

RIGHT OF WAY AGREEMENT

WALLACE G. ACKLING and JUNE ACKLING, husband and wife, hereinafter called first party, in consideration of value paid by PACIFIC GAS TRANSMISSION COMPANY, a California corporation, whose address is 213 W. Sisters Avenue, Redmond, OR 97756-0123, hereinafter called second party, the adequacy and receipt where of are hereby acknowledged, hereby grants to second party the right to excavate for, install, replace (of the initial or any other size), maintain, use and remove such pipeline or lines of any size as second party shall from time to time elect for conveying natural and artificial gas and other gaseous or liquid hydrocarbons and any products or by-products thereof, with necessary valves and other such appliances, and fittings, and devices for controlling electrolysis in connection with said pipelines, and such underground wires, cables, conduits, fiber optic lines and other electrical conductors, appliances, fixtures, and appurtenances as second party shall from time to time elect for communication purposes, together with adequate protection therefor, and also a right-of-way thirty-five feet in width within the herein described parcel(s) of land which is/are situated in the County of Klamath, State of Oregon, described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

It is agreed between the parties that as soon as second party has completed the installation of the initial pipeline the aforesaid parcel (s) shall be restricted to the following:

That portion of the said lands of first party above described lying between lines parallel to and situate fifteen (15) feet to the north and twenty (20) feet to the south (going in a general westerly direction through the State of Oregon) measured at right angles from the center line (or tangent thereof if a curve) of the initial pipe as actually laid by the second party across the said lands of first party, or adjacent thereto if the initial pipe is not actually laid on the said lands of the first party, such parallel line or lines being extended to the boundary lines of the said lands so as to enclose the right-of-way and easement.

Second party may further define the location of said strip by recording a "Notice of Location" referring to this instrument and setting forth a legal description of the location of said initial pipe or said strip, which description may be set forth by map attached to said Notice. A copy of said Notice shall be delivered to first party.

First party further grants to second party:

- (a) the right to use such portion of said lands adjacent to and along said strip as may be reasonably necessary in connection with the installation, repair and replacement of such pipeline or lines, or any other facilities;
- (b) the right of ingress to and egress from said strip over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such practicable route or routes as shall occasion the least damage and inconvenience to first party;
- (c) the right from time to time to trim and to cut down and to clear away any and all trees and brush now or hereafter on said strip and to trim and to cut down and to clear away any trees on either side of said strip which now or hereafter in the opinion of second party may be a hazard to second party's facilities or may interfere with the exercise of second party's rights hereunder;
- (d) the right to install, maintain and use gates in all fences which now cross or shall hereafter cross said strip;
- (e) the right to mark the location of said strip by suitable markers set in the ground, provided that said markers shall be placed at fence lines or other locations which will not interfere with any reasonable use first party shall make of said strip.

Second party hereby covenants and agrees:

(a) second party shall pay first party the reasonable amount of actual damages to crops, timber, livestock, fences, buildings, private roads, and other improvements caused by it or its agents or employees on said lands in the construction or reconstruction of the pipeline or lines or in the exercise of the right of ingress or egress;

(b) second party shall promptly backfill any trench made by it on said strip and second party shall restore the surface of the ground, so far as is practicable, to its condition prior to second party's trenching operations.

(c) second party shall indemnify first party against any loss or damage which shall be caused by any wrongful or negligent act or omission of second party or of its agents or employees in the course of their employment.

First party reserves the right to use said strip for purposes which will not interfere with second party's full enjoyment of the rights hereby granted, provided that first party shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction on said strip, or diminish or substantially add to the ground cover over said pipelines or any other facilities.

The provisions herein granted shall inure to the benefit of and bind the heirs, successors, and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

IN WITNESS WHEREOF the parties have executed these presents this 5th day of MAY, 1995.

