

68-1096 MAP (8)

25440

VO 7768 PAGE 7560

WATER USE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, That PAUL W. McATEE and EVELYN F. McATEE, husband and wife, record owners of the following-described real property situated in Klamath County, Oregon, to-wit:

Beginning on the section line which marks the most Southeasterly corner of Lot 37, LAKEWOOD HEIGHTS; thence North $71^{\circ}48'$ West along the Southerly line of Lot 37, 145.6 feet to an iron pin; thence continuing along the Southerly line of said lot, North $64^{\circ}46'$ West, 162.7 feet to a point on the Northwesterly line of Lot 36, extended; thence South $35^{\circ}25'$ West along Lot 36, extended, 140.5 feet, more or less, to a point on the section line common to Sections 23 and 26; thence following the section line South $89^{\circ}57'$ East, 366.9 feet, more or less, to the point of beginning, being in Section 23, Township 38 S., R. 8 E.W.M.,

for and in consideration of the sum of ONE DOLLAR and other good and valuable consideration to them paid by LYLE R. STEERS and ANN E. STEERS, husband and wife, do hereby sell and convey unto the said LYLE R. STEERS and ANN E. STEERS, husband and wife, their heirs and assigns, the right to the domestic use of water from the well located on the real property hereinabove described, said right being appurtenant to the real property owned by Lyle R. Steers and Ann E. Steers, husband and wife, situated in Klamath County, Oregon, and more particularly described as follows, to-wit:

Beginning at an iron pin which lies on the section line common to Sections 23 and 26, Township 38 S., R. 8 E.W.M., which iron pin also lies on the Northeasterly right of way line of Secondary Highway No. 421, 30 feet at right angles from the centerline thereof; thence North $44^{\circ}21'$ West, along the Northeasterly right of way line of said State Highway 80.8 feet to a point; thence North $38^{\circ}30'$ East to a point on the West bank of Upper Klamath Lake; thence Southerly along the West bank of Upper Klamath Lake to a point which is North $38^{\circ}40'$ East from the point of beginning; thence South $38^{\circ}40'$ West to the point of beginning, said tract lying in Lots 4 and 5 of Section 23, Township 38 S., R. 8 E.W.M.

It is the intention of the parties hereto that this right shall be a permanent easement against the parcel of land first hereinabove described and shall be binding on Paul W. McAtee and Evelyn F. McAtee, husband and wife, and Lyle R. Steers and Ann E. Steers, husband and wife, and the heirs, successors and assigns of said parties forever.

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PROVIDED, however, such domestic use of the water from said well is hereby granted to the said Lyle R. Steers and Ann E. Steers, husband and wife, their heirs and assigns, only upon payment of the sum of FIVE DOLLARS per month, payable on the 1st day of each and every month in advance, the first payment thereof to be due and payable when the said Lyle R. Steers and Ann E. Steers, husband and wife, their heirs and assigns, begin to use said water, and provided further that the right herein granted for the domestic use of water shall in no way be deemed, construed or held as an agreement or contract on the part of Paul W. McAtee and Evelyn F. McAtee, husband and wife, their heirs and assigns, to furnish water to said Lyle R. Steers and Ann E. Steers, husband and wife, their heirs and assigns.

This agreement includes the right to install and maintain pipe lines to said water well, and it is understood and agreed by all of the parties hereto that in the event water from the City of Klamath Falls, Oregon, or any other source, shall become available to said premises, it shall be taken and used by the said Lyle R. Steers and Ann E. Steers, husband and wife, their heirs and assigns, and the right to use water from the well on the above-mentioned real property shall immediately cease and terminate.

This agreement is intended to and does abrogate and rescind that certain water use agreement dated the 27th day of October, 1961, recorded October 30, 1961, in Volume 333, Page 389, Deed Records of Klamath County, Oregon.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands this 9th day of August, 1968.

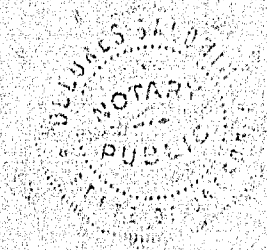
Paul W. McAtee
Evelyn F. McAtee
Lyle R. Steers
Ann E. Steers

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STATE OF OREGON }
County of KLAMATH } ss.

Personally appeared the above-named PAUL W. MCATEE and EVELYN F. MCATEE, husband and wife, and LYLE R. STEERS and ANN E. STEERS, husband and wife, known to me to be the identical persons described in the foregoing Water Use Agreement, and acknowledged said instrument to be their voluntary act and deed.

Before me this 9th day of August, 1968.



Delores L. Sullivan
NOTARY PUBLIC FOR OREGON
My commission expires May 13, 1969

Return to
Department of Veterans Affairs
General Services Building
Salem, Oregon 97310
L-63301-K

STATE OF OREGON, } ss
County of Klamath }
Filed for record at request of
Transamerica Title Insurance Company
on this 20 day of August A. D. 19 68
at 10:24 o'clock AM and by
recorded in Vol. M-68 of Deeds
Page 7560
DOROTHY ROGERS, County Clerk
By *Dorothy Rogers*
Fee 4.50