

RIGHT-OF-WAY EASEMENT FOR DITCH

THIS AGREEMENT made and entered into this day by and between HARRY A. WILLIAMS and LEONNE A. WILLIAMS, husband and wife, hereinafter called First Parties and DENNIS WISENBAKER and MARY LYNNE WISENBAKER, husband and wife, hereinafter called Second Parties and ETHEL M. HARPER and WILLIAM A. HARPER, her son, hereinafter called Third Parties.

WITNESSETH, THAT:

WHEREAS, the First Parties are the owners of the following described land situate in the County of Sheridan, State of Wyoming, to-wit:

Township 54 North, Range 83 West

Section 28: NW $\frac{1}{4}$ SW $\frac{1}{4}$.

and

WHEREAS, the Third Parties, as tenants in common, are the owners of the following described land situate in the County of Sheridan, State of Wyoming, to-wit:

Township 54 North, Range 83 West

Section 28: NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$

and

WHEREAS, the First Parties have entered into an Agreement for Deed with Second Parties whereby First Parties have agree to convey to Second Parties a tract of land containing 21.45 acres, more or less, situated in the SW $\frac{1}{4}$ of said Section 28, Township 54 North, Range 83 West, 6th P.M.

WHEREAS, for many years the Third Parties and their predecessors in interest have been taking irrigation water out of Pompey Creek across the SW $\frac{1}{4}$ of said Section 28 to irrigate lands owned by Third Parties and above described in said section, and

WHEREAS, at the time the First Parties entered into the Agreement for Deed with Second Parties and it is expressly understood that the conveyance to Second Parties would be subject to a right-of-way for ditch in favor of ETHEL M. HARPER and WILLIAM A. HARPER and their heirs, assigns and successors in interest.

NOW, THEREFORE, in consideration of the foregoing and of the sum of One Dollar (\$1.00) paid by Third Parties to First Parties and in consideration of the sum of One Dollar (\$1.00) in hand paid by Third Parties to Second Parties, the receipt and sufficiency of which is hereby acknowledged, the undersigned, HARRY A. WILLIAMS and LEONNE A. WILLIAMS, his wife, and DENNIS WISENBAKER and MARY LYNNE WISENBAKER, his wife, grantors, do hereby grant and convey unto ETHEL M. HARPER and WILLIAM A. HARPER, as tenants in common, and to their heirs, executors, administrators and assigns, grantees, an easement and right-of-way for that certain ditch known as the East Ditch across the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, Township 54 North, Range 83 West of the 6th P.M. for the purpose of permitting the grantees to carry irrigation water through said ditch from Pompey Creek to lands owned by grantee (Third Party) above described.

IT IS UNDERSTOOD that said right-of-way and easement will be 30 feet in width and will be 15 feet on either side of the following line, to-wit:

Beginning at a point located N 18° 57' 18" E, 2364.56 feet from the SW Corner of Section 28, Township 54 North, Range 83 West, 6th P.M., Sheridan County, Wyoming; thence N 48° 46' 26" E, 114.15 feet to a point; thence N 24° 47' 30" E, 49.50 feet to a point; thence N 44° 59' 57" E, 80.34 feet to a point; thence N 66° 51' 25" E, 96.06 feet to a point; thence N 33° 19' 25" E, 40.87 feet to a point; thence N 41° 28' 24" E, 86.81 feet to a point; thence N 8° 45' 40" W, 42.83 feet to a point; thence N 31° 02' 54" E, 82.72 feet to a point; thence N 40° 42' 45" E, 42.40 feet to the point of ending,

And also permit Grantees to take equipment around large rock found in right-of-way.

A plat (consisting of two pages) showing said East Ditch is attached hereto marked Exhibit "A" and by reference thereto made a part of this Right-Of-Way Agreement.

IT IS EXPRESSLY understood by the Grantors that this easement is given to the Grantees and their heirs, assigns and successors in interest upon the condition that said Grantees and their successors in interest shall care for any damages that may result to the servient tract above described in the maintenance of said ditch and ditch right-of-way.

IN WITNESS WHEREOF, the undersigned have set their hands to this Right-Of-Way Agreement this 28th day of December, 1978.

Harry A. Williams
Harry A. Williams

Dennis Wisenbaker
Dennis Wisenbaker

Leonne A. Williams
Leonne A. Williams

Mary Lynne Wisenbaker
Mary Lynne Wisenbaker

FIRST PARTIES

SECOND PARTIES

GRANTORS

Ethel M. Harper
Ethel M. Harper

William A. Harper
William A. Harper

GRANTEES

STATE OF WYOMING)
) ss.
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me by Harry A. Williams and Leonne A. Williams, husband and wife, and Dennis Wisenbaker and Mary Lynne Wisenbaker, husband and wife, Ethel M. Harper and William A. Harper this 28th day of December, 1978.

