



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

February 19, 2019

In reply refer to: FOIA #BPA-2019-00258-F

Kenneth Banks
Washington State Department of Fish & Wildlife
600 Capital Way
Olympia, WA 98501
Email: Kenneth.banks@dfw.wa.gov

Dear Mr. Banks:

This communication is the Bonneville Power Administration's (BPA) final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on December 13, 2018 and was formally acknowledged on December 21, 2018.

Request

“Right of Way plat map encompassing Sec. 26, T. 15 N., R. 18 E., W.M. and any other documents you may have to help aid in the discovery of original corner monuments. Some records indicate that there is a map dated June 21, 1943.”

Response

BPA has searched for and gathered 35 pages of responsive records from the agency's Real Property Services Project Office. BPA is herein releasing 14 pages in full; and releasing 21 pages with limited redactions applied under 5 U.S.C. § 552(b)(6) (Exemption 6). An explanation of the applied exemption follows.

Exemptions

The FOIA generally requires the release of all responsive government records upon request. However, the FOIA permits withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)).

Exemption 6

Exemption 6 protects information in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy” (5 U.S.C. § 552(b)(6)). Exemption 6 is applied to protect personally identifiable

information (PII) from public release when there is no public interest that would outweigh the privacy interest of the individual. In this case, BPA invokes Exemption 6 to protect PII of handwritten signatures. Note that the privacy privilege belongs to the individual and BPA cannot discretionarily release this information.

Fee

There are no FOIA fees applicable to the fulfillment of your request for BPA records.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records release and exemption determinations described above. Your FOIA request BPA-2019-00258-F is now closed with all available agency records provided.

Appeal

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to:

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact BPA's FOIA Public Liaison, Jason Taylor, at the address on this letter header for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov

Phone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Questions about this communication may be directed to Thanh Knudson, Flux Resources, LLC, at etknudson@bpa.gov or 503.230.5221

Sincerely,

A handwritten signature in black ink, appearing to read "Candice D. Palen". The signature is fluid and cursive, with the first name being the most prominent.

Candice D. Palen
Freedom of Information/Privacy Act Officer

Responsive records accompany this communication.

APPRAISER'S AND LAND BUYER'S REPORT
Option Secured

TRACT NO. *ME 160*

DATE: *Feb 3 - 1940*

NAME OF OWNER: *USA*

ADDRESS:

LOCATIONS OF LAND: *Sec 26, T 15 N, R 18 E, K. H. Itas County, Wash.*

Option Secured and Attached (Consideration and justification given below)
BP Survey H O / L Sta 276 + 64.15 to Sta 311 + 76.46.

*Approximately 3512 lineal feet of R/W 100 feet in
width @ \$52.80 per mile*

*R/W embraces unimproved
non-irrigated sage brush land*

Pole locations scheduled at

- Sta 283 + 00*
- 289 + 10*
- 297 + 00*
- 304 + 00*

Payment Recommended:

(b)(6)

Payment Approved:

Supervisor of Appraisals

Land Buyer

**UNITED STATES
DEPARTMENT OF THE INTERIOR
THE BONNEVILLE PROJECT
707 FAILING BUILDING
PORTLAND, OREGON**

LAND FILE

ORDER No. 10203

DATE December 6, 1940

File No. YK-160

Apparent Record Owner
State of Washington

PURCHASE ORDER

W.C. No. 11-Cl-2-J1
Appropriation:

To: Washington Title Insurance Company
803 Second Avenue, Seattle, Washington

Please furnish and forward the article or service named below to: John E. Walker, Chief, Title Section
Bonneville Power Administration
Portland, Oregon

ITEM No.	QUANTITY	ARTICLE OR SERVICE	UNIT	UNIT PRICE	AMOUNT
1	1	<p align="center"><u>Contract No. Tbp-145</u> <u>Yakima County</u></p> <p>Certificate of title for \$250.00 Liability for \$250.00</p> <p>Title services to be furnished at this time consist of the Preliminary certificate, covering a parcel of land described below, for which payment will be made in the amount of \$12.50. Payment of \$2.50 for the final certificate will be made if and when such services are ordered.</p> <p><u>The NE 1/4 and SE 1/4 of Sec. 26,</u> <u>T. 15 N., R. 16 E.W.M.</u></p> <p>We propose to acquire permanent easement over the above-numbered tract.</p>		15.00	15 00

TOTAL, 15 00

Respectfully,

(b)(6)

Terms: Net
F.o.b.: Portland, Oregon
Delivery: Within 60 days
X
IPine

John E. Walker
(Title) Chief, Title Section
Land Division

YE-160
XYE-162
-164

YE-160
YE-162
YE-164

November 23, 1940

Mr. Albert C. Martin
Commissioner of Public Lands
Olympia, Washington

Dear Mr. Martin:

Will you kindly advise us if your records indicate that the State of Washington owns the following-described tracts, so that I may be in a position to make formal application to the State of Washington for right-of-way easements:

- YE-160 - NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 15 North, Range 18 East, Yakima County
- YE-162 - E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$, Section 15, Township 15 North, Range 18 East, Yakima County
- YE-164 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 15 North, Range 18 East, Yakima County

Very truly yours,

RAYMOND J. GIBBONS
Junior Attorney
Land Division

RJG/cen

NOV 23 AM

LAND FILE

YE-160
~~YE-162~~
-164

YE-160
YE-162
YE-164

January 7, 1941

Mr. Albert C. Martin
Commissioner of Public Lands
Olympia, Washington

Dear Mr. Martin:

There are enclosed herewith standard plats required by statute in connection with applications for transmission line rights-of-way covering Section 26, Section 14, and Section 2, all in Township 15 North, Range 18 East, W.M., Yakima County, Washington.

Very truly yours,

RAYMOND J. GIBBONS
Junior Attorney
Bonneville Power Administration

Enclosures - 3

RJG/gen

JAN 7 1941
P.M.

STATE OF WASHINGTON
DEPARTMENT OF PUBLIC LANDS
OLYMPIA

576.8
VE-160
YE-162, 164
92464

January 8, 1941

Luc

Mr. Raymond J. Gibbons
Junior Attorney
Bonneville Power Administration
Portland, Oregon

In Re: YE-160
YE 162
YE 164

Dear Sir:

Receipt is acknowledged of your plats for right of way over sections 26, 14 and 2 all in township 15 north, range 18E.

