

This agreement is made and entered into on the 28th day of Nov., 1978 by and between Lloyd M. Jensen and Hazel W. Jensen, husband and wife parties of the first part, and Mary H. Peery, party of the second part.

WHEREAS, parties of the first part are owners of property, a description of which is attached hereto, incorporated by reference as if fully set forth herein, and marked Exhibit "A";

AND WHEREAS, Mary H. Peery, party of the second part, is owner of the property described in Exhibit "B", incorporated by reference as if fully set forth herein, and attached hereto.

AND WHEREAS, the parties of the first part executed an easement, recorded at Volume M-78, Page 17439 in the Miscellaneous records of Klamath County, Oregon, a copy of said easement, attached hereto, incorporated by reference as if fully set forth and marked Exhibits "C-1, -2, -3, -4, -5 and -6";

AND WHEREAS, Mary H. Peery and Cliff L. Peery have executed an easement incorporated in Exhibits C-2 through C-3, it is hereby agreed that a well that has been constructed on said easement be used by, and is for the benefit of both parties, their heirs and assigns forever: and for the benefit of land described in Exhibits "A" & "B", attached hereto for the purpose of providing a water supply to both parcels of property described above and that said easement be used for ingress and egress over the strip of land described in the said easements and that this also be used for the maintenance and repair of a pipeline and pumping equipment, and the parties

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agree to be responsible, each to the other for the purpose of maintenance and repair. There is a right to enter the land for those purposes to the people undersigned or their heirs and assigns forever.

The consideration for this agreement is the mutual benefit to both parties of the easement and water supply provided to both properties.

The provisions of the agreement extend until such time as a domestic water supply is furnished the subject property, from any other source acceptable to the director of Veteran's Affairs.

DATED this 28th day of November, 1978.

Theresa M. Jensen
Theresa M. Jensen

Walter H. Perry

SUBSCRIBED AND SWORN TO before me this 28th day of November, 1978.

(Seal)

Annella F. Mueller
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1-24-81

AGREEMENT

Page -2-

Exhibit "B"

A piece or parcel of land situated in portion of the NW $\frac{1}{4}$ -SW $\frac{1}{4}$ and a portion of Government lots 3, 4 and 5, Section 29, Township 39 South, Range 10 East, Willamette Meridian, Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the west line of Section 29, T 39S, R 10 E, Willamette Meridian from which the west quarter corner of Section 29 bears N 0° 18' 50" E, 192.46 feet; thence N 89° 40' E 2695.62 feet to an Iron Pin marking the Westerly R.O.W. of the USBR Lost River Diversion Reservoir; thence following said R.O.W. line S 18° 13' W 22.65 feet to a point; thence S 8° 27' W 204.0 feet to a point; thence S 41° 33' 30" W 336.0 feet to a point; thence S 27° 30' W 289.63 feet to an Iron pin marking the USBR Westerly R.O.W. and the South Boundary of this description; thence S 89° 40' W 2305.93 feet to a point on the west line of Section 29, T39-S, R 10E, Willame Meridian; thence following said Section line N 0° 18' 50" E 729.36 feet to the point of beginning, containing 42.3 acres more or less and being subject to all rights of ways and or easements of record.

Exhibit "A"

A piece or parcel of land situated in a portion of the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ -SW $\frac{1}{4}$ and a portion of Government lots 2 & 3, Section 29, Township 39 South, Range 10 East, Willamette Meridian, Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the west line of Section 29, T39S, R10 E., Willamette Meridian from which the west quarter corner of Section 29 bears S 0° 07' 30" W 483.2 feet; thence N89° 40' E 2886.91 feet to an Iron Pin marking the USBR Westerly R.O.W. of Lost River Diversion Reservoir; thence following said R.O.W. S2° 00' E 80.61 feet to a point; thence S18° 13' W 627.55 feet to an Iron Pin marking the USBR westerly R.O.W. and the South boundary of this description; thence S 89° 40' W, 2695.62 feet to a point on the west line of Section 29, T 39S, R 10E, Willamette Meridian; thence following said section line N 0° 18' 50" E, 192.46 feet; thence N 0° 07' 30" E 483.2 feet to the point of beginning, containing 43.5 acres more or less and being subject to all rights of ways and or easements of record.