

DEPARTMENT OF PUBLIC LANDS
Office of Commissioner

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In re: Applications Nos. 23627,
23628, 23631, 23632, 23633, 23634,
23635, 23636 and 23637 by Pacific
Power and Light Company for Right
to Overflow Certain State Land in
Skamania County.
.....

O R D E R

December 20, 1956

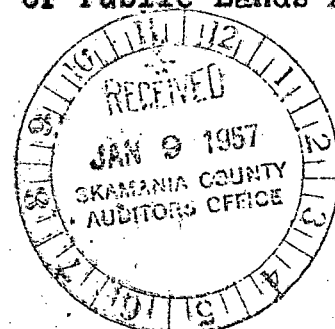
It appearing to the Commissioner at this time that appli-
cations as shown in the following schedule have been filed in this
office by Pacific Power and Light Company for right to overflow
State land in Skamania County, the application number and complete
description being shown:

Application No. 23627 - Those portions of the $S\frac{1}{2}SE\frac{1}{4}$
and $SE\frac{1}{4}SW\frac{1}{4}$, Section 22, Township 7 North, Range 5
East, W.M., owned by the State of Washington,
lying below the 1010 foot elevation, referred to
mean sea level datum, and containing an area of
25.56 acres, more or less, as shown on the map
thereof on file in the office of the Commissioner
of Public Lands at Olympia, Washington.

Application No. 23628 - Those portions of Govern-
ment Lots 1, 2, 3, 4, 5, 6, 8, 9 and 10, $NW\frac{1}{4}SW\frac{1}{4}$,
 $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ and $S\frac{1}{2}SW\frac{1}{4}$, Section 26, Township 7
North, Range 5 East, W.M., owned by the State of
Washington lying below the 1010 foot elevation, re-
ferred to mean sea level datum and containing an
area of 336.63 acres, more or less, as shown on
the map thereof on file in the office of the Com-
missioner of Public Lands at Olympia, Washington.

Application No. 23631 - Those portions of the $N\frac{1}{2}NW\frac{1}{4}$
and $SW\frac{1}{4}NW\frac{1}{4}$, Section 34, Township 7 North, Range 5
East, W.M., owned by the State of Washington, lying
below the 1010 foot elevation, referred to mean
sea level datum and containing an area of 29.24
acres, more or less, as shown on the map thereof
on file in the office of the Commissioner of Public
Lands at Olympia, Washington.

Application No. 23632 - Those portions of Govern-
ment Lots 1, 2, 3 and 4, $NW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ and
 $SE\frac{1}{4}NE\frac{1}{4}$, Section 36, Township 7 North, Range 5 East,
W.M., owned by the State of Washington, lying below
the 1010 foot elevation, referred to mean sea level
datum and containing an area of 74.44 acres, more
or less, as shown on the map thereof on file in the
office of the Commissioner of Public Lands at
Olympia, Washington.



Application No. 23633 - Those portions of the $S\frac{1}{2}SW\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$, Section 28, Township 7 North, Range 6 East, W.M., owned by the State of Washington, lying below the 1010 foot elevation referred to mean sea level datum, and containing an area of 18.94 acres, more or less, as shown on the map thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

Application No. 23634 - Those portions of the $S\frac{1}{2}$ and $SE\frac{1}{4}NE\frac{1}{4}$, Section 30, Township 7 North, Range 6 East, W.M., owned by the State of Washington, lying below the 1010 foot elevation, referred to mean sea level datum, and containing an area of 278.88 acres, more or less, as shown on the map thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

Application No. 23635 - Lots 3 and 4, Section 32, Township 7 North, Range 6 East, W.M., with an area of 95.50 acres according to the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

Application No. 23636 - Those portions of Government Lots 1, 2, 3 and 4 and the $N\frac{1}{2}N\frac{1}{2}$, Section 34, Township 7 North, Range 6 East, W.M., owned by the State of Washington lying below the 1010 foot elevation referred to mean sea level datum, and containing an area of 233.34 acres, more or less, as shown on the map thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

