

Doc # 2007166507
Page 1 of 8
Date: 06/14/2007 02:21P
Filed by: BONNEVILLE POWER ADMIN
Filed & Recorded in Official Records
of SKAMANIA COUNTY
SKAMANIA COUNTY AUDITOR
J MICHAEL GARVISON
Fee: \$39.00

WHEN RECORDED RETURN TO:

Bonneville Power Administration
TERR-3
P.O. Box 3621
Portland, ORE 97208-3621

DOCUMENT TITLE(S)

Land Use Agreement

REFERENCE NUMBER(S) of Documents assigned or released:

☐ Additional numbers on page _____ of document.

GRANTOR(S):

Bonneville Power Administration

☐ Additional names on page _____ of document.

GRANTEE(S):

Rick & Paula Zimmerman

☐ Additional names on page _____ of document.

LEGAL DESCRIPTION (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter):

NW 1/4 SE 1/4, S 26, T 3N, R 1E, W. M., Skamania County

☒ Complete legal on page 2 of document.

TAX PARCEL NUMBER(S):

03-07-26-0-0-0501-00 210 6-14-07

☐ Additional parcel numbers on page _____ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

REAL ESTATE EXCISE TAX

N/A

JUN 14 2007

PAID

N/A

Andrew J. Fisher Deputy
SKAMANIA COUNTY TREASURER

AFTER RECORDING, RETURN TO
Bonneville Power Administration
TERR-3
P.O. BOX 3621
PORTLAND, OR 97208-3621

Legal description: A portion of the NW1/4SE1/4 of Section 26, Township 3 North, Range 7 East, W.M., Skamania County, WA, as shown on Exhibits A and B. (Affects Tax Account No. 03-07-26-0-0-0501-00.)

U.S. DEPARTMENT OF ENERGY-BONNEVILLE POWER ADMINISTRATION
LAND USE AGREEMENT

May 11, 2007

CASE No. 20070219

TRACT No. HA-O-146-A-672

LINE: Hanford-Ostrander No. 1 (Operated as Wautoma-Ostrander No. 1)

Mr. Rick Zimmerman
P.O. Box 80863
Portland, OR 97208

Bonneville Power Administration (BPA) hereby agrees to your use of BPA's easement area for construction/installation, use, and maintenance of a storm water retention pond.

The location of your use is partially within the NW1/4SE1/4 of Section 26, Township 3 North, Range 7 East, Willamette Meridian, Skamania County, State of Washington, as shown on the attached segment of BPA Drawing No. 150446, marked as Exhibit A and a portion of Applicant's Bell Design Company engineering drawing, dated 12/14/06, Job No. 06B210, marked Exhibit B.

You shall not make any changes or additions to your use of the right-of-way without BPA's review and written approval. Any other uses and utilities on the right-of-way must be applied for separately.

Please note that BPA is not the owner of this property. If you are not the owner, you must obtain the owner(s) permission to use this property. There may also be other uses of the property that might be located within the same area as your project. This agreement is subject to those other rights.

This agreement is revocable at will by BPA and does not modify, change, or otherwise alter the rights BPA acquired by Deed. BPA may terminate this agreement upon 30 days written notice.

The subject use of this easement area has been determined not to be a hazard to, or an interference with, BPA's present use of this easement for electric transmission line purposes. Accordingly, there is no present objection to such use. However, if BPA should determine at any time, that your use has become a hazard to the presently installed electrical facilities of BPA, or any facilities added or constructed in the future, or if such use should interfere with the inspection, maintenance, or repair of the same, or with the access along such easement, you will be required to stop your use or remove such hazard or interference from the right-of-way at no expense to BPA.