Executed in the presence of:

Gregg A. McCleery
Subscribing Witness

Wallace G. Ackling
Wallace G. Ackling

Subscribing Witness

June Ackling

PACIFIC GAS TRANSMISSION COMPANY

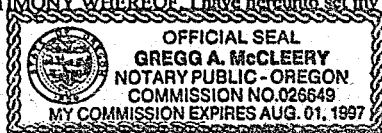
By: W. G. Thomas SMC
W. G. Thomas, Land Manager

By: _____

STATE OF OREGON }
 } ss.
County of Jackson }

On this 8th day of May, 1995 before me appeared W. G. Thomas, to me personally known, who being duly sworn, did say that he, the said W. G. Thomas is the Land Manager of Pacific Gas Transmission Company, the within named Corporation, and that this instrument was signed in behalf of said Corporation by authority of its Board of Directors, and W. G. Thomas acknowledges said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Gregg A. McCleery
GREGG A. MCCLEERY
NOTARY PUBLIC FOR OREGON
My Commission Expires: August 1, 1997

EXHIBIT "A"

Parcel 1: A parcel of land situated in Sections 17 and 18, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and being more particularly described as follows:

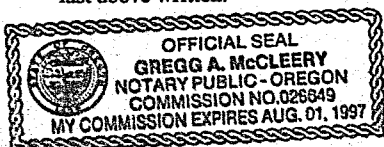
Commencing at the 5/8 inch iron pin marking the intersection of the Northerly right-of-way line of Joe Wright Road, a county road, with the Easterly right-of-way line of the Dalles-California Highway No. 97 in the Northeast Quarter of the Northeast Quarter of Section 19, said Township and Range; thence North 03° 38' 00" East, along the Easterly right-of-way line of said Dalles-California Highway, 1220.68 feet to the true point of beginning of this description; thence continuing on said right-of-way line along the arc of a curve to the left, the chord of which being North 01° 26' 49" East, 538.97 feet to a 5/8 inch iron pin; thence continuing on said right-of-way line along the arc of a curve to the left, the chord of which being North 04° 10' 16" West, 108.07 feet to a 5/8 inch iron pin; thence leaving said right-of-way line North 82° 54' 16" East 775.95 feet; thence South 02° 37' 35" West 109.49 feet to a 5/8 inch iron pin; thence South 27° 13' 42" East 140.65 feet to a 5/8 inch iron pin; thence South 00° 25' 37" East 146.14 feet to a 5/8 inch iron pin; thence South 86° 46' 41" East 810.32 feet to a 5/8 inch iron pin; thence South 64° 58' 47" East 100.71 feet to a 5/8 inch iron pin; thence South 40° 33' 44" East 95.24 feet to a 5/8 inch iron pin; thence South 22° 14' 57" East 68.57 feet to a 5/8 inch iron pin; thence South 11° 20' 45" East 135.83 feet to a 5/8 inch iron pin; thence South 89° 48' 30" West 48.43 feet to a 5/8 inch iron pin; thence South 89° 49' 30" West 850.82 feet to a 5/8 inch iron pin; thence South 89° 52' 55" West 951.85 feet to the true point of beginning of this description, with bearings based on recorded Survey No. 1472, as recorded in the office of the Klamath County Surveyor.

