

WARRANTY DEED

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GRANTORS: FRED H. ELLIOTT and KATHLEEN M. ELLIOTT, husband and wife

GRANTEES: WILLIAM W. DURFEE and BERNICE G. DURFEE, husband and wife

CONSIDERATION: \$50,000.00

Grantors hereby convey unto Grantees, their heirs and assigns, the following described real property, to-wit:

The real property conveyed hereby is more particularly described in Exhibit A attached hereto.

Grantors reserve unto themselves the irrigation headgate and access easements as more particularly described in Exhibit B attached hereto, which easement shall be appurtenant to lands now owned by Grantors in the Southeast Quarter of Section 33, Township 14 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon.

Also included is an appurtenant water right of 48 1/2 acres under the system of the Central Oregon Irrigation District.

SUBJECT to existing roads, highways, ditches, easements and rights of way of record and reservations contained in state deeds and federal patents.

Grantors warrant and covenant that they are the owners of the above described real property in fee simple, free and clear of liens and encumbrances and will warrant and defend the same against all persons who lawfully claim the same, except as herein mentioned.

EXECUTED this 24th day of May, 1972.

Fred H. Elliott
Fred H. Elliott

Kathleen M. Elliott
Kathleen M. Elliott

STATE OF OREGON, County of Deschutes) ss.

May 24th, 1972

Personally appeared the above named FRED H. ELLIOTT and KATHLEEN M. ELLIOTT, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

DD Robertson
Notary Public for Oregon
My Commission Expires: 11-13-74



PARCEL 1: IN TOWNSHIP 15 SOUTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN,
Deschutes County, Oregon:

Section 4; Southwest 1/4 of the Northeast Quarter; EXCEPTING a certain strip of land, a part of the above described premises, heretofore conveyed to the State of Oregon for highway purposes, as the same appears of record; AND ALSO EXCEPTING the following tracts of land: A portion of the South part of the Southwest Quarter of the Northeast Quarter of Section 4, Township 15 South, Range 13 EWM, at Redmond, Deschutes County, Oregon, and more particularly described as follows: Commencing at the center quarter corner of said section 4, which is the initial point, thence easterly along the south line of the said Southwest Quarter of the Northeast Quarter, section 4 a distance of 417.42 feet to a point in the said south line of said Southwest Quarter of the Northeast Quarter, which is the point of beginning, thence easterly along the said south line of the said Southwest Quarter of the Northeast Quarter, section 4, a distance of 417.42 feet to a point in the south line of said Southwest Quarter of the Northeast Quarter, section 4; thence Northerly along a line parallel with the west line of said Southwest Quarter of the Northeast Quarter, section 4 a distance of 208.71 feet, to a point; thence Westerly along a line parallel with the south line of said Southwest Quarter of the Northeast Quarter section 4 a distance of 417.42 feet, to a point; thence southerly along a line parallel with the west line of the said Southwest Quarter of the Northeast Quarter, section 4, a distance of 208.71 feet to the point of beginning; ALSO a portion of the South part of the Southwest Quarter of the Northeast Quarter, section 4, Township 15 South, Range 13 EWM, more particularly described as follows: Commencing at the center quarter corner of said section which is the initial point, thence Easterly along the South line of the said Southwest Quarter of the Northeast Quarter section 4, a distance of 20 feet to a point of intersection of the said south line of the said Southwest Quarter of the Northeast Quarter, section 4, with the East right of way line of the County Road, which is the point of beginning; thence easterly along the south line of the said Southwest Quarter of the Northeast Quarter, section 4, a distance of 397.42 feet, to the point in the said south line of the said Southwest Quarter of the Northeast Quarter, section 4; thence Northerly along a line parallel with the west line of said Southwest Quarter of the Northeast Quarter, section 4, a distance of 208.71 feet; thence westerly along a line parallel with the south line of the said Southwest Quarter of the Northeast Quarter, section 4, a distance of 397.42 feet, to a point in the east right of way line of the County Road; thence southerly along the said east right of way line of the said County Road a distance of 208.71 feet to the point of beginning; AND commencing at the Southwest corner of the Northeast Quarter of Section 4; thence Northerly along the West line of said Northeast Quarter, 208.71 feet to a point; thence Easterly along a line parallel with the south line of said Northeast Quarter, 20 feet to a point of intersection with the east line of the county road, which is the true point of beginning; thence easterly along said line parallel with the said south line of said Northeast Quarter, 188.71 feet to a point; thence Northerly along a line parallel with the West line of said Northeast Quarter 208.71 feet to a point; thence Westerly, along a line parallel with the south line of said Northeast Quarter, 188.71 feet to a point in the east line of the county road; thence southerly, along the said east line of the county road, 208.71 feet to the said true point of beginning; ALSO a tract of land which is a portion of the Southwest Quarter of the Northeast Quarter of section 4, Township 15 South, Range 13 EWM, and is particularly described as follows: Commencing at the center quarter corner of said section 4, which is the initial point; thence easterly along the south line of said Southwest Quarter of the Northeast Quarter, section 4, Township 15 South, Range 13 EWM, a distance of 834.9 feet to a point in the said south line, which is the point of beginning; thence northerly along a line parallel with, and 834.9 feet from, the west line of said Southwest Quarter of the Northeast Quarter of said section, a distance of 208.7 feet to a point; thence easterly along a line parallel with and 208.7 feet from the said south line of said section 4 a distance of 208.7 feet to a point; thence southerly along a line parallel with the West line of said Southwest Quarter of the Northeast Quarter of said section, a distance of 208.7 feet to a point of intersection

with the said south line of said Southwest Quarter of the Northeast Quarter of said section 4; thence westerly along said south line of said Southwest Quarter of the Northeast Quarter a distance of 708.7 feet to the point of beginning;

