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BOOK 221 PAGE 36

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SKAMANIA CO. WASH  
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FEB 26 2 01 PM '02

*Olson*  
AUDITOR

J. MICHAEL GARVISON

**AFTER RECORDING MAIL TO:**

Name Skamania County

Address \_\_\_\_\_

City/State \_\_\_\_\_

SC 22 23742

Document Title(s): (or transactions contained therein)

1. IRRIGATION WATER TRANSMISSION PIPELINE EASEMENT
- 2.
- 3.
- 4.



First American Title  
Insurance Company

Reference Number(s) of Documents assigned or released:

- ☐ Additional numbers on page \_\_\_\_\_ of document

Grantor(s): (Last name first, then first name and initials)

1. UNITED STATES OF AMERICA
- 2.
- 3.
- 4.

5. ☐ Additional names on page \_\_\_\_\_ of document

Grantee(s): (Last name first, then first name and initials)

1. SKAMANIA COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON
- 2.
- 3.
- 4.

5. ☐ Additional names on page \_\_\_\_\_ of document

Abbreviated Legal Description as follows: (i.e. lot/block/plat or section/township/range/quarter/quarter)

T4N, R7E, S22

- ☐ Complete legal description is on page 2 of document

Assessor's Property Tax Parcel / Account Number(s):

Fig. 10-10  
Fig. 10-11  
Fig. 10-12  
Fig. 10-13  
Fig. 10-14

WA-1

**NOTE:** The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

*OK*

U. S. DEPARTMENT OF AGRICULTURE  
Forest Service  
IRRIGATION WATER TRANSMISSION PIPELINE EASEMENT  
Act of October 21, 1976 (P. L. 94-579);  
36 CFR 251.50, et seq

THIS EASEMENT, dated this 1st day of February, 2002, from the United States of America, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to Skamania County, a municipal corporation of the State of Washington, hereinafter called Grantee.

WITNESSETH:

WHEREAS, Grantee has applied for a grant of an easement under the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1761), for an existing underground irrigation water transmission pipeline with above ground risers and attachments for use upon, under, and over certain lands or assignable easements owned by the United States in the County of Skamania, State of Washington, and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor does hereby grant to Grantee, subject to existing easements and valid rights, a nonexclusive easement for the purpose described above, upon, under, and over and across the following described lands in the County of Skamania State of Washington.

T. 4 N., R. 7 E., W.M.,  
sec. 22, lot 1;  
sec. 27, lots 5, 8, 11, and 14.

The location of said easement is more specifically described on Exhibits B-1 through B-9, attached hereto and made a part hereof.

This grant is made subject to the following terms, provisions, and conditions applicable to Grantee, its permittees, contractors, assignees, and successors in interest.

- A. Grantee shall comply with applicable Federal and/or State law and shall comply with State standards for public health and safety, environmental protection and siting, construction, operation, and maintenance of or for rights-of-ways for similar purposes, if those standards are more stringent than applicable Federal standards.



- B. Upon change of ownership of the land or facility served by this easement, the rights granted under this easement can be transferred or assigned to a new owner upon written notification to Regional Forester.
- C. This easement shall continue for as long as the property served is used for the management of the Wind River Nursery; Provided, That the Grantor shall review terms and conditions of this easement at the end of each 30-year period from the date of issuance, and may incorporate in the easement such new terms, conditions, and stipulations as existing or prospective conditions warrant. These shall have the same force and effect as if included in the original grant.
- D. All construction or reconstruction of the authorized facilities shall be in accordance with plans, specifications, and written stipulations approved by the Grantor prior to beginning such construction or reconstruction.
- E. Grantee shall have the right to cut timber upon the easement area to the extent necessary to maintain the authorized facilities. Timber so cut shall, unless otherwise agreed to, be cut into standard log lengths or other products as specified the authorized officer, and decked along the road for disposal by the owner of such timber.
- F. Grantee shall maintain the right-of-way clearing by means of chemicals only after the Grantor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.
- G. Grantee shall provide maintenance so that there is no damage on adjacent National Forest Land. Grantee shall construct and maintain lead-off drainage and water barriers as necessary to prevent erosion.
- H. Grantee shall pay the United States for all injury, loss, or damage, including fire suppression costs, suffered by the United States in accordance with existing Federal and State laws.
- I. Grantee shall indemnify the United States for any and all injury, loss, or damage, including fire suppression costs the United States may suffer as a result of claims, demands, losses, or judgments caused by the Grantee's use or occupancy under this easement.
- J. Upon termination of this easement, Grantee shall remove within a reasonable time the structures and improvements and shall restore the site to a condition satisfactory to the Grantor, unless otherwise waived in writing. If the Grantee



