

MTT- 58698^{uw}

Vol M03 Page 55058

Return Address:
 Avista Corporation
 Real Estate Department
 P.O. Box 3727
 Spokane, Washington 99220-3727
 Attn: Randy Daniels MSC-R10

State of Oregon, County of Klamath
 Recorded 08/1/2003 3:11 ^{pm}
 Vol M03 Pg 55058-55059
 Linda Smith, County Clerk
 Fee \$ 26.00 # of Pgs 2

UNDERGROUND GAS LINE RIGHT OF WAY EASEMENT

For Mutual Benefits, the receipt of which is hereby acknowledged, **JERRY O. ANDERSON and ELIZABETH ANDERSON**, husband and wife, "Grantor" hereby grants, conveys and warrants to the **AVISTA CORPORATION**, a Washington corporation "Grantee", a perpetual easement on, over, under, along and across the south 30 feet of the real property identified as Parcel 3 of LP #59-97 and as Assessor's Parcel No. R440909, located in Section 27, Township 38 South, Range 9 West, W.M., Klamath County, State of Oregon.

1. **PURPOSE.** Grantee shall have the right to construct, reconstruct, operate, maintain, repair, relocate and replace underground gas line, facilities, on, over, under, along and across the herein described property, together with all necessary facilities and appurtenances.
2. **ACCESS AND DAMAGE.** Grantee shall have access over and across the above described property and the adjoining property of the Grantor for the purpose of the installation, repair and maintenance of said facilities, provided the Grantee repairs damages or compensates the Grantor for any damage to said properties as a result of such access and repair and maintenance.
3. **GRANTOR'S USE OF THE PROPERTY.** Grantor reserves the right to the use and enjoyment of the property described herein, but such use shall not conflict or interfere with the Grantee's rights herein granted. Grantor shall not construct, place or maintain any building or structures within the herein described easement area that would interfere with the maintenance or safe operation of said facilities or that are not in compliance with all safety and building codes, regulations and laws.
4. **INDEMNITY.** The Grantee agrees to indemnify and hold harmless the Grantor from any and all claims for damages suffered by Grantor including Grantor's agents, guests and employees which may be caused by Grantee's negligence in the exercise of the rights herein granted, provided, that the Grantee shall not be responsible to Grantor or Grantor's agents, guests or employees for any damages or injury to any person or property caused by acts or omissions of Grantor, including Grantor's agents, guests or invitees.

The Avista Corporation Document No. _____

20-1^m

55059

5. **SUCCESSORS AND ASSIGNS.** The rights and obligations of the parties shall be for the benefit of and be binding upon their respective successors, heirs and assigns.

DATED this 1st day of August, ~~2002~~ ²⁰⁰³.

GRANTOR

JERRY O. ANDERSON

ELIZABETH ANDERSON

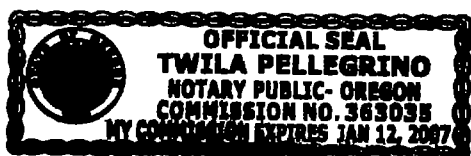
STATE OF OREGON)

) ss.

COUNTY OF KLAMATH)

On this day personally appeared before me JERRY O. ANDERSON and ELIZABETH ANDERSON the individuals described in and who executed the within and forgoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the purposes therein mentioned.

GIVEN under my hand and official seal this 1st day of August, ~~2002~~ ²⁰⁰³.



Twila Pellegrino
Signature

Twila Pellegrino
Print Name

Notary Public for the State of Oregon

Residing at Klamath Falls, Oregon

My Commission expires 1-12-2007