

Return to:

Attn.: Pattie Wickwire
USDA FOREST SERVICE OF COLUMBIA GORGE NSA
902 Wasco Avenue Suite 200
Hood River, OR 97031

REAL ESTATE EXCISE TAX

JUN 25 2004

PAID

Re: CCT 00052780 MD

Document Title(s):

SKAMANIA COUNTY TREASURER

AMENDMENT OF WATER DISTRIBUTION LINE EASEMENT TO DESIGNATED LOCATION

Reference number(s) of Documents assigned or released:

57007 Book 47, Page 195
82144 Book 70, Page 946

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

1. CAPE HORN LAND AND TIMER TRUST
2. SCHNEIDER, DELOS V.
3. SCHNEIDER, MARLYS C.
4. ☐ Additional names on page of document.

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

1. THE PUBLIC
2. ☐ Additional names on page of document.

Legal Description (abbreviated: i.e. lot, block, plat or section, township, range):

SW 1/4 Section 3, T1, R5

☒ Additional legal is on page 2 of document.

Assessor's Property Tax Parcel/Account Number:

01-05-03-3-0-0900-00 & 01-05-03-3-0-1000-00

☒ Additional legal is on page 2 of document.

After Recording Mail to:

USDA Forest Service
Attn: Pattie Wickwire
902 Wasco Avenue, Suite 200
Hood River, OR 97031

**AMENDMENT OF WATER DISTRIBUTION LINE EASEMENT
TO DESIGNATE LOCATION**

THE PURPOSE of this Amendment is to forevermore designate an exact location of the water distribution line easement right of way for a pipeline or other means of carrying water from a spring located upon tax lot 01-05-03-3-0-1000-00 in T.1N, R.5E, sec. 3, Willamette Meridian, as shown on Skamania County Assessor's Tax Map dated November, 1990, Skamania County, Washington, herein known as Parcel 1 (servient parcel) to tax lot 01-05-03-3-0-0900-00 in sec. 3, T.1N., R.5E., Willamette Meridian, as shown on Skamania County Assessor's Tax Map dated November, 1990, Skamania County Washington, herein known as Parcel 2 (benefiting parcel). The easement was first created in the Agreement dated April 14, 1960 and recorded May 16, 1960 as Auditor's File No. 57007 in Book 47, Page 195, and subsequently documented in a Statutory Warranty Deed dated August 31, 1967 and recorded May 13, 1976 as Auditor's File No. 82144 in Book 70, page 946, records of Skamania County, State of Washington. An exact location of this water distribution line easement has never been specified.

WHEREAS, Daniel L. Huntington and Brian H. Wolfe, as Trustees for Cape Horn Land and Timber Trust are the owners of real property located within the Columbia River Gorge National Scenic Area described as tax lot 01-05-03-3-0-1000-00 in sec. 3, T.1N., R.5E., Willamette Meridian, as shown on Skamania County Assessor's Tax Map dated November, 1990, Skamania County, Washington, herein known as Parcel 1 (servient parcel), and also the successor in interest to George DeGroote and Ruth DeGroote, husband and wife, signatories of the original Agreement and Statutory Warranty Deed;

WHEREAS, Delos V. Schneider and Marlys C. Schneider are the owners of real property described as tax lot 01-05-03-3-0-0900-00 in sec. 3, T.1N., R.5E., Willamette Meridian, as shown on Skamania County Assessor's Tax Map dated November, 1990, Skamania County, Washington, herein known as Parcel 2 (benefiting parcel), the successor in interest to Harold Parson and Ruth Ester Parson, husband and wife, signatories of the original Agreement;

WHEREAS, the owners of Parcel 1 and the owners of Parcel 2 find the current on the ground location of the pipeline from Parcel 1 to Parcel 2 to be acceptable as is more particularly described as follows:

A strip of land, 10 feet in width, and centered on the existing water distribution line as located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 1 North, Range 5 East, Willamette Meridian, Tax Lot 01-05-09-3-0-1000-00, as shown on Skamania County Assessor's Tax Map dated November, 1990, Skamania County, Washington.

