

55941

EASEMENT

16152

Vol. 24 Page

RECEIVED DEC 23 1942

10:30 am

KNOW ALL MEN BY THESE PRESENTS, that DEAN O. MILLER and NAOMI B. MILLER, husband and wife, in the County of Klamath, State of Oregon, hereinafter called the Grantors in consideration of the sum of Ten Dollars (\$10.00) to them paid by OREGON WATER CORPORATION, a public utility of the State of Oregon, hereinafter called the Grantee, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, a perpetual easement ten (10) feet in width for the purpose of laying, constructing, operating, maintaining, changing, relocating, removing and/or replacing one or more mains or pipelines, with necessary or desirable appurtenances thereto, for the transmission and distribution of water for all useful purposes upon, over and across adjacent real property of the Grantors in the NW 1/4 of the NW 1/4 of Section 10, T. 39S, R. 9, E.W.M., described as follows:

A strip of land ten (10) feet in width parallel to and adjacent to the westerly right of way line of the Burlington Northern Railroad described as follows:

Beginning at a point on the westerly right of way line of the Burlington Northern Railroad 398.6 feet North of the centerline of Onyx Avenue; Thence North along the Burlington Northern right of way to the South right of way of Hilyard Avenue; Thence West 10.0 feet along the South right of way of Hilyard Avenue; Thence South 908 feet, more or less, parallel to the Burlington Northern right of way to a point which is 398.6 feet North of the centerline of Onyx Avenue; Thence East 10.0 feet to the point of beginning.

Together with the right of ingress to and egress upon and across the adjacent real property of the Grantors, using present and future roads thereon to the extent available, and with the right to clear and keep clear each and every part of said easement, all for the purpose of exercising in any and all respects the rights hereby granted.

PROVIDED, that all mains and pipelines shall be laid on said easement not less than two and one-half (2-1/2) feet below the surface of the ground, and in all operations such surface shall be restored as nearly as may be practicable to its original condition. Grantors reserve and retain the right to cultivate or otherwise use said easement in any manner or for any purpose which does not interfere with, or is not inconsistent with the

proper exercise of the rights therein hereby granted to the Grantee, but the Grantors shall in no event construct or maintain nor permit the construction or maintenance of any buildings or other structures upon or above said easement in such manner as to prevent reasonable access thereto, or to permit the construction of any parallel sanitary sewer within six (6) feet of any part of this easement.

And the Grantors covenant that they are lawfully seized in fee simple of the above granted real property free from all encumbrances, and they will and their heirs, executors and administrators shall warrant and forever defend the above granted real property and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hand and seal this 11th day of December, 1974.

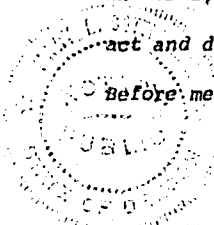
Dean Miller (Seal)

Naomi B. Miller (Seal)

STATE OF OREGON)
COUNTY OF KLAMATH) SS.

On this 11th day of December, 1974 personally appeared the above named DEAN O. MILLER and NAOMI B. MILLER, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:



Mary L. Cunningham
Notary Public for Oregon

My Commission Expires: March 30, 1975

RET. OREGON WATER CORP.
P.O. Box 237
K. Falls, Oreg. 97111

STATE OF OREGON,
County of Klamath

Filed for record at request of

OREGON WATER CORPORATION

on this 23rd day of DECEMBER A.D. 19 74

at 10:30 o'clock AM, and duly

recorded in Vol. 14 of deeds

Page 16152

Wm. O. MILNE, County Clerk

By Blaze Ray Deputy

Fee \$4.00