These plats have been filed as our applications Nos. 16840, 16849 and 16839 respectively.

Very truly yours,

(b)(6)

Commissioner.

FMS:VK
App. 16839
16840
16849



YE-160 ✓
YE-162
YE-164

March 5, 1941

Mr. Jack Taylor
Commissioner of Public Lands
State of Washington
Olympia, Washington

Dear Sir:

In accordance with our previous procedure of securing easement rights for our transmission lines over lands owned by the State of Washington, we herewith transmit for your consideration and execution the following listed Offers to Convey Easement:

	<u>Section</u>	<u>Township</u>	<u>Range</u>
YE-160 Located in	26	15N	18E
162 Located in	14	15N	18E
164 Located in	2	15N	18E

We hope that you will be able to sign and return these offers soon. If there is any further information we can supply, we shall be pleased to furnish it to you.

Thank you for your cooperation.

Yours very truly,

SHERMAN B. GREEN
Chief, Land Buying Section
Land Division

BTV/ra
~~Enclosures~~

U.S. DEPARTMENT OF THE INTERIOR
BONNEVILLE POWER ADMINISTRATION

CROSS REFERENCE SHEET

CROSS-INDEXED TO:

FROM: Department of Public Lands, Washington
TO: Frank Yates
B.P.A.
DATE: 3/13/41

~~894-100~~
000-102
179
YE-164
160 ✓
162
BP-26

FILED UNDER BC-400

DESCRIPTION:

Regarding applications of right-of-way.
Application number, a brief description of the land and the proposed
charge for a right-of-way were enclosed.

pk

Legal

CONDEMNATION REQUEST

Yakima-Ellensburg Line
Work Order No. M9-C42-J2-340

Appropriation:

Map No.: C42-J2-340-C1 Sheet No.: H0-7 Acres: 8.06 Lineal feet: 3512.31

Tract No.: YE-160 Owner: State of Washington County: Yakima State: Washington

I. To: Chief, Land Division

We have been unable to secure an acceptable option to purchase the above tract because of:
 Inability to agree with owner thereof as to the compensation to be paid therefor.
 Objections to title.

Remarks: There is no authority for voluntary conveyance to the United States of America of transmission line easements across state lands in the State of Washington. The Lands Division of the Department of Justice has ruled that the State of Washington is without authority to convey an easement to this property by deed.

(b)(6)

Chief, Land Buying Section

April 9, 1941
Date

II. To: Chief, Appraisal Section
Via: Chief, Title Section

The above tract is to be referred for condemnation at once and I request that the title Section prepare the Condemnation Report, and that the Appraisal Section make a review of the appraisal, begin the collection of data in support of the appraisal, and if necessary, consult the Legal Division with regard to the handling and scheduling of the case.

Noted and passed to Appraisal Section:

(b)(6)

Chief, Land Division

4/10/41
Date

(b)(6)
Chief, Title Section

4-12-41
Date

III. To: Chief, Land Division

The Appraisal Section has made a review of this case and believes that a price of \$ 80.00 can be sustained in condemnation proceedings.

We will arrange for the necessary testimony in this case.

Remarks:

The Appraisal Section is prepared to offer the testimony of a qualified Appraisal Section appraiser supporting the value of this section of right of way at \$80.00, in accordance with the offer signed by Jack Taylor, Commissioner of Public Lands.

(b)(6)

Chief, Appraisal Section

4-12-41
Date

IV. To: Chief, Title Section

Condemnation of this tract is approved. The estimated value thereof is \$ 80.00 .

(b)(6)

Chief, Land Division

4-12-41
Date

Original (White) to Legal Division with Condemnation Report
Duplicate (Yellow) to Chief Clerk, then to Land file
" (Blue) to Appraisal Section

TRACT NO. YE-160

U.S. DEPARTMENT OF THE INTERIOR
BONNEVILLE POWER ADMINISTRATION
LAND ACQUISITION REQUEST

PARCEL NO. 15N-18E-26A

TO: Chief of Land Division

DATE April 11, 1941

FROM: Chief Engineer

The acquisition of the ~~land~~ / easement described below is hereby requested, and you are hereby authorized to acquire same.

OWNER: United States of America

STATE: Washington COUNTY: Yakima SEC: 26 TWP: 15N RGE: 18E W.M.

DESCRIPTION The property described in the attached description is shown as Parcel A on sheet HO-7 of drawing No. C42-J2-340-C1 on the Yakima-Ellensburg transmission line.

SURVEY STATION: 276+64.15 TO SURVEY STA: 311+76.46

LENGTH ALONG CENTER LINE RIGHT-OF-WAY: 3512.31 feet more or less

RIGHT-OF-WAY WIDTH: 100 feet

ACRES: 8.06 more or less

IMPROVEMENTS :

PURPOSE: Transmission line right of way

AUTHORITY: W.O. C42-J1-340

APPROVED BY ADMINISTRATOR: 9-24-40

REMARKS: This request supersedes our request for the acquisition of right of way for tract YE-160 dated February 19, 1940.

S. E. SCHULTZ
(Chief Engineer)

(b)(6)

DON S. CAMPBELL
(Senior Transmission Engineer)

That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 26, Township 15 North, Range 18 East, Willamette Meridian, Yakima County, Washington; which lies within a strip of land 100 feet in width, the boundaries of said strip being 50 feet distant on either side of and parallel to the survey line of the Yakima-Ellensburg transmission line as now located and staked on the ground over, across, and upon the above property and particularly described as follows:

Beginning at survey station 276+64.15, a point on the east line of Section 26, Township 15 North, Range 18 East, W.M., said point being S. 1° 26' 50" E. along said east line a distance of 654.97 feet from the quarter section corner on the east line of said Section 26; thence N. 22° 43' 45" W. a distance of 3512.31 feet to survey station 311+76.46, a point on the north line of said Section 26, said point being N. 89° 13' 40" E. along said north line a distance of 1277.33 feet from the quarter section corner on the north line of said Section 26.

The above-described strip of land has a length of 3512.31 feet and contains 8.06 acres, more or less.

