

EASEMENT

THIS AGREEMENT, made and entered into this 5th day of August, 1986, by and between EMMY G. BIRKENFELD, as trustee of the WILHELM BIRKENFELD TRUST, herein called "Birkenfeld," and STATE OF WASHINGTON, acting by and through the Department of Natural Resources, herein called "State," WITNESSETH:

I

- A. Birkenfeld for and in consideration of the grant hereinafter made by State, hereby grants and conveys to State, its successors and assigns, a permanent easement upon, over, and along rights of way sixty (60) feet in width, over and across Government Lot 9, Section 1, Township 3 North, Range 7 1/2 East, W.M., in Skamania County, Washington, being thirty (30) feet on each side of the centerline of a road located approximately as shown in red on the attached "Exhibit A."

Subject as to said lands to all matters of public record.

- B. State, for and in consideration of the grant hereinabove made, hereby grants and conveys to Birkenfeld, its successors and assigns, a permanent easement upon, over, and along rights of way sixty (60) feet in width over and across Government Lot 10, Section 1, Township 3 North, Range 7 1/2 East, W.M., in Skamania County, Washington, being thirty (30) feet on each side of the centerline of a road located approximately as shown in green on the attached "Exhibit A."

Subject as to said lands to all matters of public record.

II

The parties hereto hereby agree that the rights hereinabove granted by one party hereto to the other shall be subject to the following terms and conditions:

1. The easements are conveyed for the purpose of construction, reconstruction, use and maintenance of a road or roads for the purpose of hauling forest products and other valuable materials from lands now owned or hereafter acquired by the parties hereto, and to provide access to said lands for land management and administrative activities.

Provided, however, thirty (30) days prior to any construction, reconstruction and/or betterment of said roads by either party on lands of the other party, the initiating party will submit to the land owning party a written request for joint review of the proposed project, upon completion of which the initiating party will submit a complete and detailed plan of operations. Each party's operations, specified herein shall be conducted in accordance with the provisions of the approved plan of operations. Said parties shall provide the other party the right of examination of the right of way before any construction, reconstruction, or development is commenced.

2. Each party hereto reserves for itself, its successors and assigns, the right at all times for any purpose, to cross and recross at any place on grade or otherwise on its own lands, and to use said rights of way in a manner that will not unreasonably interfere with the rights granted herein.
3. Each party hereto may grant to third parties, upon such terms as it chooses, on its own lands, any or all of the rights reserved by it herein; provided, that use by such party shall be subject to the terms and conditions of this agreement and shall not unreasonably interfere with the rights granted to the other party herein.
4. Each party hereto may permit its respective agents, contractors, licensees, lessees, purchasers of timber or other valuable materials, and their agents, hereinafter individually referred to as "Permittee" and collectively referred to as "Permittees," to exercise the rights granted to it herein.
5. The cost of road maintenance and resurfacing shall be allocated on the basis of respective uses of said roads. When any party uses a road, that party shall perform or cause to be performed, or contribute or cause to be contributed, that share of maintenance and resurfacing occasioned by such use.
6. Each party hereto reserves to itself all timber now on or hereafter growing within the rights of way on its said lands.

Registered S
 Indexed, S
 Abstracted S
 Filed S
 in filed

IN WITNESS WHEREOF, the parties hereto have executed this instrument, in duplicate, to become effective as of the day and year first above written.

WILHELM BIRKENFELD TRUST

Emmy G. Birkenfeld
EMMY G. BIRKENFELD, Trustee



STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Roy E. Friis
ROY E. FRIIS, Manager
Timber Sales Division

Affix Seal of Commissioner
of Public Lands

Easement No. 2161
App. No. 45769
4005(5)43

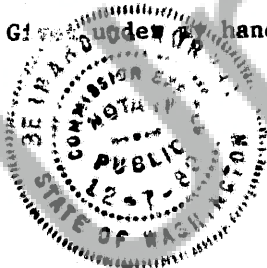
FILED FOR RECORD
SKAGHANIA CO. WASH
BY STATE OF WASH.

AUG 11 2 08 PM '86
D. News, Rep.
AUDITOR
GARY M. OLSON

STATE OF WASHINGTON)
County of) ss

I, the undersigned, a notary public in and for the State of Washington, hereby certify that on this 29th day of July, 1986, personally appeared before me EMMY G. BIRKENFELD, as trustee of the Wilhelm Birkenfeld Trust, to me known to be the individual described in, and who executed the foregoing instrument and acknowledged to me that she signed and sealed the same as her free and voluntary act and deed in the capacity and for the uses and purposes therein mentioned.

Given under my hand and official seal the day and year last above written.

