

STATE OF WASHINGTON

DEPARTMENT OF NATURAL RESOURCES

 In re: Application No. 2368 by
 UNITED STATES OF AMERICA, Gifford
 Pinchot National Forest for Right
 of Way for Road in Skamania County

ORDER
 AND
 CERTIFICATE OF GRANT
 OF
 RIGHT OF WAY

November 3, 1960

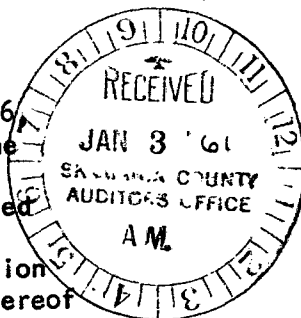
It appearing to the Commissioner of Public Lands at this time that Application No. 2368 was filed in this office by the United States of America, Gifford Pinchot National Forest, for a right of way for a road over the $N\frac{1}{2}$ $NW\frac{1}{4}$ and $NW\frac{1}{4}$ $NE\frac{1}{4}$, Section 36, Township 7 North, Range 6 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 but there is merchantable timber 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 \$11,289.50; 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. 2368 be and the same is hereby approved as the official plat of said road; that damages to the timber by reason of the granting of said easement be and the same are hereby appraised at \$11,289.50; that the 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 land:

Those portions of the $N\frac{1}{2}$ $NW\frac{1}{4}$ and $NW\frac{1}{4}$ $NE\frac{1}{4}$, Section 36, Township 7 North, Range 6 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 north line of said Section 36 which is East 361.5 feet from the northwest corner thereof and running thence on a 14° curve to the left 490.8 feet, the tangent to said curve at said point bears $S 36^\circ 03' E$ thence $N 75^\circ 14' E$ 269 feet, thence on a 14° curve to the right 56.5 feet, thence $N 83^\circ 09' E$ 271 feet, thence on a 20° curve to the right 136.0 feet, thence $S 69^\circ 38' E$ 161.7 feet, thence on a 20° curve to the left 172.5 feet, thence $N 75^\circ 51' E$ 358.3 feet, thence on a 22° curve to the right 294.2 feet, thence $S 39^\circ 25' E$ 31.9 feet, thence on a 20° curve to the left 382.1 feet and thence $N 64^\circ 08' E$ 514.8 feet to a point on the north line of said Section 36 which is East 3,277.9



feet from the northwest corner thereof and having an area of 4.70 acres as shown on the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

Subject, however, to any rights to be granted the Pacific Power and Light Company under pending Application No. 24815 for a right to overflow filed December 5, 1956.

Subject, however, to the following provisions:

1. TERMINATION

1-1 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. DANGER TREES

2-1 Occasional trees that are necessary to be cut in clearing for cuts and fills, but are located outside of the marked limits of said right of way, may be removed upon obtaining the written consent of the Commissioner of Public Lands, and payment in advance of falling of the appraised value thereof. Said trees must be removed via the right of way herein ordered.

3. RESERVATIONS

3-1 The State of Washington, by virtue of sharing construction costs in said road and/or entering into a share-cost agreement with the Forest Service, 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.

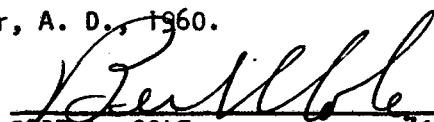
3-2 The rights, privileges and authorities herein granted are for full use and enjoyment of the grantee for any and all purposes deemed necessary or desirable in connection with the control, management and administration of the national forests or the resources thereof, and insofar as compatible therewith, the grantee 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

3-3 The State shall have the right to cross and recross the right of way herein granted without charge 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 crossing by others shall be controlled so it will not, in the opinion of the regional forester, interfere unduly with the use of said right of way by the grantee.

Dated this 3rd day of November, A. D., 1960.

edg
App. No. 2368

RCC


BERT L. COLE
Commissioner of Public Lands