Prepared by: N.W.P. ~~2/19~~ 4/12/41

Copy
Checked by:

RNA
4-14-41

APPROVED 4-18-41
(b) (6)

U.S. DEPARTMENT OF THE INTERIOR
BONNEVILLE POWER ADMINISTRATION
LAND ACQUISITION REQUEST

TRACT NO. YE-160

PARCEL NO. 15N-18E-26A

TO: Chief of Land Division

DATE April 11, 1941

FROM: Chief Engineer

The acquisition of the ~~land~~ / easement described below is hereby requested, and you are hereby authorized to acquire same.

OWNER: United States of America

STATE: Washington COUNTY: Yakima SEC: 26 TWP: 15N RGE: 18E W.M.

DESCRIPTION The property described in the attached description is shown as Parcel A on sheet HO-7 of drawing No. C42-12-340-C1 on the Yakima-Ellensburg transmission line.

SURVEY STATION: 276+64.15 TO SURVEY STA: 311+76.46

LENGTH ALONG CENTER LINE RIGHT-OF-WAY: 3512.31 feet more or less

RIGHT-OF-WAY WIDTH: 100 feet

ACRES: 8.06 more or less

IMPROVEMENTS:

PURPOSE: Transmission line right of way

AUTHORITY: W.O. C42-11-340

APPROVED BY ADMINISTRATOR: 9-24-40

REMARKS: This request supersedes our request for the acquisition of right of way for tract YE-160 dated February 19, 1940.

S. E. SCHULTZ
(Chief Engineer)

(b)(6)

DON S. CAMPBELL
(Senior Transmission Engineer)

APPRAISER'S AND LAND BUYER'S REPORT
~~Option Secured~~

TRACT NO. YE-160

DATE April 12, 1941

NAME OF OWNER: State of Washington

ADDRESS: Olympia, Washington

LOCATIONS OF LAND: NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 26, Township 15 North,
Range 18 East, W. M., Yakima County, Washington

~~copies secured and attached (consideration and justification given below)~~

The fair value of a right-of-way easement,
100 feet in width and 3512.31 feet in length,
over and across undeveloped sagebrush land, is
estimated to be— \$80.00

There are no buildings on or near the right-
of-way, and no danger trees exist.

Payment Recommended:

Appraiser

Payment Approved:

(b)(6)

Chief, Appraisal Section

~~Land Buyer~~

YE-160 United States of America, 15N-18E-26A

That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{2}$ of Section 26, Township 15 North, Range 18 East, Willamette Meridian, Yakima County, Washington; which lies within a strip of land 100 feet in width, the boundaries of said strip being 50 feet distant on either side of and parallel to the survey line of the Yakima-Ellensburg transmission line as now located and staked on the ground over, across, and upon the above property and particularly described as follows:

Beginning at survey station 276+64.15, a point on the east line of Section 26, Township 15 North, Range 18 East, W.M., said point being S. 1° 26' 50" E. along said east line a distance of 654.97 feet from the quarter section corner on the east line of said Section 26; thence N. 22° 43' 45" W. a distance of 3512.31 feet to survey station 311+76.46, a point on the north line of said Section 26, said point being N. 89° 13' 40" E. along said north line a distance of 1277.33 feet from the quarter section corner on the north line of said Section 26.

The above-described strip of land has a length of 3512.31 feet and contains 8.06 acres, more or less.

Prepared by: N.W.P. ~~2/19/41~~ 4/12/41

Checked by:

RNA
4-14-41

E

APPROVED 4-18-41
(b) (6)

TRACT NO. YE-160

U.S. DEPARTMENT OF THE INTERIOR
BONNEVILLE POWER ADMINISTRATION
LAND ACQUISITION REQUEST

PARCEL NO. 15N-18E-26A

TO: Chief of Land Division

DATE April 11, 1941

FROM: Chief Engineer

The acquisition of the ~~LAND~~ / easement described below is hereby requested, and you are hereby authorized to acquire same.

OWNER: United States of America

STATE: Washington COUNTY: Yakima SEC: 26 TWP: 15N RGE: 18E W.M.

DESCRIPTION The property described in the attached description is shown as Parcel A on sheet HO-7 of drawing No. C42-J2-340-C1 on the Yakima-Ellensburg transmission line.

SURVEY STATION: 276+64.15 TO SURVEY STA: 311+76.46

LENGTH ALONG CENTER LINE RIGHT-OF-WAY: 3512.31 feet more or less

RIGHT-OF-WAY WIDTH: 100 feet

ACRES: 8.06 more or less

IMPROVEMENTS:

PURPOSE: Transmission line right of way

AUTHORITY: W.O. C42-J1-340

APPROVED BY ADMINISTRATOR: 9-24-40

REMARKS: This request supersedes our request for the acquisition of right of way for tract YE-160 dated February 19, 1940.

S. E. SCHULTZ
(Chief Engineer)

BY

(b) (6)

DON S. CAMPBELL
(Senior Transmission Engineer)

YE-160
XYE-162
-164

YE-160
YE-162
YE-164

November 23, 1940

Mr. Albert C. Martin
Commissioner of Public Lands
Olympia, Washington

Dear Mr. Martin:

Will you kindly advise me if your records indicate that the State of Washington owns the following-described tracts, so that I may be in a position to make formal application to the State of Washington for right-of-way easements:

- YE-160 - NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 15 North, Range 18 East, Yakima County
- YE-162 - E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$, Section 15, Township 15 North, Range 18 East, Yakima County
- YE-164 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 15 North, Range 18 East, Yakima County

Very truly yours,

RAYMOND J. GIBBONS
Junior Attorney
Land Division

RJG/gca

NOV 23 AM

Tract No. YE-160

Parcel No. 15N-18E-26A

LAND ACQUISITION REQUEST

TO: Chief of Land Division

DATE: February 19, 1940

FROM: Acting Chief Engineer

(landx)
 The acquisition of the (easement) described below is hereby requested,
 and you are hereby authorized to acquire same.

OWNER: United States of America

STATE: Washington COUNTY: Yakima SEC: 26 TWP: 15N RGE: 18E W.M.

