

71946

Vol. <sup>m</sup> 79 Page 18730

## EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that whereas CLARENCE H. YOUNG and VIRGINIA M. YOUNG, husband and wife, hereinafter referred to as Grantors, are the owners of Lot 6, Block 44, Hot Springs Addition to the City of Klamath Falls, and;

Whereas, THOMAS F. MCGARRY and LOUISE M. MCGARRY, husband and wife, hereinafter referred to as Grantees, are the owners of Lot 12, Block 46, Hillside Addition to the City of Klamath Falls, all within Klamath County, Oregon;

Whereas, located on Lot 6, Block 44 is a geothermal well dug in 1972, State Well number 38-9E-28, and;

Whereas, Grantors desire to create a perpetual easement in favor of Grantees to run with the land and in favor of Lot 12, Block 46, to use the well located on Lot 6, Block 44, and;

Whereas, Grantees shall have the right to use and enjoy said well for the purpose of heating their residence and for use in heating water for domestic use now,

THEREFORE, Grantors hereby create and grant to Grantees a perpetual non-exclusive easement to use and take water and heat from the geothermal well presently existing on Lot 6, Block 44, Hot Springs Addition as described above, together with the right to install and maintain a heating coil and all pipes necessary for the transmission of hot water from the well to the residence located on Lot 12, Block 46, Hillside Addition, subject, however, to the following conditions and agreements between the parties:

A. The right to use the heat or water from the well cannot be expanded, sold, or shared by any additional persons except owners of the above described property without written approval by both parties as to the expansion of said use. Grantors and Grantees shall have as said written approval signed by them and recorded.

B. If Grantors and Grantees consent to the expansion or sale of the heat from said well, then both parties shall share equally in the cost of development of said heat and likewise shall share equally in any profit derived from said well.

C. The Grantees shall have the right to enter upon the property of the Grantors at any and all times to inspect, repair, and maintain their pipes and heating coil. Further, the parties agree that if either Grantors or Grantees shall find that the well is not heating properly, then either party shall have the right after thirty (30) days written notice to the other to require that said well be repaired. That costs of repair to the well itself (casing, cave-ins, and additional drilling, etc.) shall be shared equally between the parties.

D. All transmission pipes across Lot 6, Block 44, shall be located approximately six feet from the Southerly boundary.

IN WITNESS WHEREOF, the parties have signed this easement this 2nd day of August, 1979.

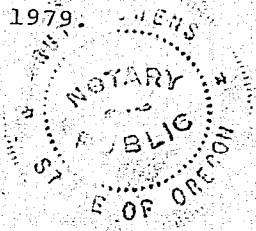
*Clarence H. Young*  
Clarence H. Young

*Virginia M. Young*  
Virginia M. Young

STATE OF OREGON       )  
                              )  
County of Klamath     ) ss.

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Personally appeared the above named Clarence H. Young and Virginia M. Young, Grantors herein, and acknowledged the foregoing easement their voluntary act and deed this 3 day of August, 1979.



Lucy Owens  
Notary Public for Oregon  
My Commission expires: 5-14-80

Ret: KLAMATH First Fed.  
540 MAIN STREET  
KLAMATH FALLS, OREG.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Transamerica Title Co.  
this 6th day of August A. D. 1979 at 3:55 clock P.M., or  
July recorded in Vol. 179, of Deeds on Page 18730

Wm D. MILNE, County Clerk  
By Bernice Heltsch

Fee \$7.00