

Return to: Pacific Power
1950 Mallard Lane
Klamath Falls, OR 97601

CC#: 11176 WO#: 05640386

Tracking #12-45042

RIGHT OF WAY EASEMENT

For value received, **BNSF RAILWAY COMPANY, a Delaware corporation** (“Grantor”), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, (“Grantee”), a perpetual easement for a right of way **145** feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee’s electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchor, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, vaults and cabinets, along the general course now located by Grantee on, over, across or under the surface of the real property of Grantor in **Klamath** County, State of **Oregon**, more particularly described as follows and shown on Exhibit ‘A’ attached hereto and by this reference made a part hereof:

A portion of:

That property described in deed from John W. Cabler (grantor), to Great Northern Railway Company (grantee), recorded May 8, 1931 in book 95, page 231, Klamath County Deed Records, located within the Southeast one-quarter of the Southeast one-quarter of Section 9, Township 39 South, Range 9 East, Willamette Meridian, in the County of Klamath and State of Oregon.

Assessor’s Map No. 39 09 09D

Together with the right of ingress and egress, for Grantee, its contractors, or agents, to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee’s facilities or impede Grantee’s activities.

At no time shall Grantor place, use or permit any equipment, material or vegetation of any kind that exceeds twelve (12) feet in height, light any fires, 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 agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

Prior to entering the Premises, Grantee shall and shall cause its contractor to comply with all Grantor's applicable safety rules and regulations.

Grantee shall notify Grantor's Roadmaster, Randy Searer at 1800 Laverne Avenue, Klamath Falls, OR, telephone 541-880-5639 or 541-892-5639, at least ten (10) business days prior to construction of the Electric Supply Line and prior to entering the Premises for any subsequent maintenance thereon.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns and shall run with the land.

Dated this _____ day of _____, 20____.

BNSF RAILWAY COMPANY

Jones Lang LaSalle Global Services – RR, Inc., its Attorney in Fact

Ed Darter, Vice President – National Accounts

REPRESENTATIVE ACKNOWLEDGEMENT

State of _____ SS.

County of _____

This instrument was acknowledged before me on this ___ day of _____, 2____,

by _____, as _____,
Name of Representative Title of Representative

of _____.
Name of Entity on behalf of whom this instrument was executed

[Seal]

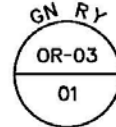
Notary Public

My commission expires: _____

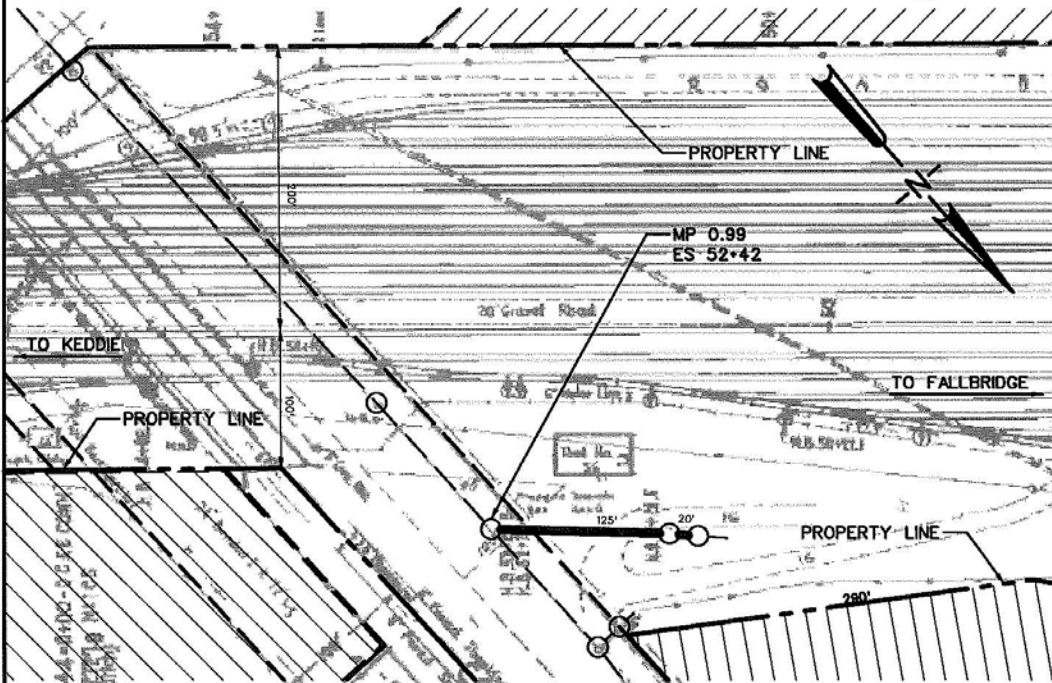
EXHIBIT "A"
 ATTACHED TO CONTRACT BETWEEN
BNSF RAILWAY COMPANY
 AND
PACIFICORP

SCALE: 1 IN. = 100 FT.
 NORTHWEST DIV.
 GATEWAY SUBDIV. L.S. 0055
 DATE 04/04/2012

SECTION: 09.10
 TOWNSHIP: 39S
 RANGE: 09E
 MERIDIAN: WILLM



MAP REF. S52186



NOTE:
 TOTAL LENGTH ON BNSF
 R/W IS 145'.

DESCRIPTION OF WIRES OVER TRACK
 WIRES LOCATED AS SHOWN BOLD

TYPE	NUMBER	VOLTAGE	DISTANCE ABOVE TOP OF RAIL	CLEAR RAILWAY COMPANY'S WIRES
ELECTRIC	4	12KV	-	-

AT KLAMATH FALLS
 COUNTY OF KLAMATH

STATE OF OR

JHL

DRAWING NO. 1-54531