fails to remove the structures or improvements within a reasonable period, as determined by the Grantor, the Grantor may remove and dispose of any improvements and restore the area, and all costs shall be paid by the Grantee.

If the Grantor waives the removal of the improvements and restoration of the site, all improvements shall become the property of the United States.

This easement is granted subject to the following reservations by Grantor for itself, its permittees, contractors, and assignees:

1. The right to cross and recross the authorized right-of-way at any place by any reasonable means and for any purpose in such manner as will not interfere unreasonably with Grantee's use of the authorized facilities.
2. The right to all timber now or hereafter growing on the right-of-way, subject to Grantee's right to cut such timber as herein provided.
3. The right to occupy and use, and to issue or grant rights-of-way for land uses other than those authorized by this easement upon, over, under and through the easement area provided that the occupancy and use do not interfere unreasonably with the rights herein granted.
4. The right alone to extend rights and privileges for use of the authorized facilities and right-of-way to other Government departments and agencies, States, and local subdivisions thereof, and to other users including members of the public; Provided, That the Grantor shall control such use so as not to interfere unreasonably with use of the facilities by Grantee or to cause Grantee to bear a share of the cost of maintenance greater than is commensurate with the Grantee's use of the easement.

The Regional Forester may take action to suspend, revoke, or terminate this easement under the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes in 7 CFR 1.130-1.151. An administrative proceeding is not required when the easement terminates on the occurrence of a fixed or agreed-upon condition, event, or time.

IN WITNESS WHEREOF, Grantor, by its Director of Recreation, Lands, and Mineral Resources, Pacific Northwest Region, Forest Service, has executed this easement pursuant to the delegation of authority by the Secretary of Agriculture to the Under Secretary for Natural Resources and Environment, the delegation of authority by the Under Secretary for Natural Resources and Environment to the Chief, Forest Service, 7 CFR 2.60, the delegation of authority by the Chief, Forest Service, 47 F.R. 36465,



published August 20, 1982, and the delegation of authority by the Regional Forester, Pacific Northwest Region, 52 F.R. 45980, published December 3, 1987, on the day and year first above written.

UNITED STATES OF AMERICA

*Kimberly Evert Bown*

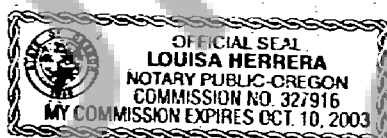
Kimberly Evert Bown, Director, RLM  
Recreation, Lands, and Mineral Resources  
Pacific Northwest Region  
USDA Forest Service

ACKNOWLEDGMENT

STATE OF Oregon )  
County of Multnomah ) ss.

On this 1st day of February, 2007, before me, the undersigned, personally appeared Kimberly Evert Bown, Director of Recreation, Lands, and Mineral Resources, Pacific Northwest Region, Forest Service, Department of Agriculture, the same person who executed the within and foregoing instrument, who being by me duly sworn according to law, did say that he/she executed said instrument on behalf of the United States of America by its authority duly given and by him/her delivered as and for its act and deed. And he/she did further acknowledge that he/she executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

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



*Louisa Herrera*  
Name (Printed) Louisa Herrera  
Notary Public for the State of Oregon  
Residing at Portland, OR  
My Commission Expires 10/10/2003

Certified correct as to consideration, description, conditions and form.

