

KC 7

1200.

vol. 76

GRANT OF INTEREST IN WELL

WHEREAS, FRED HESS is the owner of a tract of land, the legal description of which is attached hereto and marked Exhibit "A"; and

WHEREAS, PAUL HESS and JOHN HESS are the owners of land adjacent to FRED HESS and intend to place a mobile home thereon and will be relying on the well located on the FRED HESS property as the source for domestic water;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That FRED HESS of Klamath County, Oregon, does, in consideration of the sum of One and 00/100 Dollars (\$1.00), receipt of which is acknowledged from both JOHN HESS and PAUL HESS, by these presents grant, sell and convey unto JOHN HESS and PAUL HESS of Klamath County, Oregon, an undivided one-third (1/3) interest in and to said well, casing, pumps, etc., and the right to take one-third (1/3) of the water from said well and to store said water for domestic use in an overhead tank that may be erected on said property and to convey said water from said well and/or from said tank to said mobile home by pipe and FRED HESS does hereby grant an easement across that land described in Exhibit "B" attached hereto, twenty-five (25) feet in width running from said well to the property of JOHN HESS which is attached hereto marked Exhibit "C" and to the property of PAUL HESS which is attached hereto marked Exhibit "D".

This conveyance is made on the condition that the Grantees, their heirs and assigns shall bear one-third (1/3) of all expenses connected with the operation of said pump and

MAR - 5 1976

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engine and keeping the same in good repair and one-third (1/3)
of all the expenses connected with the maintenance of said well
and all things accessory thereto.

This conveyance is also made on the condition that
the Grantees, their heirs and assigns shall keep and maintain
the tank, pipe and ditch in good order so that there will be
no leakage or seepage or any other effects that may cause injury
to the land or premises of the Grantor.

To have and to hold said right and easement to take
water and to store and conduct same on, over, through and across
the land of the Grantor, subject to the above conditions and
the heirs, successors and assigns of all parties hereto shall
be bound hereto forever.

IN WITNESS WHEREOF, the parties hereto have affixed
their signatures hereon.

DATED this 4 day of March, 1976.

John E. Hearn
Paul Hearn
Paul E. Hearn

STATE OF OREGON)
) ss.
County of Klamath)

Subscribed and sworn to before me this 4th day of
March, 1976.

Curtis W. Harkley
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-2-78

After Recording
Return to
Baird & Baird
118 N. Sixth Street
Clio

Parcel 2

A tract of land situated in the SW $\frac{1}{4}$ of section 21, T40S, R10E, W1, Klamath County, Oregon, more particularly described as follows:

Beginning at a point from which the east $\frac{1}{4}$ corner of said section 21 bears N69°53'25"E 4178.84 feet and the southeast corner of said section 21 bears S84°30'30"W 91.3 feet; thence East 100.00 feet; thence South 212.36 feet to the north line of the Paul Hess property; thence West along said line 100.00 feet; thence North 212.36 feet to the point of beginning, containing 0.49 acres, more or less; Together with the right to construct and maintain a water line from the present well house, (from which the east $\frac{1}{4}$ corner of said section 21 bears N72°42'49"E 4202.32 feet) to the above described tract of land. The bearings of the above tract of land are based on a solar observation. The above tract of land subject to all easements of record or apparent; Also subject to a road easement over and across to Fred Hess and John Hess.

EXHIBIT "A"

LEGAL DESCRIPTION (FRED HESS FARM)

A tract of land situated in section 21, T 40S, R10EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at the northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21; thence southerly along the west line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21 to the centerline of the U.S.B.R. drain; thence East to the westerly bank of Lost River, also being the right bank of said Lost River; thence northerly and westerly along the said right bank to the west line of said section 21; thence southerly to the point of beginning, containing 90 acres, more or less. The above described tract of land includes the right of Fred Hess, John Hess and Paul Hess, their heirs or assigns, to use and maintain the existing road beginning at the intersection of Highway 39 and the line common to sections 28 and 29, T 40S, R10 EWM, running thence northerly and easterly to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21.

EXCEPTING THEREFROM the following two parcels of land:

Parcel 1.

A tract of land situated in the SW $\frac{1}{4}$ of section 21, T40S, R10EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at a point from which the east corner of said section 21 bears N72°53'24"E 4666.77 feet and the southeast corner of a potato cellar bears N14°33'30"W 22.3 feet; thence S49°10'30"W 132.51 feet to a point from which the southwest corner of said potato cellar bears S67°36'11"W 63.3 feet; thence South 189.73 feet to the north line of the John Hess property; thence East along said line 100.00 feet; thence North 276.12 feet to the point of beginning, containing 0.53 acres, more or less; Together with the right to construct and maintain a water line from the present well house, (from which the east corner of said section 21 bears N72°42'49"E 4202.32 feet) to the above described tract of land. The bearings of the above tract of land are based on a solar observation. The above tract of land is subject to all easements of record or apparent; Also subject to a road easement over and across to Fred Hess and Paul Hess.

