

MTC 34267
IRRIGATION PUMP AGREEMENT

This agreement is made this 2 day of November, 1994, by PETE BOURDET, owner of certain real property in Klamath County, Oregon, more specifically described below, and which is subject to Land Partition 47-94 and is made to allocate the existing water supply for said property between the three parcels that will be a result of the Land Partition 47-94.

WITNESSETH:

1. Mr. Pete Bourdet is the owner of:

Parcel 2 of Major Land Partition 32-91 situated in Sections 26, 27, 28, 34 and 35, Township 34, S., Range 8 East of the Willamette Meridian, Klamath County, Oregon. (S1/2 NE1/4 SE1/4 NW1/4 SE1/4 and portions SE1/4 SE1/4 and S1/2 of Section 27 lying north of Sprague River)

Said land is referred to as the "Bourdet land."

2. Located on the Bourdet land in the northeast corner on the Sprague River, is a 30 horse pump, together with a distribution system. On Land Partition 47-94, this pump is located in the northeast corner of Parcel 3, approximately an 88 acre parcel.
3. Land Partition 47-94 will divide the Bourdet land into three parcels. Parcel number 1 which is furthest to the west will contain approximately 86 acres. Parcel number 3 is furthest east, with the Sprague River forming the easterly boundary, and contains approximately 88 acres. Located between parcel numbers 1 and 3 is parcel number 2 which contains approximately 85 acres.
4. The irrigation pump and equipment currently in place on the Bourdet land supplies irrigation water to parcel numbers 1, 2 and 3, and upon the approval of Land Partition 47-94, each of the three parcels mentioned above will share in the supply of water from the pump located in the northeast corner to the extent allowed under Water Right Final Proof Map 23733, Aug. 12, 1964.
5. For valuable consideration, Mr. Bourdet does hereby grant and convey unto each parcel an undivided one-third interest in and to said pump and distribution system and any improvements appurtenant thereto. All available water is to be shared on a pro rated basis between said parcels. The maintenance, repair and replacement of the distribution system and any other costs of maintenance shall be shared equally between the three parcels.
6. The rights and obligations provided herein shall run with the land as to all property burdened and benefitted by such rights

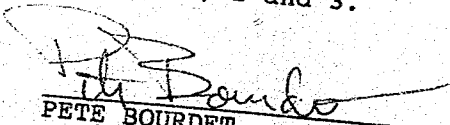
IRRIGATION PUMP AGREEMENT - Page 1

Return: Pete Bourdet
P.O. Box 803
Chiloquin, OR 97624

34264

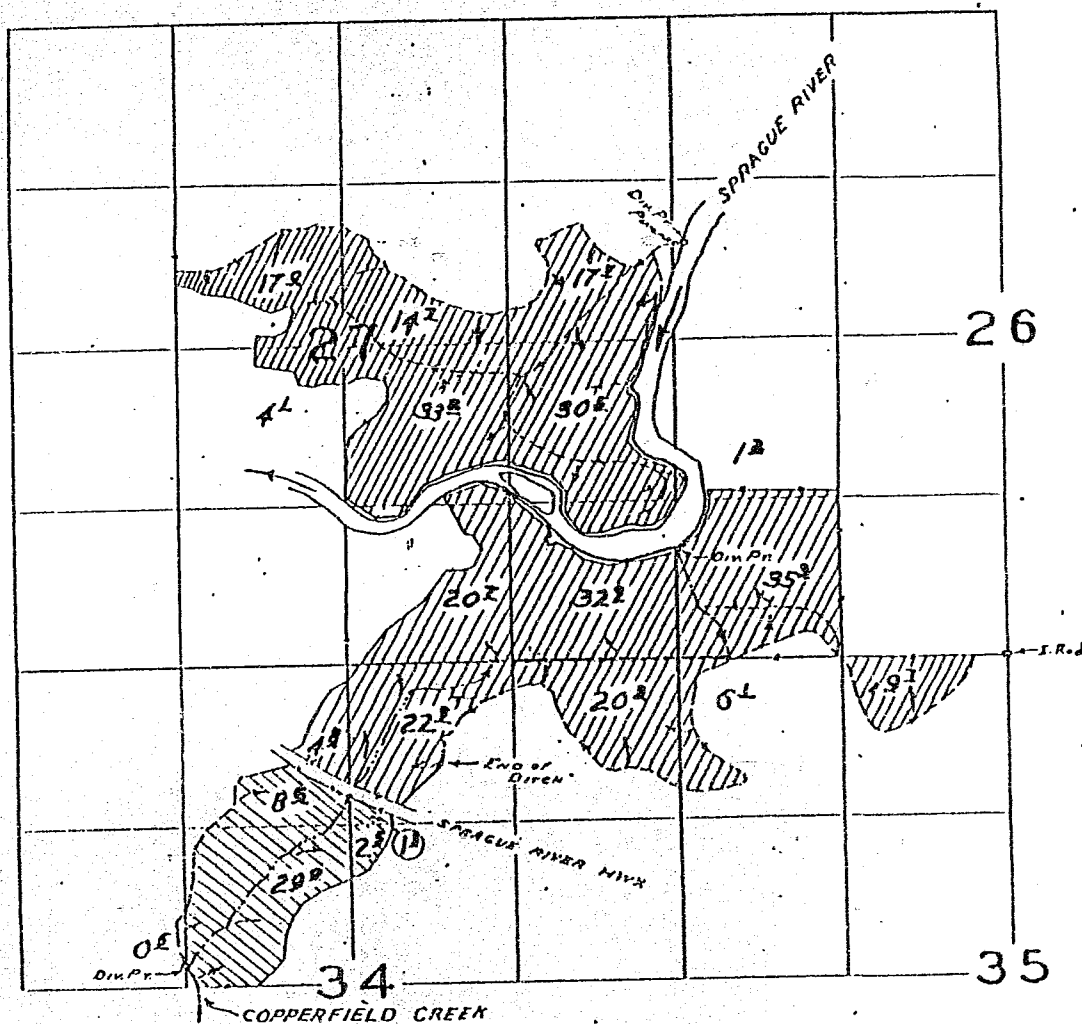
and obligations. The rights, covenants and obligations contained in this agreement shall bind, burden and benefit each party's successors and assigns, lessees and mortgagees.

7. This agreement shall commence upon the approval of Land Partition 47-94 and shall continue in perpetuity unless amended or terminated in writing by unanimous action of all owners of parcel numbers 1, 2 and 3.



PETE BOURDET
P.O. Box 803
Chiloquin, OR 97624

T.34S.R.8E.W.M.



SPRAGUE RIVER
COPPERFIELD CREEK

FINAL PROOF SURVEY UNDER

Application No. 30319 Permit No. 23733

IN NAME OF
ROBERT MOISIO
MARSHALL W. & DOROTHEA M. POOLE

Surveyed Aug 12, 1964, by R. JACKSON

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co the 4th day
of Nov A.D., 19 94 at 3:29 o'clock P.M., and duly recorded in Vol. M94
of Deeds on Page 34263

Evelyn Biehn County Clerk

By *Pauline Miller*

FEE \$40.00