*Vicky Weesling* 125/02  
Vicky Weesling, Zone Leader

EXHIBIT "B-1"  
SKAMANIA COUNTY WIND RIVER NURSERY  
IRRIGATION SYSTEM EASEMENT

An easement 10.00 feet in width, 5 feet each side of the centerline for the purpose of irrigation line service and maintenance, including existing drains, over and across a portion of Government Lot 5, Section 27, Township 4 North, Range 7 East, Willamette Meridian, Skamania County, Washington. The irrigation line is approximate as shown on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and Exhibit B-2 "Irrigation System Easement", attached. The centerline alignment of this easement is more particularly described as follows:

Beginning at the Northwest corner of Section 27, a brass cap established by Larry Bishop, filed at the Skamania County Auditors office, Stevenson, Washington, Book 2 of Surveys, page 44;

Thence S 27°-05'W, 1417 feet to the property line, of Government Lot 5, said Section 27, and the irrigation line the TRUE POINT OF BEGINNING;

Thence N 60° 24' W, 24 feet;

Thence N 28° 22' E, 293 feet;

Thence N 14° 00' E, 64 feet;

Thence N 58° 41' W, 150 feet;

Thence North, 294 feet;

Thence N 04° 02' E, 498 feet, to the intersection of the property line, of Government Lot 5, said Section 27. The total right of way acreage is ± 0.30 acres. The basis of bearing for this description is Grid bearing, NAD 1927 (theta angle of -1° - 02'). This description of the water line location is approximate, as portrayed on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and is on file at the Gifford Pinchot National Forest Headquarters, 10600 NE 51<sup>st</sup> Circle, Vancouver, Washington.



