

A true copy of the
ATTEST: EDGAR SCOTFIELD, ClerkBy Edgar Scottfield DeputyRECEIVED
JUL 10 19121 STEAN STEPHEN
UNITED STATES ATTORNEY2 ALFRED M. STEPHEN
3 Assistant United States Attorney4 1012 U. S. Court House
Seattle, Washington 98104

5 (205) 442-7770

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 192-7203

14 CIVIL NO.

15 SITUATED UPON 2.0 ACRES OF
16 LAND IN THE COUNTY OF SPOKANE,
17 STATE OF WASHINGTON;
18 JOHN F. KILBY, et al.,
19 DEFENDANTS,

20 THE DEFENDERS

21 MOTION TO DISMISS.

22 That the above-entitled action is pending in the above-entitled
23 Court.24 That the plaintiff is the United States of America;
25 that the goods of the defendant in the action, and of each and every
26 owner, possessor, or other person or party interested in the land
27 described in the caption of the action and by this motion are made a part
28 thereof, or any part thereof, so far as the same are described in
29 the caption of the action, are as follows:30 JOHN F. KILBY, a Washington corporation;
31 JOHN F. KILBY, President, and
32 JOHN F. KILBY, Secretary, both of whom
33 reside in the County of Spokane, State of Washington;
34 JOHN F. KILBY, Attorney General, State of
35 Washington.36 That the object of each action is to determine the respective
37 liabilities for the United States of America a certain amount of money and
38 for certain other sums, and to determine the said liabilities for the

Tracts: Ma-O-684R;
Ma-O-AR-149-1, Parcel 1; and
Ma-O-AR-149-2, Parcel 5

all being described in said Exhibit A.

DATED this 19th day of October, 1972.

STAN PEEKIN
United States Attorney

/s/ ALBERT E. STEPHAN

ALBERT E. STEPHAN
Assistant United States Attorney

Tracts Ha-0-684R

Ha-0-AR-149-1, Parcel 1

Ha-0-AR-149-2, Parcel 5

EXHIBIT A

EASEMENT FOR ELECTRIC TRANSMISSION LINE

A perpetual easement to construct, maintain, repair, rebuild, operate and patrol one line of electric power transmission structures with conductor and necessary appurtenances, and the further right to clear the right-of-way hereinafter described, and to keep the same clear of brush, timber, structures and fire hazards (provided, however, that the word "fire hazards" shall not include annual agricultural crops), and to dispose of such brush, timber and structures, by sale or other means, in such manner as shall not create a fire hazard, over and upon:

Tract Ha-0-684R

The right-of-way is located westerly of and adjoins the 100-foot right-of-way for the Bonneville Power Administration Stevenson Tap transmission line which is described in deed recorded October 7, 1963, at page 75 of Book 52 of Deeds, under Auditor's File No. 6269, Records of Skamania County, Washington, and easterly of a line which is westerly from and parallel with the survey line, described with reference to the Washington Coordinate System, South Zone, as follows:

Beginning in the west line of Section 10 at station 149 + 30.1, a point S. 0° 54' 30" W., 443.3 feet from the west quarter corner of Section 10. This corner is evidenced by a stake in a rock mound. Thence N. 36° 26' 00" E., 2,594.9 feet to station 175 + 29.0. Thence N. 29° 27' 50" E., 1,236.0 feet to station 187 + 63.0 in the SE 1/4 of Section 3, said township and range, at a point that is N. 72° 58' 30" W., 736.3 feet from the north quarter corner of Section 10. This corner is evidenced by an iron pipe.

Together with the rights of access over and across easement arc. ST-12 described in deed recorded at page 75 of Book 52, Deed Records of Skamania County, Washington, for access to and from easement Tract Ha-0-684R and other adjacent transmission line easements of the United States of America.

And together with:

EASEMENTS FOR ACCESS ROADS

Consisting of perpetual easements to construct, use, maintain, and improve access roads, on strips of land, variable in width, and to dispose of any brush, timber and structures as are removed therefrom, by sale or

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CONFIDENTIAL
JAN 10 1972

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

192-7203
CIVIL NO.

LIS PENDENS

Defendants:

2. That the plaintiff in such action is the United States of America; that the name of the defendants in such action, and of each and every owner, encumbrancer, or other person or party interested in the land described in Exhibit A attached hereto and by this reference made a part thereof, or any part thereof, so far as the same is ascertained from the public records, are as follows:

3. That the object of such action is to acquire by condemnation proceedings for the United States of America a perpetual easement and the right for roads over and across and upon the land designated herein as:

Tracts: Ha-O-6848;
Ha-O-AR-149-1, Parcel 2; and
Ha-O-AR-149-2, Parcel 5

all being described in said Exhibit A.

