

WELL AGREEMENT

THIS AGREEMENT, dated this 11th day of August, 1932, between HANS RAYMOND JEWEL and THALIA ANNE JEWEL, husband and wife, RUSSELL A. DUNN and SANDRA M. DUNN, husband and wife, ROBERT H. SMITH, III and MARY ELLEN C. SMITH, husband and wife, and JOHN C. HUNTLEY and MARGARET A. HUNTLEY, husband and wife, hereinafter referred to as "The Parties;"

W I T N E S S E T H :

WHEREAS, These parties own the following described real property: Robert H. Smith, III and Mary Ellen C. Smith, Lot 1, Block 41, less the southwesterly 20 feet, Hillside Addition to the City of Klamath Falls, Oregon also known as 935 Newcastle Avenue, Klamath Falls, Oregon; John C. Huntley and Margaret A. Huntley, Lot 2, Block 41, less the southwesterly 20 feet, Hillside Addition to the City of Klamath Falls, Oregon, also known as 925 Newcastle Street, Klamath Falls, Oregon; Hans Raymond Jewel and Thalia Anne Jewel, a portion of Lot 7, Block 41, Hillside Addition to the City of Klamath Falls, Oregon, more particularly described as follows:

Beginning at a point on the Southeasterly line of Manzanita Street 150 feet Easterly along the said Southeasterly line of Manzanita Street from the Northwest corner of Block 41, Hillside Addition to the City of Klamath Falls, Oregon; thence at right angles Southeasterly 92 feet to the true point of beginning; thence Southeasterly 58 feet; thence at right angles Northeasterly and parallel with said Manzanita Street; 100 feet to the Southwest line of that certain 20 foot alley running through said Block 41; thence Northwesterly along said Southwesterly line of said alley, 58 feet; thence Southwesterly 100 feet to the point of beginning, being a tract 100 feet by 58 feet, also known as 910 Newcastle Street, Klamath Falls, Oregon;

and Russell A. Dunn and Sandra M. Dunn, a portion of Lot 7, Block 41, Hillside Addition to the City of Klamath Falls, Oregon, more particularly described as follows:

Beginning at a point on the Southeasterly line of Manzanita Street, 150 feet Easterly along the said Southeasterly line of Manzanita Street from the Northwest corner of Block 41, Hillside Addition to the City of Klamath Falls; thence at right angles Southeasterly 92 feet; thence at right angles Northeasterly and parallel with said Manzanita Street 100 feet to the Southwest line of that certain 20-foot alley running through said Block 41; thence Northwesterly along said Southwesterly line of said alley 92 feet; thence Southwesterly 100 feet to the point of beginning, with bearings based on Survey No. 2941, also known as 926 Newcastle Street, Klamath Falls, Oregon; and

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WHEREAS, these parties have agreed to have a hot water well drilled on the property described as 926 Newcastle, Klamath Falls, Oregon, for the mutual benefit of all of these parties in order to heat their respective dwellings thereon; and

NOW, THEREFORE, it is hereby mutually agreed by and between these parties that they will share equally in the cost of drilling and constructing said well and any pump house in connection therewith and the installation of the distribution system from the well to their respective dwellings. Each shall be responsible for the cost of converting or installing the heating system within their respective homes.

These parties further agree to equally share in the maintenance costs of the well, casings, down hole loop and the supply lines running from the well to the dwelling houses along with any other repair necessary for the maintenance of this system.

Each of the parties will be solely responsible for the maintenance of the heating system within their respective homes.

It is further understood and agreed that each of these parties does hereby grant unto the remainder of these parties a perpetual easement forever to the ground under which the supply line runs from the well to the homes of these parties supplying the hot water coming from said well.

This easement and the above maintenance covenants shall run with the land and shall be binding upon the heirs, successors and assigns of each of these parties and these parties further agree that in the event any maintenance should become necessary or that said line needs to be excavated that they hereby consent to the entering upon their respective lands for the purpose of said excavating and repairing.

These parties agree to share equally in the expense for electric service operating the pump and power supply of the well.

These parties further agree that in the event any one of them may, at a later date, desire to sell an interest in this well to a Third Party, not a party to this agreement, that before said person shall be authorized to enter into a sale of an interest in the well, that a majority of these parties must first consent in writing to any such sale and, unless a majority is first had, no sale to a Third Party, not a member of this agreement, may be made.

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IN WITNESS WHEREOF, the parties hereto have set their hands hereon

this 11th day of August, 1982.

Hans Raymond Jewel
HANS RAYMOND JEWEL

Russell A. Dunn
RUSSELL A. DUNN

Robert H. Smith, III
ROBERT H. SMITH, III

John C. Huntley
JOHN C. HUNTLEY

Thalia Anne Jewel
THALIA ANNE JEWEL

Sandra M. Dunn
SANDRA M. DUNN

Mary Ellen C. Smith
MARY ELLEN C. SMITH

Margaret A. Huntley
MARGARET A. HUNTLEY

ACKNOWLEDGMENT

STATE OF OREGON,

County of Klamath

Before me, a Notary Public, personally appeared the within named
HANS RAYMOND JEWEL and THALIA ANNE JEWEL, his wife, RUSSELL A. DUNN and
SANDRA M. DUNN, his wife, ROBERT H. SMITH, III and MARY ELLEN C. SMITH,
his wife, and JOHN C. HUNTLEY and MARGARET A. HUNTLEY, his wife
and acknowledged the foregoing instrument to be their voluntary act
and deed.

WITNESS by hand and official seal the day and year last above written.

Glenda Jepper
Notary Public for Oregon
My Commission expires 10-21-83



Return to
Mary Ellen C. Smith
935 Newcastle Avenue
Klamath Falls Oregon 97603

STATE OF OREGON: COUNTY OF KLAMATH ;ss
I hereby certify that the within instrument was received and filed for
record on the 2nd day of June A.D., 19 83 at 9:59 o'clock A M
and duly recorded in Vol M83, of Deeds on page 8552

FEE \$ 12.00

EVELYN BIEHN COUNTY CLERK
by [Signature] Deputy