

## EASEMENT FOR USE OF WATER WELL AND PIPELINES

John Hal Burson and Renetta Burson, his wife, Pat Bailey and Amy Bailey, his wife and Rocky Lane Burson, by and through their attorney-in-fact, John H. Burson, and Robert C. Burson and Cheri K. Burson, his wife, hereinafter called Grantor for consideration paid, SELLS, GRANTS, ASSIGNS AND CONVEYS to Robert C. Burson and Cheri K. Burson, whose address is 2100 East Berrendo Road, Roswell, New Mexico, hereinafter called Grantee, an easement and right-of-way into, upon and across the following described real property of Grantor situated in Chaves County, New Mexico:

See Exhibit "A" attached hereto and made a part hereof for all purposes.

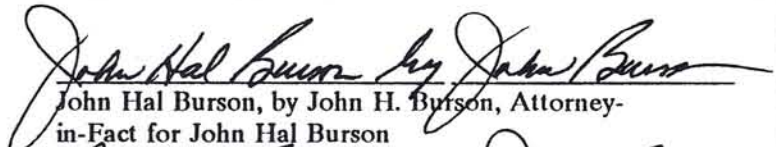
The right-of-way, easement, rights, and privileges herein granted shall be for the purpose of access to that certain well known as Well RA 903-S and the attendant pipelines, equipment, and pumps located on said property and providing pedestrian and vehicular ingress and egress to said to said equipment and pipelines from the property of Grantee which adjoins the above described property. This easement is an easement to an accessible area surrounding the well of not less than a fifty (50) foot radius around said well and a right-of-way on the existing and any future roads necessary for maintenance and repair of the well or for necessary repair and maintenance of the existing pipelines to carry water from said well to the adjacent property owned by Grantee. Grantor retains no right to the well and use of the water from the above conveyed well. All expenses, maintenance, repairs, and replacement of the well or well parts associated with the delivery of water from the well shall be paid by Grantee, including the payment for the expenses associated with the maintenance, repair and replacement of all existing equipment and pipelines from said well.

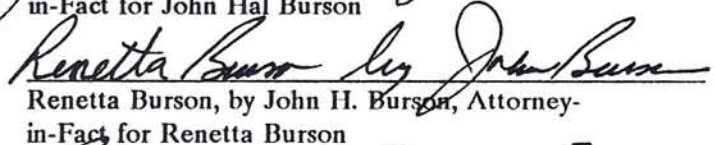
The easement, rights and privileges herein granted shall be perpetual. Grantor hereby bind themselves, their heirs and legal representatives to warrant and forever defend the above-described easements and rights unto Grantee, their successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof. The easement, rights and privileges granted herein are exclusive, and Grantor covenants that they will not convey any other easement or conflicting rights within the area covered by this grant.

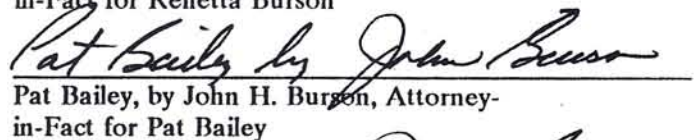
This instrument shall be binding upon, and shall inure to the benefit of, the heirs, executors, administrators, successors and assigns of the parties hereto. In addition to the easement, rights, and privileges herein conveyed, Grantee shall have the right to use so much of the surface of the above-described property of the Grantor as may be reasonable and necessary to repair and maintain the pump and to maintain or to construct and/or build a private pipeline on said easement running from said well to Grantee's property. Should Grantee construct and install a pipeline, Grantee shall replace and restore all fences or other structures which may have been relocated or removed during the construction period. Grantee shall not be responsible to Grantor for any reasonable compensation for such fences or other structures which may be not be replaceable and for such vegetation as may be damaged or destroyed during the construction of a pipeline and/or associated repairs of said equipment and pump.

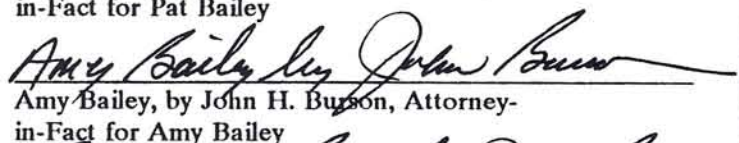
Said easement is and shall be used only for the use and benefit of the tracts of land owned by the Grantee that adjoin the above-described easement and shall be an easement running with the land.

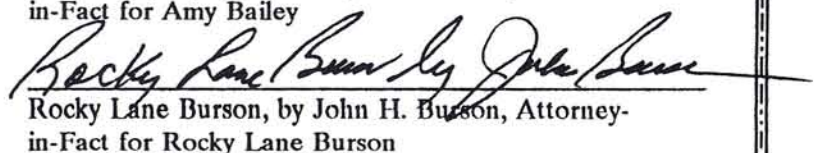
IN WITNESS WHEREOF this grant has been executed this 16th day of November, 1995.

