

## WELL AGREEMENT

AGREEMENT, SEPTEMBER 29, 1998, between FRANK D. ROLLINS, TR & DIANE R. ROLLINS, TR, first parties, and FRANK D. ROLLINS & DIANE R. ROLLINS AS TRUSTEES UNDER THE ROLLINS LOVING TRUST, second parties.  
DATED JULY 18, 1990 AND PATRICIA M. FRABOTTA

## WITNESSETH:

First Parties are the owners of the following described real property:

The SW1/4 NW1/4 SW1/4 of Section 21, Township 40 South, Range 8  
East of the Willamette Meridian, Klamath County, Oregon. EXCEPTING  
THEREFROM that portion conveyed to Klamath County for public road purposes  
in Deed Volume M73 page 16166; Deed records of Klamath County, Oregon.

Second Parties are the owners of the following described real property:

The N1/2 SE1/4 NW1/4 SW1/4 of Section 21, Township 40 South, Range 8  
East of the Willamette Meridian, Klamath County, Oregon. EXCEPTING  
THEREFROM that portion conveyed to Klamath County for public road purposes  
in Deed Volume M73 page 16166, Deed records of Klamath County, Oregon.

Second parties are purchasing a portion of the property previously owned by the First Parties, and First Parties have upon their property a well which the parties wish to allow Second Parties to use for their domestic water supply.

The parties wish to enter into an agreement for the operation, maintenance and repair of said well,

NOW, THEREFORE, in consideration of the premises, the parties covenant and agree to and with each other as follows:

- (1) Each of the parties shall be solely responsible for the maintenance, repair and replacement; of the water lines from the pump to their own premises, but the cost of all future maintenance, replacements and improvements, and electricity for the pump, of the well and casing shall be born equally by the parties and their heirs and assigns.
- (2) First Parties grant to Second Parties, their heirs, grantees and assigns for the benefit of Second Parties' said property, perpetual right and easement in and to

35-  
1st time