DATED this 19th day of October, 1972.

STAN PITKIN
United States Attorney

/s/ ALBERT E. STEPHAN

ALBERT E. STEPHAN
Assistant United States Attorney

Tracts Ma-O-684R

Ma-O-AR-149-1, Parcel 1

Ma-O-AR-149-2, Parcel 5

EXHIBIT A

EASEMENT FOR ELECTRIC TRANSMISSION LINE

A perpetual easement to construct, maintain, repair, rebuild, operate and patrol one line of electric power transmission structures with conductor and necessary appurtenances, and the further right to clear the right-of-way hereinafter described, and to keep the same clear of brush, timber, structures and fire hazards (provided, however, that the words "fire hazards" shall not include annual agricultural crops), and to dispose of such brush, timber and structures, by sale or other means, in such manner as shall not create a fire hazard, over and upon:

Tract Ma-O-684R

The right-of-way is located westerly of and adjoins the 100-foot right-of-way for the Bonneville Power Administration Stevenson Tap transmission line which is described in deed recorded October 7, 1963, at page 75 of Book 52 of Deeds, under Auditor's File No. 62769, Records of Skamania County, Washington, and easterly of a line which is westerly from and parallel with the survey line, described with reference to the Washington Coordinate System, South Zone, as follows:

Beginning in the west line of Section 10 at station 149 + 30.1, a point S. 0° 54' 30" W., 443.3 feet from the west quarter corner of Section 10. This corner is evidenced by a stake in a rock mound. Thence N. 36° 26' 00" E., 2,594.9 feet to station 175 + 25.0. Thence N. 29° 27' 50" E., 1,238.0 feet to station 187 + 53.0 in the SE 1/4 of Section 3, said township and range, at a point that is N. 72° 58' 30" W., 738.3 feet from the north quarter corner of Section 10. This corner is evidenced by an iron pipe.

Together with the rights of access over and across easement area ST-12 described in deed recorded at page 75 of Book 52, Deed Records of Skamania County, Washington, for access to and from easement Tract Ma-O-684R and other adjacent transmission line easements of the United States of America.

And together with:

EASEMENTS FOR ACCESS ROADS

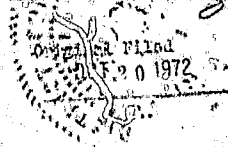
Consisting of perpetual easements to construct, use, maintain, and improve access roads, on strips of land, variable in width, and to dispose of any brush, timber and structures as are removed therefrom, by sale or

75630

BOOK 64 PAGE 826

A true copy of the original
ATTEST: EDGAR SCOFIELD, Clerk

By Edgar Scofield Deputy.



STAN MITCHELL
UNITED STATES ATTORNEY

ALBERT E. STEPHAN
Assistant United States Attorney

1012 1/2 S. Court House
Seattle, Washington 98104

(206) 442-7970

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EASTERN UPON 2.0 ACRES OF
LAND IN THE COUNTY OF SHAMANIA,
STATE OF WASHINGTON;
WILSON LAKE CLUB, et al., and
UNKNOWN OWNERS,

Defendants.

192-7203
CIVIL NO.

LIS BENDIS



NOTICE IS HEREBY GIVEN:

1. That the above-entitled action is pending in the above-entitled Court.

2. That the plaintiff in such action is the United States of America; that the names of the defendants in such action, and of each and every owner, encumbrancer, or other person or party interested in the land described in Exhibit A attached hereto and by this reference made a part thereof, or any part thereof, so far as the same is ascertained from the public records, are as follows:

Wilson Lake Club, a Washington corporation,
John E. Foley, President, and
David C. Hutchison, Registered Agent;
Shamania County, a political subdivision of the
State of Washington;
State of Washington, Attorney General, Olympia,
Washington.

3. That the object of such action is to acquire by condemnation proceedings for the United States of America a permanent right and easement for access roads over, across and upon the land described herein as:

1 Tracks: Ha-O-684R;
2 Ha-O-AR-149-1, Parcel 1; and
3 Ha-O-AR-149-2, Parcel 5.

4 all being described in said Exhibit A.