  
John Hal Burson, by John H. Burson, Attorney-  
in-Fact for John Hal Burson

  
Renetta Burson, by John H. Burson, Attorney-  
in-Fact for Renetta Burson

  
Pat Bailey, by John H. Burson, Attorney-  
in-Fact for Pat Bailey

  
Amy Bailey, by John H. Burson, Attorney-  
in-Fact for Amy Bailey

  
Rocky Lane Burson, by John H. Burson, Attorney-  
in-Fact for Rocky Lane Burson

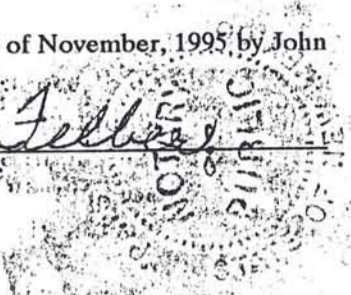
*Robert C. Burson*  
Robert C. Burson  
*Cheri K. Burson*  
Cheri K. Burson

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF CHAVES )

The foregoing instrument was acknowledged before me this 16th day of November, 1995 by John H. Burson Attorney-in-Fact for John Hal Burson and his wife, Renetta Burson.

My commission expires: 2-4-99

*Patsy Felber*  
Notary Public

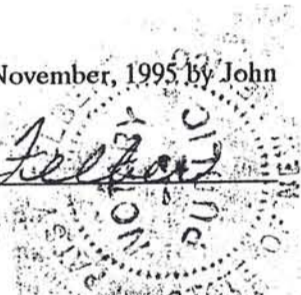


STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF CHAVES )

The foregoing instrument was acknowledged before me this 16th day of November, 1995 by John H. Burson Attorney-in-Fact for Pat Bailey and his wife Amy Bailey.

My commission expires: 2-4-99

*Patsy Felber*  
Notary Public

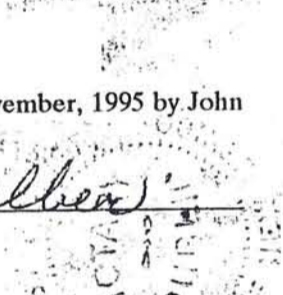


STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF CHAVES )

The foregoing instrument was acknowledged before me this 16th day of November, 1995 by John H. Burson Attorney-in-Fact for Rocky Lane Burson.

My commission expires: 2-4-99

*Patsy Felber*  
Notary Public

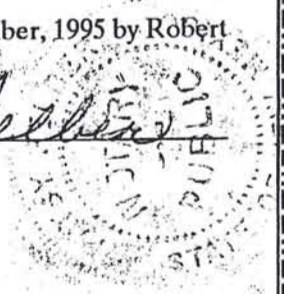


STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF CHAVES )

The foregoing instrument was acknowledged before me this 16th day of November, 1995 by Robert C. Burson and his wife, Cheri K. Burson.

My commission expires: 2-4-99

*Patsy Felber*  
Notary Public



After recording, return to:  
Eric J. Coll  
Sanders, Bruin, Coll & Worley, P.A.  
PO Box 550, Roswell NM 88202

FILED FOR RECORD this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 1995, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

RECORDED \_\_\_\_\_ A.D. 1995, in the Chaves County Records in Book \_\_\_\_\_, on Page \_\_\_\_\_.

\_\_\_\_\_ County Clerk

By: \_\_\_\_\_ Deputy

**EXHIBIT "A"**

**TRACT ONE:**

A certain tract of land situated within and being a portion of Lots 3, 4, 5 and 6 in Block 22 of Berrendo Irrigated Farms Subdivision and being more particularly described as follows:

Beginning at a point from which the Northwest corner of Section 22, Township 10 South, Range 24 East, New Mexico Principal Meridian bears N. 80° 44' 19" W. a distance of 888.43 feet; thence S. 87° 07' 51" E. along the south right-of-way line of Berrendo Road a distance of 443.11 feet; thence S. 01° 58' 58" W. a distance of 224.68 feet; thence S. 75° 17' 32" E. a distance of 972.71 feet; thence S. 87° 07' 34" E. a distance of 20.50 feet; thence S. 00° 00' 00" W. a distance of 1513.69 feet; thence S. 89° 50' 49" W. a distance of 989.82 feet; thence N. 00° 34' 19" E. a distance of 317.63 feet; thence S. 89° 53' 36" W. a distance of 424.39 feet; thence N. 00° 33' 31" E. a distance of 47.51 feet; thence N. 89° 50' 49" E. a distance of 29.71 feet; thence N. 00° 25' 00" E. a distance of 641.78 feet; thence S. 89° 38' 00" W. a distance of 27.45 feet; thence N. 00° 26' 00" E. a distance of 1005.08 feet to the point and place of beginning and containing 52.982 acres, more or less.

**TRACT TWO:**

A certain tract of land situated within and being a portion of Lots 2, 3, 6 and 7 in Block 22 of Berrendo Irrigated Farms Subdivision and being more particularly described as follows:

Beginning at a point from which the Northwest corner of Section 22, Township 10 South, Range 24 East, New Mexico Principal Meridian bears N. 74° 19' 41" W. a distance of 2360.69 feet; thence S. 87° 07' 34" E. a distance of 1019.01 feet; thence S. 00° 08' 41" W. a distance of 402.70 feet; thence S. 02° 17' 49" E. a distance of 1057.92 feet; thence S. 89° 50' 49" W. a distance of 1059.12 feet; thence N. 00° 00' 00" E. a distance of 1513.69 feet to the point and place of beginning and containing 35.223 acres, more or less.

State of New Mexico, } SS County of Chaves }		
FILED FOR RECORD		
AT 4:44	NOV 17 1995	P M
and recorded in book <u>248</u> page <u>201</u>		
Rhoda Goodloe		County Clerk
<i>Joelle News</i>		Deputy



#137241 Fee: \$12.00  
 Burson Land & Livestock  
 2100 E. Berrendo Rd.  
 Roswell, NM 88201