

K-41862

WATER USAGE AGREEMENT

THIS AGREEMENT, made and entered into by and between Fred G. Brown (hereinafter called "Grantor"), and the STATE OF OREGON acting by and through the DIRECTOR of the WATER RESOURCES DEPARTMENT, hereinafter called "GRANTEE",

WITNESSETH:

WHEREAS, Grantee has approved a sale of state-owned land to Grantor under approval date of October 5, 1989, and has agreed to sell to Grantor 160 acres of land in Klamath County under the terms of a counteroffer letter dated September 15, 1989;

NOW, THEREFORE, in consideration of the agreement of Grantee to issue such counteroffer and to make such sale, the parties agree to as follows:

(1) Grantor has constructed a repump canal and well on the premises described on Exhibit A, attached hereto. Grantee shall have the right to enter upon the land of Grantor described on Exhibit A for the purpose of maintaining the canal and pumping equipment for the purpose of delivering water to the premises described on Exhibit B.

(2) The amount of water to be utilized on the property described on Exhibit B is 1/80 cfs per acre (approximately 5.6 gpm) with a maximum of 3 acre feet per acre per irrigation season.

(3) This agreement is perpetual and appurtenant to the property described in Exhibit B.

(4) This agreement shall be binding upon and inure to the benefit of the respective heirs, successors, and assigns of the parties hereto.

(5) The allowing of these easements in no way limits the rights of Grantor to use the above-described wells, pumps and waterway facilities for the benefit of other lands owned or leased by Grantor.

RETURN TO: WATER RESOURCES DEPT., WATER DEVELOPMENT LOAN PROGRAM
3850 PORTLAND RD. NE
SALEM, OREGON 97310

'90 MAY 25 PM 4 00

IN WITNESS WHEREOF, the parties have caused this agreement to be executed this 26 day of April, 1990.

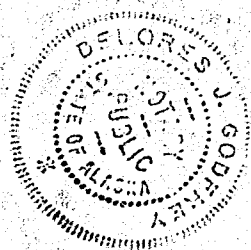
BUYER:

X *Fred G. Brown*
Fred G. Brown

STATE OF ALASKA)
City of Fairbanks) ss.

On this 26th day of April, 1990, personally appeared the above-named Fred G. Brown and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:



Delores J. Godfrey
Notary Public for Alaska
My Commission Expires: 10-2-93

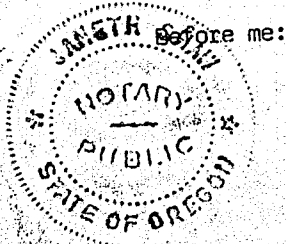
GRANTEE:

STATE OF OREGON, WATER RESOURCES
DEPARTMENT

BY: *William H. Young*
Director

STATE OF OREGON)
County of Marion) ss.

On this 10 day of April, 1990, personally appeared the above-named William H. Young of the State of Oregon Water Resources Department and acknowledged the foregoing instrument to be its voluntary act and deed.



Janeth Shaw
Notary Public for Oregon
My Commission Expires: 2-11-94

WATER USAGE AGREEMENT

Exhibit A - Wolf Butte

Proposed routing from well to the subject property repump booster shall be:

Starting at well which is located 1820'S and 1438'W from the common corner of Sections 17, 18, 19, and 20, Township 35 South, Range 10 East, W.M.;

Through a pipeline bearing easterly for approximately 250 feet to discharge into the west end of an open ditch which will convey the water to the purchase property.

Ditch to flow southeasterly approximately 60 feet to a line approximately 20 feet south of and parallel to the PP & L power line. Said ditch to bear North approximately 85 degrees 30 minutes east to enter the purchase property within the same proximity to said power line.

Water usage construction and maintenance right of way for canal and pipeline shall be a strip 20 feet wide centered on the above described centerline.

Access easement for the canal and pipeline shall be a strip 50 feet wide on the northerly side of said centerline.

GRANTOR agrees that the pumping and water course facilities shall be available to deliver 1.85 cubic feet per second of water to the property with a maximum of 444 acre feet per year in perpetuity, costs to be shared in proportion to areas served.

Exhibit B - Wolf Butte

Subject property described as:

NW 1/4 Section 20, Township 35 South, Range 10 East, W.M.

