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**CREATION OF A WELL SHARING AGREEMENT  
AND  
WATER LINE EASEMENT**

**M06-01130**  
Klamath County, Oregon  
01/19/2006 02:46:43 PM  
Pages 2 Fee: \$31.00

THIS AGREEMENT, made and entered into by Jerry O. Anderson and Elizabeth A. Anderson,

**RECITALS**

1. Andersons owners of the real property described as:

Parcels 1 and 2 of Land Partition 56-05 being a Replat of Tract 1 of the plat Junction Acres situated in the W1/2NE1/4 Section 7, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon

2. The parties hereby create an easement in favor of Parcel 1 for an underground water delivery system in connection with the water well that exists on Parcel 2.

3. The Andersons do hereby create a shared well agreement relating to the water well and the existing underground water delivery system designed to serve the property on Parcels 1 and 2.

**AGREEMENT**

**NOW THEREFORE IT IS AGREED:**

4. The Owners of Parcel 1 and Parcel 2 shall be equally responsible for all power costs incurred by the operation of the water pump. In addition the owner of each property shall be equally responsible for all well or pump maintenance, repair and replacement. In addition the owner of Parcel 1 shall be responsible to maintain and repair or replace the buried water delivery system from the well to Parcel 1's point of use of the water. Parcel 2 shall be responsible to maintain and repair or replace the buried water delivery system from the well to Parcel 2's point of use of the water.

5. An easement 10 feet in width in favor of Parcel 1 of Land Partition 56-05 for a buried water delivery system, including the right of ingress and egress for construction, maintenance, repair and replacement of the system. **THE CENTER LINE OF THE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

From the 1/4 corner of Sections 6 and 7; thence S. 0°00'57 "E. 1012.61 feet, on the west boundary of said Land Partition 56-05, to the SW corner of said Parcel 2; thence EAST 158.40 feet on the south boundary of said Parcel 2 to the TRUE POINT OF BEGINNING OF THIS EASEMENT; thence N. 3°20'W. 354.00 feet more or less to the center of an existing pump house building; thence N. 80°W., 23.00 feet more or less to the center of an existing well casing; thence N. 80° W., 5 feet to the end of this easement.

Return: Ameri Title  
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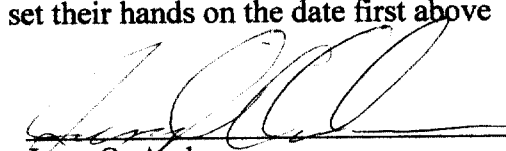
6. In the event of dispute herein, water delivery shall continue pending resolution of such dispute by arbitration as described in the following paragraph.

7. In the event that a dispute regarding the subject matter of this agreement, the owners of the respected parties, agree to submit to arbitration according to then current Oregon Statutes in which the owner of each property appoint one arbitrator a who shall choose a third arbitrator. The three arbitrators shall decide the resolution of said dispute, and the parties shall be bound thereby.

8. This Well Sharing Agreement and Water Line Easement shall run with the land and shall bind and inure to the benefit of, as circumstances may require, not only the immediate parties hereto, but their respected heirs, personal representatives, successors in interest and assigns.

9. If suit or action, including arbitration, is instituted to enforce any of the provisions of this Agreement, the party prevailing therein shall be entitled to recover from the other such sum as the Court may adjudge reasonable as attorney's fees and costs therein, including any appeal thereof.

IN WITNESS WHEREOF, the Parties hereto have set their hands on the date first above written.

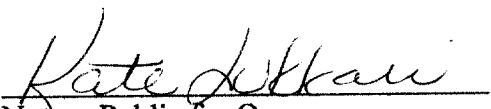
  
Jerry O. Anderson

  
Elizabeth A. Anderson

STATE OF OREGON     )  
                                      )ss.  
County of Klamath     )

On this 19<sup>th</sup> day January 2006, Jerry O. Anderson and Elizabeth A. Anderson personally appeared before me and acknowledge the forgoing instrument to be their voluntary act and deed.



  
Notary Public for Oregon

My commission expires: May 30 2009