The centerline of said water pipeline is generally depicted on the attached Exhibit A, which by this reference is made a part hereof and is generally further described as follows:

Beginning at a point used as the spring distribution center, said point bears North 24° East, 565 feet from the Southwest corner of said Section 3, thence North 17° East, 60 feet more or less to a point on the south right-of-way line of Skamania County Road No. 11030 known as Mt. Pleasant Road, and the end of this easement.

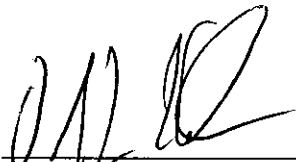
NOW THEREFORE, Daniel L. Huntington and Brian H. Wolfe, as Trustees for Cape Horn Land and Timber Trust, Delos V. Schneider and Marlys C. Schneider, do hereby agree to amend the original easement as follows:

1. The current on the ground location of this above referenced pipeline from the spring on Parcel 1 to Parcel 2 described above and as depicted in the attached Exhibit A which by this reference is made a part hereof is the true and actual permanent location of the easement .
2. The only portion of the tract granted to Delos V. Schneider and Marlys C. Schneider in Statutory Warranty Deed dated August 31, 1967 and recorded May 13, 1976 as Auditor's File No. 82144 in Book 70, page 946, prior to subdivisions, granted use of this easement is current Tax Lot 01-05-03-3-0-0900-00 as shown on Skamania County Assessor's Tax Map dated November, 1990, also known as Lot 2 of the D. Schneider Short Plat recorded in Book 3 at page 149, under Auditor's File No. 108425 being a re-recording of a part of Short Plat recorded in Book 2, at page 124, records of Skamania County, Washington.
3. The width of this easement is ten feet, five feet on each side of the centerline as it now exists.
4. The easement grants the holder of the easement the right to enter upon said lands to construct, reconstruct, repair, operate and maintain the existing distribution line and associated existing facilities located within the right of way. It further grants the right

to the holder of the easement to cut and trim trees and shrubbery within the right of way, by machinery or otherwise, that may interfere with or threaten to endanger the safe operation and maintenance of said line or system.


5. This amendment in no way grants or affirms any water rights to the above-mentioned spring. The Water Code, enacted by the Washington State Legislature in 1917, states, "all waters within the state belong to the public, subject to existing rights." Water Rights are a permitted use approved and issued only by the State of Washington, Department of Ecology.

Dated this 18 day of May, 2004.



DANIEL L. HUNTINGTON, Trustee
Cape Horn Land and Timber Trust

May 18, 2004
Date



BRIAN H. WOLFE, Trustee
Cape Horn Land and Timber Trust

April 30 2004
Date


DELOS V. SCHNEIDER

5-18-04
Date


MARLYS C. SCHNEIDER

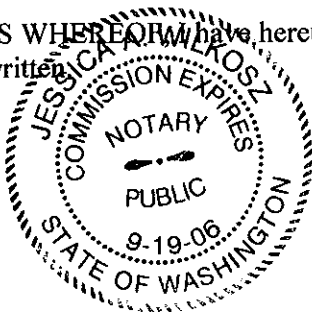
5-18-04
Date

ACKNOWLEDGMENT

STATE OF Washington
County of Clark)ss.

On this 18 day of May, 2004, before me, the undersigned, personally appeared **DANIEL L. HUNTINGTON**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the individual who executed the within and foregoing instrument as Trustee of the **CAPE HORN LAND AND TIMBER TRUST**, the Trust therein name, and acknowledged that the Trust executed the same as its free and voluntary act and deed for the purposes therein mentioned, and on oath stated that he/she was authorized to so execute said instrument.