Parcel 2: A parcel of land situated in Section 17 and 20, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows: Commencing at the intersection of the Northerly right-of-way line of Joe Wright Road, a county road, with the Easterly right-of-way line of the Dalles-California Highway, U.S. Highway No. 97 in the Northeast Quarter of the Northeast Quarter of Section 19, said Township and Range; thence North 03° 38' 00" East, along the Easterly right-of-way line of the Dalles-California Highway, 1220.68 feet; thence leaving said right-of-way line North 89° 52' 55" East 951.85 feet to a 5/8 inch iron pin; thence North 89° 49' 30" East 850.82 feet to a 5/8 inch iron pin; thence North 89° 48' 30" East 48.43 feet to a 5/8 inch iron pin marking the true point of beginning of this description; thence North 11° 20' 45" West 135.83 feet to a 5/8 inch iron pin; thence North 22° 14' 57" West 68.57 feet to a 5/8 inch iron pin; thence North 40° 33' 44" West 95.24 feet to a 5/8 inch iron pin; thence North 64° 58' 47" West 100.71 feet to a 5/8 inch iron pin; thence North 86° 46' 41" West 810.32 feet to a 5/8 inch iron pin; thence North 00° 25' 37" West 146.14 feet to a 5/8 inch iron pin; thence North 27° 13' 42" West 140.65 feet to a 5/8 inch iron pin; thence North 02° 37' 35" East 230.34 feet to a 5/8 inch iron pin; thence North 81° 53' 08" East 126.58 feet to a 5/8 inch iron pin; thence North 08° 58' 34" West 390.22 feet to a 5/8 