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FILED
STATE OF OREGON
KLAMATH COUNTY COURT

96 JAN 25 PM 5:03

CLERK OF COURT

1 Scott D. MacArthur, OSB 89296
2 SPENCER, RUNNELS, MacARTHUR & PORRAS
3 419 Main Street
4 Klamath Falls, Oregon 97601
5 503-883-7139

6 IN THE CIRCUIT COURT OF THE STATE OF OREGON
7 FOR THE COUNTY OF KLAMATH

8 RICHARD BREWER and KATHRYN
9 BREWER, Husband and Wife,

10 Plaintiffs,

11 v.

12 LEE SUKRAW,

13 Defendant.

Case No. 9404086 CV

AMENDED JUDGMENT

14 THIS MATTER came regularly before the court on Plaintiff's complaint for Declaratory
15 Relief requesting that the court interpret certain provisions of an easement recorded on May
16 10, 1967, in the mortgage records of Klamath County, Oregon in Volume M-67 at page 3469,
17 concerning the water supply to the following described real property:

18 "A piece or parcel of land situate in Lot 1 of Section 28, Twp. 40 South, Range 9,
19 E.W.M. more particularly described as follows:

20 Beginning at an iron pin marking the quarter section corner common to Sections 21 and
21 28, Twp 40 South, Range 9 E.W.M.; thence

22 South 0°06 1/4' West along the North-South center line of said section 28, 885.1 feet
23 to an iron pin; thence

24 North 89°47 1/4' West 689.01 feet to a point; thence

25 North parallel to said North-South center line to a point on the North line of Section 28;
26 thence

East along the North line of Section 28 to the point of beginning."

A trial was held on April 27, 1995 before the Honorable Roxanne Osborne, Circuit
Court Judge, in which both parties presented testimony and evidence. A letter opinion was
issued by Judge Osborne on May 8, 1995. Following this letter opinion both parties, through

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1 their respective attorneys, submitted requests for additional findings of fact to which Judge
2 Osborne responded to by letter opinion dated June 2, 1995. Based upon the court records
3 and files herein, the evidence presented by both parties, and the letter opinions issued in this
4 matter:

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

6 1. That the Plaintiffs have a valid easement as against Defendants property giving
7 Plaintiff's the right and privilege to obtain water from a well located on Defendant's property.
8 The well identified in the subject easement has been supplanted by a second well
9 approximately 25 feet from the original well location and for all intents and purposes the
10 easement is modified to include this second well as the applicable well contained in said
11 easement. Any and all rights that Plaintiff's had in the original well now exist in this nearby
12 second well.

13 2. The terms and conditions of the original easement shall remain in effect unless
14 specifically modified by this Judgment and shall include, that the Plaintiffs shall be responsible
15 for the repair and maintenance of the pump attached to the subject well and any water pipes
16 providing water from the well to Plaintiffs' property. Plaintiff's shall have the right of ingress
17 and egress to repair and/or maintain the pump and their water lines. Defendant shall be
18 responsible for providing and maintaining the electric power to pump the well. Additionally,
19 Defendant shall be responsible for the well, including all repair and maintenance concerning
20 the well.

21 3. The parties shall execute any documents, including a new easement to this
22 second well if necessary, to effect the provisions contained in this Judgment.

23
24 DATED this 25 day of Jan, 1996.

25
26 
Roxanne Osborne, Circuit Court Judge

...the evidence presented by both parties, and the better opinions issued in this case, the court is of the opinion that the evidence submitted requests for additional findings of fact to which Judge ...

THE COURT IS OF THE OPINION THAT THE PLAINTIFFS HAVE A VALID EASEMENT AS AGAINST THE DEFENDANT'S PROPERTY GIVING

...the defendant's property. The court is of the opinion that the evidence submitted requests for additional findings of fact to which Judge ...

...the court is of the opinion that the evidence submitted requests for additional findings of fact to which Judge ...

County of Klamath
STATE OF OREGON

I hereby CERTIFY that the foregoing is a true and correct copy of the original.
Clerk of Court

By [Signature]
Date Feb 12 1996

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of Scott D. MacArthur the 12th day
of Feb A.D., 19 96 at 1:31 o'clock P M., and duly recorded in Vol. M96
of Deeds on Page 3994

FEE \$20.00

Bernetha G. Letsch, County Clerk
By Pauline Mulendore