

After recording, return to:  
Klamath Basin Irrigation District  
6640 KID Lane  
Klamath Falls, OR 97603



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04/13/2011 11:26:08 AM

Fee: \$47.00

**IRRIGATION CONTRACT TO TERMINATE  
PRIOR CONTRACT TO SUSPEND FROM  
KLAMATH BASIN IMPROVEMENT DISTRICT**

This agreement is by and between Klamath Basin Improvement District ("KBID") and Damon Sparks and Abby Sparks, husband and wife ("Owner").

**WHEREAS:**

A. Owner owns real property (the "Property") more particularly described in Exhibit A, attached hereto and incorporated herein by reference, in Klamath County, Oregon, legally described as follows:

"The North Half of the North Half of the Northwest Quarter of the Northeast Quarter of Section 16, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, excepting county road 30 feet in width along the west line of said tract"

Also referred to as Klamath County Tax Lot R-3910-01600-00500-000.

B. Owner's predecessors-in-interest agreed to be included within KBID for the purpose of receiving services, including delivery of water pursuant to the contracts that KBID has with the United States of America by and through the Bureau of Reclamation, Klamath Irrigation District, and other irrigation districts that deliver water to lands within KBID. The portion of Owner's real property that was irrigated through KBID consisted of 5.9 acres.

C. Owner's predecessors-in-interest entered into an agreement with KBID on April 12, 1994, to indefinitely suspend the rights and obligations of the respective parties, and said agreement was recorded at Volume M94, Page 15904, in Klamath County Records.

D. Owner desires to terminate said agreement to suspend and to be reinstated on the assessment rolls of KBID as of April 12, 2011.

NOW THEREFORE, Owner and KBID agree as follows:

1. KBID acknowledges payment by Owner of \$5449.11, which includes the past assessments due and payable, in the amount of \$4,749.61 and legal and administrative fees for reinstatement of \$699.50, all of which bring Owner current to June 30, 2011.

2. KBID hereby reinstates Owner, as of the date of payment, on the assessment rolls indefinitely, subject to the ORS Chapter 554, and the rules and bylaws of the district.

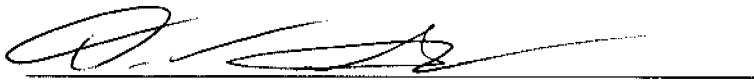
3. Owner understands and accepts this reinstatement according to the following terms and caveat: During the period of suspension, the Klamath River Basin Adjudication has proceeded in a number of hearings before Administrative Law Judges appointed by the Oregon Water Resources Department, and the prosecution of the claims and contests by KBID on behalf of the landowners does not guaranty that Owner shall receive an adjudicated water right due to the suspended status of the land in question. KBID shall employ its best effort to provide water to Owner's land indefinitely, but does not warrant the current or final status of any water right that is appurtenant to Owner's land to be within the place of use for KBID lands or within the place of use for the Klamath Reclamation Project.


4. Owner hereby releases KBID, any delivery district, and the United States from any and all claims of liability for any damages or injuries to person or property which may have occurred or is presently occurring in connection with the ownership, operation, or maintenance of the Klamath project and district operations and assessments.

5. The restrictions, grants, covenants, and agreements contained herein shall run with the subject real property and shall bind and inure to all future owners, heirs, successors, and assigns in perpetuity.

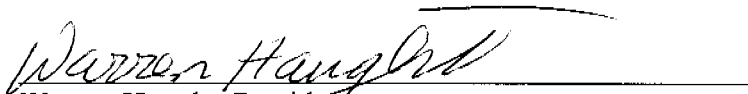
This agreement is executed the 12 day of April, 2011.

\_\_\_\_\_ by:

  
Damon Sparks

  
Abby Sparks

Klamath Basin Improvement District:

  
Warren Haught. President

STATE OF OREGON           )  
  ) ss.  
County of Klamath           )

The foregoing instrument was acknowledged before me this 12 day of April, 2011, by Damon and Abby Sparks.



Cindy E. Cherry  
Notary Public for Oregon  
My Commission expires: 4-12-15

STATE OF OREGON           )  
  ) ss.  
County of Klamath           )

On this 12<sup>th</sup> day of April, 2011, personally appeared Warren Haught, the President of Klamath Basin Improvement District and that said instrument was signed and sealed in behalf of said district by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed. Before me:



Cindy E. Cherry  
Notary Public for Oregon  
My Commission expires: 4-12-15