**BY ACCEPTING THIS LAND USE AGREEMENT YOU ARE AGREEING TO
THE FOLLOWING CONDITIONS**

1. Inform BPA once the construction of your approved use is complete.
2. The construction/installation of your approved use must be completed by April 20, 2008. If you have not completed your project by the above date, you must inform BPA five working days in advance to receive an extension.
3. Maintain a minimum distance of at least 15 feet between your construction equipment and the transmission line conductors (wires).
4. Maintain a minimum distance of at least 50 feet between your facilities and the transmission line structures.
5. To ensure the safety of workers and the uninterrupted operation of the BPA transmission facilities, the applicant shall employ a BPA approved safety watcher during any construction activities occurring under the conductors (wires) or when operating any equipment that has the potential to reach or come within 20 feet of the conductors (wires). **Please contact this office for a current list of BPA approved Safety Watchers.**
6. Equipment, machinery, and vehicles traveling on BPA's right-of-way shall come no closer than 25 feet to any BPA structure or guy anchor ground attachment point.
7. No storage of flammable materials or refueling of vehicles or equipment within the easement area.
8. Overburden grade changes to existing ground elevations while excavating on right-of-way is prohibited.

9. Underground piping to the pond must stay 50 feet from the closest tower leg and must be designed to HS-20 loading imposed by large BPA line trucks that patrol the right-of-way.
10. Access to BPA transmission line system by BPA and/or its contractors shall not be obstructed at any time.
11. Because smoke is a conductor, NO brush piles or burning on the right-of-way is allowed. Electricity traveling down the smoke could potentially cause a deadly situation for anyone standing on or near the point where the electricity contacts the ground.

IN ADDITION, THE FOLLOWING IS BROUGHT TO YOUR ATTENTION

You agree to assume risk of loss, damage, or injury which may result from your use of the easement area, except for such loss, damage, or injury for which BPA may be responsible under the provisions of the Federal Tort Claims Act, 62 Stat. 982, as amended. It is understood that any damage to BPA's property caused by or resulting from your use of the easement area may be repaired by BPA, and the actual cost of such repair shall be charged against and be paid by you.

Nuisance shocks may occur within the right-of-way. Grounding metal objects helps to reduce the level of shock. It is suggested that construction equipment be grounded with a drag chain.

Construction/installation, use, and maintenance of the retention pond shall be at no cost to BPA.

BPA seeks your help maintaining the integrity of the electrical transmission system. Please report any Vandalism or Theft to the BPA Crime Witness program at 1-800-437-2744. Cash rewards of up to \$25,000 will be paid should information lead to the arrest and conviction of persons committing a crime.

BPA shall not be liable for damage to your property, facilities, or injury to persons that might occur during maintenance, reconstruction, or future construction of BPA facilities as a result of your facilities being within the right-of-way.

If you have any questions or concerns, please notify BPA Realty Office. You may direct any communication to Bonneville Power Administration, Real Estate Field Services (TERR-3) P.O. Box 3621, Portland, Oregon 97208-3621 or by telephoning me at 503-230-5589.

A copy of this agreement shall be physically located at the project during construction activities.

THIS LAND USE AGREEMENT BECOMES EFFECTIVE UPON THE
SIGNATURE OF ALL PARTIES.

I HAVE READ, UNDERSTAND, AND CONCUR WITH THE TERMS OF THIS
AGREEMENT:

Paula J. Zinner

5/18/07

Miss Zinner

5/19/07

Owners Name

Date

THIS AGREEMENT IS HEREBY AUTHORIZED BY BONNEVILLE POWER
ADMINISTRATION:

Dawneen Dostert

5-24-07

Dawneen Dostert
Realty Specialist

Date

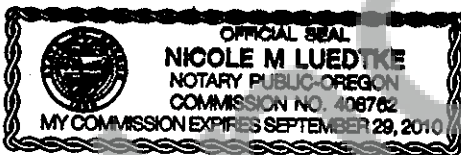
US DEPARTMENT OF ENERGY-BONNEVILLE POWER ADMINISTRATION

PERSONAL/FIDUCIARY ACKNOWLEDGMENT

Washington, Oregon, Idaho, Montana, and California

State of Oregon)
) ss
County of Washington

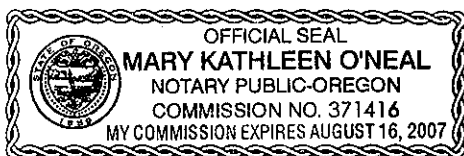
On this 19th day of May, 2007, before me personally appeared Rock and Paula Zimmerman, known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and who acknowledged to me that ~~(he/she)~~ executed the same as ~~(his/her)~~ They NL voluntary act and deed for the uses and purposes therein mentioned. They NL