DESCRIPTION: The property described in the attached description is shown
 as Parcel A on sheet HO-7 of drawing No. C12-J2-340-C1 on the
 Yakima-Ellensburg transmission line.

SURVEY STATION: 276+64.15 TO SURVEY STA: 311+76.46'

LENGTH ALONG CENTER LINE RIGHT-OF-WAY: 3512.31 feet'

RIGHT-OF-WAY WIDTH: 100 feet

ACRES: 8.06 more or less

IMPROVEMENTS:

PURPOSE: Transmission line right of way

AUTHORITY: W.O. M9-C12-J2-340

APPROVED BY ADMINISTRATOR: Oct. 25, 1939

REMARKS:

S. E. SCHULTZ
 Acting Chief Engineer

By (b)(6)
 Don S. Campbell
 Senior Transmission Engineer

YE-160 United States of America, 15N-18E-26A

That portion of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) and the Northeast Quarter ($NE\frac{1}{4}$) of Section twenty-six (26), Township fifteen (15) North, Range eighteen (18) East, Willamette Meridian, Yakima County, Washington; which lies within a strip of land one hundred (100) feet in width, the boundaries of said strip being fifty (50) feet distant on either side of and parallel to the survey line of the Yakima-Ellensburg transmission line as now located and staked on the ground over, across, and upon the above property and particularly described as follows:

Beginning at survey station 276+64.15, a point on the east line of Section twenty-six (26), Township fifteen (15) North, Range eighteen (18) East, Willamette Meridian, said point being S. $1^{\circ} 26' 50''$ E. along said east line a distance of six hundred fifty-four and ninety-seven hundredths (654.97) feet from the quarter section corner on the east line of said Section twenty-six (26); thence N. $22^{\circ} 43' 45''$ W. a distance of three thousand five hundred twelve and thirty-one hundredths (3512.31) feet to survey station 311+76.46, a point on the north line of said Section twenty-six (26), said point being N. $89^{\circ} 13' 40''$ E. along said north line a distance of one thousand two hundred seventy-seven and thirty-three hundredths (1277.33) feet from the quarter section corner on the north line of said Section twenty-six (26).

The above-described strip of land has a length of 3512.31 feet and contains 8.06 acres, more or less.

Prepared by: N.W.P. 2/19/40

Checked by: R.S. 2-20-40

APPRAISER'S AND LAND BUYER'S REPORT
Option Secured

TRACT NO. *ME 160*

DATE: *Feb 3 - 1940*

NAME OF OWNER: *U.S.A.*

ADDRESS:

LOCATIONS OF LAND: *Sec 26, T 15 N, R 18 E, K. H. Co., Wash.*

Option Secured and Attached (Consideration and justification given below)
BR Survey 40 1/2 Sta 276 + 64.15 to Sta 311 + 76.46.

*Approximately 3512 lineal feet of R/W 100 feet in
width @ \$52.80 per mile*

*R/W embraces unimproved
non-irrigated sage brush land*

Pole locations scheduled at

- Sta 283 + 00*
- 289 + 10*
- 297 + 00*
- 304 + 00*

Payment Recommended:

(b)(6)

Appraiser

Payment Approved:

Supervisor of Appraisals

Land Buyer

DEPARTMENT OF INTERIOR
BONNEVILLE POWER ADMINISTRATION
LAND DIVISION

YE-160

REQUEST FOR CONDEMNATION AND TITLE REPORT

TO: Legal Division
FROM: Title Section, Land Division
SUBJECT: Tract No. YE-160

County Yakima

Name State of Washington

United States District Court
for the Eastern District of
Washington, Southern Division

Acquisition of (an easement) ~~(one-foot)~~ in this tract of land has been requested by the Engineering Division. The right of immediate entry is necessary for construction purposes. The Construction Division has requested that possession of the tract be had by See comments Nos. 1 and 7.

The Land Division is unable to acquire title by direct purchase because of:

- () Inability to agree with owners regarding compensation;
- (x) Condition of the title;

as is evidenced by Condemnation Authority attached which approves condemnation in the amount of \$ 80.00, to be deposited.

We, therefore request that condemnation proceedings be instituted against the defendant owners in order to acquire the necessary title in the subject land in the name of the UNITED STATES OF AMERICA for the use of the Bonneville Power Administration,

subject to: No exceptions.

We also request that, when the Judgment on the Declaration of Taking has been obtained, the Land Division be notified, (1) of the date on which possession of the property may be had, and (2) of the date and place of recordation of the Declaration of Taking or Lis Pendens in the County in which the land is situated.

From an examination of the title based on Preliminary Certificate of Title, No. K-8861, issued by Washington Title Insurance Company, dated December 19, 1940, at 8:00 o'clock A.M., which appears to be regular in form and carries a maximum liability of \$250.00,

NAME, ADDRESS, AGE (IF UNDER TWENTY-ONE),
MARITAL STATUS, NAME OF SPOUSE

CHARACTER OF INTEREST OWNED OR CLAIMED:
AMOUNT (BOOK AND PAGE OF LIENS)

State of Washington
Olympia, Washington

Fee simple

Alfred B. Gentry
Bank of California
530 S.W. 6th Avenue
Portland, Oregon
Also, home address,
3045 N.E. 34th Avenue
Portland, Oregon

Married

Lessee for a term of five years,
beginning May 28, 1939

Esther Gentry
3045 N.E. 34th Avenue
Portland, Oregon
(Wife of Alfred B. Gentry)

Married

Community interest in lease obtained by
Alfred B. Gentry, her husband

COMMENTS

1. There is no authority for conveyance to the United States by direct purchase of an easement for a transmission line over State lands in Washington. The only statutory authority for conveyance by direct purchase of a transmission line easement by the State of Washington is Section 7797-96 of Remington's Revised Statutes. The United States cannot qualify under that section since the conveyance can be made only to a municipal or private corporation, company, association, or individual. For the United States to qualify as the recipient of the grant it would be necessary to determine that the United States is included in the category of a "municipal or private corporation, company, association, or individual." Such a determination cannot be reasonably made, in the opinion of the Attorney General of the United States. Therefore, in order to obtain a transmission line easement over State-owned lands in the State of Washington, the United States must resort to condemnation proceedings.

