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133389  
EASEMENT

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This conveyance, between WENATCHEE-BEEBE ORCHARD COMPANY, Grantor,  
and PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, Grantee,

W I T N E S S E T H:

Grantor is the owner of the following described lands in Douglas  
County, State of Washington:

Government Lots 5 and 6, Section 10, Township 27 North, Range 23,  
East of the Willamette Meridian;

Government Lots 6, 7 and 8, Section 9, Township 27 North, Range 23, East  
of the Willamette Meridian;

Government Lots 1, 3, 4 and 5 and the North one-half of the Northeast  
Quarter of Section 16, Township 27 North, Range 23, East of the Willamette  
Meridian; EXCEPT that portion of the Southwest one fourth of Section 16,  
Township 27 North, Range 23, East of the Willamette Meridian described as  
follows: Commencing at a point on the Southerly boundary line of the  
established County road which runs through said Southwest one fourth of  
said Section 16, which said point is twelve hundred (1200) feet due North  
of the Southeast corner of said Southwest quarter of said Section 16, thence  
Southerly along the Southerly line of said County road a distance of 680  
feet; thence in a straight line to a point 600 feet due South of the point  
of beginning; thence in a straight line to said point of beginning comprising  
approximately three and one fourth ( 3 1/4 ) acres, all according to the  
United States Government Survey thereof.

Government Lots 1, 2 and 3, Section 21, Township 27 North, Range 23, East  
of the Willamette Meridian.

All of Government Lot 5, Section 20, Township 27 North, Range 23, East  
of the Willamette Meridian.

That certain tract or parcel of land lying and being in Lot 1 of Section 29,  
Township 27 North, Range 23, East of the Willamette Meridian, particularly  
bounded and described as follows, to-wit: Beginning at a point on the East  
bank of the Columbia River in aforesaid Lot 1 from which a point on the  
North line of said Section 29, 745 feet West of the Northeast corner thereof  
bears North 50°24' East 1021.5 feet distant; and running thence South 53°41'  
East 200 feet; thence South 36°19' West 600 feet; thence North 53°41' West  
340 feet to the East bank of the Columbia River; thence up the East Bank of  
said Columbia River to the place of beginning; ALSO and together with an  
easement of right of way for flume and pipe line, being 6 feet on each side  
of a centerline described as follows: Beginning at the center point of  
course hereinbefore described as thence "South 36°19' West 600 feet"; thence  
in Northeasterly direction thru said Lot 1 of Section 29 and Lot 5 of  
Section 20, Township 27 North, Range 23 East of the Willamette Meridian, to  
a point on East boundary of said Lot 5.

Together with all appurtenance thereto belonging, including but not limited  
to rights of way over lands of others for irrigation and domestic water  
systems, roads and utilities.

Together with the rights of the Defendant, Douglas County, and any interest  
of the Defendant Wenatchee Beebe Company in that part of the existing  
county roads located on the above described real estate, and lying below  
the respective contour elevations to which the right to impound Columbia  
River waters is acquired in this conveyance.

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and, Grantor is also the owner of the following described lands in Chelan County, State of Washington:

Lots 30, 31, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, Plat of Chelan Landing according to the Plat thereof recorded in Volume 3 of Plats, page 38, records of said County; together with vacated streets adjoining, and that part of Government Lots 1, 2, 3, and 4 and the East one half of the Southwest Quarter of Section 20, Township 27 North, Range 23 East of the Willamette Meridian, lying Easterly of the right of way of the Great Northern Railway Company and Northerly of the said Plat of Chelan Landing.

AND ALSO, a bridge across the Columbia River known as the "Beebe Bridge", constructed pursuant to a permit issued to the Wenatchee-Beebe Orchard Company by the Secretary of War of the United States of America, dated April 10, 1919, located in Section 29, Township 27 North, Range 23, East of the Willamette Meridian, Chelan and Douglas Counties, Washington.

TOGETHER with all appurtenances thereunto belonging, including, but not limited to, rights of way over lands of others for irrigation and domestic water systems, roads and utilities.

TOGETHER with any interest of the Wenatchee Beebe Company in that part of the existing county roads located on the above described real estate, and lying below the respective contour elevations to which the following described easement to impound Columbia River waters is acquired in this conveyance.

