### 10821

### WELL AGREEMENT AND EASEMENT

GRANTORS: GORDON C. GREENE and BETTY L. GREENE, husband and wife.

GRANTEES: JOHN A. PIRKEY and MARY C. PIRKEY, husband and wife.

CONSIDERATION: The actual and whole consideration consists of or includes other property or value given or promised.

RECITATIONS: Grantors are the owners of the following described real premises:

PARCEL A: A parcel of land situate in a portion of the SW1/4 SW1/4 of Section 9, Township 15 S., R. 13 E.W.M., Deschutes County, Oregon, more particularly described as follows:

Commencing at a brass cap at the SW Section corner of said Section 9, T. 15 S., R. 13 E.W.M., the Initial Point; thence N 00 21'43" East along the westerly line of said Section 9 - 885.27 feet; thence N 85 34'32" E parallel to the southerly line of said SW1/4 SW1/4 - 30.00 feet to the true POINT OF BEGINNING; thence N 00°21'43" E -436.84 feet; thance N 89°48'44" E along the northerly line of said SW1/4 SW1/4 536.39 feet to a 1/2" pipe; a point from which a 1/2" pin at the NE corner of said SW1/4 SW1/4 bears N 89°48'44" E - 766.18 feet; thence S 00°07'42" W along a boundary common to a parcel recorded in County Deed records Vol. , page - 434.59 feet; thence S 89°34'32" W - 538.19 feet to the PCINT OF BEGINNING.

PARCEL B: A parcel of land situate in a postion of the SW1/4 SW1/4 of Section 9, Township 15 S., R. 13 E.W.M., Deschutes County, Oregon, more particularly described as follows:

Commencing at a brass cap at the SW section corner of said Section 9, T. 15 S., R 13 E.W.M., the Initial Point; thence N 00°21'43" E along the westerly line of said Section 9 - 723.47 feet, a point from thich the NW corner of said SW1/4 SW1/4 bears N 00°21'43" E - 598.76 feet; thence N 89°34'32" E parallel to the Southerly line of said SW1/4 SW1/4 - 30.00 feet to the true POINT OF BEGINNING; thence N 00°21'43" E along the easterly line of NW 19th Street, a County Road - 161.80 feet; thence N 89°34'32" E - 538.19 feet; thence S 00°07'42" W along a boundary common to a parcel recorded in County Deed seconds Vol. , partners S 89°34'32" W - 538.85 feet to the POINT OF BEGINNING. - 161.79 feet; , page

Grantees are the owners of the following described real property:

PARCEL C: A parcel of land situate in a postion of the SW1/4 SW1/4 of Section 9, Township 15 South, Range 13 E.W.M., Deschutes County, Oregon, more particularly described as follows:

Commencing at a brass cap at the SW section corner of said Section 9, T. 15 S., R. 13 E.W.M., the Initial Point; thence N 00°21'43" E along the Westerly line of said Section 9 - 561.87 feet, a point from which the NW corner of said SW1/4 SW1/4 bears N 00°21'43" E - 760.36 feet; thence N 89°34'32" E parallel to the Southerly line of said SW1/4 SW1/4 - 30.00 feet to the easterly line of NW 19th Street, a County Road, and the true POINT OF BEGINNING; thence N 00°21'43" E - 161.60 feet; thence N 89°34'32" E - 538.85 feet; thence S 00°07'42" W along a boundary common to a parcel of land recorded in County deed records Vol. , page - 161.59 feet; thence S 89°34'32" W along a boundary common to a parcel of land recorded in County Deed records Vol. , page - 539.51 feet to the POINT OF BEGINNING.

Grantors have constructed a water well and pump on Parcel A described above and there has been constructed a pipe line from the pump across a portion of Parcel A and Parcel B and extending onto Parcel C serving domestic water to Grantees' residence located on Parcel C.

Grantors hereby convey unto Grantees, their heirs and assigns, an easement five (5) feet in width for the construction, maintenance and operation of the existing water pipe line extending from the pump on Parcel A across Parcel B and on to Parcel C to Grantees' residence.

BEND TITLE COMPANY 1195 N.W. WALL BEND, OR 9770

Grantees shall have the right to enter upon said premises and construct, maintain, and repair the water delivery pipe on said easement. After such entry, Grantees shall forthwith restore the surface of the easement to its former condition as nearly as practicable.

Grantors intend to construct another water well on Parcel B to be used to serve domestic water to residences on Parcel B and Parcel C in place of the well now used on Parcel A. Grantees consent thereto if the new well shall produce water of a quality at least equal to the quality of the water now produced from the well on Parcel A. If Grantors should do so, this essement and agreement will apply to such new well and the pipe line to it. The existing easement to the existing well from the new well to the first well will cease and terminate and Grantees agree, upon demand of Grantors, to furnish Grantors with a quitclaim deed releasing that portion of the easement of record.