2. As the appraised value does not include danger trees and the nature of the terrain precludes the existence of trees, it will be unnecessary to condemn the right to remove danger trees beyond the limits of the right-of-way and within a strip 200 feet on each side of the right-of-way.

3. Service of the process in this action shall be made upon the Commissioner of Public Lands, as provided in Section 7797-104 of Remington's Revised Statutes.

4. The subject property is school land acquired by the State of Washington under Section 10 of the Enabling Act ~~admitting~~ admitting said State to the Union.

5. It is to be noted that under date of April 17, 1941, the offer of the State of Washington to convey for the sum of \$80.00 was accepted by the Bonneville Power Administration as a stipulation concerning value, thus eliminating all questions concerning a contest on said value.

6. As a matter of convenience to the State of Washington, it is suggested that any correspondence or contact with the State regarding the subject tract should refer to State file No. 16840 in addition to our tract No. YE-160.

7. It is to be noted that on November 25, 1940, an application for right-of-way over State lands was forwarded to the office of the Commissioner of Public Lands in Olympia, Washington, together with a request that the Bonneville Power Administration have immediate possession and access to the subject property for clearing and construction purposes. Under date of November 30, 1940, written permission to enter the subject tract for clearing and construction purposes was received in letter form from Albert C. Martin, Commissioner of Public Lands. The letters and application referred to herein may be found in the land file attached hereto.

Transmitted herewith are the following documents:

1. Original condemnation authority.
2. Two copies of tract map.
3. Original and three copies of certificate of possession.
4. Land file which includes certificate of title in duplicate and land acquisition request, with description of right-of-way.
- 5.
- 6.

I certify that, to the best of my knowledge and belief, the foregoing is a complete and correct statement of the status of the title to the property mentioned in the caption, and that I have used due diligence to ascertain the names, ages, and addresses of all parties who are to be made respondents to the condemnation proceedings.

This the 22 day of April, 1940.

(b)(6)

APPROVED:

(b)(6)

~~Chief, Title Section~~
~~XXXXXXXXXX~~ **Chief**
Title Section, Land Division
Bonneville Power Administration

gap

Original and two copies to Legal Division
One copy to Land File
One copy retained by Attorney
One copy to transmission section,
Engineering Division

April 17, 1941

Mr. Jack Taylor
 Commissioner of Public Lands
 Olympia, Washington

Dear Mr. Taylor:

We are pleased to notify you that the following listed offers to convey easement, signed April 1, 1941, are acceptable to the Bonneville Power Administration:

File No.	Application No.	S.	T.	R.	Amount
CONDIT-SILVER LINE					
C-C-22	F-248	6	3N	11E	\$ 173.70
C-C-51	F-247	6	4N	11E	234.70
CHENALIS-RENTON LINE					
C-Re-108	F-273	5	15N	1E	119.00
C-Re-110	F-246	32	16N	1E	116.00
C-Re-114	F-245	33	16N	1E	10.00
C-Re-133	F-294	11	16N	1E	69.00
C-Re-147	16574	36	17N	1E	49.75
C-Re-186	16629	16	17N	2E	285.00
C-Re-371	16617	36	19N	3E	260.00
C-Re-423	16622	16	19N	4E	486.50
C-Re-514	16623	32	21N	5E	129.00
COVINGTON-GRAND COULEE LINE					
C-CC-170	16810	16	19N	17E	320.00
C-CC-173	16809	24	19N	17E	320.00
C-CC-179	16812	22	19N	18E	225.00
C-CC-182	16811	24	19N	18E	244.00
MIDWAY-HANFORD LINE					
M-H-3	16613	18	13N	25E	125.30
M-H-7	16625	16	13N	25E	123.90
M-H-26	16607	22	13N	26E	62.80
M-H-28	16573	26	13N	26E	32.30
M-H-30	16605	30	13N	27E	62.60
M-H-31	16605	30	13N	27E	30.70
M-H-32	16605	30	13N	27E	30.70
M-H-34	16606	28	13N	27E	151.00

File No.	Application No.	S.	T.	R.	Amount
YANINA-ELLENBURG LINE					
YB-158	16530	36	15N	18E	\$ 133.90
YB-160	16810	26	15N	18E	80.00
YB-162	16819	14	15N	18E	126.70
YB-164	16839	2	15N	18E	7.00
YB-179	16935	34	17N	18E	30.00
YB-182	16935	34	17N	18E	31.00

It has been customary previously to accept offers individually, however, since all of these were signed at one time, they have been grouped. You will please note that they include tracts on five different transmission lines as sub-headed in the tabulation.

Thank you for your cooperation in signing the above offers and for your letter of April 1, 1941, transmitting them to us.

Yours very truly,

A. J. MACPHERSON
Chief, Land Division

WV/oa

M.T.
4/18/41

William A. Bush
April 1, 1941

The Administrator
Bonneville Power Administration
Portland, Oregon

Tract No. YB-160

OFFER TO CONVEY EASEMENT

Dear Sir:

The State of Washington, acting by and through Jack Taylor, the duly elected, qualified and acting Commissioner of Public Lands, for itself, its successors, and assigns, hereby offers to convey to the United States of America a permanent easement and right-of-way and the right in perpetuity to enter and to erect, maintain, repair, rebuild, operate and control one or more electric power transmission lines and one or more telephone and/or telegraph lines, including the right to erect such poles and other transmission line structures, wires, cables and any necessary appurtenances; and the right to remove danger trees, if any, located beyond the limits of said right-of-way, and within the limits of a strip of land 200 feet in width on either side of the limits of said right-of-way; all over, upon, across and under the following-described land, for the sum of Eighty and no/100- - - - - Dollars (\$ 80.00), to-wit:

That portion of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 26, Township 15 North, Range 18 East, W.M., Yakima County, Washington, which lies within a strip of land 100 feet in width, the boundaries of said strip being 50 feet distant on either side of and parallel to the survey line of the Yakima-Ellensburg transmission line as now located and staked on the ground over, across, and upon the above property and particularly described as follows:

Beginning at survey station 276+64.15, a point on the east line of Section 26, Township 15 North, Range 18 East, W.M., said point being S. 1° 26' 50" E. along said east line a distance of 654.97 feet from the quarter section corner on the east line of said Section 26; thence N. 22° 43' 45" W. a distance of 3512.31 feet to survey station 311+76.46, a point on the north line of said Section 26, said point being N. 89° 13' 40" E. along said north line a distance of 1277.33 feet from the quarter section corner on the north line of said Section 26.

