

File No. 560-2.011492

Deed No. 34609

STATUTORY WARRANTY DEED

The Grantor, BURLINGTON NORTHERN RAILROAD COMPANY, a corporation organized and existing under the laws of the State of Delaware, authorized to do business in the State of Washington, for and in consideration of an exchange of land under the provisions of the Mount St. Helens National Volcanic Area Act of August 26, 1982 (Public Law 97-243; 96 Stat 301), conveys and warrants to the UNITED STATES OF AMERICA, Grantee, and its assigns, all of the following described real estate situated in the County of Skamania, State of Washington:

Township 8 North, Range 5 East, Willamette Meridian

Section 21: All - 640.00 Acres
 Section 23: All - 640.00 Acres
 Section 25: All - 640.00 Acres
 Section 27: All - 640.00 Acres
 Section 29: All - 640.00 Acres
 Section 31: All Fractional - 623.52 Acres
 Section 33: All - 640.00 Acres
 Section 35: All - 640.00 Acres

Township 9 North, Range 5 East, Willamette Meridian

Section 25: All - 640.00 Acres

Township 7 North, Range 6 East, Willamette Meridian

Section 1: Government Lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ - 310.11 Acres

Township 8 North, Range 6 East, Willamette Meridian

Section 5: All Fractional - 480.44 Acres
 Section 7: All Fractional - 637.58 Acres
 Section 9: All - 640.00 Acres
 Section 15: W $\frac{1}{2}$ - 320.00 Acres
 Section 17: All - 640.00 Acres
 Section 19: All Fractional - 631.76 Acres
 Section 21: All - 640.00 Acres
 Section 27: W $\frac{1}{2}$ - 320.00 Acres
 Section 29: All - 640.00 Acres
 Section 31: All Fractional - 630.44 Acres
 Section 33: All - 640.00 Acres

Township 9 North, Range 6 East, Willamette Meridian

Section 5: Government Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ - 240.41 Acres
 Section 9: All - 640.00 Acres
 Section 17: All - 640.00 Acres
 Section 21: All - 640.00 Acres
 Section 29: All - 640.00 Acres
 Section 31: All Fractional - 639.52 Acres
 Section 33: All - 640.00 Acres

Excepting and reserving to the Grantor, the Grantor's successors or assigns in perpetuity, the right to enter upon the lands in the County of Skamania, State of Washington, Willamette Meridian, hereinbefore described and to prospect for, mine and remove asbestos, barium, bauxite, borax, clays, feldspar, fluorspar, graphite, kyanite, magnesium, phosphate, potash, pyrites, quartz, silica, sulphur, talc, tripoli, vermiculite, aluminum, copper, lead, tin, zinc, gold, silver, palladium, platinum, antimony, bismuth, cadmium, mercury, nickel, salt, beryllium, chromium, cobalt, indium, iridium, lithium, manganese, molybdenum, osmium, rhodium, ruthenium, selenium, silicon, tellurium, titanium, tungsten, zirconium, helium, hydrogen, uranium, thorium, columbium, iron, rhenium, tantalum, vanadium, arsenic, cesium, gallium, germanium,

No. _____
TRANSACTION EXCISE TAX

MAR 14 1983

Amount Paid Exempt

Skamania County Treasurer

By [Signature]

Transaction in compliance with County subdivision ordinances.
 Skamania County Assessor - BY [Signature]

Certified correct as to consideration
 description and conditions.
[Signature] 3/12/83

halfnium, indium, radium, rare earths, rubidium, scandium, thallium, yttrium, argon, bromine, calcium, chlorine, corundum, diamonds, rubies, emeralds, sapphires, semi-precious gem stones, opals, diatomite, garnet, gypsum, iodine, andalusite, sillimanite, limestone, mica, nitrogen, oxygen, perlite, potassium, sand and gravel, building stone, crushed rock, sodium, coal, natural gas, oil, oil shale, peat, natural hydrocarbons, strontium, soapstone, pyrophyllite, steam, hot waters and hot gases therefrom, subject to the regulations of Agriculture (36 CFR 251.15) marked Exhibit A attached hereto and made a part hereof; and

Also reserving unto the Grantor, its successors and assigns, an easement 66' in width for use of existing roads over and across the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33; S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 8 North, Range 5 East, W.M.; Government Lots 1, 2, 3, and 4, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 29, Township 8 North, Range 6 East, W.M., in Skamania County, Washington and located approximately as shown on Exhibit B attached hereto and made a part hereof; and

