

mtc-4810

42679

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DOMESTIC WATER EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 27th day of December, 1977, by and between EDWARD B. BRENNAN, hereinafter referred to as Party of the First Part; and EDWARD CAREY BRENNAN, hereinafter referred to as Party of the Second Part:

WITNESSETH:

WHEREAS, Party of the First Part owns certain land situated in Klamath County, Oregon, more particularly described in Exhibit "A", attached hereto, and by this reference made a part hereof, on which property there is a well; and

WHEREAS, Party of the First Part intends to grant unto Party of the Second Part, his heirs, successors and assigns forever, the right and privilege of extracting water through pipes to be constructed and laid from said well for reasonable domestic use of such water about and in their residence located on the adjacent property owned by Party of the Second Part, described in Exhibit "B" attached hereto, and by this reference incorporated herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Party of the Second Part and Party of the First Part shall equally share the electrical expense incurred in operating the pump in said well and the expense of maintaining said well pump in said well, and in the hiring and performing work in the maintenance of said well or well pump.

2. Party of the First Part hereby grants, bargains and sells unto the Party of the Second Part an easement and right to


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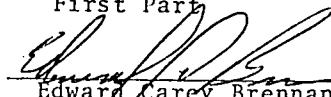
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use and privilege to draw and use from said well, a reasonable amount of water for domestic use on and for his property as aforesaid, with the right to him of ingress and egress over and onto the lands of the Party of the First Part for the purpose of keeping in repair the well and pipes herein mentioned.

This agreement is intended to run with the land and not be personal to the Party of the Second Part named herein. The rights, duties and privileges created by this agreement shall be transferred with the land and may be deeded, sold or conveyed by appropriate instrument.

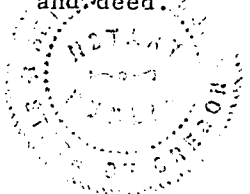
WITNESS the hands of the Grantors and Grantees this 27th day of December, 1977.

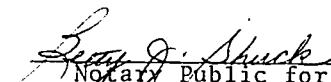
  
Edward B. Brennan, Party of the  
First Part

  
Edward Carey Brennan, Party of the  
Second Part

STATE OF OREGON     )  
County of Klamath    ) ss.

On this 27th day of December, 1977, personally appeared before me the within named Edward B. Brennan and Edward Carey Brennan, and acknowledged the foregoing instrument to be their voluntary act and deed.



  
Notary Public for Oregon  
My Commission Expires: 8/11/78

A tract of land situated in the SE $\frac{1}{4}$  of section 36, T39S, R7EWM and the NE $\frac{1}{4}$  of section 1, T40S, R7EWM, all in Klamath County, Oregon and being more particularly described as follows:

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Beginning at a point on the south line of the SE $\frac{1}{4}$  of said section 36, said point being S89°31'06"E 532.42 feet from the southwest corner of the said SE $\frac{1}{4}$ ; thence N00°20'04"W, parallel to and 70.00 feet westerly of the east line of the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$  of said section 36, 1864.02 feet to a point 850.00 feet from the north line of the SE $\frac{1}{4}$  of said section 36; thence S89°50'53"E, parallel to and 850.00 feet from the north line of the said SE $\frac{1}{4}$  to the east line of the W $\frac{1}{2}$ SE $\frac{1}{4}$  of said section 36; thence northerly along said east line 300.00 feet; thence along the following courses as shown on recorded survey No. 1168, as recorded in the Klamath County Surveyor's Office: S48°48'55"E 587.39 feet, S18°15'57"E 480.42 feet, N89°35'55"W 228.16 feet, N00°00'39"E 30.00 feet, N89°35'55"W 360.25 feet to the east line of the W $\frac{1}{2}$ SE $\frac{1}{4}$  of said section 36; thence southerly along the said east line to the south line of the SE $\frac{1}{4}$  of said section 36; thence S89°31'06"E along said south line 356.31 feet to the northwest corner of that tract of land described in M68-3307 of the Klamath County deed records; thence southerly along the west line of said described tract of land 428 feet, more or less, to the northerly right of way line of State Highway No. 66; thence S57°40'W along said northerly right of way line 704.21 feet; thence N32°20'W 766.06 feet; thence N00°20'04"W 220.37 feet to the point of beginning, excepting that tract of land deeded to the State Highway Department as described in D.V. 104, P557 of the Klamath County deed records, with the bearings being based on PUNDOSA, a duly recorded plat.

The above described tract of land subject to a 30-foot access easement along the following described line: Beginning at a point on the northerly right of way line of State Highway No. 66, said point being S89°31'06"E 532.42 feet and S00°20'04"E 220.37 feet and S32°20'E 766.06 feet from the northwest corner of the NE $\frac{1}{4}$  of said section 1; thence N32°20'W 766.06 feet; thence N00°20'04"W 2084.39 feet; thence S89°50'53"E 740.40 feet, more or less, to the east line of the W $\frac{1}{2}$ SE $\frac{1}{4}$  of said section 36.

*Return  
Klamath Trust Federal*

EXHIBIT "A"

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Mountain Title Co.

this 7th day of February A. D. 19 78 at 11:10 clock A.M., and

fully recorded in Vol. M78, of Deeds on Page 2195.

Fee \$9.00 By Wm D. MILNE, County Clerk  
*Susantha D. Kelsch*