inch iron pin; thence North 49° 07' 57" East 740.83 feet to a 5/8 inch iron pin on the Westerly right-of-way line of the U.S.B.R. Lost River Diversion Canal; thence following said Westerly right-of-way line the following courses and distances: South 00° 32' 20" East 239.14 feet, along the arc of a curve to the left (radius = 713.70 feet and central angle = 36° 21' 00") 452.79 feet, South 36° 53' 20" East 194.00 feet, North 53° 06' 40" East 20.00 feet, South 36° 53' 20" East 995.70, along the arc of a curve to the left (radius = 641.70 feet, and central angle = 19° 22' 00") 216.90 feet, South 56° 15' 20" East 7.81 feet to the Northwesterly right-of-way line of the Southern Pacific Railroad; thence North 82° 50' 02" West 67.34 feet; thence South 89° 48' 30" West 526.55 feet to the true point of beginning of this description, with bearings based on recorded Survey No. 1472, as recorded in the office of the Klamath County Surveyor.

STATE OF OREGON, }
 } SS.
County of Klamath }

BE IT REMEMBERED, That on this 5th day of May, 1995, before me the undersigned, a Notary Public in and for said County and State, personally appeared the within named Wallace G. Ackling, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

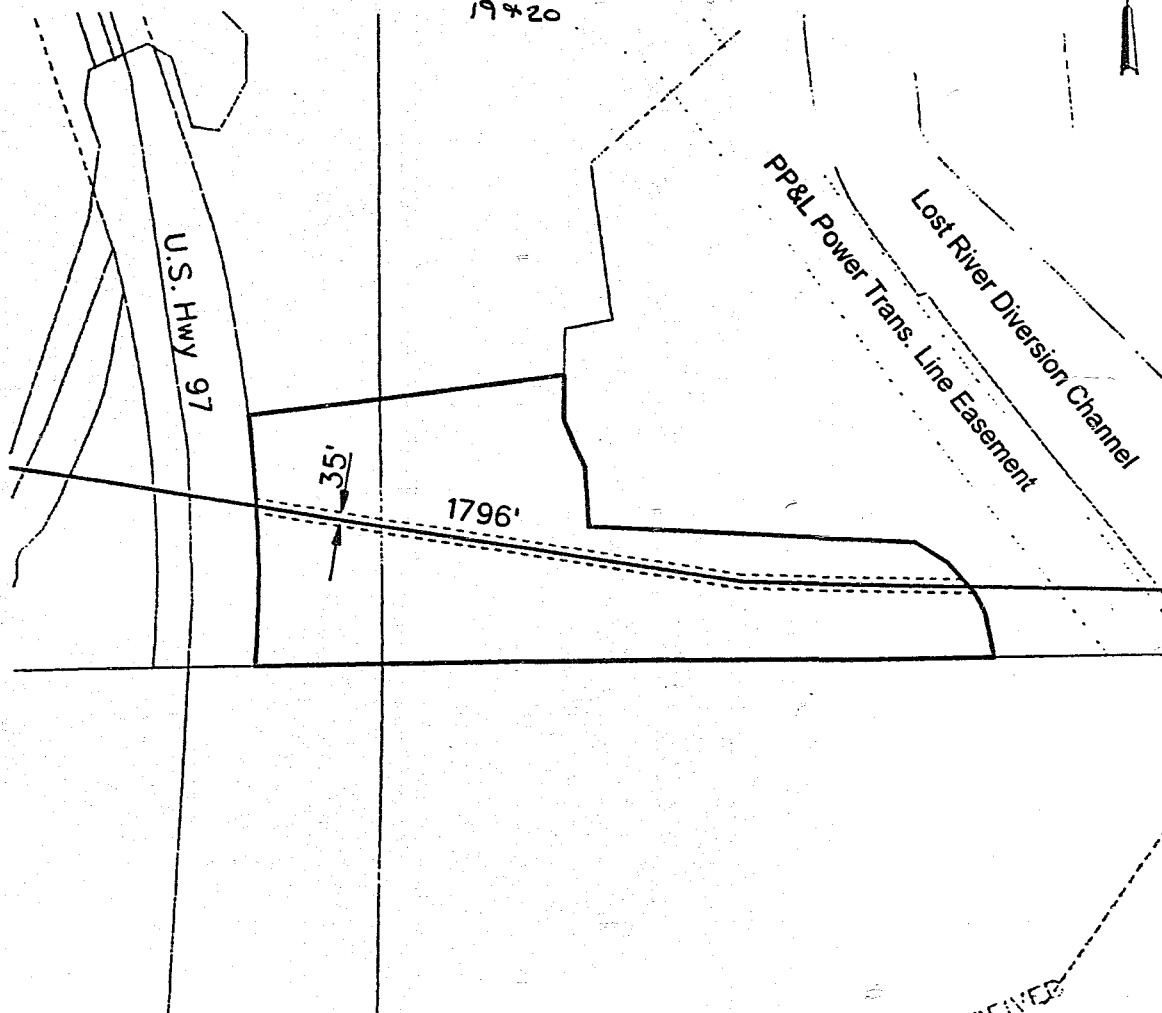
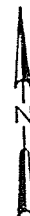
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Gregg A. McCleery
Notary Public for Oregon
My commission expires 8/1/97

