

2009-009595

Klamath County, Oregon



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07/14/2009 03:21:09 PM

Fee: \$36.00

After Recording Return to:

Nathan J. Ratliff
905 Main Street, Ste 200
Klamath Falls, OR 97601

Grantor:

David T. Jensen and Patricia J. Jensen
11030 Highway 39
Klamath Falls, OR 97603

Grantee:

Brian Thompson and Nancy Thompson
111 Haines Lane
Merlin, OR 97532

Send Tax Statements to:

No Change

151 1383658

GRANT OF WELL AND PIPELINE EASEMENT

DAVID T. JENSEN and PATRICIA J. JENSEN (hereinafter referred to as "Grantor"), for good and sufficient consideration does hereby grant and convey to BRIAN THOMPSON and NANCY THOMPSON, as husband and wife, (hereinafter referred to as "Grantee"), an easement for the use of the existing well and pump and for use of the existing buried pipe line and for use, for the purpose of maintaining said pipeline, of 2.5 feet on either side of said pipeline, and for ingress and egress over Parcel A, described below, for the purpose of maintaining, repairing and installing the existing well and pipeline (all hereinafter referred to as the "Easement"), over and across real property owned by Grantor and situated in the County of Klamath, State of Oregon, and more particularly described as follows, to-wit:

PARCEL A:

Parcel 3 of Land Partition 27-99, being Parcels 1, 2 and 3 of Land Partition 51-97, situated in the N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 1, Township 40 South, Range 9 East, Willamette Meridian, Klamath County, Oregon.

(Tax Account No.: 4009-00100-0010200-000; Key No.: 883552)

The Easement conveyed by this instrument is to allow Grantee access to, and use of, a well and pipeline owned by Grantor and situated on the hereinabove described real property, over and across said property, to the benefit of the following real property, and shall run with the land, situated in the County of Klamath, State of Oregon, and more particularly described as follows, to-wit:

PARCEL B:

Parcel 1 of Land Partition 84-07, located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 40 South, Range 9 E.W.M., according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

F3C

(Tax Account No.: 4009-00100-00103-000; Key No. 895076)

The pipeline is centered on an existing buried well pipeline located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 40 South, Range 9 E.W.M., Klamath County, Oregon, with its centerline being more particularly described as follows:

The route and course of the well pipeline across Parcel A described above is described as follows:

Commencing at a water well owned by Grantor and located on Parcel A at a point approximately 108' South of the North boundary line and 46' West of the East boundary line of Parcel A described above, the pipeline runs in a Westerly direction to the building as now located on said Parcel A; it then continues from the West wall of the building as now located on Parcel A approximately 110' where the pipeline is bifurcated at a Tee, there being a shut-off valve at such Tee, the pipeline subject of this agreement then runs in a Northerly direction into property owned by Grantor and described as Parcel 2 of Land Partition 84-07, where the line then elbows and turns in an Easterly direction to the Southwest corner of Parcel B described herein above, owned by Grantee.

This conveyance is based on the above-described line of route and shall be deemed to include the extreme width of the well pipeline as it now exists. We also grant and convey to Grantee access to 2.5 feet on either side of the well pipeline for the maintenance of such well pipeline; and it shall be deemed a sufficient conveyance to vest in Grantee, an easement in such lands for the uses and purposes of access to the well.

Except as to the rights herein granted, the Grantor shall have the full use and control of the property described above as Parcels A. Any right granted to Grantee herein shall be limited to assure that Grantor may fully enjoy the use of Parcel A.

Grantee agrees to save and hold the Grantor harmless from any and all claims of third parties arising from the Grantee's use of the rights herein granted.

The Easement shall be shall be a perpetual and nonexclusive easement.

During the existence of this Easement, maintenance of that portion of the pipeline exclusively benefiting Grantee and costs of repair of that portion of the pipeline exclusively benefiting Grantee, if damaged by natural disasters or other events for which all holders of an interest in the easement are blameless, shall be the responsibility of the Grantee.

During the existence of this Easement, maintenance of that portion of the pipeline subject to this easement benefiting both Grantor and Grantee and costs of repair of that portion of the pipeline exclusively benefiting both Grantor and Grantee, if damaged by

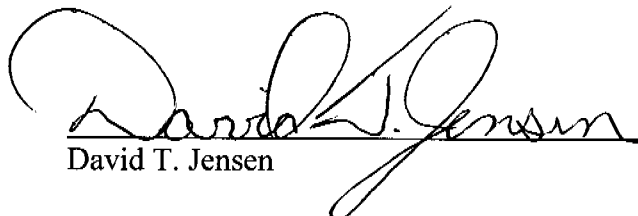
natural disasters or other events, for which all holders of an interest in the easement are blameless, shall be the responsibility of both the Grantee and the Grantor.

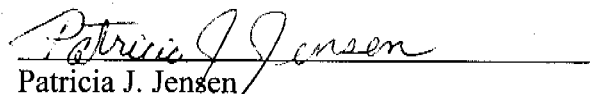
The expense of reasonably necessary repair and maintenance of the existing well and pump, including, but not limited to, enlarging, cleaning, replacing the well and/or pump, or deepening the well, shall be borne equally by Grantor and Grantee.

During the existence of the Easement, holders of an interest in the Easement who are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their expense.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the parties hereto but also to their respective heirs, executors, administrators, assigns, and successors in interest.

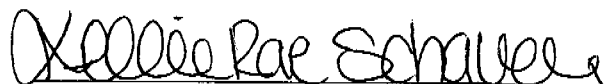
IN WITNESS WHEREOF, Grantor has executed this instrument at Klamath Falls, Oregon, on the date indicated below.


David T. Jensen


Patricia J. Jensen

STATE OF OREGON; County of Klamath) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 2nd day of July, 2009, David T. Jensen and Patricia J. Jensen.


NOTARY PUBLIC FOR OREGON
My Commission expires: Jan 28, 2013



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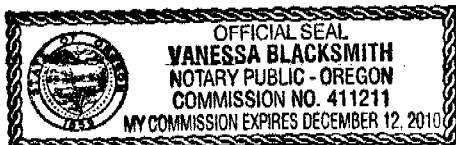
IN WITNESS WHEREOF, Grantee has executed this instrument at Grants Pass
Klamath Falls,
Oregon, on the date indicated below.

Brian Thompson
Brian Thompson

Nancy Thompson
Nancy Thompson

STATE OF OREGON; County of Josephine) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 10th day of July,
2009, Brian Thompson and Nancy Thompson.



Vanessa Blacksmith
NOTARY PUBLIC FOR OREGON
My Commission expires: 12/12/2010