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



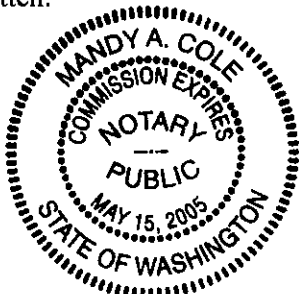
Jessica A. Wilkosz
signature
Name (Printed): Jessica A. Wilkosz
Notary Public for the State of Washington
My commission expires 9/19/2006

ACKNOWLEDGMENT

STATE OF Washington
County of Clark)ss.

On this 30th day of April, 2004, before me, the undersigned, personally appeared **BRIAN H. WOLFE**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the individual who executed the within and foregoing instrument as Trustee of the **CAPE HORN LAND AND TIMBER TRUST**, the Trust therein name, and acknowledged that the Trust executed the same as its free and voluntary act and deed for the purposes therein mentioned, and on oath stated that he/she was authorized to so execute said instrument.

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



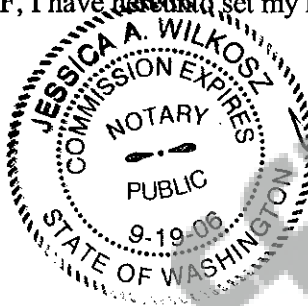
Mandy A. Cole
signature
Name (Printed): Mandy A. Cole
Notary Public for the State of Washington
My commission expires 5-15-2005

ACKNOWLEDGMENT

STATE OF Washington
County of Clark)ss.

On this 18 day of May 2004 before me, the undersigned, personally appeared **DELOS V. SCHNEIDER**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he/she executed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

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



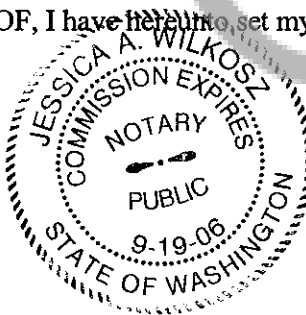
Jessica A. Wilkosz
Name (Printed) Jessica A. Wilkosz
Notary Public for the State of Washington
My Commission Expires 9/19/2006

ACKNOWLEDGMENT

STATE OF Washington
County of Clark)ss.

On this 18 day of May 2004 before me, the undersigned, personally appeared **MARLYS C. SCHNEIDER**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he/she executed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

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



Jessica A. Wilkosz
Name (Printed) Jessica A. Wilkosz
Notary Public for the State of Washington
My Commission Expires 9/19/2006