IN TOWNSHIP 15 SOUTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon:

Section 4: The Northwest Quarter of the Northeast Quarter; EXCEPT that portion lying within the right of way of Wilcox Road; ALSO excepting a portion thereof described as follows: Commencing at a 1/2" pin at the 1/4 corner common to sections 4 Township 15 South, Range 13 ENM and 33 Township 14 South, Range 13 ENM, the initial point; thence North 89° 18' 27" East along the North line of said section 4 859.06 feet to the near edge of a rock wall monumented by a 1/2" pipe and the point of beginning; thence along said edge of a rock wall as follows: South 40° 16' 22" East 23.84 feet; thence South 59° 39' 34" East 27.91 feet; thence South 79° 23' 05" East 16.34 feet; thence South 87° 06' 34" East 31.53 feet; thence North 82° 49' 37" East 32.51 feet; thence North 49° 39' 32" East 18.63 feet; thence North 19° 08' 03" East 23.77 feet to the North line of said section 4; thence South 89° 18' 27" West along said North line of section 4 141.31 feet to the point of beginning.

PARCEL 2: IN TOWNSHIP 15 SOUTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon:

Section 4: The Southeast Quarter of the Northeast Quarter of Section 4 lying West of the Dalles-California Highway. Together with a non-exclusive access easement over an existing road extending from the Dalles-California Highway westerly to the East edge of the rock wall referred to in the second exception from the Northwest Quarter of the Northeast Quarter of said section 4 as described above. Either Grantors or Grantees or their assigns may maintain said roadway but neither shall be obligated to. Said roadway is over the southern portion of lands now owned by Grantors in the Southeast Quarter of Section 33, Township 14 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon.

ACCESS EASEMENT:

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Grantors reserve unto themselves a non-exclusive access easement thirty (30) feet in width over an existing roadway along the North line of Parcel #1 described in Exhibit A to this deed extending from the Northwest corner of said Parcel #1 to the East terminus of the rock wall described as an exception in Exhibit A to the Northwest Quarter of the Northeast Quarter of said Section 4 and connecting with the access easement granted to Grantees as more particularly described in said Exhibit A

IRRIGATION DITCH EASEMENTS:

Grantors reserve unto themselves, their heirs and assigns, an easement for the use and maintenance of four (4) existing irrigation ditches.

The first of such irrigation ditches has its inception at a headgate on the Central Oregon Irrigation District Lateral D-2 located at or near the Southeast corner of Parcel #1 described in Exhibit A and proceeds in a northerly direction into the Northeast Quarter of the Northeast Quarter of said Section 4 and then proceeds northeasterly and crosses the East boundary line of said Northeast Quarter Northeast Quarter.

The second irrigation ditch has its inception at or near the headgate above referred to and proceeds northerly and westerly and in part serves to deliver water to and either passes through or immediately adjoins four (4) parcels of land in the southerly and westerly part of the Southwest Quarter of the Northeast Quarter of said Section 4 of Parcel #1 as described in Exhibit A hereto as exceptions to said Southwest Quarter of the Northeast Quarter and said irrigation ditch easement shall be appurtenant to and for the use and benefit of the owners of said four (4) parcels of land.

The third of said irrigation ditches is in the Northwest Quarter of the Northeast Quarter of said Section 4 and parallels and is approximately thirty (30) feet distant from the rock wall described as an exception to the Northwest Quarter of the Northeast Quarter of said section 4 in Parcel #1 as described in Exhibit A attached hereto.

The fourth irrigation ditch is situate in the Northwest corner of the Northwest Quarter of the Northeast Quarter of said Section 4 and extends from a headgate on Central Oregon Irrigation District Lateral D-2 northerly to the North line of said Southeast Quarter Northeast Quarter. The easement shall include the right to use and maintain the said headgate the location of which shall not be changed without Grantors' consent.

Grantees and in the case of the second easement described above, the owners of said four (4) parcels of land, shall have the right to the use of said ditches for delivery of irrigation water and shall also have the right to enter upon said premises for the use and maintenance of said ditches.

Grantees, their heirs and assigns, shall have the right to relocate or reconstruct said ditches provided that said ditches, if reconstructed or relocated, shall have the minimum carrying capacity and rate of flow as they now have and shall continue to deliver said water to the lands now receiving water from the existing ditches.

EXHIBIT B to Warranty Deed

From Fred H. Elliott and Kathleen M. Elliott, husband and wife, to William W. Durfee and Bernice G. Durfee, husband and wife

DATED May 24th, 1972

3655

STATE OF OREGON

County of Deschutes

I hereby certify that the within instrument of writing was received for Record

the 31 day of May A.D. 1972

at 2:52 o'clock P.M. and received

in Book 185 on Page 235 Records

of Ward

ROSEMARY PATTERSON

County Clerk
By Janice L. Sullivan Deputy