

N 827

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

In re: Application No. 2374
by the United States of America,
Gifford Pinchot National Forest

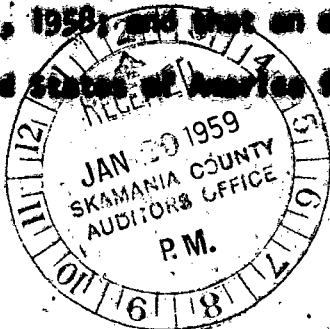
ORDER AND CERTIFICATE
OF GRANT
December 8, 1958

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 road over the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of 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 under and pursuant to said application No. 2374 that Commissioner's Order of September 3, 1958 was issued granting an easement for right of way for road over the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4, Township 7 North, Range 5 East, W.M., and that certain requirements and conditions contained in said Commissioner's Order of September 3, 1958 need to be amended; and the Commissioner being fully advised, it is therefore

ORDERED and DETERMINED that Commissioner's Order of September 3, 1958 granting an easement for right of way for road to the United States of America over the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4, Township 7 North, Range 5 East, W.M., in Skamania County be and the same is hereby cancelled; and it is further

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 granting said easement be and the same are hereby appraised at \$50.00; that said amount was paid prior to the issuance of said Commissioner's Order of September 3, 1958; 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 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 center line of easement for a right of way for a road granted to the United States of America, Clifton 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 30° 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 0.54 acres as shown on the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

Subject to the following terms and conditions:

1. **Termination:**

The rights, privileges and authorities herein granted shall continue for as long as used for the purposes granted but if the United States shall cease for a period of two years to use the rights, privileges and authorities for the purposes granted or shall abandon the use of the easement herein granted, then the State may terminate this easement and all rights hereunder shall revert to the State of Washington.

2. **Damage:**

The grantee shall require, as a condition of each agreement with any of its contractors involved in clearing of said right of way or the use of said road, that said contractors take all reasonable precautions to protect adjacent state land, timber and reproduction. Damage to trees and/or reproduction, not included in the original grant, shall be appraised by the state. Said contractor or contractors shall be billed for these damages at the appraised rate, except double or triple damages may be charged in the event damage results from negligent acts of said contractors.

3. **Reservations:**

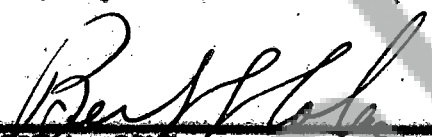
The State of Washington reserves to itself the right to use, maintain, patrol, reconstruct and repair said roadway for any and all purposes deemed necessary or desirable in connection with the control, management, harvest and administration of state owned lands or the resources thereof, in such manner as will not unreasonably interfere with the use of said road by the grantee or its authorized users or cause substantial injury thereto; Provided, that during periods when the State of Washington or its assigns uses said road, it will perform its share of road maintenance on the portion so used or shall contribute to the cost of said maintenance, so that its proportionate share of the cost of maintaining the road to the extent necessary to restore the road to the condition existing at the start of the use will be paid or performed.

The rights, privileges and authorities herein granted are for full use and enjoyment of the United States for any and all purposes deemed necessary or desirable in connection with the control, management and administration of the national forest or the resources thereof and, insofar as compatible therewith, the United States 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 Regional Forester, interfere unduly with use of the road by the State of Washington.

-3-

This Commissioner's Order is for the purpose of amending certain requirements and conditions contained in Commissioner's Order of September 3, 1958, issued under Application No. 2374, and recorded on page 231, Book 45, deed records of Shasta County. This order is issued in lieu of and supercedes said order of September 3, 1958.

Dated this 8th day of December, A. D., 1958.


BERT L. COLE
Commissioner of Public Lands

for
App. No. 2374

Order Book
Jacket
Applicant
D. A.

Unofficial Copy