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12-01-94A09:53 RCVD

11-04-94P03:29 RCVD

MTC 34267

IRRIGATION PUMP AGREEMENT

Vol. 94 Page 34263

Vol. 94 Page 36599

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, SE 1/4 NW1/4 NE1/4 SE1/4 and portions SE1/4 SE1/4 and S1/2 of Section 27 lying north of Sprague River)~~

*** SEE ATTACHED EXHIBIT "A"

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

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Return: Pete Bourdet
P.O. Box 803
Chiloquin, OR 97524

34264

36600

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

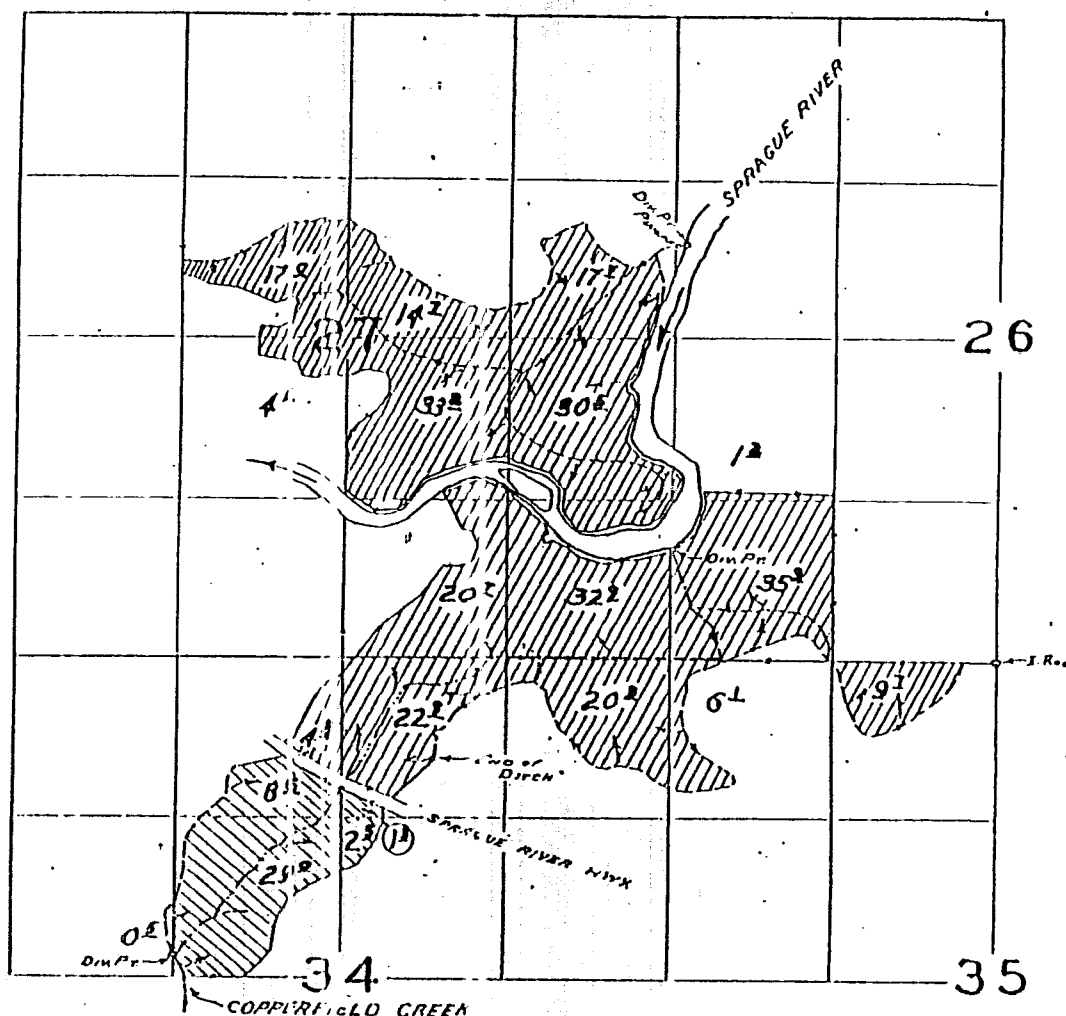
P.O. Box 803

Chiloquin, OR 97624

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION

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

34265
36601



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 KLANATH: ss.

Filed for record at request of Mountain Title Co the 4th day
of Nov A.D. 1994 at 3:29 o'clock P.M., and duly recorded in Vol. M94
of Deeds on Page 34263

FEE \$40.00

Evelyn Biehn
By Audine Miller County Clerk

INDEXED

EXHIBIT "A"
LEGAL DESCRIPTION

36602

PARCEL 1

Parcel 2 of Major Land Partition 32-91 situated in Sections 26, 27, 28, 34 and 35 Township 34 South Range 8 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM that portion of Section 27, Township 34 South, Range 8 East of the Willamette Meridian lying East of the following described line:

Legal Description of Boundary Line Adjustment 1-92

Situated in Section 26 and 27, Township 34 South, Range 8 East of the Willamette Meridian, more particularly described as follows:

Beginning at the N1/16 corner common to said Sections 26 and 27; thence South 00 degrees 14' 27" West, along the Section line 497.71 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap in a East-West fence line; thence South 86 degrees 01' 00" East, along said fence line 130.53 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap on the right bank of the Sprague River; thence continuing South 86 degrees 01' 00" East 50 feet, more or less, to the thread of Sprague River; thence Southerly, along the thread of Sprague River 2400 feet, more or less, to the North line of the SW1/4 SW1/4 of said Section 26.

PARCEL 2:

That portion of the NW1/4 and the NW1/4 of the SW1/4 of Section 26, Township 34 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, lying Westerly of the following described line:

Legal Description of Boundary Line Adjustment 1-92

Situated in Section 26 and 27, Township 34 South, Range 8 East of the Willamette Meridian, more particularly described as follows:

Beginning at the N1/16 corner common to said Sections 26 and 27; thence South 00 degrees 14' 27" West, along the Section line 497.71 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap in a East-West fence line; thence South 86 degrees 01' 00" East, along said fence line 130.53 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap on the right bank of the Sprague River; thence continuing South 86 degrees 01' 00" East 50 feet, more or less, to the thread of Sprague River; thence Southerly, along the thread of Sprague River 2400 feet, more or less, to the North line of the SW1/4 SW1/4 of said Section 26.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co
of Dec 94 A.D. 19 94 at 9:53 o'clock A M., and duly recorded in Vol. M94
of Deeds on Page 36599
By Evelyn Biehn County Clerk
Pauline M. Mendenhall

FEE \$20.00