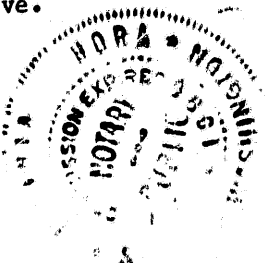


Barbara O. Mangelus
Notary Public in and for the State of
Washington, residing at White Salmon

STATE OF WASHINGTON)
COUNTY OF THURSTON) ss

On this 5th day of August, 1986, before me personally appeared ROY E. FRIIS, to me known to be the Timber Sales Division Manager of the Department of Natural Resources, State of Washington, who executed the within and foregoing instrument on behalf of the State of Washington, and acknowledged said instrument to be the free and voluntary act and deed of the State of Washington for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the official seal of the Commissioner of Public Lands for the State of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year set forth above.



Virginia Hara
Notary Public in and for the State of
Washington, residing at Olympia

RIGHT OF WAY PLAT

CG-2300
CG-2301

ROAD

SEC. 1 T. 3 N. R. 7½ E. W.M.

SKAMANIA COUNTY, WASH.

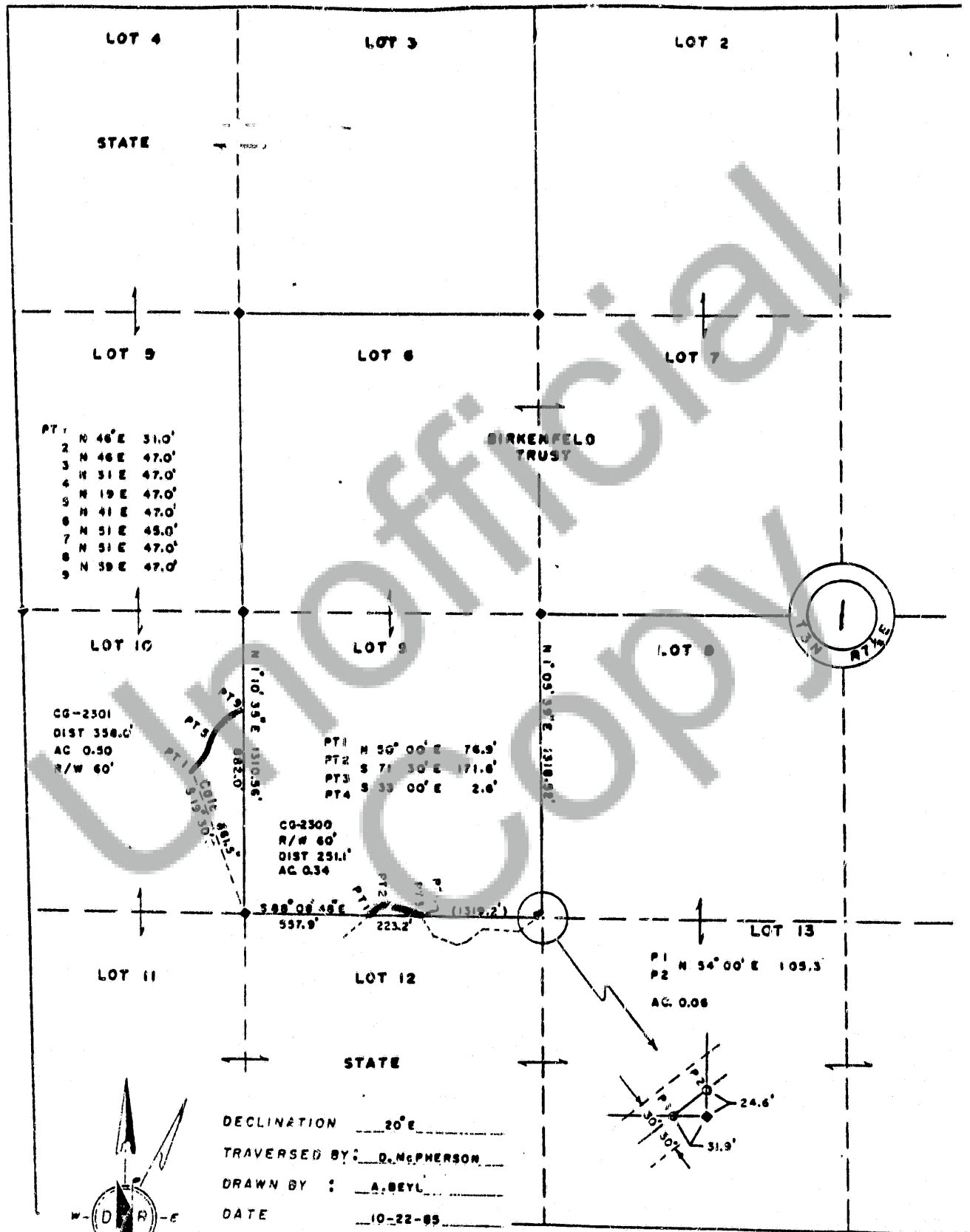


EXHIBIT 'A'