Parcel 2

A tract of land situated in the SW $\frac{1}{4}$ of section 21, T40S, R10EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at a point from which the east corner of said section 21 bears N69°53'25"E 4178.84 feet and the southeast corner of a barn bears S84°30'30"W 91.3 feet; thence East 100.00 feet; thence South 212.36 feet to the north line of the Paul Hess property; thence West along said line 100.00 feet; thence North 212.36 feet to the point of beginning, containing 0.49 acres, more or less; Together with the right to construct and maintain a water line from the present well house, (from which the east corner of said section 21 bears N72°42'49"E 4202.32 feet) to the above described tract of land. The bearings of the above tract of land are based on a solar observation. The above tract of land subject to all easements of record or apparent; Also subject to a road easement over and across to Fred Hess and John Hess.

Joseph S. Westvold

Erwin R. Ritter
Dennis A. Ensor

WESTVOLD & ASSOCIATES

ENGINEERING & SURVEYING

TELEPHONE 881-3691 - 882-3908

2333 SUMMERS LANE - KLAMATH FALLS, OREGON 97601

February 10, 1976

5079

LEGAL DESCRIPTION (JOHN HESS HOUSE)

A tract of land situated in the SW $\frac{1}{4}$ of section 21, T40S, R10E, M,
Klamath County, Oregon, more particularly described as follows:

Beginning at a point from which the east $\frac{1}{4}$ corner of said section 21 bears N72°53'24"E 4666.77 feet and the southeast corner of a potato cellar bears N14°33'30"W 22.3 feet; thence S49°10'30"W 132.51 feet to a point from which the southwest corner of said potato cellar bears S67°36'14"W 63.3 feet; thence South 189.73 feet to the north line of the John Hess property; thence East along said line 100.00 feet; thence North 276.12 feet to the point of beginning, containing 0.53 acres, more or less; Together with the right to construct and maintain a water line from the present well house, (from which the east $\frac{1}{4}$ corner of said section 21 bears N72°42'49"E 4202.32 feet) to the above described tract of land. The bearings of the above tract of land are based on a solar observation. The above tract of land is subject to all easements of record or apparent; Also subject to a road easement over and across to Fred Hess and Paul Hess.

Joseph S. Westvold
Joseph S. Westvold

EXHIBIT "C"

Erwin R. Ritter
Dennis A. Ensor

WESTVOLD & ASSOCIATES

ENGINEERING & SURVEYING

TELEPHONE 884-3671 or 882-3908

2333 SUMMERS LANE - KLAMATH FALLS, OREGON 97601

February 10, 1976

5080

LEGAL DESCRIPTION (JOHN HESS FARM)

A tract of land situated in sections 20, 21, 28 and 29, all in T40S, R10EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the northeasterly right of way line of State Highway No. 39 (Merrill Highway) and the section line common to said section 28 and 29; thence northwesterly along said northeasterly right of way line to the west line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section 20; thence northerly along the west line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section 20 to the centerline of the U.S.D.R. drain; thence easterly along said drain to the section line common to said sections 20 and 21; thence East to the east line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21; thence southerly along the east line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21 and the east line of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said section 28 to the southwesterly right of way line of the Southern Pacific Railroad; thence southeasterly along said railroad right of way line to the south line of the NW $\frac{1}{4}$ of said section 28; thence westerly along the south line of the said NW $\frac{1}{4}$ to the southwest corner of the NW $\frac{1}{4}$ of said section 28; thence northerly along the west line of the NW $\frac{1}{4}$ of said section 28 to the Point of Beginning, containing 145 acres, more or less. The above described tract of land includes the right of Fred Hess, John Hess and Paul Hess, their heirs or assigns to use and maintain the existing road beginning at the intersection of Highway 39 and the line common to sections 28 and 29, T40S, R10EWM, running thence northerly and easterly to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21.