KLAMATH COUNTY, OREGON

SEC. 17 & 18, T-39-S, R-9-E
19*20



2154

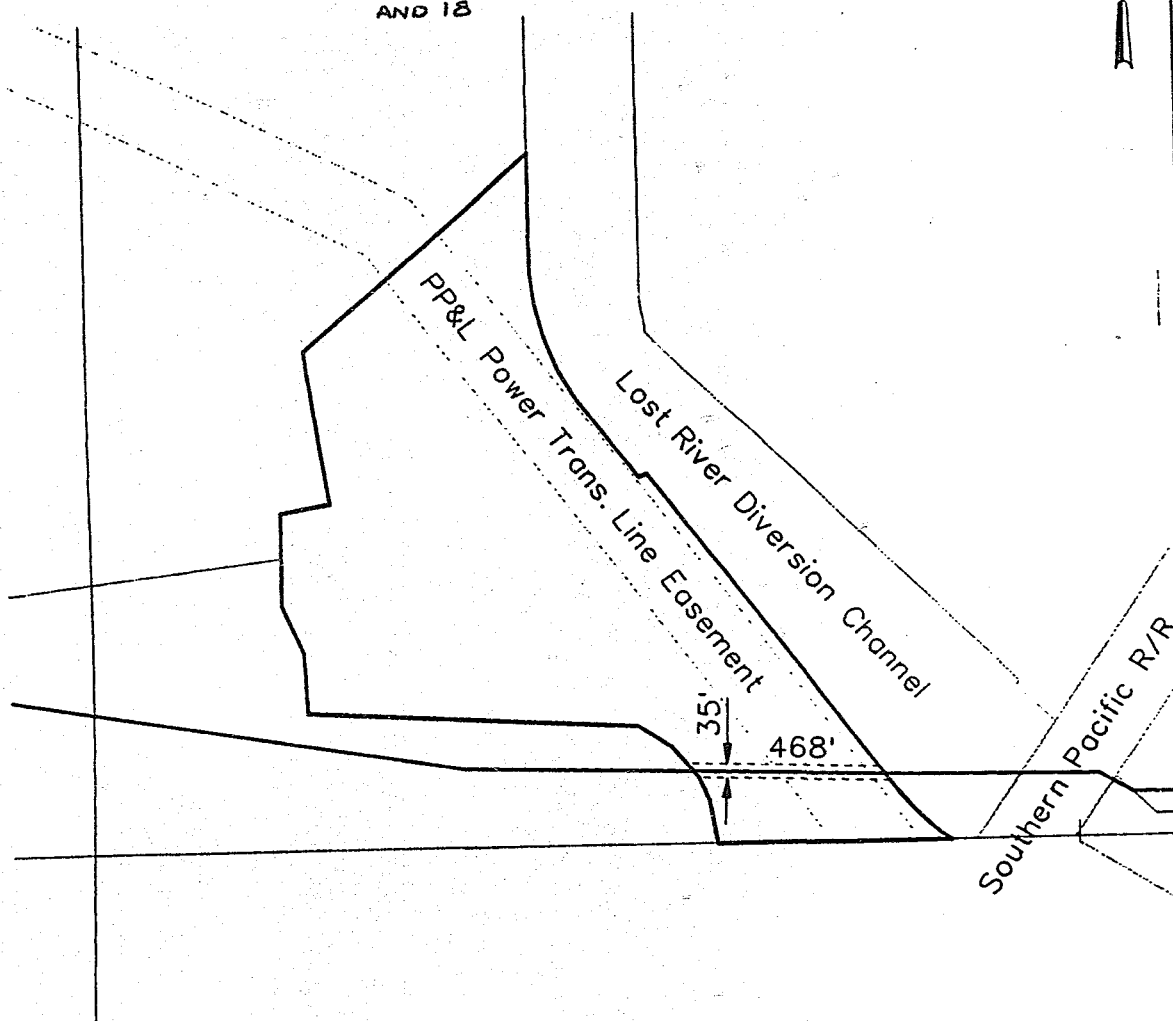
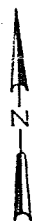
Wallace G. & June Ackling
APN: 390901700-01600

RECEIVED
AUG 18 1994
T. COVERT

PREPARED BY CH2M HILL 17-AUG-94

1	07-21-94	FINAL SURVEY MP 20.04A • 6656.5									
NO.	DATE	DESCRIPTION	W.O.	DR.	CH.	APPROVALS					
RECORD OF APPROVALS AND CHANGES											
W.O.		PIPELINE RIGHT-OF-WAY PACIFIC GAS TRANSMISSION COMPANY PORTLAND, OREGON				SUPERSEDES					
SUPV						SHEET		OF		SHEETS	
DSGN B. SCHMITZ						DRAWING NUMBER		M-2154		CHANGE	
DWN L. McCALL											
CHKD											
SCALE 1" = 400'											

KLAMATH COUNTY, OREGON

SEC. 17, T-39-S, R-9-E
AND 18

(2160) Wallace G. & June Ackling
APN: 390901700-01700

PREPARED BY CH2M HILL 17-AUG-94

1	07-21-94	FINAL SURVEY MP 20.04A + 6188.5									
NO.	DATE	DESCRIPTION	W.O.	DR.	CH.	APPROVALS					
RECORD OF APPROVALS AND CHANGES											
W.O.		PIPELINE RIGHT-OF-WAY PACIFIC GAS TRANSMISSION COMPANY PORTLAND, OREGON				SUPERSEDES					
SUPV						SHEET		OF		SHEETS	
DSGN B. SCHMITZ						DRAWING NUMBER		CHANGE			
DWN L. McCALL						M-2160		1			
CHKD											
SCALE 1" = 400'											

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of PGT the 18th day
 of May A.D., 19 95 at 1:46 o'clock P M., and duly recorded in Vol. M95,
 of Deeds on Page 13016.
 By Bernetha G. Netsch County Clerk

FEE \$30.00