Said easement is for all purposes deemed necessary or desirable by Grantor in connection with the protection, administration, management and utilization of Grantor's lands or resources, now or hereafter owned or controlled, subject to such traffic control regulations or rules as Grantee may reasonably impose upon or require of other users of the road. Grantor shall have the right to reconstruct, use and maintain the roads within the premises; and

Grantor also reserves the right to periodically enter Sections 31 and 33, Township 8 North, Range 6 East, Willamette Meridian, Skamania County, Washington, for up to 200 feet north of the southerly section line, for any purpose reasonably incidental to commercial forest management operations on adjacent lands owned by Grantor. These purposes include such things as establishing railholds and guylines for cable logging, removal of and payment for trees that endanger life and property by threatening to fall across the property line, clearing fire trails and abating fire hazards, provided, that the Forest Service will be notified in advance of any proposed activity upon the sections upon which this reservation operates.

The Grantor does not reserve in this Warranty Deed the title to any timber within the easement, but reserves herein only the right to cut and deck for use of the United States of America such timber thereon as it may be necessary to remove in the reconstruction, use and maintenance of the roads.

The above described tracts of land hereby conveyed contain 16,353.78 acres, more or less, are located as shown on Exhibit C attached hereto and made a part hereof and are subject to the following:

1. An easement in the public for any public roads heretofore laid out or established and now existing.
2. All easements, encumbrances, exceptions, reservations, restrictions and water rights, if any, of record.
3. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated July 15, 1963 and recorded in Book 52 of Deeds, Page 203, records of Skamania County, Washington (crosses Sections 25, 27, 29, 31, 33 and 35, Township 8 North, Range 5 East, W.M.; Section 1, Township 7 North, Range 6 East, W.M.; Sections 9, 17, 29 and 31, Township 8 North, Range 6 East, W.M.; Sections 21 and 33, Township 9 North, Range 6 East, W.M.).
4. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated

- July 15, 1963 and recorded in Book 52 of Deeds, Page 211, records of Skamania County, Washington (crosses Section 25, Township 8 North, Range 5 East, W.M.; Sections 5, 21, 29, 31 and 33, Township 8 North, Range 6 East, W.M.; Sections 21, 29 and 33 Township 9 North, Range 6 East, W.M.).
5. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated August 1, 1958, recorded in Book 45 of Deeds, Page 272, records of Skamania County, Washington (crosses Section 31, Township 8 North, Range 5 East, W.M.).
 6. An easement for road and telephone transmission line purposes from Harbor Plywood Corporation and Northern Pacific Railway Company to the United States of America dated April 26, 1955 (crosses Sections 33 and 35, Township 8 North, Range 5 East, W.M.).
 7. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to St. Regis Paper Company dated October 18, 1960 and recorded on November 7, 1960 in Book 48 of Deeds, Page 62, records of Skamania County, Washington (crosses Sections 5, 9 and 15, Township 8 North, Range 6 East, W.M., Section 29, Township 9 North, Range 6 East, W.M.).
 8. An easement for road purposes from International Paper Company, St. Regis Paper Company and Northern Pacific Railway Company to the United States of America, dated October 18, 1960, and recorded in Book 48 of Deeds, Page 172, records of Skamania County, Washington (crosses Sections 5, 9 and 15, Township 8 North, Range 6 East, W.M.; Section 29, Township 9 North, Range 6 East, W.M.).
 9. Special Use Permit for road purposes from Burlington Northern Inc. to the United States of America dated May 13, 1981, and expiring October 15, 1985 (crosses Section 5, Township 8 North, Range 6 East, W.M.; Section 33, Township 9 North, Range 6 East, W.M.).
 10. Special Use Permit No. 890-5.81-0400 from Burlington Northern Railroad Company for a Helicopter landing site to the United States Forest Service/St. Helens Ranger District dated October 6, 1981, and expiring October 15, 1983 (located on Section 5, Township 8 North, Range 6 East, W.M., and Section 31, Township 9 North, Range 6 East, W.M.).
 11. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated November 30, 1964, and recorded in Book 53 of Deeds, Page 422, records of Skamania County, Washington (crosses Section 9, Township 8 North, Range 6 East, W.M.).
 12. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated September 25, 1967 (crosses Section 5, Township 8 North, Range 6 East, W.M.).
 13. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated May 1, 1968 (crosses Section 15, Township 8 North, Range 6 East, W.M.).
 14. An easement for road purposes from Burlington Northern Inc. and International Paper Company to the United States of America dated April 12, 1971, recorded in Book 62 of Deeds, Page 831, records of Skamania County, Washington, (crosses Section 15, Township 8 North, Range 6 East, W.M.).

