



After recording, return to:
Denny Paschke
PO Box 242
Merrill, OR 97633

2021-016375
Klamath County, Oregon
10/29/2021 02:27:01 PM
Fee: \$102.00

IRRIGATION EASEMENT

This Agreement is made and entered into on the last date subscribed by and between DENNIS PASCHKE ("DENNY"), TC LAND, LCC, an Oregon limited liability company ("TC LAND"), and TIMOTHY PASCHKE ("TIM") and CHANTEL PASCHKE ("CHANTEL"), individually and as members of TC Land, LLC, an Oregon limited and shall become effective on the date and time that it is recorded at the office of the Clerk of Klamath County, State of Oregon.

RECITALS

WHEREAS, DENNY owns the real property described on the attached **Exhibit A**, which is incorporated herein by reference; and

WHEREAS, TC LAND owns the real property described on the attached **Exhibit B**, which is incorporated herein by reference; and

WHEREAS, TIM and CHANTEL are husband and wife, and together own the real property described in the certain warranty deed from Larry Paschke, recorded at 2016-006841, in Klamath County Records, which is incorporated herein by reference; and

WHEREAS, the above-referenced parcels of real property are, with a very few exceptions, irrigated farmland served with water from Klamath Irrigation District, and do share some common infrastructure to accomplish irrigation of the real property; and

WHEREAS, on some of the parcels of real property owned by DENNY and designated as Klamath County Tax Lots R-4010-00100-00400-000 and R-4110-00100-00100 (herein, the "Pumping Parcels") are located two distinct pumps and two distinct electrical panels (one for each pump); and

WHEREAS, all of the parties desire to enter into this Agreement for an Irrigation Easement in order to facilitate the continued use of common infrastructure, whether separately owned, or by a right of use established herein.

WITNESSETH

NOW THEREFORE, in and for consideration of the terms and conditions contained herein, DENNY, TC LAND, and TIM and CHANTEL, individually and, where applicable, as a married couple, do agree as follows:

1. Declaration of Ownership of Pumps and Panels; Payment of Electricity and Other Expenses for Usage. The parties agree and declare herein, with respect to certain separately owned pumps and electrical panels on the Pumping Parcel, that DENNY owns the pump to the south and the electrical panel to the west, and ~~TC Land~~ and/or the pump to the north and the electrical panel to the east. Each party shall pay for the use of the pump and electrical panel owned by that party, including any electricity charges incurred, and any regular and any extraordinary maintenance costs, such as replacement. To the extent possible, the monthly payment for electricity charges shall be paid for in proportion to the use.


2. Easements. The parties grant to each other reciprocal easements for the placement of underground mainline and any incidental infrastructure (herein, the "Infrastructure") across the real property that is recited, and as it is presently located at the execution of this instrument. DENNY also grants to ~~TC Land~~ ^{TC Land's} access to the Pumping Parcel in order to utilize ~~TC Land's~~ pump and electrical panel that is used to benefit the real property owned by ~~TC Land~~ ^{TC Land and} and TIM and CHANTEL, as set forth ~~XXXXXX~~ in the recitals. All of said easements shall bind and benefit the respective parcels of land, being appurtenant and running with said land in perpetuity.

3. Shared Infrastructure. There are locations where the parties use the same Infrastructure in order to irrigate their respective real property. The parties agree to maintain this shared Infrastructure in a workmanlike manner to ensure proper function, and any expenses associated with its maintenance, whether regular or extraordinary, shall be apportioned between the parties in equal shares. The Infrastructure that is shared may be modified over time by changes in use based on technological improvements, different cropping patterns, or changing circumstances with respect to actual use.


4. Nonexclusive Perpetual Easement. DENNY grants to ~~TC Land~~ ^{TC Land and} and TIM and CHANTEL a nonexclusive perpetual easement for access to the irrigation pumps, panels and infrastructure. The easement shall be located by convenience to grantees and without unnecessarily disturbing grantor's farming. The easement shall be used to support service vehicles.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year last below written.

DENNY


Dennis Paschke

~~XXXX~~ TC Land LLC & Tim


Timothy Paschke individually and as a
Member of TC Land, LLC

~~XXXXXX~~ TC Land LLC & Chantel


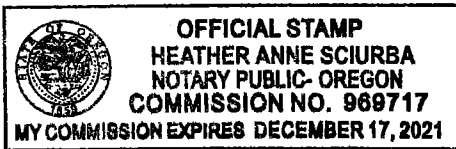

Chantel Paschke individually and as a
Member of TC Land, LLC

EXHIBIT B
PAGE: 2 OF 3

STATE OF OREGON)
) ss.
County of Klamath)

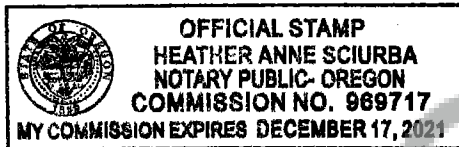
SUBSCRIBED AND ACKNOWLEDGED before me this 27 day of Oct. 2021
2020, by DENNIS PASCHKE, who personally appeared.



[Signature]
Notary Public for Oregon
My commission expires: Dec 17 2021

STATE OF OREGON)
) ss.
County of Klamath)

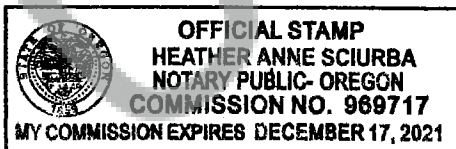
SUBSCRIBED AND ACKNOWLEDGED before me this 27 day of Oct. 2021
2020, by TIMOTHY PASCHKE, who personally appeared.