Wolf Butte Ranch



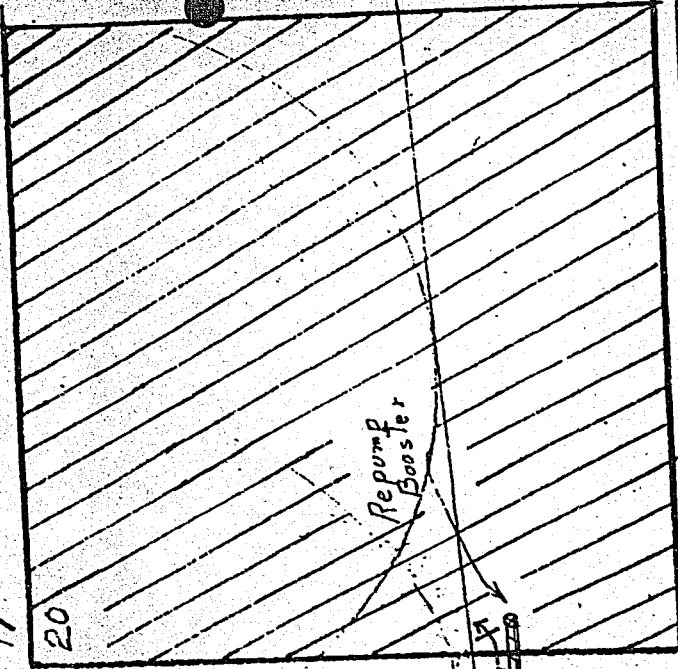
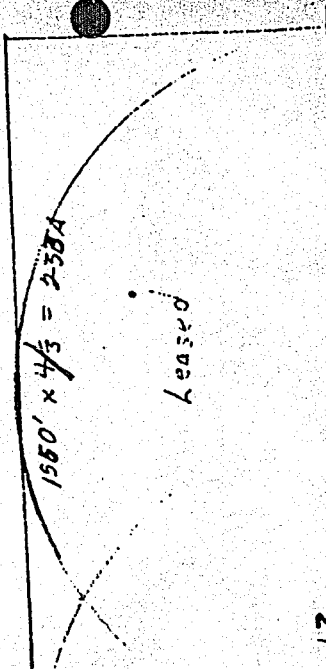
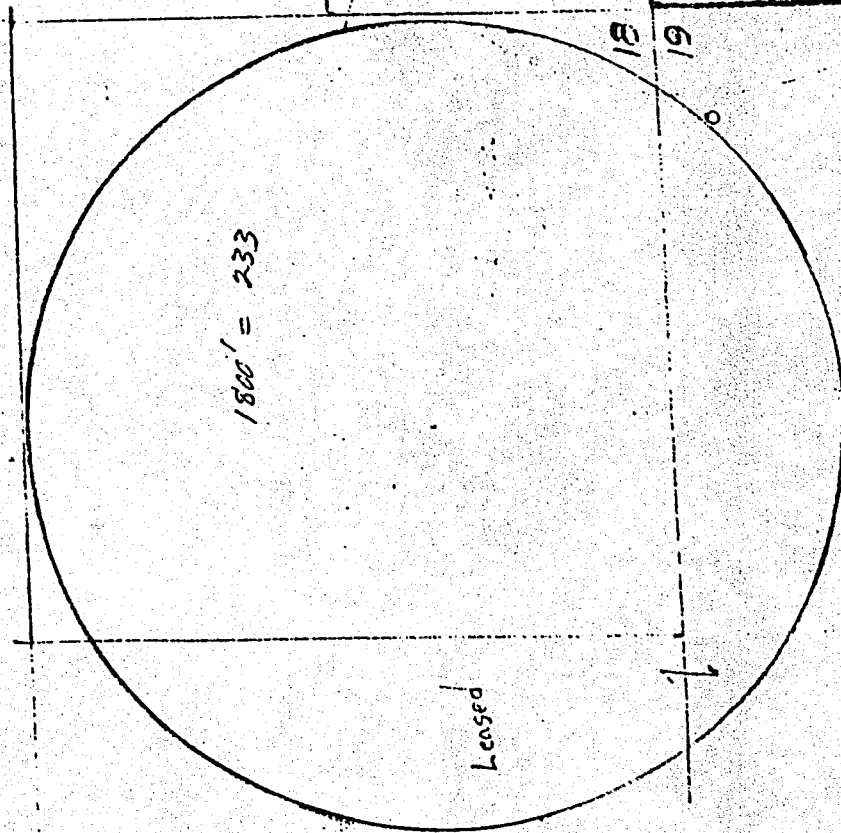
Exhibit "A" 

Exhibit "B" 



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 25th day of May A.D., 19 90 at 4:00 o'clock PM., and duly recorded in Vol. M90 of Deeds on Page 10063.

FEE \$23.00

Evelyn Biehn County Clerk
By Pauline Muelendore