15. An easement from International Paper Company and Northern Pacific Railway Company to the United States of America dated April 19, 1968 (crosses Sections 21 and 29, Township 8 North, Range 6 East, W.M.).
16. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated January 3, 1967 and recorded March 14, 1967 in Book 57 of Deeds, Page 87, records of Skamania County, Washington (crosses Sections 5 and 9, Township 9 North, Range 6 East, W.M.).
17. An easement for road purposes from Burlington Northern Railroad Company to the United States of America dated April 29, 1982 and recorded June 18, 1982 in Book 81 of Deeds, Page 245 records of Skamania County, Washington (crosses Section 5, Township 9 North, Range 6 East, W.M.).
18. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated April 24, 1968 (crosses Section 9, Township 9 North, Range 6 East, W.M.).
19. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated August 27, 1964 (crosses Section 17, Township 9 North, Range 6 East, W.M.).
20. An easement for road purposes from Burlington Northern Inc. to the United States of America, dated December 19, 1975 and recorded September 8, 1976 in Book 71 of Deeds, Page 623, records of Skamania County, Washington (crosses Sections 17 and 21, Township 9 North, Range 6 East, W.M.).
21. An easement for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated January 9, 1968 (crosses Section 21, Township 9 North, Range 6 East, W.M.).
22. An easement and right-of-way for road purposes from International Paper Company and Northern Pacific Railway Company to St. Regis Paper Company dated May 17, 1965 (crosses Section 15, Township 8 North, Range 6 East, W.M.).
23. An easement and right-of-way for road purposes from International Paper Company and Northern Pacific Railway Company to the United States of America dated May 18, 1965 and recorded July 23, 1965 in Book 54 of Deeds, Page 343, records of Skamania County, Washington (crosses Section 15, Township 8 North, Range 6 East, W.M.).
24. An Easement for road purposes from Burlington Northern Inc. to the United States of America dated October 14, 1976 and recorded February 4, 1977 in Book 72 of Deeds, Page 234, records of Skamania County, Washington (crosses Section 29, Township 8 North, Range 6 East, W.M.).
25. An easement for roadway and telephone transmission lines from Harbor Plywood Corporation and Northern Pacific Railway Company to the United States of America dated April 25, 1955 (crosses Section 1, Township 7 North, Range 6 East, W.M.).
26. An Easement for roadway and telephone transmission lines from Harbor Plywood Corporation and Northern Pacific Railway Company to the United States of America dated April 25, 1955 (crosses Section 29, Township 8 North, Range 6 East, W.M.).

IN WITNESS WHEREOF, said corporation has caused this instrument to be executed by its proper officers and its corporate seal to be hereunto affixed this 2nd day of December, 1982.

BURLINGTON NORTHERN RAILROAD COMPANY

By L. James Brady
L. James Brady
Vice President, Timber and Land

ATTEST:

By Susanna N. Lyman
Susanna N. Lyman
Assistant Secretary

ACKNOWLEDGMENT

STATE OF WASHINGTON

COUNTY OF KING

On this 2nd day of December, 19 82, before me personally appeared L. James Brady and Susanna N. Lyman, to me known to be the Vice President, Timber and Land and Assistant Secretary, respectively, of Burlington Northern Railroad Company, the corporation which executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Marguerite P. [Signature]
Notary Public for the
State of Washington
Residing at Seattle
My Commission Expires 3/22/84

33
HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS FILED BY
GORD RINCHOL NATIONAL FOREST
500 W. 12TH
VANCOUVER, WA 98660
10:00 A.M. NOV. 19 83
82
DEEDS 49
J.M. Clain
d. Nain

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

95488

CONDITIONS, RULES AND REGULATIONS TO GOVERN EXERCISE OF MINERAL RIGHTS
RESERVED IN CONVEYANCES TO THE UNITED STATES

Code of Federal Regulations - Title 36 - Chapter II - Section 251.15

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, in conveyances of lands to the United States under authorized programs of the Forest Service, where owners reserve the right to enter upon the conveyed lands and to prospect for, mine and remove minerals, oil, gas, or other inorganic substances, said reservations shall be subject to the following conditions, rules and regulations which shall be expressed in and made a part of the deed of conveyance to the United States and such reservations shall be exercised thereunder and in obedience thereto:

(1) Whoever undertakes to exercise the reserved rights shall give prior written notice to the Forest Service and shall submit satisfactory evidence of authority to exercise such rights. Only so much of the surface of the lands shall be occupied, used, or disturbed as is necessary in bona fide prospecting for, drilling, mining (including the milling or concentration of ores), and removal of the reserved minerals, oil, gas, or other inorganic substances.

