

so raised shall the grade exceed two per cent. The work of installing said trestles and of raising the track of said Cascade Railroad Company shall be done at such times and in such manner as shall not unreasonably interfere with the use and operation of the Railroad of said Cascade Railroad Company, and in the event of a disagreement between the parties as to the times or manner of performing such work, the court reserves the right to enter at the foot of this decree such further orders and directions as may be required to protect the rights of petitioner and of said Cascade Railroad Company with respect thereto.

It is further ordered and decreed that the fourth crossing above referred to shall be constructed at grade and at the present grade of the track of the railroad of the Cascade Railroad Company. It is further adjudged, ordered and decreed that the petitioner shall, during the construction of its railway, have the right to land steamboats, barges, and other craft at convenient places along the shore of the Columbia River opposite the premises above described and transport over the lands lying adjacent to the premises hereby condemned, men, material, equipment, and supplies necessary and convenient for the construction of its proposed railroad, and if the said Cascade Railroad Company shall fail to furnish proper and sufficient equipment and rolling stock for the transportation of equipment, materials and supplies over said line of railroad above described, necessary and convenient for the construction of petitioners proposed railroad, the petitioner shall have the right to transport such material, equipment and supplies over and along the railroad and premises of the Cascade Railroad Company and the premises owned and held by the other claimants herein, in such manner, however, and at such times, as shall not unreasonably interfere with the operation of the railroad of said Cascade Railroad Company. It is further Ordered, Adjudged and Decreed that the claimant Cascade Railroad Company shall be entitled, during the construction of petitioners railway across the premises hereinbefore described, to cause some qualified engineer on its behalf to enter upon said premises and to inspect the manner of the construction of petitioners railway over and across the same, in order that it may be informed as to the manner of such construction and that its rights hereunder may be protected.

It is further ordered, adjudged and decreed, that the appropriation of said premises above described and the right to construct and operate a railroad thereon shall confer no right to deposit material in the waters of the Columbia River, and nothing herein contained shall be held to permit the petitioner to damage or interfere with any fishing rights in said river by changing or diverting the flow of the waters thereof.

Dated October 3rd, 1906

By the Court:

W.W. McCredie

Judge.

State of Washington

County of Skamania, ss. I, the undersigned, do hereby certify that the foregoing decree of appropriation is a true and correct copy of the original as the same appears and is of record on page 366 of Journal No. 2, records of the Superior Court for above County and State.

Witness my hand and official seal this 5th day of Oct. 1906

A. Fleischhauer, Clerk of Sup. Court.

(Seal of Sup. Court)

Skamania County, Wash.

Filed for record by James B. Kerr on Oct. 5th, 1906 at 1.15 P.M.

A. Fleischhauer

Co. Auditor.

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