

FILED

MAR 7 1955

SKAMANIA COUNTY WASH.

CLERK

DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR SKAMANIA COUNTY.

MAE S. WEDRICK,

Plaintiff,

vs.

F. W. BIRKENFELD and  
JANE DOE BIRKENFELD,  
husband and wife,

Defendants.

No. 3568-C

STIPULATION.

This matter having come on for trial in the superior court of the state of Washington for Skamania county at Stevenson, on March 7, 1955, before the Honorable J. R. Callahan, judge of the superior court.

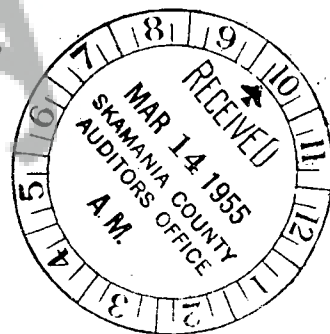
The plaintiff appeared in person and with her attorney, Edward P. Reed of White Salmon, Washington.

The defendants appeared in person and with their attorney, Robert W. Garver, Camas, Washington.

MR. GARVER: May it please the Court, this is the case of Wedrick versus Birkenfeld, set for this morning. We have worked out a settlement of this matter and wish to settle the case on the basis of a stipulation which we wish to dictate into the record.

#### STIPULATION

It is stipulated and agreed by and between the plaintiff, Mae S. Wedrick, acting by and through her attorney of record, Edward P. Reed, and the defendants, F. W. Birkendfeld and Louise Berkenfeld, husband and wife, acting by and through their attorney, Robert W. Garver, that the plaintiff is the owner of certain real property located in Skamania county,



state of Washington, as specifically described in Plaintiff's first amended complaint; that the defendants, Birkenfeld and wife, are the owners of the following described real property situated in Skamania County, state of Washington, to wit:

Commencing at a point 10 chains east and 1320 feet north of the intersection of the west boundary line of the Joseph Robbins Donation Land Claim with the south boundary of Section 27, Township 3 North, Range 8, East Willamette Meridian, thence running east 264.0 feet; thence south 429 feet; thence west 264 feet; thence north 429 feet to the place of beginning; and also commencing at a point 660 feet east and 1320 feet north of the intersection of the west boundary line of the Joseph Robbins Donation Land Claim with the south boundary of Section 27, Township 3 North, Range 8, East Willamette Meridian; thence running east 660 feet; thence north 330 feet; thence west 660 feet; thence south 330 feet, to the place of beginning; all of Section 27, Township 3 North, Range 8, East Willamette Meridian;

That the plaintiff at the present time has constructed upon the property of the defendants a dam in an unnamed creek that flows in a generally southwesterly direction across the property of the defendants; and that as a portion of this dam, has installed a pipe and a ram, and from this ram a pipe that runs over and across the lands of the defendants to the land of the plaintiff; that in addition the defendants have placed in this dam a one-inch pipe which carries water to the lands of the defendants; that the parties have each filed upon and have each been issued the water right to 0.03 cubic feet per second of the water of said unnamed creek and that it appears from the records that the water right of the plaintiff is prior in time to the water right of the defendants.

It is hereby now agreed and understood by and between the parties hereto, and the defendants specifically hereby give and grant to the plaintiff an easement approximately four feet in width from the dam and diversion point and ram and approximately 300 feet in length over and across their land, going in a generally southeasterly direction for the purpose of maintaining said dam and head works, a ram and pipe line, and the plaintiff hereby agrees to pay to the defendants the sum of \$5.00 per year for this easement and her right of way; that it is further stipulated and agreed that the plaintiff shall keep out the rocks and boulders and debris from behind the dam so that the water will be readily accessible to the pipes

sion point is now maintained to comply with the needs of both plaintiff and defendants it may be maintained there at the present location.

That this action shall be dismissed and that the defendants shall be awarded their statutory costs including the witness fee of Mr. Perkins who was subpoenaed by the defendants to appear here today.

MR. BIRKENFELD: Yes.

MRS. BIRKENFELD: Yes.

MR. GARVER: Mrs. Wedrick, you have heard this stipulation. Are you agreeable to it?

MRS. WEDRICK: Right.

**THE COURT:** You may have your order on the basis of the stipulation.

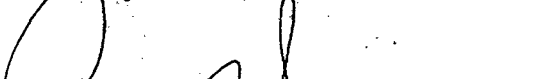
State of Washington, )  
County of Skamania. ) ss.

Maie S. Ildredick  
Frank Ann Birkenfeld  
Louise Birkenfeld

On this day before me, a notary public, personally appeared Mae S. Wedrick, a widow, and F. W. Birkenfeld and Louise Birkenfeld, husband and wife, known to me to be the identical persons who filed and executed the above and foregoing instrument, and who acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

In Witness Whereof I have hereto set my hand and seal this 7th day of March, 1955.

to set my hand and seal this 7th

  
Robert J. Salomon

Notary Public for Washington,  
Residing in Stevenson.