Joseph S. Westvold
Joseph S. Westvold

Joseph S. Westvold

Erwin R. Ritter
Dennis A. Esser

WESTVOLD & ASSOCIATES

ENGINEERING & SURVEYING

TELEPHONE 884-3691 or 882-3908

2333 SUMMERS LANE - KLAMATH FALLS, OREGON 97601

November 12, 1975

5081

LEGAL DESCRIPTION (Westerly Portion)

A tract of land situated in sections 20, 21, 28 and 29, all in T40S, R10EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the northeasterly right of way line of State Highway No. 39 (Merrill Highway) and the section line common to said section 28 and 29; thence northwesterly along said northeasterly right of way line to the west line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said section 20; thence northerly along the west line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said section 20 to the U.S.D.R. drain; thence easterly along said drain to the section line common to said sections 20 and 21; thence easterly at right angles to said section line to the east line of the $SW\frac{1}{4}SW\frac{1}{4}$ of said section 21; thence southerly along the east line of the $SW\frac{1}{4}SW\frac{1}{4}$ of said section 21 and the east line of the $W\frac{1}{4}NW\frac{1}{4}$ of said section 28 to the southwesterly right of way line of the Southern Pacific Railroad; thence southeasterly along said railroad right of way line to the south line of the $NW\frac{1}{4}$ of said section 28; thence westerly along the south line of the said $NW\frac{1}{4}$ to the southwest corner of the $NW\frac{1}{4}$ of said section 28; thence northerly along the west line of the $NW\frac{1}{4}$ of said section 28 to the Point of Beginning, containing 145 acres, more or less. The above described tract of land includes the area of the Highway and Railroad rights of way in said section 28.

Joseph S. Westvold
Joseph S. Westvold

Joseph S. Westvold

Edwin R. Miller
Dennis A. Ennor

WESTVOLD & ASSOCIATES

ENGINEERING & SURVEYING

TELEPHONE 884-3691 or 882-3908

2333 SUMMERS LANE - KLAMATH FALLS, OREGON 97601

February 10, 1976

5082

LEGAL DESCRIPTION (PAUL HESS FARM)

A tract of land situated in section 21 and 28, T40S, R10EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at the northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21; thence southerly along the west line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21 to the centerline of the U.S.D.R. drain; thence East to the east line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21, said point being the True Point of Beginning of this description; thence continuing along the same east course to the westerly bank (right bank) of Lost River; thence southerly along the said right bank to the south line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said section 28; thence westerly along said south line to the southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said section 28; thence southerly along the east line of the NW $\frac{1}{4}$ of said section 28 to the southeast corner of the said NW $\frac{1}{4}$; thence westerly along the south line of said NW $\frac{1}{4}$ to the northerly right of way line of State Highway No. 39 (Merrill Highway); thence northwesterly along said right of way line to a point on the west line of the E $\frac{1}{4}$ NW $\frac{1}{4}$ of said section 28; thence northerly along the west line of the E $\frac{1}{4}$ NW $\frac{1}{4}$ of said section 28 and the east line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21 to the True Point of Beginning, containing 106 acres, more or less. The above described tract of land includes the right of Fred Hess, John Hess and Paul Hess, their heirs or assigns, to use and maintain the existing road beginning at the intersection of Highway 39 and the line common to sections 28 and 29, T40S, R10EWM, running thence northerly and easterly to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21.

Joseph S. Westvold
Joseph S. Westvold

EXHIBIT "D"

Joseph S. Westvold

Erwin R. Ritter
Dennis A. Emmer

WESTVOLD & ASSOCIATES

ENGINEERING & SURVEYING

TELEPHONE 884-3691 or 882-3908

2333 SUMMERS LANE - KLAMATH FALLS, OREGON 97601

February 10, 1976

5083

LEGAL DESCRIPTION (PAUL HESS HOUSE)

A tract of land situated in the SW $\frac{1}{4}$ of section 21, T40S, R10EWN, Klamath County, Oregon, more particularly described as follows:

Beginning at a point from which the east $\frac{1}{4}$ corner of said section 21 bears N69°53'25"E 4178.84 feet and the southeast corner of a barn bears S84°30'30"W 91.3 feet; thence East 100.00 feet; thence South 212.36 feet to the north line of the Paul Hess property; thence West along said line 100.00 feet; thence North 212.36 feet to the point of beginning, containing 0.49 acres, more or less; Together with the right to construct and maintain a water line from the present well house, (from which the east $\frac{1}{4}$ corner of said section 21 bears N72°42'49"E 4202.32 feet) to the above described tract of land. The bearings of the above tract of land are based on a solar observation. The above tract of land subject to all easements of record or apparent; Also subject to a road easement over and across to Fred Hess and John Hess.

Joseph S. Westvold
Joseph S. Westvold

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 9th day of APRIL A.D., 19 76 at 4:35 o'clock P.M., and duly recorded in Vol. M 76, of DEEDS on Page 5075.

FEE \$ 27.00

WM. D. MILNE, County Clerk

By *Kazd Craig* Deputy

Ret: —
1 Klam Co. Title
PC 134151
City