The above-described strip of land has a length of 3512.31 feet and contains 8.06 acres, more or less.

It is understood and agreed, however, that the payment of the consideration aforementioned does not include the value of any danger trees located beyond the limits of said right-of-way; the stumpage value of such trees is to be agreed upon and paid if and when cut. It is further understood and agreed that the consideration aforementioned is based upon a title free and clear of all encumbrances.

It is hereby agreed that this offer shall not be deemed as accepted by the Administrator until written notification of his determination so to do has been mailed to the undersigned at Olympia, Washington, notwithstanding the prior entry upon the above-described premises for construction purposes by the Administrator or his agents under authority heretofore granted by the State of Washington by permit.

It is further agreed that if, notwithstanding the prior acceptance of this offer, it is determined to be to the best interest of the United States to acquire an immediate easement over and across said property through condemnation proceedings, the State of Washington will cooperate with the United States in the prosecution of such proceedings. The consideration hereinabove set forth shall be the basis of settlement for said easement, and this offer may be filed in such judicial proceedings as final and binding evidence of the true value of said easement.

Accepted

April 17, 1941

(b)(6)
Chief, Land Division,
for the Administrator,
Bonneville Power Administration

STATE OF WASHINGTON

By JACK TAYLOR

(b)(6)
ASSISTANT COMMISSIONER

U.S. DEPARTMENT OF THE INTERIOR
BONNEVILLE POWER ADMINISTRATION

File No. YE-160

Cont. No. _____

E. N. No. _____

ENCUMBRANCE NOTIFICATION

Date April 24, 1941

TO: FINANCE DIVISION

Request is made for encumbrance of \$ 80.00

Appropriation 11-012-01, 340.32, Midway-Yakima-Ellensburg Line

In favor of State of Washington Cont. No. _____

For Easement

Signed _____

ENCUMBERED

J. E. J.

Title Wm. M. Wood
Clerk, Land Division

Date _____

Request is made for ^{increase in} _{cancellation of} encumbrance No. _____ \$ _____

Appropriation _____

In favor of _____

Reason _____

Signed _____

Title _____

Date _____

Request is made that the unliquidated balance of encumbrance No. _____, against which the attached voucher applies, be retained for further liquidation.

Signed _____

Title _____

REMOVAL SLIP

TRACT(S) YE-160

DATE 6-23-41

Original Preliminary Certificate of Title

_____ Supplemental Certificate of Title

To:  (b)(6)

For: 

By: LEGAL FILES *JRP*

REMOVAL SLIP

TRACT(S) gc 160

DATE Aug 19

_____ Preliminary Certificate of Title

Original Supplemental Certificate of Title

To: (b)(6) _____

For: (b)(6) _____

By: LEGAL FILES *EA*

BONNEVILLE POWER ADMINISTRATION
INTER-OFFICE COMMUNICATION
(REFER TO ONLY ONE SUBJECT IN EACH COMMUNICATION)

YE-158
X YE-160
EE

TO: MEMORANDUM FOR THE FILE *[initials]*

DATE: October 6, 1941

FROM: E. L. Hobbs

COPIES TO:
Legal Division

SUBJECT: Docket No. 72 - State of Washington, et al
Tract Nos. YE-158, 160, 162, and 164

On this date the undersigned appeared in the Federal District Court, Yakima, Washington, before the Hon. Judge Lewis B. Schwollenbach for the purpose of giving testimony on the methods of appraisal, the appraised values, etc. on the following listed tracts owned by the State of Washington and located in Yakima County, Washington, upon which final orders were made fixing the awards and providing for the withdrawal of funds from the Registry of the Court in the amounts set opposite each tract. The State of Washington was represented by Mr. Jack Close of the Attorney General's office, and the Bonneville Power Administration was represented by Mr. Hart Snyder, Special Attorney, Department of Justice, and Mr. Johnston Wilson of the Legal Division.

YE-158	\$133.90
160	80.00
162	126.70
164	7.00

[Handwritten signature]

(b)(6)

E. L. HOBBS
Chief, Appraisal Section
Land Division

DOCKET OF OUTSTANDING INTERESTS AND CLAIMS

Tract No. YK-160 County Yakima Acreage 8.06

Sec. 26 Twp. 15 N. Range 18 E.W.M. Eng. Parcel # 15N-18E-26A

Owner (Vendor to U.S.A.):

Address:

State of Washington
Interests left outstanding:

Olympia, Wash.

1. Minerals None

2. Taxes None

3. Encumbrances None

4. Other None

5. Contingent claims and partial interests left outstanding, but to be later acquired: None

Amount withheld under #5 \$ None

D/T filed July 7, 1941

Date Closed Final Judg. file title Examiner: (b)(6)

Oct. 28, 1941

Original to Chief Clerk, Land Division
Duplicate (yellow) to Chief, Title Section
Triplicate (blue) to Land File

W. L. Beatty
Asst. Chief, Title Section

Mr. William L. Beatty
Assistant Chief, Title Section

November 14, 1941

Robert R. Willard
Assistant General Counsel

578.8-YE-158
x578.8-YE-160
162
164

United States v. State of Washington, et al.
No. 72, Tracts YE 158, 160, 162 and 164

In each of the above cases we have a letter from the Special Attorney of the Department of Justice stating that the certificate of inspection and possession antedates the filing of the petition for condemnation and that he has been instructed by the Attorney General to secure a certificate of inspection and possession subsequent to the date of the filing of the condemnation action.

Will you kindly see that such a certificate is furnished us? In some of these cases the property was examined by a member of the Appraisal Section of the Land Division or by some other employee of your Division and if the date of this examination can be ascertained, undoubtedly the certificate can be obtained without further visit to the property. Where, however, there is no one in a position to execute such a certificate, it may be that another inspection of the tract will have to be made.

Certificates will also have to be obtained on all other condemnation cases on this line still pending or on which the transcript has not been sent to the Attorney General by the Special Attorney handling the case.