(2)(i) None of the lands in which minerals are reserved shall be so used, occupied, or disturbed as to preclude their full use for authorized programs of the Forest Service until the record owner of the reserved rights, or his successors, assigns, or lessees thereof, shall have applied for and received a permit authorizing such use, occupancy, or disturbance of those specifically described parts of the lands as may reasonably be necessary to exercise of the reserved rights.

(ii) Said permit shall be issued upon agreement as to conditions necessary to protect the interest of the United States including such conditions deemed necessary to provide for the safety of the public and other users of the land, and upon initial payment of the annual fee, which shall be at the rate of \$2 per acre or fraction of acre included in the permit.

(iii) The permit shall also provide that the record owner of the reserved right or the successors, assigns, or lessees thereof, will repair or replace any improvements damaged or destroyed by the mining operations and restore the land to a condition safe and reasonably serviceable for authorized programs of the Forest Service, and shall provide for a bond in sufficient amount as determined necessary by the Forest Service to guarantee such repair, replacement or restoration.

(iv) Failure to comply with the terms and conditions of the aforesaid permit shall be cause for termination of all rights to use, occupy, or disturb the surface of the lands covered thereby, but in event of such termination a new permit shall be issued upon application when the causes for termination of the preceding permit have been satisfactorily remedied and the United States reimbursed for any resultant damage to it.

(3) All structures, other improvements, and materials shall be removed from the lands within one year after date of termination of the aforementioned permit. Should the holder of the permit fail to do so within the specified time, the Forest Service may remove, destroy, or otherwise dispose of said structures, other improvements, and materials at the permittee's expense, or in lieu thereof, may upon written notice to the permittee, assume title thereto in the name of the United States.

(4) Timber and/or young growth cut or destroyed in connection with exercise of the reserved right shall be paid for at rates determined by the Forest

Service to be fair and equitable for comparable timber and/or young growth in the locality. All slash resulting from cutting or destruction of timber or young growth shall be disposed of as required by the Forest Service.

(5) In the prospecting for, mining, and removal of reserved minerals, oil, gas, or other inorganic substances all reasonable provisions shall be made for the disposal of tailings, dumpage, and other deleterious materials or substances in such manner as to prevent obstruction, pollution, or deterioration of water resources.

(6) Nothing herein contained shall be construed to exempt operators or the mining operations from any requirements of applicable State laws nor from compliance with or conformity to any requirements of any law which later may be enacted and which otherwise would be applicable.

(7) While any activities and/or operations incident to the exercise of the reserved rights are in progress, the operators, contractors, subcontractors, and any employees thereof shall use due diligence in the prevention and suppression of fires, and shall comply with all rules and regulations applicable to the land.

(b) The conditions, rules and regulations set forth in subparagraphs (1) through (7) of paragraph (a) of this section shall not apply to reservations contained in conveyances of lands to the United States under the Act of March 3, 1925, as amended (43 Stat. 1133, 44 Stat. 82, 16 U.S.C. 855).

(c) In cases where a State, or an agency, or a political subdivision thereof, reserves minerals, oil, gas, or other inorganic substances, in the conveyance of land to the United States under authorized programs of the Forest Service and there are provisions in the laws of such State or in conditions, rules and regulations promulgated by such State, agency, or political subdivision thereof, which the Chief, Forest Service, determines are adequate to protect the interest of the United States in the event of the exercise of such reservation, the Chief, Forest Service, is hereby authorized, in his discretion, to subject the exercise of the reservation to such statutory provisions or such conditions, rules and regulations in lieu of the conditions, rules and regulations set forth in subparagraphs (1) through (7) of paragraph (a) of this section. In that event, such statutory provisions or such conditions, rules and regulations shall be expressed in and made a part of the deed of conveyance to the United States and the reservation shall be exercised thereunder and in obedience thereto.