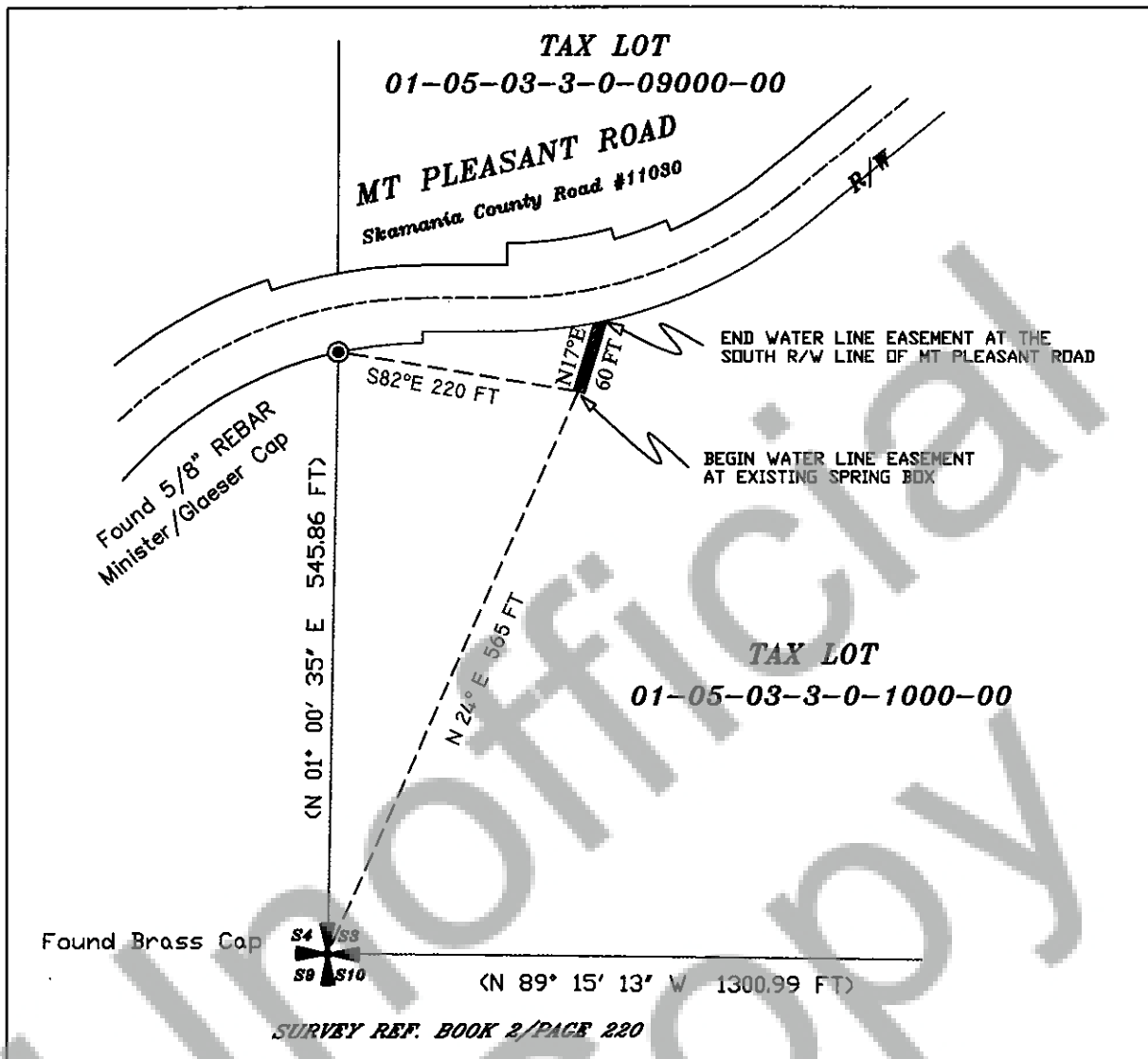


EXHIBIT A		WATER LINE EASEMENT	TOTAL WATER LINE EASEMENT ACREAGE TO BE RESERVED
<p>LEGEND</p> <div style="display: flex; align-items: center;"> <p>● CORNER OF RECORD</p> </div> <p>— TAX LOT LINES</p> <p> EASEMENT TO BE GRANTED</p> <p>(XXXX) SURVEY REF: BOOK 2, PAGE 220</p>	<p style="text-align: center;">BASIS OF BEARING: SURVEY BK 2/PG 220 NOT TO SCALE</p> <p style="text-align: center;">N</p>	<p>NOTE:</p> <p>The waterline easement extends from the south edge of the existing spring box and ends at the south R/W line of Mt Pleasant Road. It is 60 feet in length and is 10 feet wide, extending 5 feet each side of the centerline. The water line location is depicted from GPS Pathfinder Pro-XR, corrected to the Portland Base Station, as located April 6, 2004.</p>	
<p>LOCATION: SW1/4SW1/4 SECTION 3 T1N, R5E, W.M., Skamania Co., WA</p> <p>PROJECT NAME: CAPE HORN TRUST/GIP#276</p> <p>PREPARED BY: DON KARSCH, PLS 4-29-2004</p>		<p style="text-align: right;">Page 6 of 6</p> <p style="text-align: center;">WATER LINE EASEMENT</p> <p style="text-align: center;">CAPE HORN LAND and TIMBER TRUST</p> <p style="text-align: center;">TO</p> <p style="text-align: center;">DELOS V. & MARLYS C. SCHNEIDER</p>	