THE CENTER LINE OF THE SEVEN MILE CANAL AS THE SAME IS NOW LOCATED AND CONSTRUCTED, AND SOUTH 56° 11' WEST 3923.8 FEET TO A SAID CORNER, AND RUNNING FROM SAID POINT OF BEGINNING EAST 2000.3 FEET, MORE OR LESS, TO A POINT IN THE SECTION LINE MARKING THE EASTERLY BOUNDARY OF SAID SECTION 18, 37.6 FEET SOUTHERLY FROM THE SECTION CORNER COMMON TO SECTIONS 7, 8, 17, AND 18, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN; THENCE SOUTH 0° 18 1/2' WEST ALONG THE SAID SECTION LINE 3504.5 FEET; THENCE WEST 1977.3 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF THE SAID DIXON AND MCQUISTON CENTER CANAL; THENCE NORTH 0° 04' WEST ALONG THE CANAL CENTER LINE 3504.4 FEET, MORE OR LESS, TO A POINT OF BEGINNING.

**PARCEL 5:**

A TRACT OF LAND SITUATED IN GOVERNMENT LOTS 20, 21, 22 AND 25 OF SECTION 6, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL ON A FENCE POST FROM WHICH THE NORTH 1/16 CORNER COMMON TO SAID SECTION 6 AND SECTION 1, TOWNSHIP 34 SOUTH, RANGE 6 EAST WILLAMETTE MERIDIAN, KLAMATH COUNTY OREGON, BEARS SOUTH 35° 49' 22" WEST 516.81 FEET; THENCE SOUTH 00° 12' 47" WEST 287.54 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 01° 02' 38" EAST 120.71 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 02° 26' 25" WEST 287.52 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 18° 02' 14" EAST 1131.66 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 83° 43' 23" EAST 48.62 FEET TO A PK NAIL ON A FENCE POST; THENCE NORTH 83° 31' 40" EAST 16.38 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 43° 54' 16" EAST 58.37 FEET TO A PK NAIL ON A FENCE POST; THENCE NORTH 73° 09' 13" EAST 629.63 FEET TO A PK NAIL ON A FENCE POST; THENCE NORTH 71° 53' 47" EAST, GENERALLY ALONG AN EXISTING FENCE 709.12 FEET TO A 5/8 INCH IRON PIN ON THE NORTHEAST SIDE OF A FENCE CORNER; THENCE NORTH 31° EAST 75 FEET, MORE OR LESS, TO THE CENTERLINE OF THE SEVEN MILE CANAL; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF SAID SEVEN MILE CANAL TO A POINT THAT BEARS NORTH 00° 12' 47" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 00° 12' 47" WEST 195 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

**PARCEL 6:**

ALL THAT PROPERTY IN SECTIONS 29 AND 30, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN, LYING NORTH OF THE FOLLOWING-DESCRIBED PROPERTY:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF FOUR MILE CANAL AND A LINE 8.0 FEET NORTH OF THE NORTHERLY BANK OF AN EAST-WEST CANAL FROM WHICH A 1 INCH IRON PIPE WITH A 2 INCH BRONZE CAP (SET BY M.D. PRICE IN 1931) MARKING THE SECTION CORNER COMMON TO SECTIONS 19, 24, 25 AND 30, TOWNSHIP 35 SOUTH, RANGE 6 AND 7 1/2 EAST WILLAMETTE MERIDIAN, BEARS NORTH 31° 35' 07" WEST - 245.82 FEET, MORE OR LESS; THENCE EASTERLY ALONG A LINE 8.0 FEET NORTH OF THE NORTHERLY BANK OF SAID EAST-WEST CANAL THROUGH SECTIONS 29 AND 30 TO THE EASTERLY BOUNDARY OF "PARCEL 2" DESCRIBED IN VOLUME 242, PAGE 532 OF THE KLAMATH COUNTY DEED RECORDS.

## **EXHIBIT B**

### **LEGAL DESCRIPTION OF BURDENED PROPERTY**

A piece or parcel of land situated in Section 5, 8, 16, 17, 20 and 21, Township 34 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the intersection of the center line of Seven Mile Canal as the same is now located and constructed, with the line marking the Westerly boundary of the said Section 5, Township 34 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon, and from which point the Southeasterly corner of Section 1, Township 34 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon, as established by Norman D. Price, U.S. Cadastral Engineer, between October 31, 1930 and June 22, 1931, bears South 83° 59' West, 5310.1 feet distant, and running thence downstream along the said center line of Seven Mile Canal South 61° 35 1/2' East 861.2 feet; thence South 31° 46 1/2' East 2306.4 feet; thence South 34° 23 1/2' East 1252.4 feet; thence South 32° 27 1/2' East 2101.8 feet; thence South 41° 02 1/2' East 8802.1 feet, more or less, to the intersection of the said center line of Seven Mile Canal, with a line which is parallel with and 70.0 feet at right angles Southeasterly from the center line of the Dixon and McQuiston Levees, as the same is now located and constructed; thence leaving the center line of Seven Mile Canal and following the same line parallel with the said Dixon and McQuiston Levee South 44° 40' West 6437.9 feet, more or less, to its intersection with the Southerly boundary of the said Section 20, Township 34 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon; thence Westerly along the Southerly boundary of said Section 20, 4905.3 feet, more or less, to the Southwesterly corner of the said Section 20, Township 34 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon; thence Northerly along the Westerly boundary of the said Sections 20, 17, 8 and 5, Township 34 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon, 16,570.6 feet, more or less to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to D'Artney Bros., a co-partnership, by Deed recorded in Volume 331, page 367, Deed Records of Klamath County, Oregon.

ALSO EXCEPTING THEREFROM that portion conveyed to Byron W. Bacchi, et ux, and Henry Francis Bacchi, et ux, by Deed recorded in Volume 350, page 675, Deed Records of Klamath County, Oregon.