ROBERT R. WILLARD
Assistant General Counsel

JW:ng

578.8
156850

578.8-YE-158
x 578.8-YE-160
162
164

February 26, 1942

JW

Mr. A. R. Bohockey
President
Yakima Sheep Company
North Portland, Oregon

Re: United States v. State of Washington,
et al., Tracts YE-158, etc.

Dear Mr. Bohockey:

This will acknowledge receipt of your letter dated
February 23, 1942, enclosing the executed appearance and
disclaimer of interest of the Yakima Sheep Company in
connection with the above captioned case.

Thank you for your attention to this matter.

Very truly yours,

ROBERT R. WILLIARD
Assistant General Counsel

JW:ls

APPRAISER'S AND LAND BUYER'S REPORT
~~Option Secured~~

TRACT NO. YE-160

DATE April 12, 1941

NAME OF OWNER: State of Washington

ADDRESS: Olympia, Washington

LOCATIONS OF LAND: NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 26, Township 15 North,
Range 18 East, W. M., Yakima County, Washington

~~Option Secured and Attached (Consideration and justification given below)~~

The fair value of a right-of-way easement,
100 feet in width and 3512.31 feet in length,
over and across undeveloped sagebrush land, is
estimated to be— \$80.00

There are no buildings on or near the right-
of-way, and no danger trees exist.

Payment Recommended:

Appraiser

Payment Approved:

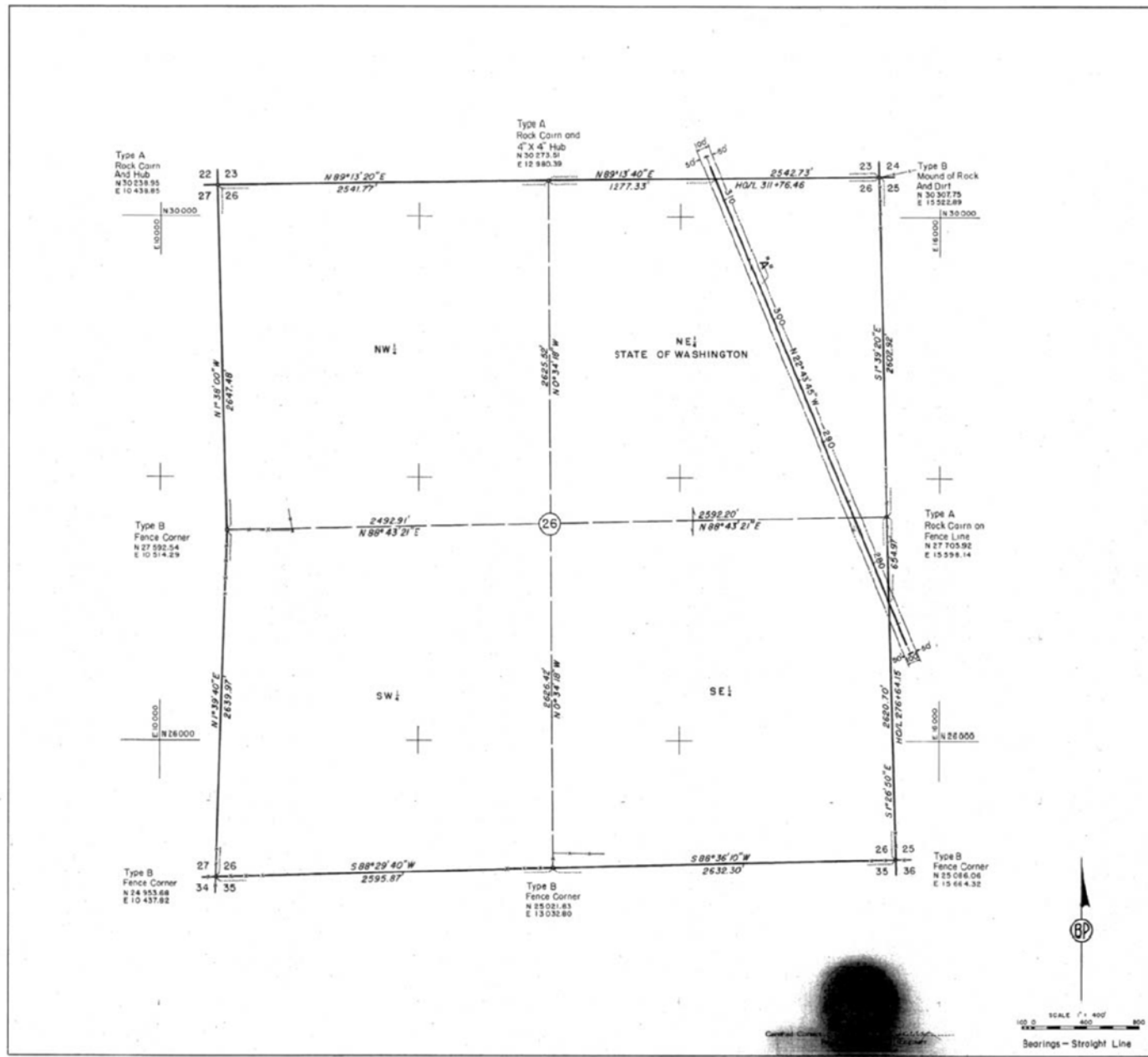
(b)(6)

Chief, Appraisal Section

~~Land Buyer~~

LAND DIVISION, BONNEVILLE POWER ADMINISTRATION

TRACT NO	PARCEL	AREA ACRES	E. R./W. DIST
1 E 160	A	8.06	3512.31



1 CHANGE OF OWNERSHIP		CTW	DATE	APPROVED
NO.	REVISION	BY	DATE	APPROVED
UNITED STATES DEPARTMENT OF THE INTERIOR THE BONNEVILLE PROJECT PAUL J. RAYOR, ADMINISTRATOR				
MIDWAY-ELLENSBURG LINE SECTION NO. 26 RIGHT OF WAY THROUGH SEC 26 T15N R18E WM YAKIMA COUNTY WASHINGTON				
<i>[Signature]</i> Surveyor		<i>[Signature]</i> Agent		
DATE	DATE	DATE	DATE	DATE
2-14-40	2-14-40	2-14-40	2-14-40	2-14-40



5661

Tract Ownership Data

BONNEVILLE POWER ADMINISTRATION
PORTLAND, OREGON

File Number ME-160
Length _____
Range 18

From Sta. _____

To Sta. _____

County YAKIMA

Section 26 Township 15

Owner United States of America

Address _____

Assessed to _____ Address _____

Year Assessed _____ Acres _____ Assessed Value Land \$ _____

Improvements \$ _____ Other \$ _____ Total \$ _____

DEED

Grantor _____

Dated _____

Recorded _____

Volume _____

to

Auditor's File No. _____

Grantee _____

Consideration _____

Stamps _____

Description of land conveyed, including reservations and exceptions:

The E $\frac{1}{2}$ of Sec 26, twp 15, rge 18. E. W. M.