Nicole M Luedtke
Notary Public in and for the State of Oregon
Residing in Portland
My commission expires Sept. 29-2010

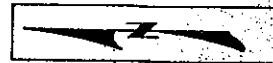
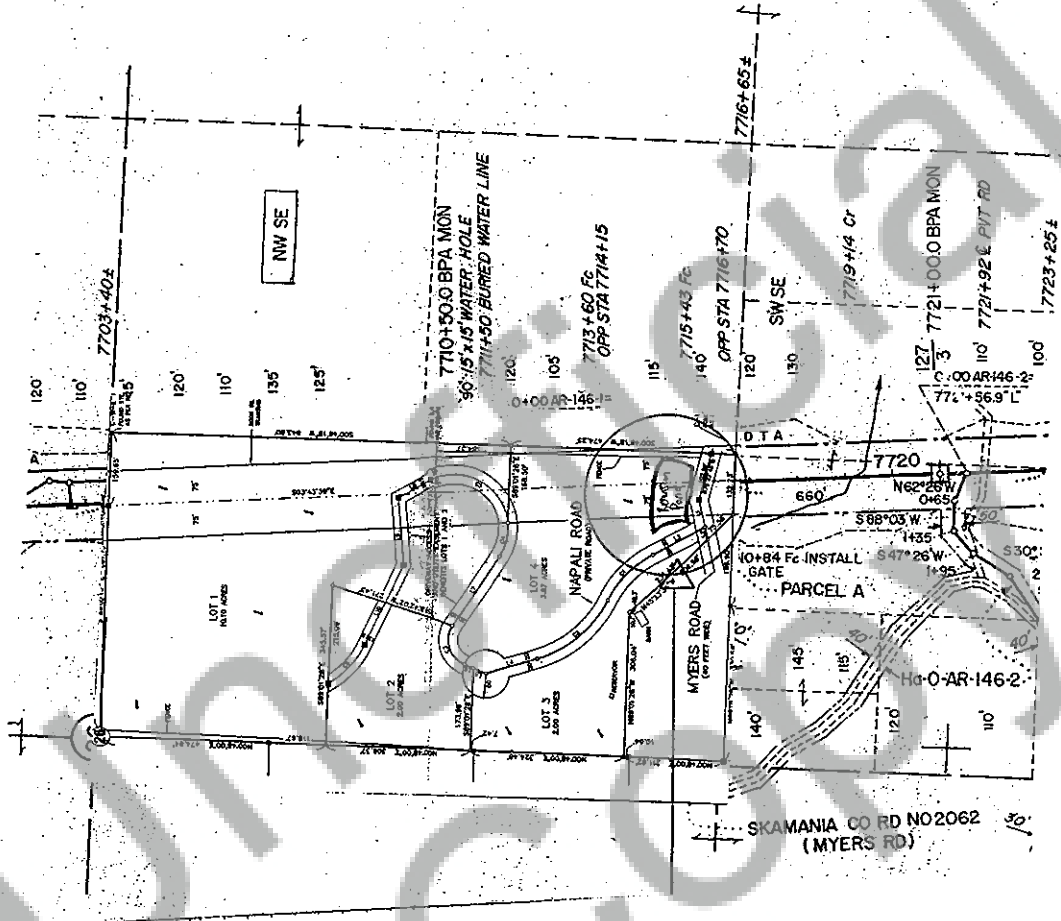
State of Oregon)
) ss
County of Multnomah

On this 24th day of May, 2007, before me personally appeared **Dawneen Dostert**, known to me, or proved to me on the basis of satisfactory evidence, to be a **Field Realty Specialist for the Bonneville Power Administration** whose name he subscribed to the within instrument and who acknowledged to me that she executed the same as her voluntary act and was authorized to execute said instrument in such official or representative capacity.