WITNESS my hand and official seal.

William A. Rodde
Notary Public

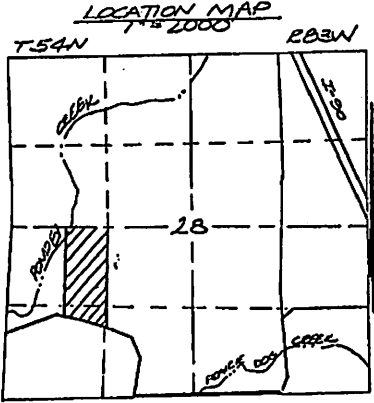
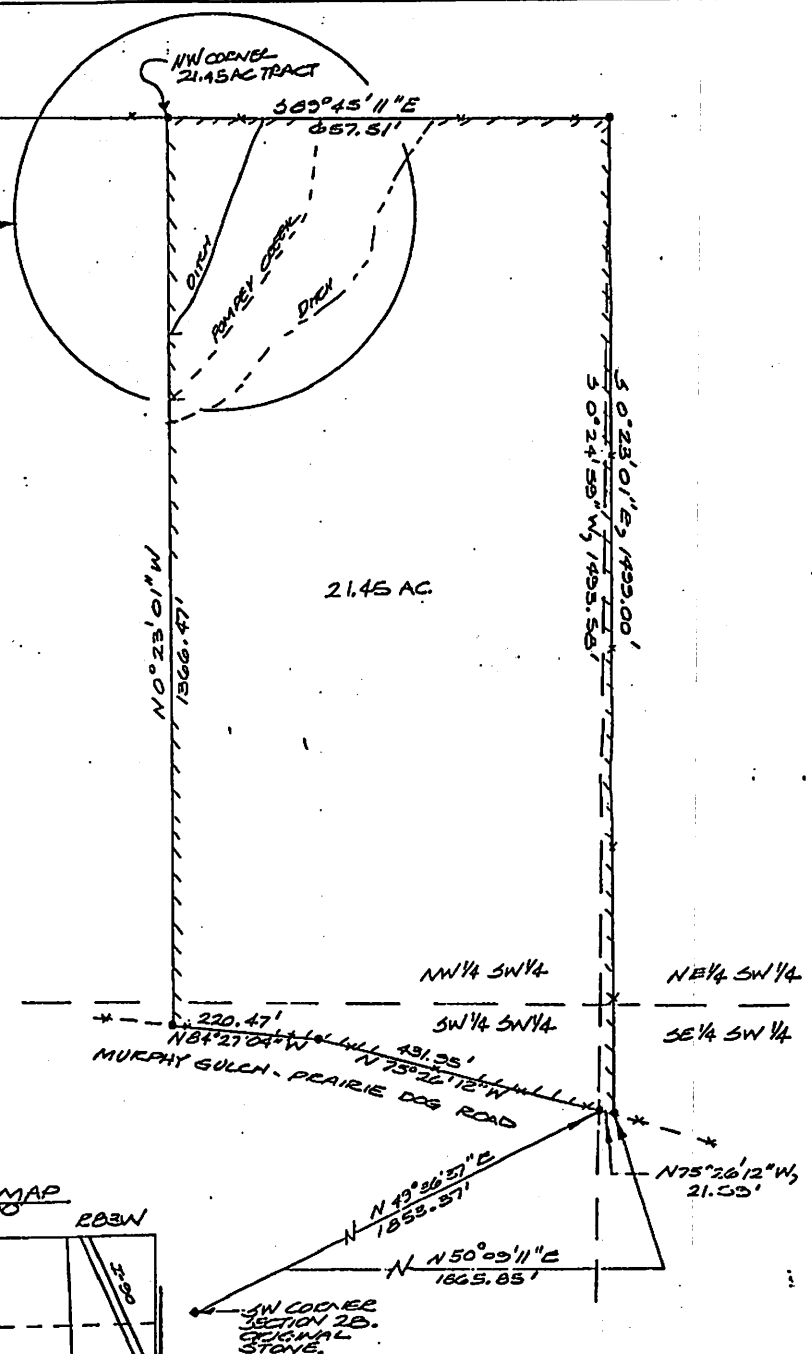
My Commission Expires: March 24, 1982.



EXHIBIT "A"

SEE DETAIL
SHT 2 OF 2

1" = 200'



SW CORNER
SECTION 28.
ORIGINAL
STONE.

MAP
OF
TRACT OF LAND
SECTION 28, T.54N,
R.23W
SHERIDAN COUNTY,
MONTANA
FILED IN 4 SURV. REC.
78-207 1/2 11-8-78