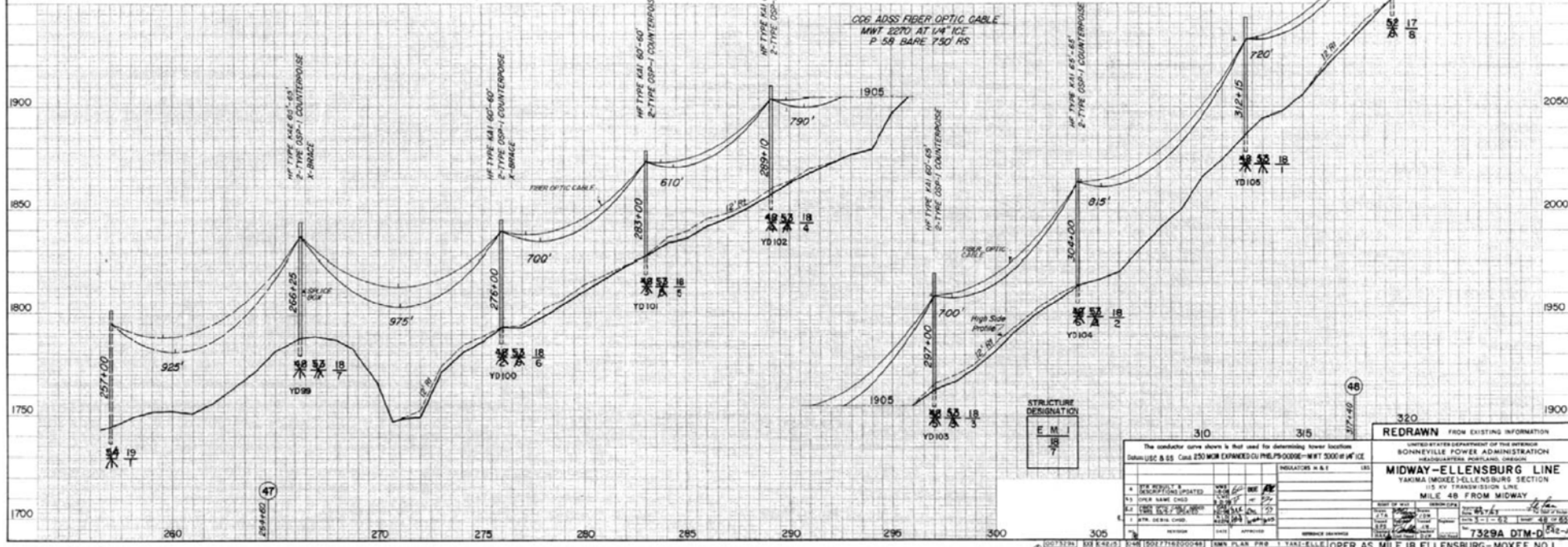
Note: No patent of record.

(Original and 3 copies)

(If Additional Space is Needed, Use Reverse Side)

56749-47

SECS 25, 26 & 23 T15N R18E WM
YAKIMA COUNTY, WASHINGTON



STRUCTURE DESIGNATION		E.M. 1																																													
310		315																																													
320		317-40																																													
REDRAWN FROM EXISTING INFORMATION																																															
DESIGNED BY STATE DEPARTMENT OF TRANSPORTATION BOONVILLE POWER ADMINISTRATION HEADQUARTERS PORTLAND, OREGON																																															
MIDWAY-ELLENSBURG LINE YAKIMA MOXEE-ELLENSBURG SECTION 115 KV TRANSMISSION LINE MILE 48 FROM MIDWAY																																															
The conductor curve shown is that used for determining tower location Station USC & SS. Case 250 MCM EXPANDED TO PHE/PBOR/0000-MWT 3000 @ 1/4" ICE		<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>REVISION</th> </tr> <tr> <td>1</td> <td>10/1/58</td> <td>W.S.</td> <td>AS BUILT</td> </tr> <tr> <td>2</td> <td>10/1/58</td> <td>W.S.</td> <td>REVISION</td> </tr> <tr> <td>3</td> <td>10/1/58</td> <td>W.S.</td> <td>REVISION</td> </tr> <tr> <td>4</td> <td>10/1/58</td> <td>W.S.</td> <td>REVISION</td> </tr> <tr> <td>5</td> <td>10/1/58</td> <td>W.S.</td> <td>REVISION</td> </tr> <tr> <td>6</td> <td>10/1/58</td> <td>W.S.</td> <td>REVISION</td> </tr> <tr> <td>7</td> <td>10/1/58</td> <td>W.S.</td> <td>REVISION</td> </tr> <tr> <td>8</td> <td>10/1/58</td> <td>W.S.</td> <td>REVISION</td> </tr> <tr> <td>9</td> <td>10/1/58</td> <td>W.S.</td> <td>REVISION</td> </tr> <tr> <td>10</td> <td>10/1/58</td> <td>W.S.</td> <td>REVISION</td> </tr> </table>		NO.	DATE	BY	REVISION	1	10/1/58	W.S.	AS BUILT	2	10/1/58	W.S.	REVISION	3	10/1/58	W.S.	REVISION	4	10/1/58	W.S.	REVISION	5	10/1/58	W.S.	REVISION	6	10/1/58	W.S.	REVISION	7	10/1/58	W.S.	REVISION	8	10/1/58	W.S.	REVISION	9	10/1/58	W.S.	REVISION	10	10/1/58	W.S.	REVISION
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