Grantors shall furnish to Grantees, from said cell, sufficient water for domestic seter supply for one single family dwelling unit only on Parcel C described above. Grantors will use reasonable diligence in maintaining the pumping equipment and well for the production and delivery of water as herein provided but assumes no liability for failure to supply water to Grantees except as may be caused by the willful or gross neglect of Grantors. Grantors do not warrant or agree that said water shall be fit for human consumption and pure and uncontaminated but only that Grantors will furnish such water as the well will produce in the manner and upon the lergs and conditions herein provided.

Grantees agree to pay unto Grantors the sum of \$12.50 monthly as Grantees share the coat of operation and maintenance of the well and pump. The monthly payments will be increased from time to time by an amount equal to the percentage increase in the cost of electric service for operation of the pump. The monthly payments shall become due on the \_\_\_\_\_\_ day of each month commencing with the month of October, 1977. In the event that two such monthly payments should become in default, then Grantees may shut off the water to Parcel C upon ten days written notice of their intention to do so, to Grantees, if said payments remain unpaid.

If Grantors shall fail to make repairs and maintain the pump in an operable condition, then trantees may enter upon the premises where the well is situate and do so and that the reasonable costs thereof to Grantors. Grantees shall be responsible for all costs involved in maintaining the pipe line to their residence.

This agreement shall extend until such time as a domestic water supply is furnished to subject property from any other source acceptable to the Director of Veterans' Affairs and other Oregon lending institutions.

In the event that domestic water shall be available to the premises from a public water service system, then Grantees shall forthwith avail themselves thereof and this agreement shall cease and terminate and Grantees will give to Grantors a quitclaim deed or other instrument sufficient to terminate this agreement of record.

This agreement shall extend and be binding upon and inure to the benefit of the heirs, administrators, executors and assigns of the parties hereto.

It is agreed that the covenants, burdens and benefits of this agreement shall be covenants with and burdening the lands of the respective parties herein described and the respective heirs, personal representatives, and assigns.

EXECUTED THIS 21 day of Viplen	hn , 1977.
GRANTORS	GRANTEES .
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CORDON C GREENE	JOHN A. PIRKEY
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BETTY L. GREENE	MARY C. TRKEY

STATE OF OREGON, C	ounty of Deschutes ) ss.	dayt 29 th , 1977	
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## OWNER'S DECLARATION

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COUNTY OF DESCHUTES STATE OF OREGON

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COUNTY OF JAKESON STATE OF OREGON

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Tonka Gugger COMMISSION NO. 364974 WINTER PUBLIC - OFERN

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MY COMMISSION EXPRES JANUARY

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PROVIED HAVE: JULIAY Swift COMPSSION NO. 350954 COMMISSION EXPRES December. 9 2005

# POST MONUMENTATION AFFIDAVIT

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SEGO & AT PAGE 3/ 0/6 7/18/03 IN ADTON

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A 1.20 ACRE PLANNED UNIT DEVELOPMENT LOCATED IN THE SW1/4 OF THE SW1/4 OF SECTION 9, T15S, R13E, W.M., CITY OF REDMOND, DESCHUTES COUNTY, OREGON CITY OF REDMOND PLANNING FILE: PUD 00-01

BOULDER

BROOK,

PHASE

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I, JERY D. STICHLER, GREGOM RESISTED PROFESSIONAL LAW SURFICIOR NO. 1827. MERGY CERTITY THAT I HAVE CORRECTLY SURFICIED AND MARCHO MITH PROPER MATHEMENTS THE (LAWS SHOWN ON THE PLAT OF BOULDEN BROOK, PANCE 4, THE BOUNDARY BEING DESCRIBED AS POLLURS:

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SURVEYOR'S CERTIFICATE

APPROVALS
THE PLAT OF BOULDES BROOK, PHASE 4, LOCATED AS DESCRIBED IN THE ATLACHED SURFECON'S CENTRICATE, HAS BEEN CHAINED AND APPROVED BY:

\$71.00 D-FLAT Criss Street SECRET

William Caroon Macanay parmer I HEREEN CENTRY THAT ALL TAXES ARE PAID TO THIS DATE. 07-31-03

D-PLAT Cnte1 Stne4 850.00 811.00 \$10.00

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Mr. Bush 8/8/03 4-3-03

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SIGNATURES BY THE OTY OF REDMOND CONSTITUTES ACCEPTANCE BY THE OTY OF ANY DEDICATION WADE HEREIN TO THE PUBLIC.

