

PLO:55
Nov, 1962

T.&M. 5100

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
710 N. E. Holladay
Portland, Oregon 97232

100.7s
Washington 05715
(75.0)

DECISION

MAR 29 1965

Applicant: Northern Pacific Railway

Serial No. Washington 05715

Company

Name of Project: West Fork Smith

Rights-of-Way in Nature of
Permanent Non-Exclusive
Easements.

Creek N 92 G- IP 160

Gifford Pinchot National Forest

Land Traversed: Described in Schedule 1
attached hereto and made
a part hereof.

Type: Roads

Map filed March 3, 1965. A
copy of said map is attached
hereto and made a part hereof.

Act of March 3, 1899 (30 Stat.
1233; 16 U.S.C. 525)

Expiration date: Abandonment, nonuse or
failure to construct.

Regulations: 43 CFR, Subparts A
and F of Part 244, Except Sections
244.9 and 244.16.

Rental: Reciprocal rights-of-way granted.

RIGHTS-OF-WAY APPROVED

The above-described application and map for the rights-of-way have been examined and found to conform to the appropriate regulations. All interested Government agencies have recommended favorable action thereon.

Pursuant to the above-cited act and regulations, the rights-of-way in the nature of permanent non-exclusive easements over National Forest lands described in Schedule 1 as shown on the map marked Schedule 2 are approved for use in the administration, protection and utilization of forest lands and the resources thereof, owned or controlled by Applicant, subject to:

1. All valid rights existing on this date.
2. Compliance with the Stipulations incorporated in the above-described application. A copy of said Stipulations marked Schedule A of Application is attached hereto and made a part hereof.
3. The following rights-of-way, leases, term permits, etc., granted by the United States:

NONE

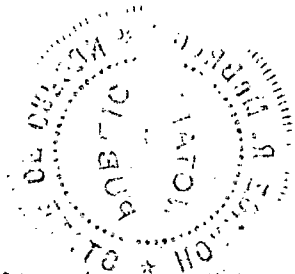
Erling A. Olson
Erling A. Olson

Assistant Manager

Lands Adjudication Branch

Distribution:

Orig. : File
Dup.Orig. : Applicant c/o Forest Service w/attach.
cc : Reg.For.
Spokane
Read



STATE OF Oregon
COUNTY OF Multnomah

I, Horace R. McQueen, a notary public in and for the said County and State, do hereby certify that on this the 29th day of March, 1965, before me personally appeared Erling A. Olson, being to me personally well known and known by me to be the Assistant Manager Lands Adjudication Branch, Bureau of Land Management, and acknowledged that the foregoing instrument bearing date of March 29, 1965, was executed by him in his official capacity and by authority in him vested by law, for the purpose and intents in said instrument described and set forth, and acknowledged the same to be his free act and deed as Assistant Manager Lands Adjudication Branch, Bureau of Land Management.

Witness by hand and seal this 29th day of March, 1965.

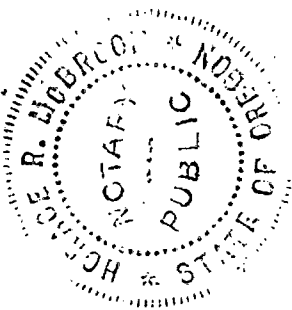
Horace R. McQueen

Notary Public for Multnomah County

(SEAL)

Residing at 15724 F. Barnside
Portland, Oregon

My Commission expires My Commission Expires Oct. 25, 1966



INTERIOR--PORTLAND, OREGON

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Application for Road Rights-of-Way
in Nature of Permanent Non-Exclusive
Easements

of March 3, 1899, 30 Stat.
1233, 16 U.S.C. 525)

District Land Office

Serial No. WASH. 05715

Rights-of-Way for Roads

Name of Project: West Fork

Smith Creek N92G - IP 160

Gifford Pinchot National Forest

1. NORTHERN PACIFIC RAILWAY COMPANY on November 30,
(Name of Individual, Partnership, or Corporation) (Date)

1964, of 1008 Smith Tower, Seattle, Washington
(Address)

~~XX~~

(АНАНА КОХ РАКОНЕХ)

~~XXXXXXXXXXXXXXXXXXXX~~ a corporation organized under the laws of the State of
Wisconsin, hereby apply for rights-of-way in the nature of perma-
nent non-exclusive easements over National Forest lands in the State of
Washington, Gifford Pinchot National Forest to be used in the
administration, protection and utilization of forest lands and the resources
thereof, owned or controlled by Applicant, pursuant to the rules and regulations
of the Department of the Interior and the Department of Agriculture hereinafter
set forth.

[illegible]

3. The road rights-of-way herein applied for are parts of the Lewis River Cooperative Area Road System, Gifford Pinchot National Forest, and traverse the National Forest lands described in Schedule 1 attached hereto and made a part hereof and are delineated on the map submitted herewith. In consideration of the approval of these rights-of-way and the payment of \$ 1.00, the Applicant has conveyed to the United States needed reciprocal rights-of-way, including roads thereon, over Applicant's lands, or owned by Applicant, for the development and use of said road system. The needed reciprocal rights-of-way, including roads thereon, conveyed by the Applicant to the United States are described in conveyance dated November 30, 1964.

