

Wager



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Return to:
PacifiCorp Property Management
1030 PSB
920 S.W. Sixth Avenue
Portland OR 97204

RECEIVED

376 0124

SEP 18 2000

UMATILLA COUNTY
RECORDS

CORRECTION TRANSMISSION RIGHT OF WAY EASEMENT

For value received, J.R. Simplot Company, Grantor, hereby quitclaims to PacifiCorp, an Oregon corporation, its successors and assigns, Grantee, an easement for a right of way thirty (30) feet in width for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission lines, distribution lines, and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets; along the general course now located by Grantee on, over or under the surface of the real property of Grantor in Umatilla County, State of Oregon, more particularly described as follows and by this reference made a part hereof:

Beginning at the Southeast corner of Section 28, Township 4 North, Range 28 East, W.M.; thence North 10° 35' 30" West 175.75 feet; thence South 85° 36' 12" East 66 feet, more or less, to the West line of Tax Lot 102 in Section 27, Township 4 North, Range 28 East, W.M. and the TRUE POINT OF BEGINNING of the centerline of the 30 foot wide easement; thence

North 85° 36' 12" West 66 feet, more or less, to a point that is North 10° 35' 30" West 175.75 feet from the Southeast corner of said Section 28; thence North 0° 26' 00" West 1311.63 feet, more or less, to a point on the South right of way line of a 50 foot wide public road being the POINT OF TERMINUS.

Assessor's Map No. 4N 28C Tax Parcel No. 4500, 4600, 4601

This Easement is given to correct and supersede that certain Transmission Right of Way Easement dated May 20, 1998, recorded July 30, 1998, in Document No. 1998-3330787, records of Umatilla County, Oregon.

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PIONEER TITLE CO. 64821
126 SE Court, Pend. OR, 97801

(12)



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Together with the right of access to the right of way for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

Grantee shall indemnify, defend, and hold harmless Grantors and their successors and assigns from and against all claims, demands, damages, losses, liabilities, and any other matter whatsoever, and all costs and expenses, including attorneys' fees, incurred in connection therewith for any injuries, death, or damage arising from Grantee's exercise of the rights and privileges herein granted.

If Grantee ceases to use the easement for the purposes set forth herein, all rights hereunder shall terminate and revert without cost back to Grantor.

At no time shall Grantor erect or permit the erection of any buildings or structures of any kind or nature, or place or use or permit any equipment or material of any kind that exceeds 12 feet in height, or light any fires, or place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for roads, agricultural crops and other purposes not inconsistent with the purposes for which this easement has been granted; and Grantee shall reimburse Grantor for any physical damage to Grantor's property or crops caused by Grantee's activities.

The rights and obligations of the parties hereto shall be binding upon and inure to the benefit of their respective heirs, successors and assigns; and this easement shall terminate if and when Grantee shall have abandoned all use of the right of way and no longer has any future need therefore.

Executed this 14th day of September, 2000.

J.R. SIMPLOT COMPANY

By: Ronald N. Graves
Ronald N. Graves,
Secretary, Vice President and General Counsel