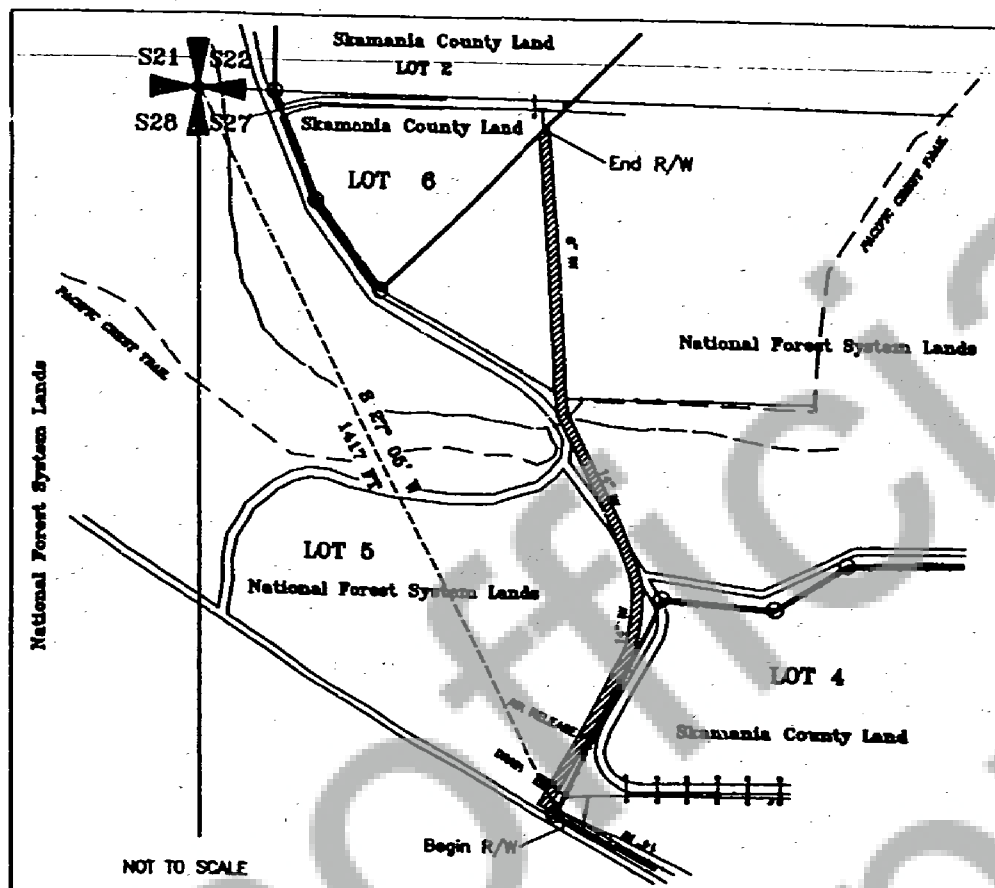


EXHIBIT B-2

LEGEND

- CORNER OF RECORD
- PROPERTY LINE
- EXISTING ROAD
- FENCE LINE
- ▨ EASEMENT/RIGHT OF WAY

IRRIGATION SYSTEM EASEMENT



NOTE:

The right of way to be granted extends from and terminates at the true property line. The R/W is 10 feet wide, extending 5 feet each side of the centerline. The irrigation line location is depicted from USFS Utilization Design Map—Wind River Nursery, 1985.

TOTAL RIGHT OF WAY AREA TO BE GRANTED

0.30 ACRES (13,230 SQ FT)  
IRRIGATION LINE LENGTH = 1,383 FT

LOCATION: LOT 5, SEC 27, T4N, R7E, W1E

PROJECT NAME: WIND RIVER NURSERY  
ROAD & UTILITY EASEMENTS

REVIEWED BY: DON KARSCH, PLS

2730 RIGHT-OF-WAY GRANT

U.S.D.A. FOREST SERVICE PACIFIC NW REGION  
CLIFFORD PINCHOT NATIONAL FOREST  
WIND RIVER NURSERY

ACCEPTED BY

*[Signature]*  
FOR FOREST ENGINEER

EXHIBIT "B-3"  
SKAMANIA COUNTY WIND RIVER NURSERY  
IRRIGATION SYSTEM EASEMENT

An easement 10.00 feet in width, 5 feet each side of the centerline for the purpose of irrigation line service and maintenance over and across a portion of Government Lot 5, Section 27, Township 4 North, Range 7 East, Willamette Meridian, Skamania County, Washington. The irrigation line is approximate as shown on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and Exhibit B-5 "Irrigation System Easement", attached. The centerline alignment of this easement is more particularly described as follows:

Beginning at the Northwest corner of Section 27, a brass cap described by Larry Bishop, filed at the Skamania County Auditors office, Stevenson, Washington, Book 2 of Surveys, page 44;

Thence S 76°-10'E, 148 feet to the irrigation line in Government Lot 5, said Section 27, the TRUE POINT OF BEGINNING;

Thence S 75° 22' W, 53 feet, to the end of the irrigation line, of Government Lot 5, said Section 27. The total right of way acreage is ± 0.01 acres. The basis of bearing for this description is Grid bearing, NAD 1927 (theta angle of -1° - 02'). This description of the water line location is approximate, as portrayed on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and is on file at the Gifford Pinchot National Forest Headquarters, 10600 NE 51<sup>st</sup> Circle, Vancouver, Washington.



EXHIBIT "B-4"  
SKAMANIA COUNTY WIND RIVER NURSERY  
IRRIGATION SYSTEM EASEMENT

An easement 40.00 feet in width, 20 feet each side of the centerline for the purpose of irrigation line service and maintenance over and across a portion of Government Lot 5, Section 27, and across a portion of Government Lot 1, Section 22, Township 4 North, Range 7 East, Willamette Meridian, Skamania County, Washington. The irrigation line is approximate as shown on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and Exhibit B "Irrigation System Easement", attached. The centerline alignment of this easement is more particularly described as follows:

Beginning at the Northwest corner of Section 27, a brass cap described by Larry Bishop, filed at the Skamania County Auditors office, Stevenson, Washington, Book 2 of Surveys, page 44;

Thence S 88°-35'E, 662 feet to the irrigation line in Government Lots 1 and 5, said Sections 22 and 27, the TRUE POINT OF BEGINNING;

Thence S 87° 57' E, 92 feet, to the end of the irrigation line, in Government Lots 1 and 5, said Section 22 and 27. The total right of way acreage is ± 0.02 acres. The basis of bearing for this description is Grid bearing, NAD 1927 (theta angle of -1° - 02'). This description of the water line location is approximate, as portrayed on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and is on file at the Gifford Pinchot National Forest Headquarters, 10600 NE 51<sup>st</sup> Circle, Vancouver, Washington.



