

44189

MTC 42113-KA
WELL AGREEMENT

This well agreement is entered into and made a part of each deed of the properties commonly known as:

4747 Pine Grove Road
and
4759 Pine Grove Road
Klamath Falls, OR 97603

I.

As both residences use the same well to supply water to their residences and as the said well is located on the property of 4747 Pine Grove Road, an easement is granted by 4747 Pine Grove Road to 4759 Pine Grove Road for supply, maintenance, and repair of water line to 4759 Pine Grove Road. Said easement shall be perpetual and run with ownership of the above stated properties.

II.

This agreement shall permit well water sampling and testing by a responsible local authority at any time at the request of either party. Requesting party will bear the expense for such sampling and/or testing unless otherwise previously agreed. Furthermore, this agreement requires that corrective measures be implemented if testing reveals a significant water quality deficiency.

III.

Should 4747 no longer have need for this shared well system, this agreement assures continuity of water service to 4759 Pine Grove Road.

IV.

The shared well water will be used for bonafide domestic purposes only.

V.

There will be no additional living units connected to the shared well system without the written consent of all parties and an appropriate amendment to this agreement.

VI.

Neither party will locate or relocate any part of a sewage disposal system to within 100 feet of the shared well.

VII.

Should repair, maintenance, replacement, or inspection be necessary, each property owner will bear their own costs.

VIII.

Should an emergency situation arise in which one owner is not on site, the other owner will have the right to correct the emergency. An emergency is defined as failure of any shared portion of the system to deliver water upon demand.

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IX.

The shared costs may be readjusted when there may be significant changes in well, pump, energy rates, occupancy, or use of a property.

X.

Costs are to be shared equally for maintenance, replacement, or improvement of the "general system." The general system is defined as the well, pump, pressure tank, plumbing, and hardware directly associated with the operation of these units. The lines from the pressure tank to the residences are defined as the individual "service lines" to each residence. Costs are to be agreed upon in writing prior to any maintenance, replacement, or improvement, except in an emergency situation (see Paragraph VIII).

XI.

Any necessary replacement or improvement must at least restore original system performance.

XII.

Property owner of 4747 Pine Grove Road, shall receive from property owner of 4759 Pine Grove Road, a sum of \$10.00 per month, due the first day of each month for energy supply to pump.

XIII.

Each property owner is responsible for prompt repair of any leak in his water service line or plumbing. Each property owner is also responsible for any repair costs to correct system damage by a resident or guest at his property. Furthermore, each property owner is responsible for prompt necessary repairs or replacement of the service line connecting his property.

XIV.

All payments of the general system operation, maintenance, replacement, or improvements shall be prompt.

XV.

Should any dispute or impasse between the parties to this agreement arise with regard to the system or terms of this agreement, the dispute or impasse shall be decided upon binding arbitration through the American Arbitration Association, or a similar body and may be initiated at any time by any party to the agreement. Arbitration costs shall be equally shared by the parties to the action.

Dated this 8th of August, 1997 by [Signature]

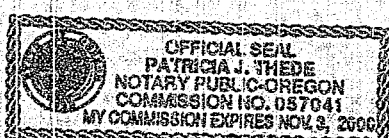
Stuart Henderson
4747 Pine Grove Rd.
Klamath Falls, OR 97603

Notary.

28034

Well Agreement
Page -3-Dated this 31 ^{July} ~~of August~~, 1997 byGerald W. Dawson
Gerald W. Dawson
4759 Pine Grove Rd.
Klamath Falls, OR 97603

Notary:

STATE OF OREGON
COUNTY OF KLAMATH }

SUBSCRIBED AND SWORN TO BEFORE ME

THIS

7-31-97Patricia J. Theide
NOTARY PUBLIC

representing both properties as of above date.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Averis title the 26th day
of August A.D., 19 97 at 3:34 o'clock P. M., and duly recorded in Vol. M97
of Deeds on Page 28032

FEE \$40.00

By Bernetha G. Letsch County Clerk
Kathleen Ross