



## Department of Energy

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

PUBLIC AFFAIRS

April 25, 2011

In reply refer to: DK-7

Myrtle June Chapman  
Ex 6

### **RE: FOIA #BPA-2011-00973-F**

Dear Ms. Chapman:

This is a final response to your request for records that you made to the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

#### **You have requested the following:**

1. A copy of a letter that was sent to Mr. and Mrs. Lester M. Holtgrieve dated October 31, 1940, from Allan Hart, then general counsel for BPA.
2. A copy of the executed easement deed referred to in the body of the letter.
3. A copy of a document that is either a drawing or narrative explaining the easement deed.

#### **Response:**

1. BPA has provided the responsive records in their entirety.
2. BPA has provided the responsive records in their entirety.
3. BPA has no responsive record.

I appreciate the opportunity to assist you. Please contact Cheri Benson, FOIA/Privacy Act Specialist at (503) 230-7305 with any questions about this letter.

Sincerely,

*/S/Christina J. Munro*  
Christina J. Munro  
Freedom of Information Act/Privacy Act Officer

Enclosure: Responsive documents

578.8  
RHK - VR-22

October 21, 1940

Mr. and Mrs. Lester M. Holtgrieve  
Route 5, Box 525-A  
Vancouver, Washington

Dear Mr. and Mrs. Holtgrieve:

I am enclosing an executed easement deed covering the land acquired from you by the United States for a right of way, and a mimeographed sheet explaining in full the terms and conditions of the easement deed.

As you undoubtedly know, the United States acquired the fee simple title to the land within this right of way. This would give it the right to exercise complete control over and to exclude all persons from this land. However, it is not the intention of the Government to deprive the former owners of the right to use this land, so long as their use does not interfere with the use of the right of way for power transmission towers and lines.

I believe that you will agree with me that it is to the advantage of all concerned to have the land within the right of way used for any and all productive purposes that are not inconsistent with the Government's use of it. It is pursuant to this belief that the Bonneville Power Administration adopted the policy of granting a perpetual easement to the private owners.

It is hoped that you will find this easement deed satisfactory. If you have any questions, please feel free to communicate with us.

Yours very truly,

ALLAN HART  
General Counsel

Enclosures—2

RHK:rlb

7-5-48 RT

Recorded 8-5-48

9-6989

TK-22

EASEMENT DEED

THE UNITED STATES OF AMERICA, Department of the Interior, acting by and through the Rensselaire Power Administrator, herein after called the grantor, has this day granted and conveyed, and by these presents does hereby grant and convey unto Lester M. Holtgraves and Dorothy G. Holtgraves, husband and wife, hereinafter called the grantees, their heirs and assigns, a perpetual easement over and upon the following described land, to-wit:

A parcel of land being all that portion of the James Fitzgerald D.L.G. lying in Sections 1 and 2, Township 2 North, Range 1 East, S.W., Clark County, Washington, which lies within a strip of land 250 feet in width, of which 62.50 feet lie on the westerly side of and 187.50 feet lie on the easterly side of the Vancouver-Kelso transmission line survey;

Said survey line being located as follows: Beginning at a point which is the intersection of said survey line with the north line of the SW $\frac{1}{4}$  of said Section 1, said point being S. 67° 32' 40" E. along said south line a distance of 12.27 feet from the section corner common to Sections 1, 11, and 12, Township 2 North, Range 1 East, S.W.; thence running S. 27° 38' 37" E. a distance of 5765.10 feet to a point on the north line of the NW $\frac{1}{4}$  of said Section 1, said point being N. 67° 47' 50" E. along said north line a distance of 2365.23 feet from the northwest corner of Section 1, Township 2 North, Range 1 East, S.W.

The aforesaid easement is for ingress and egress over, across and upon said parcel of land, for use thereof for customary agricultural purposes, except as herein limited; for use of any well or natural springs or water courses thereon and the water therefrom; and for laying and maintaining water pipes under, upon and across said parcel of land; all in such manner as in the opinion of the grantor will not interfere with use and occupancy of said parcel of land by the grantor for the present or future construction, operation and maintenance of an electric transmission and distribution system thereon with wires and appurtenances connected thereto.

TO HAVE AND TO HOLD the said easement to the said Lester M. Holtgraves and Dorothy G. Holtgraves, husband and wife, their heirs and assigns forever.

The rights granted herein shall be appurtenant to and shall inure only to the benefit of the grantees' land adjoining this said above described parcel of land.

In consideration of the grant of this easement, the grantees hereby covenant for themselves, their heirs and assigns forever, that at all times said parcel of land will be kept and maintained free and clear of trees, brush, noxious weeds, buildings or other structures, and that no material will be stored, stacked or piled thereon.

Done at Portland, Oregon, this 5 day of July, 1948.

UNITED STATES OF AMERICA

*Lester M. Holtgraves*

By 10/ PAUL J. RAYBURN  
~~RENSSELAIRE POWER ADMINISTRATOR~~

STATE OF OREGON        )  
                          ) ss.  
COUNTY OF MULTNOMAH )

ON THIS DAY personally appeared before me Paul J. Bever, to me known to be the Bonneville Power Administrator described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the purposes and uses therein mentioned.

Given under my hand and official seal this 5 day of July, 1940.

(SEAL)

/s/ DORIS RAE KEELER  
Notary Public for the State of Oregon  
residing at Portland, therein.  
My Commission Expires Nov. 7, 1942.