

'96 OCT -7 AIO:29

MTC 39384KR  
IRRIGATION PUMP AND WATER RIGHTS AGREEMENT

This agreement is made this 4th day of October 1996, by Jim and Patricia Huckabay, owner of certain real property in Klamath County, Oregon, more specifically described below, and is made to allocate the existing irrigation water supply for said property between Major Land Partition LP-32-91, Parcel 1 and the following described property situated in Township 34 South, Range 8 East of the Willamette Meridian, Klamath County Oregon.

WITNESSETH:

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

The following described property is situate in Township 34 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

Section 27: SW1/4 lying Southerly of the Sprague River Road.

Section 28: E1/2 SE1/4 lying Southerly of the Sprague River Road and all that portion of the E1/2 SW1/4 NE1/4 and the SE1/4 NE1/4 lying South of the Chiloquin-Sprague River Highway, as presently located, and being more particularly described as follows: Beginning at the intersection of the Westerly right of way line of the Chiloquin-Sprague River Highway and the East-West center section line of said Section 28; thence West along the center section line 1664.0 feet to the Southwest corner of the E1/2 SW1/4 NE1/4 of aforesaid Section 28; thence North 2 degrees 26' East along the West boundary of the aforesaid E1/2 SW1/4 NE1/4 of said Section 28, 912.0 feet, more or less, to the Southerly right of way boundary of the aforesaid Chiloquin-Sprague River Highway; thence Southeasterly along said right of way boundary as follows: South 66 degrees 50' East 670 feet; South 64 degrees 16' East 407.5 feet; South 58 degrees 41' East 288.7 feet; South 53 degrees 06' East 299.5 feet, and South 48 degrees 03' East 215.8 feet, more or less, to the point of beginning.

Section 34: W1/2 NE1/4, NW1/4 lying Southerly of the Sprague River Road.

1. Jim and Patricia Huckabay are the owners of the above referred and described property.
2. Located in the E1/2 SE1/4 Sec 28 is an irrigation well with a 50 horse pump, together with a distribution system for water right permit # G3796.
3. The Sprague river Hwy divides the Huckabay Land into two parcels.

4. The irrigation well and pump described supply irrigation water to land on each side of the highway. Upon the sale of one parcel, each of the two parcels will share in the supply of water from the pump to the extent allowed under the water right.
5. The owners of the property described as Major Land Partition 32-91, Parcel 1 agree to reimburse the property owners, of the parcel the well is located on, for the prorated share of electrical, expenses, maintenance, repair and replacement of the well pump and distribution system. The prorated expenses are to be paid November 1 of each year. Costs are to be prorated on an irrigated acre basis as given on the water rights.
6. The rights and obligations provided herein shall run with the land as to all property burdened and benefitted by such rights and obligations. The rights, covenants and obligations contained in this agreement shall bind, burden and benefit each party's successors' and assigns, lessee's and mortgages.
7. The agreement shall commence upon the recording of this document and shall continue in perpetuity unless amended or terminated in writing by unanimous action of all owners of the herein described property.

*Jimmy D. Huckabay*  
*J. Huckabay*  
 Jim and Patricia Huckabay  
 8100 Sprague River Rd.  
 Chiloquin, OR 97624

State of Oregon

County of Klamath

October 4, 1996

Personally appeared the above named JIM HUCKABAY AKA JIMMY D. HUCKABAY AND  
/PAT HUCKABAY AKA PATRICIA HUCKABAY,  
 and acknowledged the foregoing instrument to be THEIR voluntary act and  
 deed.

WITNESS My hand and official seal.

(seal)

*Kristi L. Redd*  
 Notary Public for Oregon  
 My Commission expires: 11/16/99



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 7th day  
 of October A.D., 19 96 at 10:29 o'clock A.M., and duly recorded in Vol. M96  
 of Deeds on Page 31710

FEE \$15.00

Bernetha G. Letsch  
 By Kathleen Ryan County Clerk