Application No. 23637 - All of the bed and shore lands of Lewis River, owned by the State of Washington, through Sections 25, 26, 27, 36 and the $E\frac{1}{2}$ of Section 28, Township 7 North, Range 5 East, W.M., and Section 26, 31, 32, 33, 34 and 35, Township 7 North, Range 6 East, W.M.

and

It further appearing that the said applications were filed under the provisions of State law providing for the granting of the right to overflow State land; that the applications were filed in connection with a hydro-electric power project and the amount of damage resulting to the State by the exercise of the right to overflow and for perpetual use of the land applied for under said applications does not exceed the sum of \$766.80 under Application No. 23627; \$10,098.90 under Application No. 23628; \$877.20 under Application No. 23631; \$2,233.20 under Application No. 23632; \$568.20 under Application No. 23633; \$8,366.40 under Application No. 23634; \$2,865.00 under Application No. 23635; \$7,000.20 under Application No. 23636; and \$19,440.00 under Application No. 23637; and

It further appearing that on the areas covered by the said applications there is timber involved which will be destroyed in such use; that in connection with all of said applications, Nos. 23627, 23628, 23631, 23632, 23633, 23634, 23635, 23636 and 23637, Pacific Power and Light Company agrees to pay the State of Washington the total sum of any amounts received from the sale of timber under the said applications with the minimum to be \$1,249,759.00; that the payment for the use of the land and for timber located thereon is limited to the area below the 1000 foot elevation referred to mean sea level datum and the grant herein made is with the understanding that the overflow right will extend to the 1010 foot elevation with the further understanding that no rights for use or for any timber are to be exercised on that area between the 1000 foot and 1010 foot elevations and the Pacific Power and Light Company will be held responsible to the State for any damage caused to the land or timber within that area should any damage occur; and

It further appearing that Pacific Power and Light Company agrees to furnish this office with maps showing the project boundaries from which metes and bounds descriptions of the overflow area may be prepared; that when said maps are submitted a new order describing the area by metes and bounds will be issued in lieu of this order and adjustment for any differences in acreage developed by the new maps can be made when a final order is executed; and the Commissioner being fully advised and believing that the applications should be granted, it is therefore

ORDERED and DETERMINED that the value of the land included in the applications, Nos. 23627, 23628, 23631, 23632, 23633, 23634, 23635, 23636 and 23637, together with the damages to or upon the land remaining and including all damages suffered by the State in granting the right to overflow under said applications be and the same is hereby fixed at the figures as hereinabove set forth; that the total of said amounts shall be paid in cash by Pacific Power and

Light Company and in addition thereto, said company shall pay to the State the entire amount received from the sale of the timber on the overflow area but in no event less than the amount of \$1,249,759.00 as hereinabove set forth; that proper arrangements have been made for the payment for the right to overflow and for payment for the timber as hereinabove set forth and the right to overflow the lands covered by Applications Nos. 23627, 23628, 23631, 23632, 23633, 23634, 23635, 23636 and 23637, as hereinabove more particularly described, may be exercised in accordance with the statutes.

PROVIDED that Pacific Power and Light Company agrees that it will be responsible for any damage to State land or timber should the reservoir level reach an elevation of 1010 feet referred to mean sea level datum and to be responsible for payment for any timber cut or destroyed on the area between the 1000 foot and the 1010 foot elevations.

DATED this 20th day of December, A. D., 1956.

OTTO A. CASE, COMMISSIONER

By: Frank C. Sether

Frank C. Sether
Assistant Commissioner

FOS/jr

S. F. No. 62-1-53-5M. 33643.

OFFICE OF COMMISSIONER OF PUBLIC LANDS

ORIGINAL

Counter Receipt **Nº 2678**

\$ 51,215⁹⁰ Olympia, Wash. Jan 3-1957
Fifty one thousand two hundred fifteen ⁹⁰/₁₀₀ DOLLARS
Paid by Pacific Power & Light Co
For Payment for Land Pw Overflow
App 23627-23628-23631-23632-23633
23634-23635-23636-23637

OTTO A. CASE, Commissioner,

By: Sether

Credit for
1000⁰⁰ allowed
in above