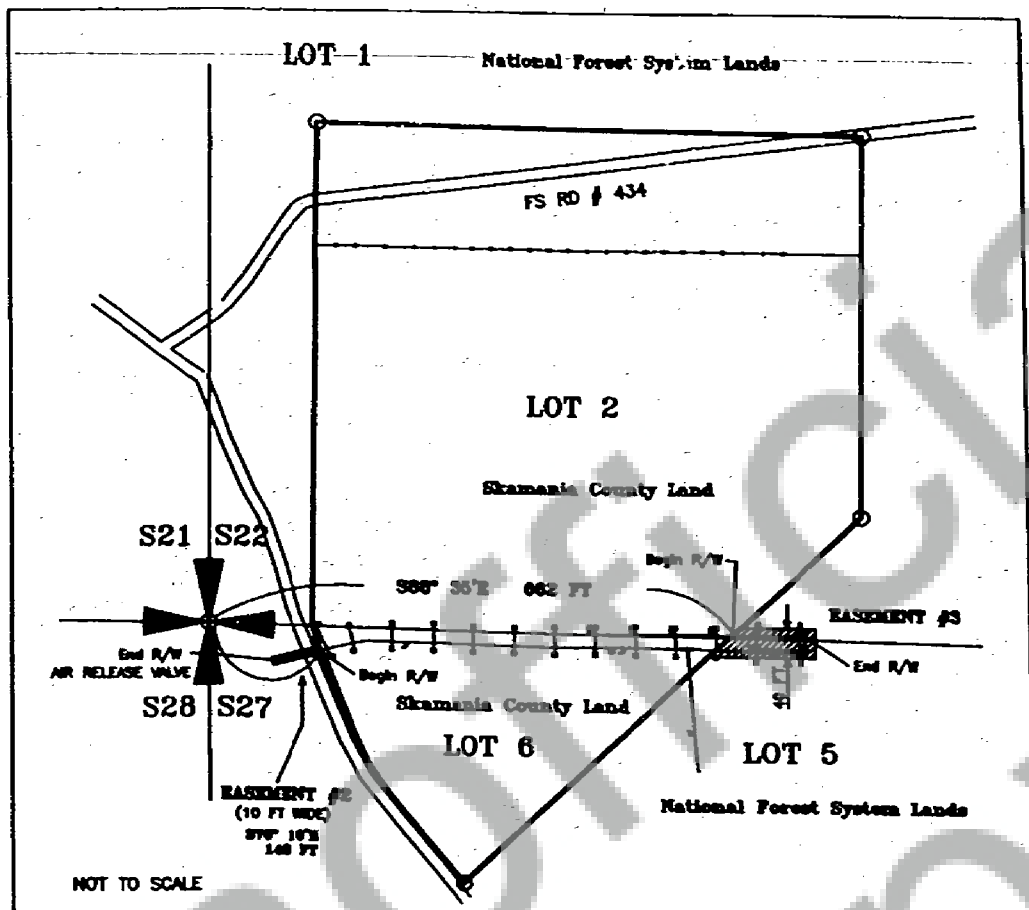


EXHIBIT B-5

IRRIGATION SYSTEM EASEMENTS

- LEGEND**
- CORNER OF RECORD
  - PROPERTY LINE
  - EXISTING ROAD
  - FENCE LINE
  - ▨ EASEMENT/RIGHT OF WAY

BASE OF BEARING:  
GRID

**TOTAL RIGHT OF WAY ACRES**  
 EASEMENT #2 = 0.01 ACRES  
 EASEMENT #3 = 0.02 ACRES

**NOTE:**

The easement to be granted, includes trees and vegetation of the land property line. The width of Easement #2 is 10 feet wide, extending 5 feet on each side of the centerline, and the width of Easement #3 is 40 feet wide, extending 20 feet on each side of the centerline. The location of the irrigation system is based on a USFS Utility Design Map, 1960.