# WATER RIGHTS STATEMENT

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BASIS OF BEARINGS

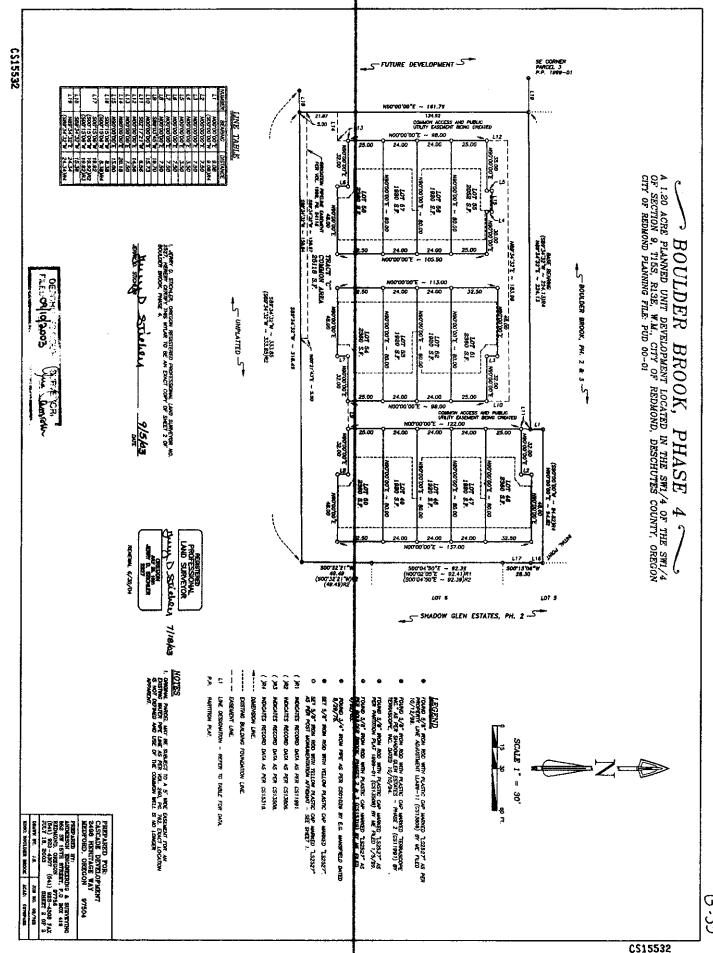
BASE BEARBAG DETERMINED FROM A PORTION OF THE SOUTHERLY ENTERIOR BOUNDARY LINE OF BOULDER BROOK, PHISES 2 & 3 (2518318) BY ME FILED 4/2/01.

PREPARED BY:	PREPARED FOR: CASCADE DEVELOPMEN 2496 HERITAGE WAY MEDFORD, OREGON	
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PREFACED BY:
ANDERSON BAURKERING & SURVEYING
BOS OF 167H STREET, P.O. BOX 419
JULY 18, 2003 SHEXT 1 OF 2

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VOLUME 38 PREDS, PAGE 61

FILED JUNE 3, 1916.

TRANSCRIPT FROM CROOK COUNTY

STATE OF UREGON

TO

G. W. DAVIES

APPLICATION No. C.O.I. 596

STATE OF OREGON

DEED No - 424

KNOW ALL MEN BY THESE TRESENTS, THAT, FOR AND, IN CONSIDERATION OF THE PAYMENT OF THE LIEN FOR THE CONSTRUCTION OF THE ARRESTION SYSTEM AND THE RECLAMATION, CULTIVATION OF SETTLEMENT UPON THE LAWS OF THE UNITED STATES AND OF THE STATE OF OREGON, RELATING TO THE RECLAMATION OF DESERT LANDS, THE STATE OF OREGON, DOGS HEREBY REMISE, RELEASE AND TOREVER QUITCLAIM UNTO G. W. DAVIES ALL STATE OF OREGON, THE AND INTEREST IN AND TO THE POLLOWING BESCRIBED LANDS, SITUATED IN CHOCK GOUNTYE STATE OF OREGON, TO-WLT:

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TO HAVE AND TO HOLD, THE SAME, WHTO THE SAID G. W. DAVIES HIS HEIRS AND ASSIGNS

WITNESS THE SEAL AND SIGNATURE OF THE DESERT LAND BOARD, AFFIXED THIS LOTH DAY

(OFFICIAL SEAL)

DESERT LAND BOARD,

BY MAMES HI MYCOMBE, GOVERNOR, CHARRMAN.

ATTERT - WOLM HALEN S STATE ENGINEER , SECRETARY

BECORDED IN STATE RECORD OF CAREY ACT DEEDS TOOK NO. 2, PAGE 382

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BYALL BURTLA HUSBAND

PRANTOR PT FROM CHOOK COUNTY