

MAR 28 11 5 AM 1971

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2825

1 THIS AGREEMENT, made and entered into this 17th day of March, 1971,
2 by and between W. L. TUCKER and ELBA TUCKER, husband and wife, and CARSON
3 MERKLEY and ELIZABETH M. MERKLEY, husband and wife, hereinafter called First
4 Parties, and CARSON MERKLEY and ELIZABETH M. MERKLEY, husband and wife,
5 hereinafter called Second Parties,

6 W I T N E S S E T H:

7 THAT WHEREAS, W. L. TUCKER and ELBA TUCKER of First Parties are
8 Vendors on a contract of sale covering real property situate in Section 29,
9 Township 36 South, Range 14 E., W.M., Klamath County, Oregon, and in which
10 CARSON MERKLEY and ELIZABETH M. MERKLEY of First Parties are Vendees, upon
11 which there is a well situate in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said property; and

12 WHEREAS, Second Parties are owners of real property situate in
13 Section 28, Township 36 South, Range 14 E., W.M., Klamath County, Oregon,
14 lying between South Fork of Sprague River and OC&E Railroad tracks; and

15 WHEREAS, the parties desire and wish to make arrangements for the
16 use of the well on First Parties' property for purpose of irrigating Second
17 Parties' said real property,

18 NOW, THEREFORE, it is hereby MUTUALLY AGREED by and between the
19 parties as follows:

20 First Parties do hereby give and grant unto Second Parties an
21 easement over their said land for purpose of using water from said well to
22 irrigate Second Parties' said land, and do further give and grant an undivided
23 50% interest in said well and pump and 50% of the water from said well for
24 said irrigation purpose.

25 This right shall be appurtenant to Second Parties' said land, and
26 Second Parties and their successors and assigns shall be liable and responsible
27 for one-half of costs of operation and maintenance costs of said pump and well.

28 IN WITNESS WHEREOF the parties have executed this instrument the
29 day and year first herein written.

30 Carson Merkley
31 Elizabeth M. Merkley
32 SECOND PARTIES

W. L. Tucker
Elba Tucker

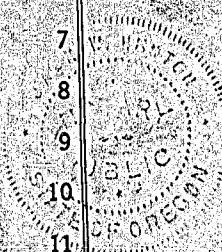
Elizabeth M. Merkley
FIRST PARTIES

RECORDED, KAMATH
& SONSON
ATTORNEYS AT LAW
KLAMATH FALLS, ORE.

1 STATE OF OREGON)
 2 County of Klamath) ss.

March 23rd, 1971

3 Personally appeared the above-named W. L. TUCKER and ELBA TUCKER,
 4 husband and wife, and CARSON MERKLEY and ELIZABETH M. MERKLEY, husband
 5 and wife and acknowledged the foregoing instrument to be their voluntary
 6 act and deed. BEFORE ME:



Jackie Hunter
 Notary Public for Oregon
 My commission expires May 14, 1973

STATE OF OREGON; COUNTY OF KLAMATH; ss.

12 Filed for record at request of Transamerica Title Insurance Co.
 13 this 23 day of March A. D. 1971 at 11:25 A.M. and
 14 duly recorded in Vol. M 71, of Deeds on Page 2407

15 Fee 3.00

OREGON, C.

Wm D. MILNE, County Clerk