

53358

Tract No. BC-R-AR-3, Par. 4

DEPARTMENT OF NATURAL RESOURCES
Office of Commissioner

In re Amendment to Order of August
9, 1954 Granting Right of Way for
Access Road to UNITED STATES OF
AMERICA, Department of the Interior,
Acting by and through the Bonneville
Power Administrator, under Applica-
tion No. F-3152

ORDER
AND
CERTIFICATE OF GRANT
OF
RIGHT OF WAY

January 7, 1958

It appearing to the Commissioner at this time that under and pursuant to Application No. F-3152, the State Forest Board by Order dated August 9, 1954 granted to the United States of America, Department of the Interior acting by and through the Bonneville Power Administrator (16 U.S. Code 832 et seq.), an easement for right of way for the construction and maintenance of a private road of access to its electric transmission lines through, over and across State Forest Board Lands hereinafter described; and

It further appearing that the applicant is constructing or proposing to construct, or has heretofore constructed, through, over and across the land a private access road to its electric transmission lines for their maintenance and repair and that there is no merchantable timber on the land within the right of way; and

It further appearing that the applicant has returned said Order to this office with the request that it be amended to include a revised paragraph concerning fire protection; and the Commissioner being fully advised in accordance with Section 7797-85, Remington's Revised Statutes of Washington, it is therefore

ORDERED and DETERMINED that the State Forest Board Order of August 9, 1954, be amended to read as follows:

ORDERED and DETERMINED: (1) that the appraised value of the State Forest Board land within the right of way be and the same is hereby fixed at \$25.00 (TWENTY-FIVE AND NO/100 DOLLARS); (2) that said sum, together with the statutory fee, has been paid; (3) that the United States of America has obtained the right, power, privilege and authority to construct and maintain an access road to its electric transmission line through, over and across the land hereinafter described, together with the right to cut and remove all standing timber on the land within said right of way by complying with Section 7797-85 Remington's Revised Statutes of Washington; (4) that the land within the right of way applied

for is described as follows:

That portion of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 3 North, Range 9 East, W.M., included within the limits of a strip of land 14 feet in width and having 7 feet of such width on each side of the following described center line;

Commencing at the east quarter section corner of said Section 20 and running thence North 327.9 feet along the east line thereof, thence S 00° 29' 00" W 3152.1 feet and S 86° 49' 50" W 138.4 feet to the true point of beginning of this description, thence N 55° 23' E 158 feet and N 24° 59' E 170 feet, more or less, to a point on the east-west centerline of said Section 20 which is S 89° 11' 50" E 2290 feet, more or less, from the west quarter section corner thereof, with an area of 0.11 acre as shown on the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

SUBJECT, however, to an easement for right of way for an electric power transmission line granted to Bonneville Power Administration June 22, 1943 under Application No. P-97.

SUBJECT, however, to an easement for right of way for an electric power transmission line granted to Bonneville Power Administration May 22, 1957 under Application No. P-3065.

Note: The above described right of way has an area of 0.01 acre lying outside of the right of way previously granted to Bonneville Power Administration.

(5) that the State of Washington reserves unto itself, its employees, agents and assigns, the right of ingress and egress across, upon and along said right of way and road in connection with the use of adjoining land in a manner that will not interfere with its use by the United States of America, its employees and agents; and should the United States of America ever abandon the use of said right of way for the purposes for which it was granted, said right of way shall revert to the State of Washington or its grantees; (6) Subject, however, to the following conditions: That the grantee of the easement rights herein agree that its contractors and their assigns shall be responsible for the existence of any fire hazards on said right of way created wholly or in part by inflammable debris created by their logging or other forest operations, land clearing or right of way clearing, and which by reason thereof is likely to cause or to further the spread of fire; and that until a certificate of clearance has been obtained from the State of Washington its contractors and/or their assigns shall be responsible for any expenses of fire fighting made necessary by reason of such hazard or the spread of fire therefrom in accordance with RCW 76.04.370. The grantee agrees to hold its contractors and/or their assigns responsible for any fire fighting costs from any fire started by their employees, machines or debris-burning fires that may occur on or adjacent to the right of way. All fire fighting costs made necessary by the aforementioned reasons

APPROVED 1-13-58
Alice M. Hansen
Law Clerk

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shall be paid promptly by the grantee's contractors and/or their assigns upon demand and the grantee agrees to include in any contract involving the lands included in this contract the above provisions relating to costs and expenses in connection with fire fighting.

Dated this 1st day of January, A. D., 1953.

Bert L. Cole
Bert L. Cole, Commissioner

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P-3152