[Signature]
Notary Public for Oregon
My commission expires: Dec 17 2021

STATE OF OREGON)
) ss.
County of Klamath)

SUBSCRIBED AND ACKNOWLEDGED before me this 27 day of Oct. 2021
2020, by CHANTEL PASCHKE, who personally appeared.



[Signature]
Notary Public for Oregon
My commission expires: Dec 17 2021

*individually and as a Member of TC Land, LLC

EXHIBIT "A"

PARCEL 1:

UNSURVED PARCEL 1 OF LAND PARTITION 43-20, SITUATE IN THE SE1/4 OF SECTION 36, TOWNSHIP 40 SOUTH, RANGE 10 EAST, AND THE NORTH ½ OF THE NE1/4 OF SECTION 1 TOWNSHIP 41 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, RECORDED JULY 22 2021 AS INSTRUMENT NO. 2021-01129, KLAMATH COUNTY RECORDS:

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SECTION CORNER COMMON TO SECTION 36, SAID TOWNSHIP AND RANGE, SECTION 31, TOWNSHIP 40 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, SECTION 1, TOWNSHIP 41 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, AND SECTION 6, TOWNSHIP 41 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN; THENCE SOUTH 89°46'29" WEST A DISTANCE OF 611.68 FEET; THENCE NORTH 00°06'18" WEST A DISTANCE OF 614.70 FEET; THENCE SOUTH 89°53'42" WEST A DISTANCE OF 837.05 FEET; THENCE SOUTH 00°06'18" EAST A DISTANCE OF 616.45 FEET; THENCE SOUTH 89°46'29" WEST A DISTANCE OF 1191.26 FEET; THENCE NORTH 00°10'12" EAST A DISTANCE OF 2651.64 FEET; THENCE NORTH 89°47'39" EAST A DISTANCE OF 2643.43 FEET; THENCE SOUTH 00°14'40" WEST A DISTANCE OF 2650.76 FEET, TO THE POINT OF BEGINNING.

THE BASIS OF BEARING FOR THIS LEGAL DESCRIPTION IS KLAMATH COUNTY SURVEY 8523.

PARCEL 2:

UNSURVED PARCEL 2 OF LAND PARTITION 43-20, SITUATE IN THE SE1/4 OF SECTION 36, TOWNSHIP 40 SOUTH, RANGE 10 EAST, AND THE NORTH ½ OF THE NE1/4 OF SECTION 1 TOWNSHIP 41 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, RECORDED JULY 22 2021 AS INSTRUMENT NO. 2021-01129, KLAMATH COUNTY RECORDS:

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT BEARS SOUTH 89°46'29" WEST A DISTANCE OF 611.68 FEET FROM THE SECTION CORNER COMMON TO SECTION 36, SAID TOWNSHIP AND RANGE, SECTION 31, TOWNSHIP 40 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, SECTION 1, TOWNSHIP 41 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, AND SECTION 6, TOWNSHIP 41 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN; THENCE NORTH 00°06'18" WEST A DISTANCE OF 614.70 FEET; THENCE SOUTH 89°53'42" WEST A DISTANCE OF 837.05 FEET; THENCE SOUTH 00°06'18" EAST A DISTANCE OF 616.45 FEET; THENCE NORTH 89°46'29" EAST A DISTANCE OF 837.06 FEET.

THE BASIS OF BEARING FOR THIS LEGAL DESCRIPTION IS KLAMATH COUNTY SURVEY 8523.

PARCEL 3:

UNSURVED PARCEL 3 OF LAND PARTITION 43-20, SITUATE IN THE SE1/4 OF SECTION 36, TOWNSHIP 40 SOUTH, RANGE 10 EAST, AND THE NORTH ½ OF THE NE1/4 OF SECTION 1 TOWNSHIP 41 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, RECORDED JULY 22 2021 AS INSTRUMENT NO. 2021-01129, KLAMATH COUNTY RECORDS:

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE N1/2 OF THE NE1/4 OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

THE BASIS OF BEARING FOR THIS LEGAL DESCRIPTION IS KLAMATH COUNTY SURVEY 8523.

PARCEL 4:

THE SE1/4 OF THE NE1/4 AND THAT PORTION OF THE N1/2 OF THE SW1/4 OF THE NE1/4 LYING NORTHERLY OF THE KLAMATH IRRIGATION DISTRICT CANAL IN SECTION 1, TOWNSHIP 41 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE UNITED STATES OF AMERICA BY DEED RECORDED OCTOBER 13, 1908 IN VOLUME 25 AT PAGE 135, KLAMATH COUNTY DEED RECORDS.

EXHIBIT 1B11

PARCEL 1:

The SW1/4 of the NE1/4 4 and a piece of land 208-2/3 feet square in the Northwest corner of the SE1/4 of the NE1/4, and right of way across the Northwest corner of the NW1/4 of the SE1/4 of Section 6, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

A parcel of land beginning 208 feet 8 inches South of the Northwest corner of the SE1/4 of the NE1/4 of Section 6; thence South 1111 feet 4 inches, more or less, to the Southwest corner; thence East to the center line of Adams Canal; thence in a Northwesterly direction following such canal center line until it intersects the South line of a 1 acre tract described in Deed Book 21 at page 373; thence West to the point of beginning. All that part of the SE1/4 of the SW1/4 of Section 6, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying Northerly of the Great Northern Railway boundary.

PARCEL 2:

The NE1/4 of the SW1/4, and the East 2 rods of the SE1/4 of the SW1/4 of Section 6, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

All that part of the SE1/4 of the SW1/4 of Section 6, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying Northerly of the Great Northern Railway boundary.

PARCEL 3:

The E1/2 of the NW1/4 of Section 6, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 4:

SW1/4 of NW1/4 of Section 6, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

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