All regulations heretofore issued by the Secretary of Agriculture to govern the exercise of mineral rights reserved in conveyances of lands to the United States under authorized programs of the Forest Service shall continue to be effective in the cases to which they are applicable, but are hereby superseded as to mineral rights hereafter reserved in conveyances under such programs.

(30 Stat. 35, as amended, 16 U.S.C. 551. Interprets or applies 38 Stat. 961, as amended, 16 U.S.C. 513-519, 42 Stat. 465, as amended, 16 U.S.C. 485, 486, and 50 Stat. 525, as amended, 7 U.S.C. 1011)

Signed at Washington, D.C., on April 30, 1953.

(S) ORVILLE L. FREEMAN,
Secretary.

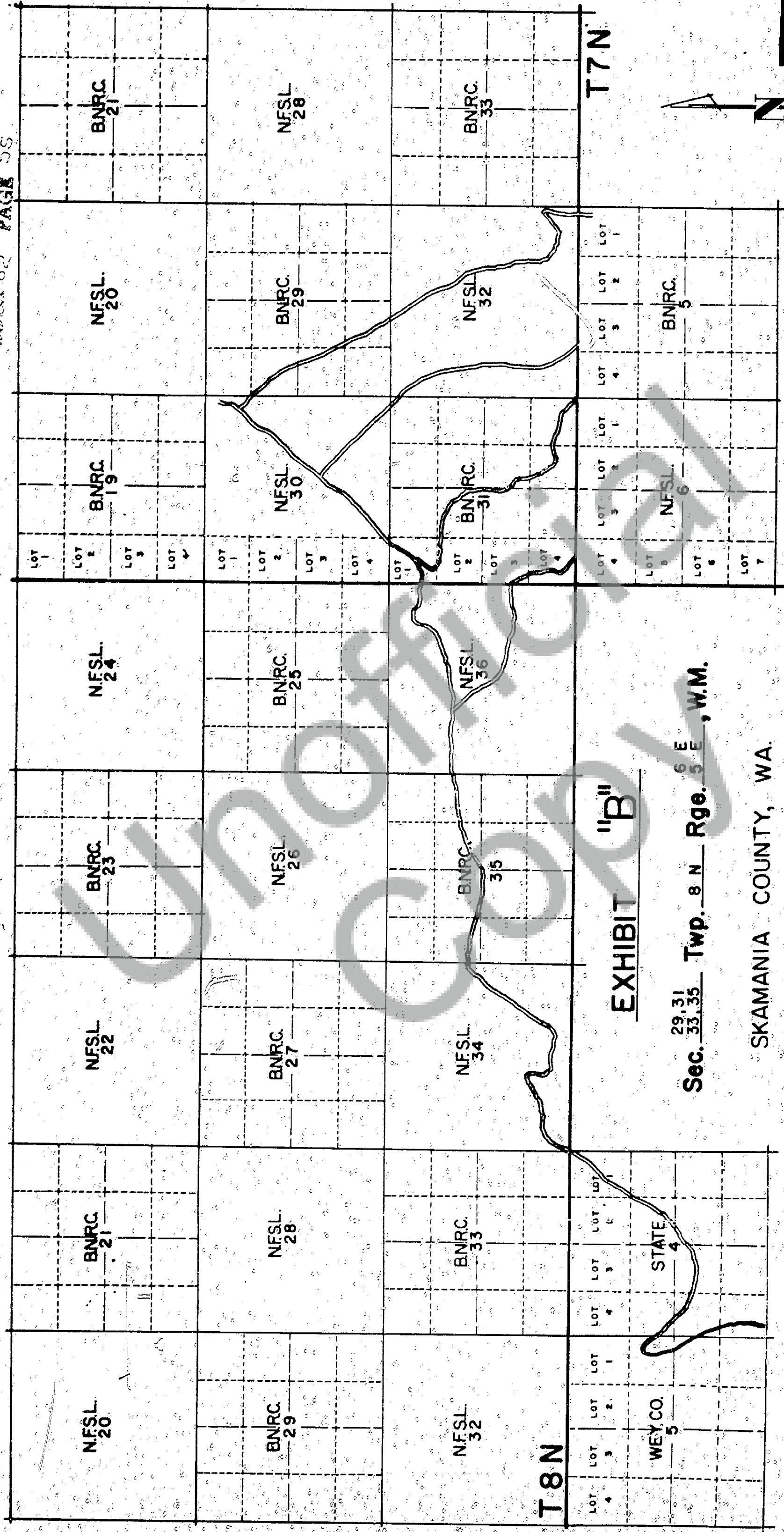


EXHIBIT "B"

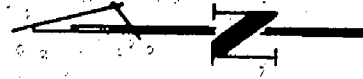
29.31
Sec. 33.35 Twp. 8 N Rge. 5 E, W.M.