4. The Applicant agrees to comply with the applicable rules and regulations of the Department of Agriculture, those applicable rules and regulations of the Department of the Interior set forth in 43 C.F.R. Subpart 2234, Sections

(PSMP-2)

5-5-6...

35-5450-1

2234.1 and 2234.2-3(a), except Sections 2234.1-3(c) and 2234.1-5(a), and with applicable Executive Orders, State and Federal laws.

5. The Applicant agrees to comply with and be bound by the Stipulations approved by the United States, acting by and through the Regional Forester, Forest Service, United States Department of Agriculture, attached hereto as Schedule A and made a part hereof.

Approved:

NORTHERN PACIFIC RAILWAY COMPANY
Applicant

E. H. Marshall
Acting Regional Forester
Forest Service
U.S. Department of Agriculture

By H. J. S. Van Vorst
Title VICE PRESIDENT

January 20, 1965
Date

Applicant: NORTHERN PACIFICSCHEDULE A OF APPLICATIONRAILWAY COMPANYName of Project: West ForkSmith Creek N92G - IP 160WASH. 05715Gifford Pinchot National ForestSTIPULATIONS

1. The road rights-of-way applied for are parts of the Lewis River Cooperative Area Road System, Gifford Pinchot National Forest, in consideration for which and the payment of \$ 1.00, the Applicant has conveyed to the United States other needed reciprocal rights-of-way over its property for the development and use of this road system. The needed rights-of-way conveyed by the Applicant to the United States are described in conveyance dated November 30, 1964.
2. The road rights-of-way shall be non-exclusive and shall not exceed 66 feet in width except for such additional widths as are necessary to protect cuts and fills.
3. The road rights-of-way are subject to all valid rights.
4. The Applicant will comply with the applicable rules and regulations of the Department of Agriculture, those applicable rules and regulations of the Department of the Interior set forth in 43 C.F.R. Subpart 2234, Sections 2234.1 and 2234.2-3(a), except Sections 2234.1-3(c) and 2234.1-5(a), and with applicable Executive Orders, State and Federal laws.
5. National Forest timber will not be cut or destroyed without first obtaining a permit from the Forest Service.
6. The Applicant will take all reasonable precautions to prevent forest fires and will not dispose of material by burning in open fires during the closed season established by law or regulations without a written permit from the Forest Service.
7. The United States shall have unrestricted use of the rights-of-way and roads thereon in connection with the administration, protection and utilization of the National Forests and the resources thereof.
8. Construction, reconstruction, improvement, resurfacing, use and maintenance of said roads shall be in accordance with the terms and conditions set forth in the right-of-way conveyance and in the Road Right-of-Way and Use Agreement between the Applicant and the United States dated July 15, 1963, and/or as it may be amended.

9. The Applicant shall have the right to charge and to enforce collection from users of said roads for construction, reconstruction, improvement, maintenance and resurfacing performed by Applicant, in accordance with the reservations, agreements, terms and conditions set forth in the right-of-way conveyance and in the Road Right-of-Way and Use Agreement between the Applicant and the United States dated July 15, 1963, and/or as it may be amended.

10. The United States and its authorized users shall have the right to cross and recross said roads at any place by any reasonable means and for any purpose deemed necessary or desirable in connection with the control, management, administration, and utilization of the National Forests and the resources thereof.

11. Except as expressly stated in the right-of-way conveyance and in these Stipulations, these roads may be opened by the United States to such public and private use as will not interfere unduly with the use by the Applicant, and subject to such restrictions as may be imposed by the Regional Forester.

12. The rights-of-way herein granted and roads constructed thereon shall not be subject to charge by the Applicant or for Applicant's use except as herein provided.

13. In the event the rights-of-way herein applied for are not granted, the rights-of-way conveyed to the United States by the conveyance mentioned in clause 1, shall be reconveyed to the Applicant under the provision of Public Law 120 (5 U.S.C. 567).

14. Any segment of the rights-of-way shall cease and determine in the event the road is not constructed, or in the event it is abandoned or shall cease to be used for a continuous period of 5 years, except when maintained in a "put to bed status," for the purpose granted.

NORTHERN PACIFIC RAILWAY COMPANY
Applicant

① E. H. Marshall
Acting Regional Forester
Forest Service
U.S. Department of Agriculture

By [Signature]
Title VICE PRESIDENT

January 20, 1965
Date

BOOK

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WASH. 05715

Gifford Pinchot National Forest
Lewis River Cooperative Area

SCHEDULE 1

The road rights-of-way herein applied for traverse the following National Forest lands:

T9N, R6E, W.M.	<u>Road Name</u>	Road <u>FS</u>	No. <u>Co.</u>
Section 30	West Fork Smith Creek	N92G	IP 160
NE $\frac{1}{4}$ SE $\frac{1}{4}$			
NW $\frac{1}{4}$ SE $\frac{1}{4}$			
SW $\frac{1}{4}$ NE $\frac{1}{4}$			
SE $\frac{1}{4}$ NW $\frac{1}{4}$			
NE $\frac{1}{4}$ SW $\frac{1}{4}$			
NW $\frac{1}{4}$ SW $\frac{1}{4}$			
SW $\frac{1}{4}$ NW $\frac{1}{4}$			