5 DATED this 19th day of October, 1972.

6 STAN PINKIN
7 United States Attorney

8 /s/ ALBERT E. STEPHAN

9 ALBERT E. STEPHAN
10 Assistant United States Attorney

Tracts Ha-O-684R
 Ha-O-AR-149-1, Parcel 1
 Ha-O-AR-149-2, Parcel 5

EXHIBIT A

EASEMENT FOR ELECTRIC TRANSMISSION LINE

A perpetual easement to construct, maintain, repair, rebuild, operate and patrol one line of electric power transmission structures with conductor and necessary appurtenances, and the further right to clear the right-of-way hereinafter described, and to keep the same clear of brush, timber, structures and fire hazards (provided, however, that the words "fire hazards" shall not include annual agricultural crops), and to dispose of such brush, timber and structures, by sale or other means, in such manner as shall not create a fire hazard, over and upon:

Tract Ha-O-684R

The right-of-way is located westerly of and adjoining the 100-foot right-of-way for the Bonneville Power Administration Stevenson Tap transmission line which is described in deed recorded October 7, 1963, at page 75 of Book 52 of Deeds, under Auditor's File No. 62269, Records of Skamania County, Washington, and easterly of a line which is westerly from and parallel with the survey line, described with reference to the Washington

Coordinate System, South Zone, as follows:

Beginning in the west line of Section 10 at station 149 + 30.1, a point S. 0° 54' 30" W., 443.3 feet from the west quarter corner of Section 10. This corner is evidenced by a stake in a rock mound. Thence N. 36° 26' 00" E., 2,594.9 feet to station 175 + 25.0. Thence N. 29° 27' 50" E., 1,238.0 feet to station 187 + 63.0 in the SE 1/4 of Section 3, said township and range, at a point that is N. 72° 58' 30" W., 738.5 feet from the north quarter corner of Section 10. This corner is evidenced by an iron pipe.

Together with the rights of access over and across easement area ST-12 described in deed recorded at page 75 of Book 52, Deed Records of Skamania County, Washington, for access to and from easement Tract Ha-O-684R and other adjacent transmission line easements of the United States of America.

And together with:

EASEMENTS FOR ACCESS ROADS

Consisting of perpetual easements to construct, use, maintain, and improve access roads, on strips of land, variable in width, and to dispose of any brush, timber and structures as are removed therefrom, by sale or

1 other means, but without creating a fire hazard, over and across the
 2 following-described property in Skamania County, Washington:

3 Tract Ha-O-AR-149-1, Parcel 1

4 A right-of-way 20 feet wide over and across the $\frac{N}{2}$ $\frac{N}{2}$ $\frac{SW}{4}$ $\frac{NE}{4}$ $\frac{NW}{4}$ of
 5 Section 10, Township 2 North, Range 7 East, Willamette Meridian, Skamania
 6 County, Washington. Said right-of-way runs along an existing road as shown
 7 approximately as colored in brown on Map No. 150449 of Exhibit B to the
 8 Declaration of Taking.

9 Tract Ha-O-AR-149-2, Parcel 5

10 A right-of-way 20 feet wide over and across the $\frac{NE}{4}$ $\frac{SW}{4}$ $\frac{NW}{4}$ of Sec-
 11 tion 10, Township 2 North, Range 7 East, Willamette Meridian, Skamania
 12 County, Washington. Said right-of-way runs along an existing road as
 13 shown approximately as colored in brown on Map No. 150449 of Exhibit B
 14 to the Declaration of Taking.

15 All being subject to:

- 16 (1) The rights of the public in and to all public roads;
- 17 (2) The continued use and maintenance of pipes and conduits, irri-
 18 gation and drainage lines, ditches and canals, and public utility lines;
- 19 (3) The exercise of existing easements and licenses;
- 20 (4) The exercise of existing mineral rights; and
- 21 (5) The rights of the owners to make all uses of said right-of-way
 22 areas not inconsistent with use by the United States for electric trans-
 23 mission line purposes, together with the right to additional compensation,
 24 not included in the just compensation determined hereunder, for any damage
 25 to drainage tile, fences, or agricultural crops on said rights-of-way
 26 that occurs as a result of and during construction, operation and main-
 27 tenance of said electric transmission line and access rights.

Owner:

Wauna Lake Club,
c/o John P. Foley, President,
809 N. E. 25th Street,
Portland, Oregon 97232.

Area/Length:

Tract Ha-O-684R 2.0 acres.

Tracts Ha-O-AR-149-1,
Parcel 1 125 feet.

Ha-O-AR-149-2,
Parcel 5 250 feet.

Estimated Compensation: \$157.00.