

## WATER LINE AND DISBURSEMENT BOX USAGE AGREEMENT

This Agreement is made and entered into between Urbach Farms, Inc. (hereinafter called the "Grantor"), and the State of Oregon, acting by and through the Director, Water Resources Department, and its successors and assignees, (hereinafter called "Grantee").

## WITNESSETH:

As part of an Agreement to sell a parcel of property to the Grantor by Grantee, Grantor has or will construct a permanent disbursement box by July 1, 1989, for the delivery of irrigation water to a supply line along an easement 50 feet in width which runs parallel to the easterly line of Section 34, from that disbursement box located approximately 1344 feet due South from the NE corner of Section 34, and within 50 feet of the East section line of Section 34, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon, to the benefitted property located to-wit:

N1/2 SW1/4 and the South 577.5 feet of the S1/2 NW1/4 of Section 35, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon.

1. Grantor and Grantee agree that maintenance of said disbursement box and pipeline shall be the responsibility of the owner of the benefitted property that the pipeline will provide water delivery to.
2. It is further agreed that the maintenance of the pump shall be the full responsibility of the owner of the above-described benefitted property.
3. The electrical costs of pumping shall be the responsibility of the owner of the benefitted property.
4. The amount of water available over said easement will be adequate to fully utilize the water right under Water Right Application G-10743.
5. This Agreement will be perpetual and shall become appurtenant to the benefitted property located to-wit:  
N1/2 SW1/4 and the South 577.5 feet of the S1/2 NW1/4 of Section 35, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon.
6. This Agreement shall be binding upon and inure to the benefit of the respective heirs, successors, and assigns of the parties hereto.
7. This Agreement allows for sole use of the disbursement box by owner of benefitted property, as described in item number 5 of this Agreement.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be  
executed this 11th day of May, 1988,  
1989

Grantor:

URBACH FARMS, INC.

By: John W. Urbach  
John W. Urbach, President

By: Lura O. Urbach  
Lura O. Urbach, Secretary

STATE OF OREGON )

STATE OF OREGON, )  
County of Klamath ) ss.

The foregoing instrument was acknowledged before me this 11th day of May, 1989, by John W. Urbach, President and Lura O. Urbach, Secretary of Urbach Farms, Inc., a corporation, on behalf of the corporation.

Debra B. Green  
Notary Public for Oregon  
My Commission expires 12/19/92

Grantee:

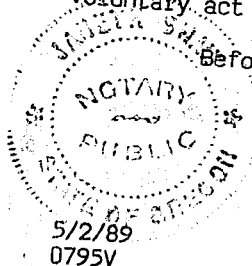
State of Oregon,  
Water Resources Department

William H. Young  
William H. Young, Director

STATE OF OREGON )  
County of Marion ) ss.

On this 4 day of May, 1989, personally  
appeared the above-named William H. Young of the State of Oregon, Water  
Resources Department and acknowledged the foregoing instrument to be his  
voluntary act and deed.

Before me:



Janet Shaw  
Notary Public for Oregon  
My commission expires: 1-29-90  
STATE OF OREGON,  
County of Klamath ss.

Filed for record at request of:

Klamath County Title Co.  
on this 15th day of May A.D., 19 89  
at 2:39 o'clock P.M. and duly recorded  
in Vol. M89 of Deeds Page 8339  
Evelyn Biehn County Clerk  
By Debra B. Green  
Deputy.

Fee, \$13.00

Water and Pump Usage Agreement - Page 2  
Return to: Water Resources Dept.  
Water Development Loan Program  
3850 Portland, Road N.E.  
Salem, Oregon 97310