LOCATION: LOT 2, SEC 22, T4N, R7E, N.M.

PROJECT NAME: WIND RIVER NURSERY  
ROAD & UTILITY EASEMENTS

REVIEWED BY: DON KARSCH, PLS

2730 RIGHT-OF-WAY GRANT

U.S.D.A. FOREST SERVICE PACIFIC NW REGION  
GIPFORD PINCHOT NATIONAL FOREST  
WIND RIVER NURSERY CENTER

ACCEPTED BY:

*Nick Hruschak*  
FOR FOREST ENGINEER



EXHIBIT "B-6"  
SKAMANIA COUNTY WIND RIVER NURSERY  
IRRIGATION SYSTEM EASEMENT

An easement 10.00 feet in width, 5 feet each side of the centerline for the purpose of irrigation line service and maintenance over and across a portion of Government Lot 8, Section 27, Township 4 North, Range 7 East, Willamette Meridian, Skamania County, Washington. The irrigation line is approximate as shown on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and Exhibit B-7 "Irrigation System Easement", attached. The centerline alignment of this easement is more particularly described as follows:

Beginning at the Center One Quarter of Section 27, a brass cap established by Larry Bishop, filed at the Skamania County Auditors office, Stevenson, Washington, Book 2 of Surveys, page 44;

Thence N 20°-08'E, 195 feet to the irrigation line in Government Lot 8, said Section 27, the TRUE POINT OF BEGINNING;

Thence N 80° 38' W, 18 feet;

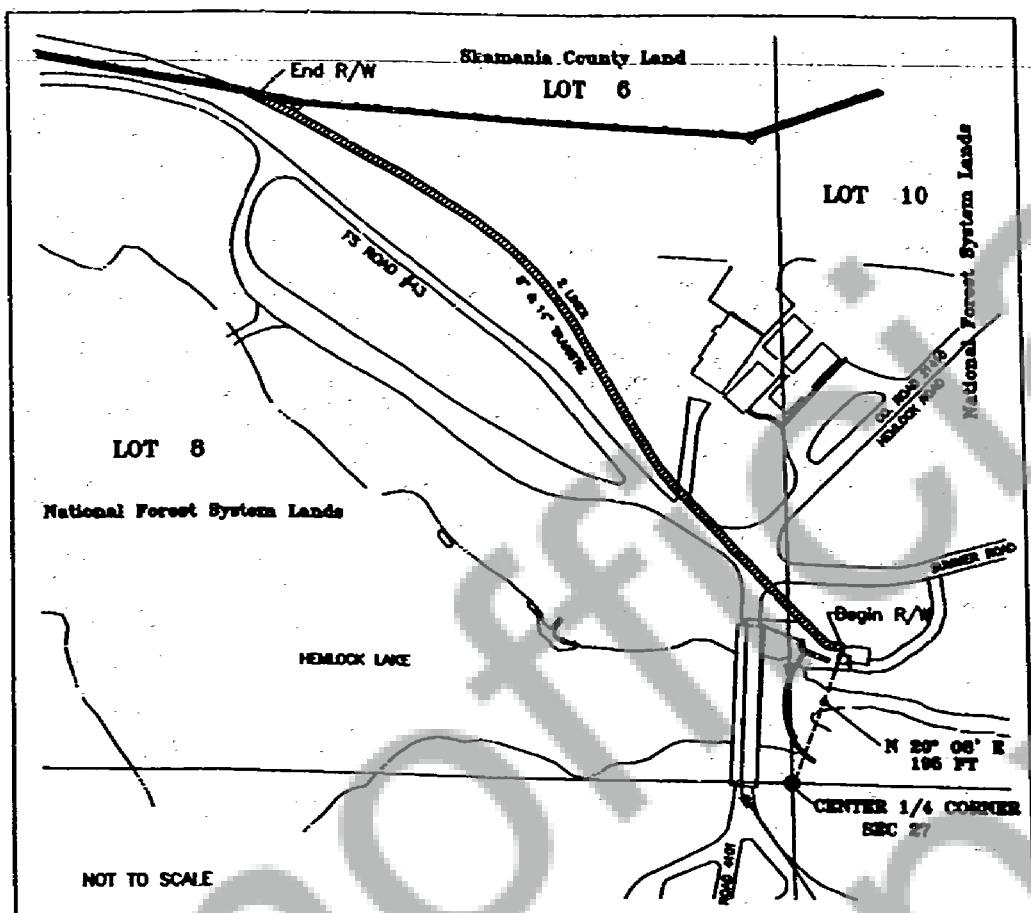
Thence N 42° 02' W, 311 feet;

