

56349

Washington
T. & M. Contract
No. 3369

Easement Deed
No. 25945-W

N O R T H E R N P A C I F I C R A I L W A Y C O M P A N Y

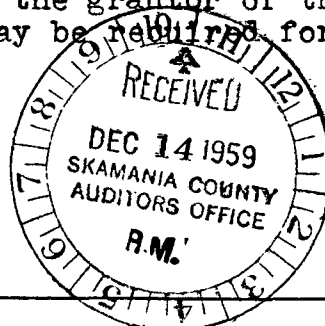
H.S.B.
The grantor, NORTHERN PACIFIC RAILWAY COMPANY, a corporation of the State of Wisconsin, for a valuable consideration to it in hand paid, hereby grants and conveys to the grantee, PACIFIC POWER & LIGHT COMPANY, a corporation of the State of Maine, and its successors and assigns in ownership or operation of the Swift Hydroelectric Project and the reservoir thereof located on the Lewis River, under license for Project No. 2111, from the Federal Power Commission, the following described rights and privileges, subject to the conditions, exceptions and reservations hereinafter stated, and subject to the rights of the holder of that certain contract dated March 31, 1950, between the grantor and Harbor Plywood Corporation, as amended, in and to the timber standing or being upon the premises hereinafter described, for use and enjoyment in connection with the construction, maintenance, and operation of said Swift Hydroelectric Project and said reservoir, upon, over, and with respect to lands of the grantor situate in Section twenty-seven (27), in Section twenty-nine (29), in Section thirty-one (31), in Section thirty-three (33), and in Section thirty-five (35), in Township seven (7) North, Range six (6) East of the Willamette Meridian, in the County of Skamania, State of Washington, namely:

(a) The right to cause or permit the waters impounded in said reservoir to rise temporarily from time to time above the normal operating level of said reservoir, which is elevation 1,000 feet above mean sea level, United States Coast and Geodetic Survey datum, and at such times to overflow all or any part of Sections 27, 29, 31, 33 and 35 in Township 7 North, Range 6 East, W.M., in Skamania County, Washington, lying below elevation 1,010 feet above mean sea level, United States Coast and Geodetic Survey datum.

(b) The right and privilege of access and egress over and across said described lands of the grantor in said real property as the grantee may find necessary in connection with the construction, maintenance, or operation of said Swift Hydroelectric Project and reservoir; provided, however, that the grantee will limit such access and egress to such locations as may be determined by the grantor at the time of the exercise of such right to be necessary, and at all times to such locations as will do the minimum damage to the timber on said lands.

The rights and privileges as hereinbefore granted are expressly made subject to the payment to the grantor of the fair and reasonable value of such easement as may be required for access and egress purposes.

(1)



TO HAVE AND TO HOLD the above described and granted rights and privileges unto the grantee, and its successors and assigns, for so long as it or they shall continue to construct, maintain, or operate said Swift Hydroelectric Project and reservoir.

IN WITNESS WHEREOF, the grantor has caused these presents to be sealed with its corporate seal and signed by its Vice President the 22nd day of April, A.D. 1959.

In Presence Of:

NORTHERN PACIFIC RAILWAY COMPANY,

John L. Garity

By

E. B. Stanton
VICE PRESIDENT

Beatrice E. Nachtrieb

Attest:

Richard A. Deulke
Assistant Secretary

No: 2935

TRANSACTION EXCISE TAX

DEC 1 1959

Amount Paid See affidavit # 2755

Mahesh D. Sutar
Skamania County Treasurer

By

STATE OF MINNESOTA)

: ss

COUNTY OF RAMSEY)

On this 11th day of May A.D. 1959, before me personally appeared E. B. STANTON, to me known to be the Vice President of the Northern Pacific Railway Company, the corporation which executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was 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 last above written.

J. W. Thayer
J. W. THAYER,
Notary Public, Ramsey County, Minn.
My Commission Expires Nov. 17, 1964