The Grantor, in consideration of One Dollar (\$1.00) and other valuable considerations, hereby conveys and warrants to Grantee a perpetual easement, particularly described as follows:

An easement consisting of the perpetual right to impound the waters of the Columbia River and its tributaries, and, by the construction, operation and maintenance of a dam and hydro-electric project, to raise the water level of the Columbia River and the water level and water table under and over the land above described to various levels at various times, but at no time to an elevation exceeding 710 feet above sea level at the forebay of the dam of the Rocky Reach Hydro-Electric Power Project, and at no time to an elevation exceeding 737 feet above mean sea level in said Sections 9 and 10, and at no time to an elevation exceeding 736 feet above mean sea level in said Section 16, and at no time to an elevation exceeding 735 feet above mean sea level in said Sections 20 and 21, and at no time to an elevation exceeding 734 feet in said Section 29 (all elevations referred to herein being in accordance with USCGS Datum) and, without recourse upon Public Utility District No. 1 of Chelan County, Washington, its successors and assigns, to damage said property, together with improvements and appurtenances thereon and thereto, and including any damage to or contamination of water supply appurtenant to said premises, by overflow, erosion, seepage or similar causes by such artificial raising of such water and water table, together with the perpetual right to enter upon and remove from said described lands lying below elevations described as follows:

In Chelan County, Washington,  
below elevation 723 feet above sea level in the north half of said Section 29; and below elevation 723 feet above sea level in said Section 20, Except from a line that is parallel to and 2185 feet south of the north line of said Section 20 northerly to the north line of said Section, said elevation shall be below 724 feet above sea level; and

In Douglas County, Washington,  
below elevation 723 feet above sea level in the north half of said Section 29; and below 723 feet above sea level in said Section 20; and below elevation 723 feet above sea level in said Section 21, Except from a line that is parallel to and 2800 feet north of the south line of said Section 21 northerly to the north line of said Section, said elevation

shall be below 724 feet above sea level; and below 724 feet above sea level in said Section 16, Except from a line that is parallel to and 1195 feet south of the north line of said Section 16, northerly to the north line of said Section, said elevation shall be below 725 feet above sea level; and below elevation 725 feet above sea level in said Section 9; and below elevation 725 feet above sea level in said Section 10, Except from a line that is parallel to and 2060 feet north of the south line of said Section 10 northeasterly to the North South center line of said Section, said elevation shall be below 726 feet above sea level (all elevations referred to herein being in accordance with U.S.C.G.S. Datum)

any obstruction such as buildings, trees, timber, underbrush, refuse, and other material, provided, however, that live fruit trees planted and to be planted on lands lying above elevation 712 feet above mean sea level shall not be removed; all for the purpose of construction, operation and maintenance of the Rocky Reach Hydro-Electric Power Project.

The easement rights acquired under this easement shall be subject to the following limitations:

1. The reservoir of the Rocky Reach Hydro-Electric Power Project shall be operated and controlled so that the maximum elevation of the reservoir at the forebay of the dam shall not exceed 710 feet above sea level.

Subject to the superior rights acquired by Public Utility District No. 1 of Chelan County pursuant to this easement, and without interfering with or abridging the rights and easements acquired by said District under this easement, there is reserved to the Grantor, its successors and assigns:

- (1) All such rights and privileges in and to the above described lands as may be used or enjoyed by said owners, including the right to maintain pumps, pump houses and pipelines thereon as are not detrimental to the operation of the Rocky Reach Hydro-Electric Power Project and are not in violation of the required conditions of the District's Federal Power Commission License for said Project; and

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- (2) The right to maintain on the above described lands, boat landings, piers or other improvements which in the reasonable judgment of the Commission of said District are not detrimental to the operation of the Rocky Reach Hydro-Electric Power Project and are not in violation of the required conditions of the District's Federal Power Commission License for the Project.

IN WITNESS WHEREOF, Grantor has caused this conveyance to be executed by its officers thereunto duly authorized this first day of March, 1961.

WENATCHEE-BEEBE ORCHARD COMPANY

By Marcus Beebe, Pres

Attest Albert W. Rockness,  
Secretary



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STATE OF Massachusetts )  
COUNTY OF Suffolk )

On this 21st day of March A. D., 19 61,  
before me personally appeared Marcus Beebe to me  
known to be the \_\_\_\_\_ President and Albert W. Rockwood  
to me known to be the \_\_\_\_\_ Secretary, of Wenatchee-Beebe Orchard  
Company, a Delaware Corporation, the corporation that executed the within  
and foregoing instrument, and each acknowledged the said instrument to be  
the free and voluntary act and deed of said corporation, for the uses and  
purposes therein mentioned, and each 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 above written.

John F. Worcester  
Notary Public in and for the State of

Massachusetts, residing at Dover

My Commission expires \_\_\_\_\_

Filed for record on the 28 day of

March 1961 at 1:46 P. M.

under a DOUGLAS COUNTY TITLE COMPANY

Melba K. Firoved

By: [Signature] Secretary