Thence N 30° 14' W, 289 feet;

Thence N 49° 35' W, 116 feet;

Thence N 60° 19' W, 322 feet, to the end of the irrigation line, of Government Lot 8, said Section 27. The total right of way acreage is ± 0.24 acres. The basis of bearing for this description is Grid bearing, NAD 1927 (theta angle of -1° - 02'). This description of the water line location is approximate, as portrayed on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and is on file at the Gifford Pinchot National Forest Headquarters, 10600 NE 51<sup>st</sup> Circle, Vancouver, Washington.





# EXHIBIT B-7

## IRRIGATION SYSTEM EASEMENT

### LEGEND

- CORNER OF RECORD
- PROPERTY LINE
- EXISTING ROAD
- FENCE LINE
- ▨ EASEMENT/RIGHT OF WAY



### NOTE:

The right of way to be granted extends from and terminates at the tree property line. The R/W is 10 feet wide, extending 5 feet each side of the centerline. The irrigation line location is depicted from the USFS Utilizes Design Map - Wind River Nursery, 1993.

## TOTAL RIGHT OF WAY AREA TO BE GRANTED

0.24 ACRES (10,570 SQ FT)

IRRIGATION LINE LENGTH = 1,897 FT

LOCATION: LOT 8&10, SEC 27, T4N, R7E, W1E

PROJECT NAME: WIND RIVER NURSERY ROAD & UTILITY EASEMENTS

REVIEWED BY: DON KARSCH, PLS

## 8730 RIGHT-OF-WAY GRANT

U.S.D.A. FOREST SERVICE PACIFIC NW REGION  
CLIFFORD PINCHOT NATIONAL FOREST  
WIND RIVER NURSERY CENTER

ACCEPTED BY: *[Signature]*  
FOR FOREST ENGINEER



EXHIBIT "B-8"  
SKAMANIA COUNTY WIND RIVER NURSERY  
IRRIGATION SYSTEM EASEMENT

An easement 10.00 feet in width, 5 feet each side of the centerline for the purpose of irrigation line service and maintenance over and across a portion of Government Lots 8, 11, and 14 of Section 27, Township 4 North, Range 7 East, Willamette Meridian, Skamania County, Washington. The irrigation line is approximate as shown on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and Exhibit B-9 "Irrigation System Easement", attached. The centerline alignment of this easement is more particularly described as follows:

Beginning at the Center One Quarter corner of Section 27, a brass cap described by Larry Bishop, filed at the Skamania County Auditors office, Stevenson, Washington, Book 2 of Surveys, page 44;

Thence N 04°-52'E, 218 feet to the irrigation line in Government Lot 8, said Section 27, the TRUE POINT OF BEGINNING;

Thence N 87° 10' W, 73 feet;

Thence S 02° 12' W, 235 feet;

Thence S 32° 50' E, 310 feet, to the end of the irrigation line in Government Lot 11, said Section 27. The total right of way acreage is ± 0.14 acres. The basis of bearing for this description is Grid bearing, NAD 1927 (theta angle of -1° - 02'). This description of the water line location is approximate, as portrayed on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and is on file at the Gifford Pinchot National Forest Headquarters, 10600 NE 51<sup>st</sup> Circle, Vancouver, Washington.

