

STATE OF WASHINGTON  
Department of Natural Resources

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In re: Application No. 2374 by  
UNITED STATES OF AMERICA, Gifford  
Pinchot National Forest for Right  
of Way for Road in Skamania County  
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## O R D E R

September 3, 1958

It appearing to the Commissioner of Public Lands at this time that Application No. 2374 was filed in this office by the United States of America, Gifford Pinchot National Forest, for a right of way for a road over the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, Township 7 North, Range 5 East, W. M., in Skamania County; that said application was filed in accordance with the provisions of Chapter 145, Session Laws of 1945, providing for the granting of rights of way to the United States Government over state lands; and

It further appearing that a right of way 66 feet in width is desired; that there are no improvements on the right of way; that damages to the timber by reason of the granting of this right of way do not exceed the sum of \$50.00; that no good reason exists why this right of way should not be granted; and the Commissioner being fully advised, it is therefore

ORDERED and DETERMINED that the plat showing the survey of said right of way as filed with said Application No. 2374 be and the same is hereby approved as the official plat of said road; that damages by reason of the granting of said easement be and the same are hereby appraised at \$50.00; that said amount has been paid, and that an easement be and the same is hereby granted to the United States of America for a road over the following described lands:

That portion of the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, Township 7 North, Range 5 East, W.M., included within the limits of a strip of land 66 feet in width and having 33 feet of such width on each side of the following described centerline:

Beginning at a point on the centerline of easement for a right of way for a road granted to the United States of America, Gifford Pinchot National Forest by Commissioner's Order of November 19, 1956 under Application No. 2209, said point being South 1119.7 feet from a point on the east - west centerline of said Section 4, which is East 212.9 feet from the west quarter section corner thereof and running thence N 85° 41' W 57.1 feet, thence on the arc of a curve to the right, having a radius of 100 feet, a distance of 113.0 feet and thence N 20° 56' W 187.8 feet to a point on the west line of said Section 4, which is S 0° 13' E 876.1 feet from said west quarter section corner and having an area of 0.34 acre as shown on the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

and it is further

ORDERED and DETERMINED that Clauses 1 through 12, inclusive, on the attached copy of "General Requirements, Right of Way," are hereby made a part of this order.

Dated this 3rd day of September, A. D., 1958.

## GENERAL REQUIREMENTS

## RIGHT OF WAY

1. ASSIGNMENT

1. The Grantee shall not assign rights granted under the right-of-way easement without the written consent of the Commissioner of Public Lands.

2. SOIL EROSION

1. The Grantee shall refrain from operation of equipment when ground condition is such that excessive damage will result. To avoid such damage the state may suspend operations in whole, or in part, for such periods as are necessary.

3. SLASH DISPOSAL

1. The Grantee shall dispose of slash as required by the District Administrator and comply with all applicable provisions of RCW 76.

4. DAMAGE

1. The Grantee, in clearing the right-of-way, shall take reasonable precautions to protect adjacent state timber and reproduction. Damage to trees and/or reproduction, not included in the original grant, shall be appraised by the state. The Grantee shall be billed for these damages at the appraised rate, except double or triple damages may be charged in the event damage results from negligible acts of the Grantee.

5. PRESERVATION OF SURVEYS

1. Any legal land subdivision survey corners and witness objects are to be preserved. If such are destroyed or disturbed the Grantee shall reestablish same in accordance with U. S. General Land Office standards at his own expense. Those corners that must necessarily be disturbed or destroyed in process of construction must be adequately referenced prior to removal of the corner and/or witness object.

6. ROAD MAINTENANCE SPECIFICATIONS

- 6-1. The Grantee shall currently remove slides, fallen timber and other obstructions, over-hanging brush or brush obstructing road site distances.
- 6-2. Grantee shall keep drainage channels and culverts clear of debris and functioning as designed, repair fills and sunken grades as needed, repair and replace culverts, or bridges damaged by the Grantee's operations.
- 6-3. Blade and shape sufficient shoulders to maintain the original cross section and provide suitable riding surface.
- 6-4. Remove berm to facilitate drainage.
- 6-5. If gravel or other selected surfacing is fouled by dragging earth from sides or other sources across road and on to the surface portion of the road that portion so affected shall be resurfaced at once.

## 6. ROAD MAINTENANCE SPECIFICATIONS - Continued

- 6-6. Blading must not undercut banks, nor shall gravel or other selected surfacing materials be graded off the surface.
- 6-7. All turnouts must be bladed full width.

## 7. OTHER

- 7-1. Repair or replace all telephone lines or road structures damaged by operation.
  - 7-2. Material from slides or other sources requiring removal from the road shall not be deposited in streams or at locations where it will wash into streams and cause silting of streams or reservoirs.
  - 7-3. During dry weather the road shall be sprinkled to avoid excessive dusting and loss of surfacing and to help preserve satisfactory surface riding qualities if the District Administrator so requests.
  - 7-4. On seasonal operations, maintenance work will be done at the end of the operating season to minimize damage from the elements during a non-operating period, such as final blading to remove ruts and other irregularities that would prevent normal road surface runoff, and a final clearing of drainage ditches and culverts if necessary to insure satisfactory functioning of the road drainage.
8. THE GRANTEE shall post and maintain signs, required by the District Administrator, to notify the public of special considerations pertaining to the use of the road.
9. USE OF GRAVEL from the road right-of-way, or adjoining state land, shall be done in a manner and under conditions prescribed by the District Administrator.
- 10. Upon failure of the Grantee, his agents, employees, contractors or employees of contractors to comply with any of the requirements of this easement, the District Administrator may suspend operations until conditions of the easement have been satisfactorily fulfilled.
  - 11. When logs are lost from trucks on the roads they shall be removed within twenty-four hours from the entire useable width of the road at the point lost. The Grantee is required to recover all such logs at the close of the operating season but in no event later than November 1st.
  - 12. The state shall have the right to use all roads on state lands constructed and/or reconstructed by the Grantee under this easement for any and all purposes deemed necessary or desirable in connection with the control, management, harvest and administration of state owned lands or the resources thereof and the state may extend such rights and privileges to others, provided such use by others shall be controlled so it will not, in the opinion of the Commissioner of Public Lands interfere unduly with the use of the road by the Grantee. This use shall be contingent upon performance by others of maintenance based on a fair share of their use, or payment to the Grantee of a fair share of the cost to be agreed upon by the parties concerned, subject however to final determination by the State if the parties disagree.