SKAMANIA COUNTY, WA.

EASEMENT RESERVED

SCALE: 2" = 1 MILE

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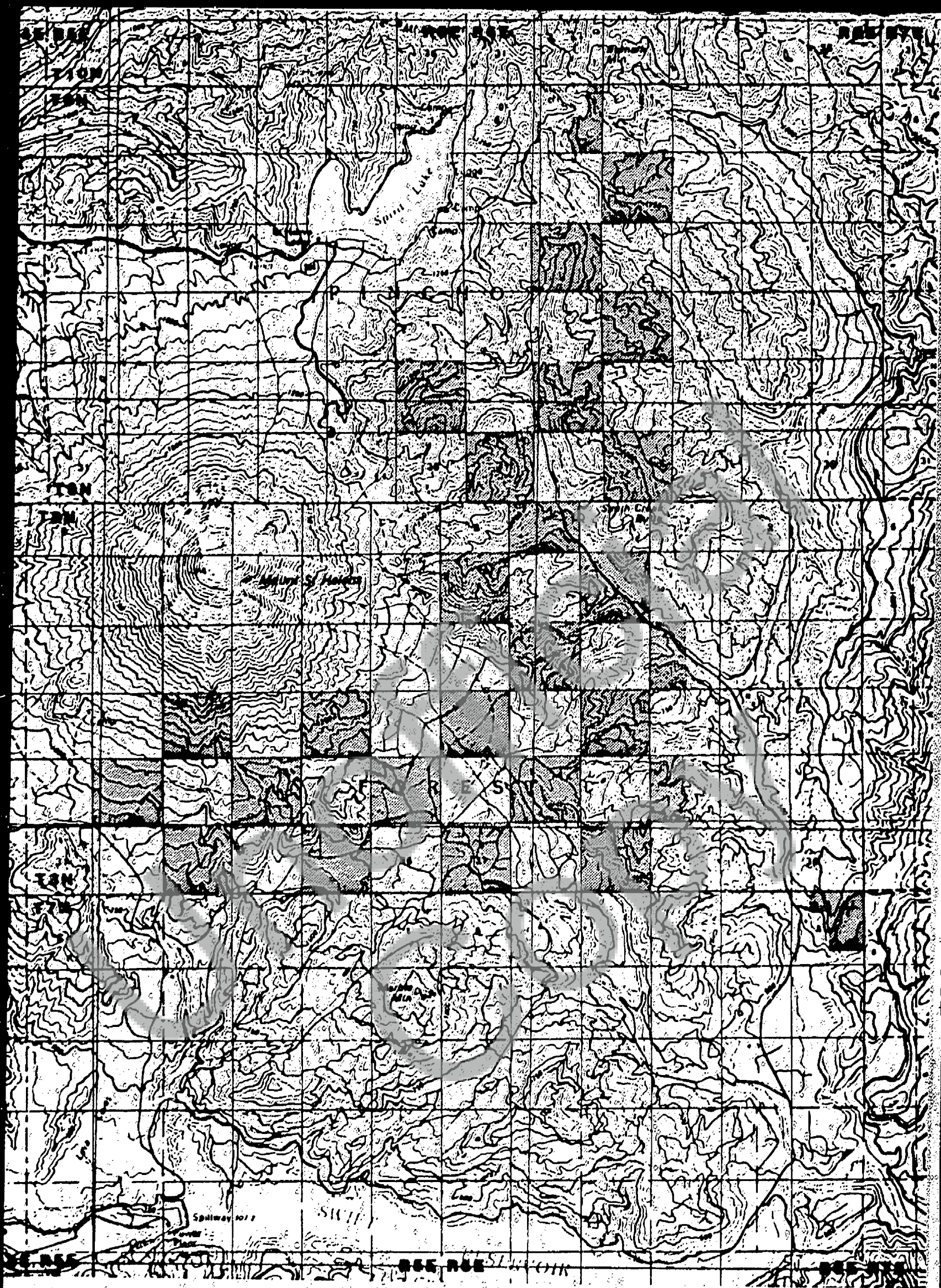


EXHIBIT "C"

SKAMANIA CO. WA.

☒ **LAND CONVEYED**

SCALE 1 inch = 1 mile

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