### 393 0518

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### WHEN RECORDED RETURN TO: J.R. Simplot Company REPORATION Attn: Connie M. Hendricks RE

End.

Attn: Connie M. Hendricks P.O. Box 27 Boise ID 87307 t of Way JUL 19 2001

#### **RIGHT OF WAY EASEMENT**

CNG317

City: Hermiston County: Umatilla

The undersigned **J.R. SIMPLOT COMPANY**, a Nevada corporation, (hereinafter referred to as the "Grantor"), for and in consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, convey, and warrant to **CASCADE NATURAL GAS CORPORATION**, a Washington corporation (hereinafter referred to as the "Grantee"), the following nonexclusive easement:

#### **EASEMENT DESCRIPTION:**

A 15 foot wide easement for a pipeline, as the same is now currently located, over, under and across the North 900 feet of that certain County Road No. 1324, also known as Simplot Road, which road is located in the Southwest quarter of Section 27 and the Southeast quarter of Section 28, Township 4 North, Range 28 East, W.M. and runs between the South line of the Union Pacific Railroad Company right of way and the South line of said Sections 27 and 28, and is centered on the section line between said Sections 27 and 28.

TAX PARCEL NUMBERS: 4500, 4600 and 4601, Assessor's Map No. 4N 28C  $\,$ 

The Grantee is granted the right to construct, install, operate, maintain, protect, improve, repair, and abandon in place a natural gas pipeline or pipelines under, over, through, and across the above-described property. The Grantee is further granted an easement for the nonexclusive right of access to and from said property for the purposes of utilizing the rights herein granted. The term "pipeline" includes gas lines; services, machinery, equipment, and facilities related to the operation or maintenance of said gas lines. The Grantor, on behalf of itself and its agents, invitees and licensees, agrees not to impair or interfere with the full use and enjoyment by the Grantee of the rights herein granted. Without limiting the generality of the foregoing, the Grantor shall not erect any structure within the easement area, or conduct or permit any activities which may impair or interfere with the rights herein granted. Grantor agrees to cooperate with Grantee to obtain all necessary permits, licenses and governmental action so that Grantee may enjoy the full use and benefit of this right-of-way easement.

The Grantee agrees to hold the Grantor harmless from any loss, cost, or damage resulting from the Grantee's negligence in connection with the operation or maintenance of any pipelines installed under or over the easement premises and the Grantor agrees to hold the

Grantee harmless from any loss, cost, or damage caused by the Grantor, its agents, invitees, or licensees or from any breach of this easement.

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Cascade Natural Gas Corporation Right of Way Easement Page 2

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This easement shall be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the parties hereto.

In witness whereof, the undersigned have executed this easement this  $2|^{57}$  day of May \_\_\_\_\_, 2001.

J.R. SIMPLOT COMPANY

By: Ronald N.

It's: Vice President, Secretary and General Counsel

State of Idaho ) ) ss. County of Ada )

On this day personally appeared before me <u>Ronald N. Graves</u> to me known to be the <u>V.P.</u>, Secretary & General Counselof J.R. SIMPLOT COMPANY and executed the foregoing instrument, and on oath acknowledged the said instrument to be of the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned.

Given under my hand and official seal this  $21^{5T}$  day of May , 2001.



Jamene a. Kattines	
Notary Public for: State of Idaho	
Residing at: Boise, ID	

My Commission Expires: 5/31/02

State of Oregon ) County of Umatilla ) This instrument was received and recorded on 07-19-01 at 3:15 in the record of document code type DE-EAS

Location Document number Fee

R393-0518 2001-3930518 31.00

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