Mary Kathleen O'Neal
Notary Public in and for the State of Oregon
Residing in La Center WA
My commission expires 8/16/07

SEC 26 T3N R7E WM
Skamania County, Washington



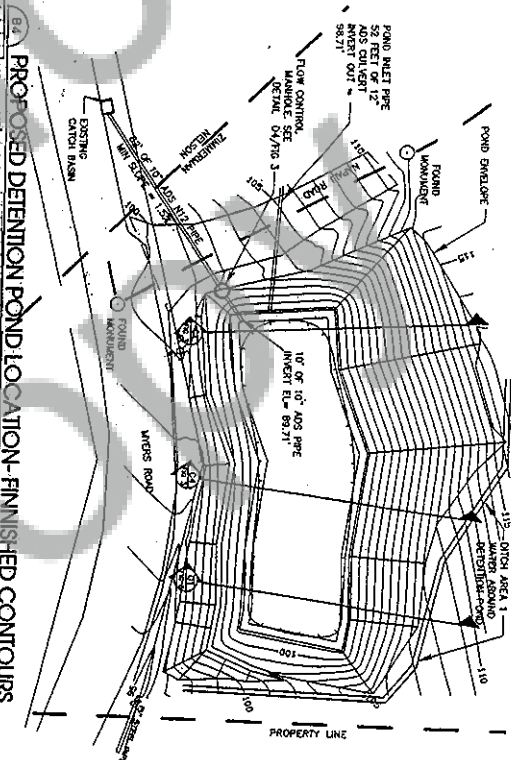
UNITED STATES DEPARTMENT OF THE INTERIOR BONNEVILLE POWER ADMINISTRATION HEADQUARTERS, PORTLAND, OREGON			
HANFORD-OSTRANDER NO 1 BINGEN-NORTH BONNEVILLE SECTION 500 KV TRANSMISSION LINE SHORT MI. 146 OF 183 MILES FROM HANFORD (4320)			
PROF SER 150446A	RIGHT OF WAY	DESIGN A B	APPROVED
REFERENCE DRAWINGS	Design D.L.W.	Design R.G.	Design 11-11-69
Datum: USC & GS	Drawn S.B.L.	Checked E.H.N.	150446 DTM-D

Exhibit A

Rick Zimmerman
Case No 20070219
Portion of BPA Drwg No 150446

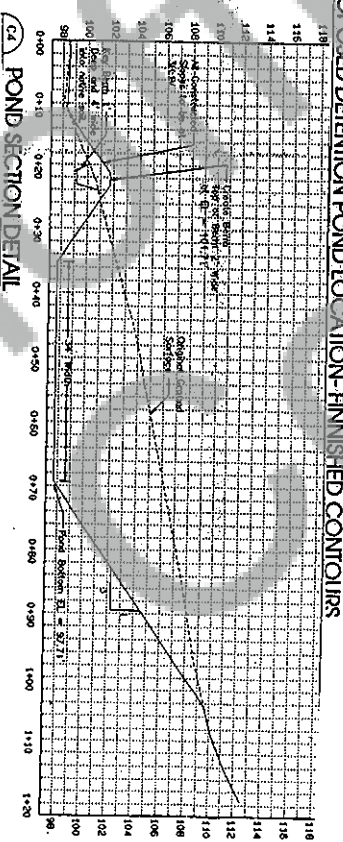
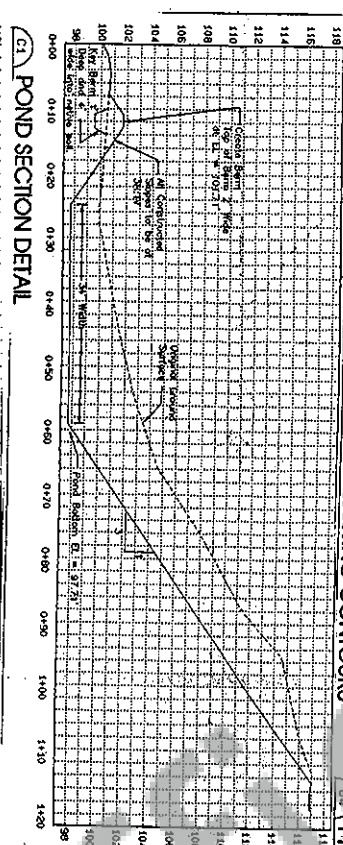
OPER AS MILE 127 WAUTOMA-OSTRANDER NO 1