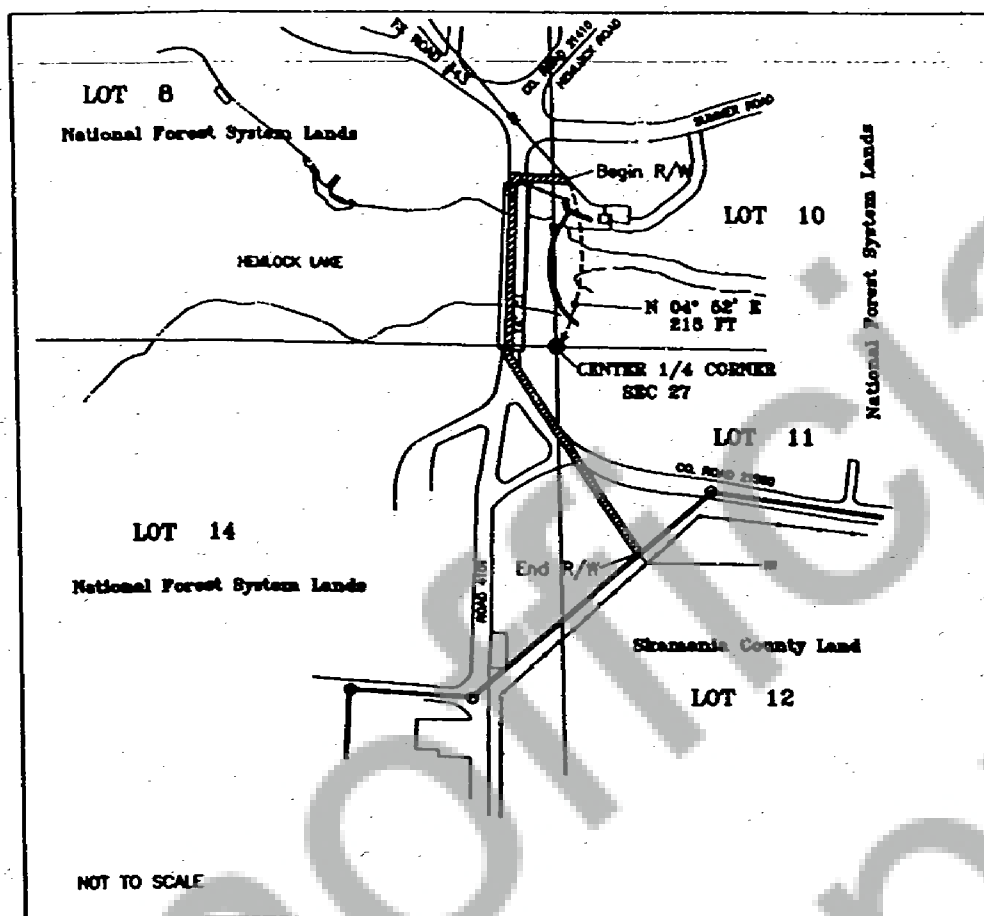


EXHIBIT B-9

- LEGEND
- CORNER OF RECORD
  - PROPERTY LINE
  - EXISTING ROAD
  - FENCE LINE
  - ▨ EASEMENT/RIGHT OF WAY

IRRIGATION SYSTEM EASEMENT

TOTAL RIGHT OF WAY ACRESAGE  
TO BE GRANTED

0.14 ACRES (6,100 SQ FT)  
IRRIGATION LINE LENGTH = 618 FT

NOTE: The right of way to be granted extends from and terminates at the true property line. The R/W is 10 feet wide, extending 5 feet each side of the centerline. The irrigation line location is depicted from the USFS Uniform Design Map - Wind River Nursery, 1995.

LOCATION: LOT 8, LOT 10, LOT 11 & LOT 14,  
SEC 27, T4N, R7E, V.1A

PROJECT NAME: WIND RIVER NURSERY  
ROAD & UTILITY EASEMENTS

REVIEWED BY: DON KARSCH, PLS

2750 RIGHT-OF-WAY GRANT

U.S.D.A. FOREST SERVICE PACIFIC NW REGION  
CLIFFORD PINCHOT NATIONAL FOREST  
WIND RIVER NURSERY CENTER

ACCEPTED BY: *[Signature]*  
FOREST ENGINEER