

ALBERT WHITEHEAD TO ALFRED J. SHEPLER

FOR THE CONSIDERATION AND RENT HEREINAFTER PROVIDED FOR AND RESERVED, AND SUBJECT TO THE RESTRICTIONS AND RESERVATIONS HEREINAFTER MENTIONED, ALBERT WHITEHEAD, AS LESSOR, OWNER OF THE USE OF THE WATERS OF THE SPRING HEREINAFTER MENTIONED, DOES LEASE, REMISE AND LET UNTO ALFRED J. SHEPLER, AS LESSEE, ALL OF THE WATER FLOWING FROM THAT CERTAIN SPRING LOCATED NEAR THE NORTH SIDE OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION SEVEN (7), TOWNSHIP THREE (3), NORTH, RANGE TEN (10), E. W.M., TOGETHER WITH THE RIGHT OF SAID LESSEE TO APPROPRIATE AND DIVERT SAID WATERS FROM SAID SPRING AND CONVEY THE SAME SOUTHWARD AND INTO SECTION EIGHTEEN (18) WHERE THE SAME SHALL BE USED FOR DOMESTIC USE AND FOR POWER PURPOSES FOR A SAWMILL.

TO HAVE AND TO HOLD THE USE OF SUCH WATER FOR SUCH PURPOSES FOR THE TERM OF FIVE (5) YEARS FROM AND AFTER JUNE 1, 1916.

AS RENT FOR THE USE OF SUCH WATER LESSEE DOES AGREE TO PAY TO LESSOR THE SUM OF ONE (\$1.00) DOLLAR PER YEAR FOR EACH OF THE YEARS OF THE TERM HEREIN FIXED, PAYABLE IN ADVANCE.

SAID WATER SHALL BE USED BY THE LESSEE FOR THE PURPOSES ABOVE MENTIONED, AND FOR NONE OTHER. AND IF AT ANY TIME DURING THE TERM OF THIS LEASE, LESSOR SHOULD REQUIRE WATER FOR IRRIGATING HIS LAND IN SECTION TWELVE (12), TOWNSHIP THREE, NORTH, RANGE NINE (9), E. W.M., AND SECTIONS SIX AND SEVEN (6 AND 7), TOWNSHIP THREE (3), NORTH, RANGE TEN (10), E. W.M., OR ANY PART THEREOF, THEN AND IN THAT CASE, UPON NOTICE TO THE LESSEE OF SUCH REQUIREMENT, SAID LESSEE WILL CAUSE THE WATERS OF TWO CERTAIN SPRINGS LOCATED UPON THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION SIX (6), TOWNSHIP THREE (3), NORTH, RANGE TEN (10), E. W.M., AND TO WHICH LESSOR IS ENTITLED TO THE USE, TO BE FLUMED DOWN TO AND UPON SUCH ^{portions} OF LESSOR'S LANDS AS ARE SO DESIRED AND REQUIRED TO BE IRRIGATED, ALL AT HIS, THE LESSEE'S SOLE COST AND EXPENSE; OR, LESSEE, AT HIS OPTION, WILL FURNISH TO LESSOR IN CASH THE COST OF SO FLUMING AND CONVEYING SUCH WATER. AND IN CASE OF LESSEE'S REFUSAL OR NEGLECT TO DO AS HE IS LAST HEREINABOVE REQUIRED TO DO, LESSOR MAY THEREUPON AND IMMEDIATELY, WITHOUT FURTHER NOTICE, DECLARE THIS CONTRACT CANCELLED AND OF NO FURTHER EFFECT AND MAY RE-POSSESS HIMSELF OF THE WATERS HEREIN SO LEASED TO THE LESSEE.

AT THE EXPIRATION OF THE TERM OF THIS ^{lease} LESSEE WILL REMOVE ALL PIPE, MACHINERY OR OTHER STRUCTURES OR APPARATUS AWAY FROM IN AND ABOUT THE SAID SPRING, THE WATERS OF WHICH ARE HEREIN LEASED, SO AS TO GIVE TO LESSOR THE SAME ACCESS TO THE SAME FOR THE PURPOSE OF DIVERTING WATER THEREFROM THAT HE NOW ENJOYES.

AND AS A FURTHER CONSIDERATION FOR THIS LEASE, LESSEE DOES GRANT, BARGAIN, SELL AND CONVEY UNTO LESSOR THE RIGHT, PRIVILEGE AND EASEMENT FOR THE NECESSARY RIGHT OF WAY IN, THROUGH, UPON AND ACROSS THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION SEVEN (7) FOR A DITCH, FLUME OR PIPE LINE FOR THE PURPOSE OF DIVERTING THE WATER FROM SAID SPRING AND CONVEYING THE SAME THEREFROM TO AND UPON LESSOR'S LAND ABOVE MENTIONED; TOGETHER WITH THE RIGHT TO IMPROVE AND DEVELOP THE SAID SPRING AND TO CONSTRUCT IN AND AROUND THE SAME CONCRETE OR WOODEN

HEADWORKS OR BASIN FOR THE PURPOSE OF DEVELOPING AND COLLECTING THE WATERS ARISING THEREFROM; THIS GRANT, HOWEVER, IN NO WISE TO LIMIT OR RESTRICT SUCH RIGHT AS LESSEE NOW HAS UNDER THE LAWS OF THE STATE OF WASHINGTON TO THE USE OF THE WATERS OF SAID SPRING FOR DOMESTIC USE AND FOR WATERING LIVE-STOCK, AND SUCH WORKS AND RIGHT OF WAY SHALL BE SO CONSTRUCTED AND USED AS NOT TO INTERFERE WITH LESSEE'S OPPORTUNITY AND ACCESS TO EXERCISE SUCH RIGHT.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE HEREUNTO SET THEIR HANDS AND SEALS THIS 5TH DAY OF JUNE, A.D. 1916.

WITNESSES:

GEORGE R. WILBUR

ALBERT WHITEHEAD (SEAL)
LESSEE

HATTIE L. FLOYD

ALFRED J. SHEPLER (SEAL)
LESSEE

I. R. WHITE

W. W. HAWN

AS TO ALBERT WHITEHEAD
" " " "

STATE OF OREGON, }
COUNTY OF HOOD RIVER. } ss.

BE IT REMEMBERED, THAT ON THIS 5TH DAY OF JUNE A.D., 1916, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE WITHIN NAMED ALFRED J. SHEPLER, WHO IS KNOWN TO ME TO BE THE IDENTICAL PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS LESSEE, AND HE DID ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

(NOTARIAL)
(SEAL)

GEORGE R. WILBUR
NOTARY PUBLIC FOR OREGON.
MY COMMISSION EXPIRES JULY 21, 1919

STATE OF WASHINGTON, }
COUNTY OF KLIKITAT. } ss.

BE IT REMEMBERED, THAT ON THIS 10TH DAY OF JUNE, A.D. 1916, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, PERSONALLY APPEARED THE WITHIN NAMED ALBERT WHITEHEAD, WHO IS KNOWN TO ME TO BE ^{one of} THE IDENTICAL PERSONS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AS LESSOR, AND HE DID ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

(NOTARIAL)
(SEAL)

C. H. ESTES
NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, RESIDING AT WHITE SALMON THEREIN.
MY COMMISSION EXPIRES JULY 29, 1916.

FILED FOR RECORD NOVEMBER 18, 1919, AT 2 P.M. BY A. J. SHEPLER.

Edy P. Mitchell
COUNTY AUDITOR.