USE UNIFORM NATIVE SOIL FREE OF LARGE ROCKS AND BouldERS.
USE SOILS FREE OF TOP SOIL OR VEGETATIVE MATTER.
COMPACT SOIL IN 6" LIFTS TO 92% OF MAX DRY DENSITY AS PER ASTM D-1557 METHOD
STABILIZE ALL CUT AND FILL SLOPE WITH VEGETATION AFTER CONSTRUCTION.



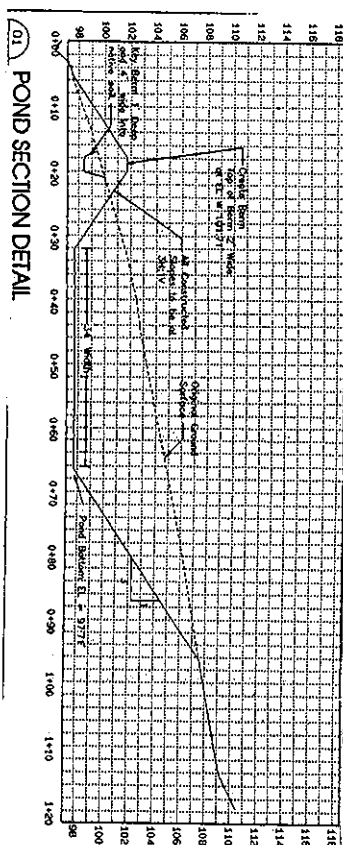
318 (b) PROPOSED DETENTION POND LOCATION-EXISTING CONTOURS

PROPOSED DECONTAMINATION-FINISHED CONTAINERS

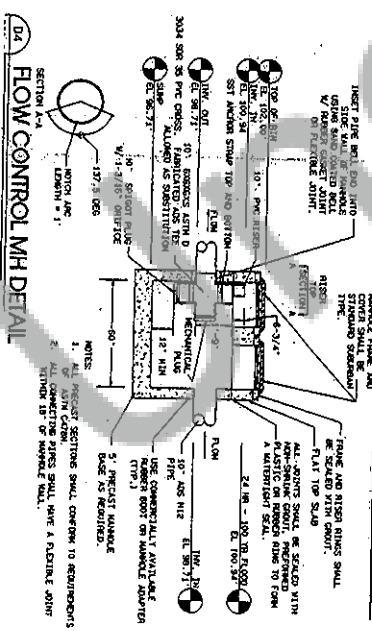


C1 POND SECTION DETAIL

C4 POND SECTION DETAIL



01 POND SECTION DETAIL.



FLOW CONTROL MH DETAIL

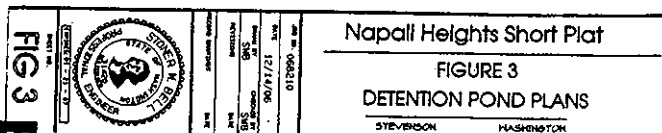


FIG 3
Exhibit B



BELL DESIGN COMPANY

CIVIL ENGINEERING **LAND SURVEYING**

1000 EAST STEUBEN STREET, P.O.B. 500, BINGEN, WA. 98603
PHONE: (509) 443-3886 FAX: (509) 443-5885