

05 MAY 3 PM 11:42

State of Oregon, County of Klamath  
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OSDEN 4/12/05 AF  
EASEMENT AND WELL AGREEMENT

This Easement and Well Agreement is made by MODESTO VALENCIA, owner of  
Parcels 1, 2 and 3 attached hereto as Exhibit "A".

WHEREAS, a well and pump house is located on Parcel 1 as described in the attached  
Exhibit "A"; and

WHEREAS, MODESTO VALENCIA is desirous of creating an easement across Parcel 2  
as described in the attached Exhibit "A" for piping and casings for a waterline to serve Parcel 3  
as described in the attached Exhibit "A" and ingress and egress to maintain said waterline;

WHEREAS, MODESTO VALENCIA is in the process of selling Parcels 1 and 2 as  
described in the attached Exhibit "A"; It is MODESTO VALENCIA's intent to create a Joint  
Well Agreement between Parcels 1 and 3 and an easement across Parcel 2 for a waterline to  
serve Parcel 3 to allow Parcel 3 to appropriate water from the well located on Parcel 1;

NOW THEREFORE, MODESTO VALENCIA hereby creates conveys and grants to  
benefit Parcels 1 and 3 an easement for ingress and egress to appropriate water from the joint  
well located on Parcel 1, and the waterline located across Parcel 2 and the right to maintain said  
waterline;

Each owner of Parcels 1 and 3 grants to the other the right of ingress and egress to use  
and maintain the well, pump, any pump house, piping and casings as they are now situated, or  
may be hereafter replaced;

Each owner of Parcels 1 and 3, and/or their successor in interest, shall pay that parties'  
proportionate share (Owner of Parcel 1 being responsible for 1/2 and Owner of Parcel 3 being  
responsible for 1/2) of all costs to maintain in the present condition the well, piping and casings  
for the Joint Well. Each owner agrees that before any major expense is incurred, the parties  
shall endeavor to jointly agree to the nature and amount of such expenditure, before work is  
commenced, and before any such expense is incurred.

The rights created by this Agreement shall run with the land and in the event any party  
sells the land subject to the within Easement and Well Agreement, the purchaser shall be bound  
by this agreement.

IN WITNESS WHEREOF MODESTO VALENCIA has set his hand and seals the say  
and year set forth herein below.

Modesto Valencia  
MODESTO VALENCIA

STATE OF OREGON, County of **Klamath**) ss.

On April 21, 05 personally appeared the above named **MODESTO VALENCIA**  
and acknowledged the foregoing instrument to be **his** voluntary act and deed.



Before me: Adrien Fleek  
Notary Public for Oregon  
My commission expires: 12-3-06

2600

**Exhibit "A"****PARCEL 1:**

A tract of land situated in the NW 1/4 NE 1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the North right of way of the County Road, which point is South 89° 33' West 1894.3 feet and North 0° 27' West 30 feet from the iron axle which marks the Southeast corner of the NE 1/4 NE 1/4 of the Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and running thence North 0° 27' West 276.3 feet; thence South 89° 33' West 454.9 feet; thence South 47° 55' East 408.7 feet; thence North 89° 33' East 153.7 feet to the point of beginning.

SAVING AND EXCEPTING THEREFROM the Easterly 153.7 feet thereof.

ALSO LESS AND EXCEPT any portion lying within the Burlington Northern Railroad right of way.

CODE 198 MAP 3909-025AO TL 02800 KEY #584175

**PARCEL 2:**

A portion of the NW 1/4 NE 1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point which lies North 89° 30' East 215.9 feet and South 0° 27' East 710.3 feet from the North quarter corner of said Section and running thence South 0° 27' East 192 feet to the North line of the Great Northern Railway right of way; thence Southeasterly along said right of way a distance of 117.0 feet; thence North 89° 30' East a distance of 281.2 feet; thence North 0° 27' West 276.3 feet; thence South 89° 30' West distance of 370 feet, more or less, to the point of beginning.

CODE 198 MAP 3909-025AO TL 02700 KEY #584148

**PARCEL 3:**

A tract of land situate in the NW 1/4 NE 1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin on the North line of said Section 25, said point being North 89° 30' East a distance of 604.9 feet from the North quarter corner of said Section 25; thence continuing Northeasterly on the same line a distance of 170 feet; thence South 0° 27' West a distance of 349.5 feet; thence North 89° 30' East a distance of 134.0 feet; thence North 0° 27' West a distance of 361 feet to the point of beginning.

CODE 198 MAP 3909-25AO TL 02100 KEY #584068