

85838

Vol. 80 Page 11

K 33102

WATER WELL USE AGREEMENT

THIS AGREEMENT, Made and entered into this 9th day of June, 1980, by and between WILLIAM F. HAMILTON and FRANCES L. HAMILTON, husband and wife, herein called "Hamiltons", and GEORGE J. LAMB, herein called "Lamb";

W I T N E S S E T H:

WHEREAS, Lamb has conveyed to Hamiltons the following-described real property, situated in Klamath County, Oregon, to-wit:

Tracts 11 and 12 of "400" Subdivision, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. RESERVING, HOWEVER, to Lamb for the full term of his natural life, the following-described portion of said real property, to-wit: Beginning at the Southwest corner of said Tract 12; thence easterly, along the South boundary of said Tract 12, 218 feet; thence northerly and parallel with the West boundary of said Tract 12, 300 feet to a point; thence easterly and parallel with the South boundary of said Tract 12, 210 feet; thence northerly and parallel with the West boundary of said Tract 12, 900 feet; thence westerly and parallel with the South boundary of said Tract 12, 428 feet to the West boundary of said Tract 12; thence southerly, along the West boundary of said Tract 12, 1200 feet to the point of beginning,

in consideration of Hamiltons' promise to provide support to Lamb during his lifetime, and

WHEREAS, the water well serving the entire property is located on that parcel which Lamb reserved to himself for his lifetime, and

WHEREAS, it was and is the intent and agreement of the parties that Hamiltons should have the right to use water from said well for domestic purposes, and

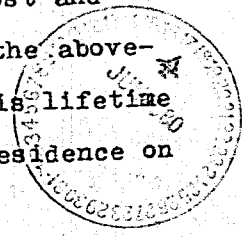
WHEREAS, it is the desire of the parties to make a memorandum of their agreement for use of said well.

NOW, THEREFORE, for and in consideration of the mutual promises and agreements herein contained, it is agreed as follows:

1. Hamiltons shall have the right, at their sole cost and expense, to take water from the well on that portion of the above-described premises which has been retained by Lamb for his lifetime and to distribute said water to the site of Hamiltons' residence on the other portion of said property.

(Agreement - 1)

80 JUN 20 AM 10 11



2. Lamb hereby gives and grants to Hamiltons a right of way and easement across and upon that parcel reserved to Lamb for his lifetime for the purpose of installing a water line from the existing well and pump to Hamiltons' residence and for the purpose of repairing, replacing, maintaining and servicing said pump, well and water line.

3. The cost of operating, maintaining, repairing and replacing the well and pump shall be borne equally between the parties hereto.

4. All costs of repairing, replacing and maintaining that portion of the water system which heretofore has and now continues to serve Lamb's residence exclusively shall be borne solely by Lamb.

5. This agreement and all rights granted hereunder shall continue in effect until such time as a domestic water supply is furnished to provide domestic water service to Hamiltons' property, which service shall be acceptable to Hamiltons and to the beneficiary of any trust deed or mortgagee holding an interest in said property.

6. The water from said well shall be used primarily for domestic purposes; provided, however, to the extent excess water is available, the parties shall have equal rights to use such excess water for agricultural or farming purposes.

7. Heirs, successors and assigns are bound and benefited hereby.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed the day and year first hereinabove written.

William F. Hamilton  
Frances L. Hamilton  
George J. Lamb

STATE OF OREGON }  
County of KLAMATH }

ss. June 9, 1980

Personally appeared the above-named WILLIAM F. HAMILTON and FRANCES L. HAMILTON, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Debra S. Quinn  
NOTARY PUBLIC FOR OREGON  
My commission expires May 13, 1981

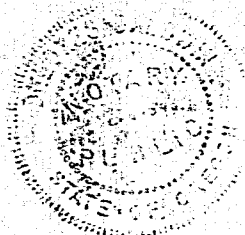
STATE OF OREGON  
County of KLAMATH }

ss. June 9, 1980

Personally appeared the above-named GEORGE J. LAMB and  
acknowledged the foregoing instrument to be his voluntary act  
and deed.

Before me:

*Robert Bassett*  
NOTARY PUBLIC FOR OREGON  
My commission expires May 13, 1981



*Return to Wm Hamilton  
4243 Old Midland Rd  
K. Falls*

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County Title Co.

this 20th day of June A. D. 1980 at 10:11 o'clock A.M., and  
fully recorded in Vol. M80, of Deeds on Page 11360

Wm D. MILNE, County Clerk

By *Bernetha Shetch*

Fee \$10.50

