

JOHNSON-COX COMPANY, PRINTERS, TACOMA, 25814

on file herein; the state of Washington being represented by its attorneys John H. Dunbar, attorney general, and Tom W. Holman, assistant attorney general; and judgment and decree of appropriation having been heretofore made and entered herein as to Tracts numbered 1-A, and 2-A on October 4th, A. D. 1927, but this cause having been continued for later determination and award as to tracts numbered 1-B, 2-B and 3-B as described in the notice and in the petition herein; and proof having been introduced that all interest of the respondents George H. Watson and Fannie E. Watson, husband and wife, in the lands and premises hereinafter described has been transferred and conveyed to The Beacon Lake Corporation, a corporation organized under the laws of the state of Washington, and with consent of the petitioner and its attorneys and of the court substitution of appearance by said The Beacon Lake Corporation having been made for said respondents George H. Watson and Fannie E. Watson by their respective common counsel Messrs. Miller, Wilkinson and Miller; and default as to all other respondents to this action named and designated having on this date been taken and entered and thereby all other respondents than the said The Beacon Lake Corporation being debarred and foreclosed thereby from participating in the amount of award hereinafter decreed; and the court having heretofore found that all parties interested in the lands, real estate, premises and other property described in the petition of the petitioner on file herein and as hereinafter set forth for the part affected by the within judgment and decree of appropriation have been duly served with notice in this action as required by law, and now so finding; and the court having heretofore made and entered its order adjudicating that the use to which the premises hereinafter described is really a public use, namely, a right of way for the state road known as State Road No. 8 or the North Bank Highway, which has been duly and regularly established as provided by law;

And the court having now heard and considered the testimony offered under oath on behalf of the petitioner, state of Washington, and of the said respondent, The Beacon Lake Corporation, and finding therefrom that just and full compensation to be paid by the state of Washington for tracts numbered 1-B, 2-B and 3-B, described in the notice and petition herein and as hereinafter described, appropriated for the aforesaid state road and highway, together with all damages to the remainder of the lands affected and over and above all benefits accruing to such remaining lands out of which said tracts numbered 1-B, 2-B and 3-B are appropriated is the sum of \$750.00;

And the court further finding and ordering that said sum of \$750.00 is properly payable alone to said The Beacon Lake Corporation, or into the registry of the court for its order, and that all other respondents to this action named and designated are hereby debarred and foreclosed from making any claim on such fund when so paid;

And a jury having been waived both by the petitioner and by the aforesaid The Beacon Lake Corporation, and the court finding that it is proper that compensation be now fixed by the court without a jury for the said tracts 1-B, 2-B, and 3-B in the sum aforesaid as found;

And it having been stipulated in open court between the attorneys for the respective parties petitioner, state of Washington, and respondent, The Beacon Lake Corporation, that, in addition to the amount of award of \$750.00 as found and fixed by the court, the following provisions shall govern appropriation and use of the aforesaid tracts numbered 1-B, 2-B and 3-B, subject to which the within judgment and decree of appropriation shall operate and not otherwise, namely:

1st: It is the intention of The Beacon Lake Corporation to flood its land immediately adjoining the strip of land hereinafter described as tracts numbered 1-B, 2-B and 3-B, and after the construction of the state highway in question over said tracts numbered 1-B, 2-B and 3-B the said The Beacon Lake Corporation, its successors and assigns, shall at all times thereafter