

State of Washington
DEPARTMENT OF NATURAL RESOURCES
Office of the Commissioner

In the matter of the Applications of Pacific Power & Light Company and Gifford Pinchot National Forest for a road easement across public lands of the state in Sections 16, 22, 23, 26, and 28, Township 7 North, Range 5 East, W.M., and Sections 28, 30, and 34, Township 7 North, Range 6 East, W.M., Skamania County, Washington.

CERTIFICATE
OF
RIGHT OF WAY

Application Nos. (Pacific) 24874, 24875, F-4706, 24876, 24877, 24878, 24879, 24880, (Gifford Pinchot) 2343, 2346, F-4986, 2344, 2345, 2347, 2348, and 2349.

TO: PACIFIC POWER & LIGHT COMPANY, a Maine corporation.

THE COMMISSIONER OF PUBLIC LANDS hereby acknowledges receipt of the sum of Fifteen Thousand Eighty and 72/100 Dollars (\$15,080.72) in payment of damages and timber as required by paragraph 6b of that Order of the Commissioner dated August 17, 1960, relating to the above described applications for a road easement, and further certifies that there has been full compliance with requirements of said order.

Now, therefore, pursuant to the provisions of RCW 79.01.332, 79.01.340, and 79.36.290, the State of Washington hereby grants, subject to the terms, conditions, and limitations set forth in



paragraphs 1 through 4 below, to Pacific Power & Light Company, a Maine corporation (hereinafter designated Pacific), its successors and assigns, an easement and right of way to construct, maintain, repair, and use a road, as delineated and described in Attachments 1, 2, 3, 4, 5, 6, 7, and 8 attached hereto and made a part hereof by this reference, over and across the following described lands situate in the County of Skamania, State of Washington, to-wit:

The South Half of the Southwest Quarter ($S\frac{1}{2} SW\frac{1}{4}$) of Section 16, Township 7 North, Range 5 East, W.M.;

The West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4}$), the North Half of the Southeast Quarter ($N\frac{1}{2} SE\frac{1}{4}$), and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$), ALL in Section 22, Township 7 North, Range 5 East, W.M.;

The Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$), and the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$), ALL in Section 23, Township 7 North, Range 5 East. W.M.;

Government Lot 1, and the North Half of the Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$), ALL in Section 26, Township 7 North, Range 5 East, W.M.;

The North Half of the Northwest Quarter ($N\frac{1}{2} NW\frac{1}{4}$) of Section 28, Township 7 North, Range 5 East, W.M.;

The South Half of the Southwest Quarter ($S\frac{1}{2} SW\frac{1}{4}$), and the West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$), ALL in Section 28, Township 7 North, Range 6 East, W.M.;

Government Lots 2 and 3, the Southeast

Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), and the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), ALL in Section 30, Township 7 North, Range 6 East, W.M.; and

The North Half of the North Half (N $\frac{1}{2}$ N $\frac{1}{2}$) of Section 34, Township 7 North, Range 6 East, W.M.

This grant is subject to the following terms, conditions, covenants, and limitations:

1. The easement hereby granted shall be for the use of Pacific in the Construction, maintenance, and operation of Project No. 2111 (a hydroelectric project) under license issued by the Federal Power Commission under the provisions of the Federal Power Act, and comprising the Swift No. 1 Development on the Lewis River, Navigable Waters of the United States, located within the State of Washington; shall be for the use of Pacific, its successors and assigns, as a logging and forest development road for the timber and timberlands in the Lewis River drainage area, including but not limited to lands now or hereafter owned by the State of Washington and the United States of America; and shall be available for use to provide access to the Lewis River drainage area for recreational purposes; PROVIDED, HOWEVER, that the right to use the easement for forest development and timber removal may be conditioned by Pacific, its successors and assigns, upon the user paying to Pacific, its successors and assigns, reasonable compensation for such use; PROVIDED FURTHER, HOWEVER,

that the right to use the easement for any purpose shall be subject to reasonable rules and regulations made generally applicable by Pacific, its successors and assigns, to the use of the easement by all users thereof.

2. The easement hereby granted shall terminate ten years from the date hereof without further notice or action on the part of the State of Washington, unless within that time, Pacific shall have furnished evidence satisfactory to the Commissioner of Public Lands that Pacific has entered into an agreement with the United States of America substantially as set forth in Exhibit A to that stipulation entered into before the Federal Power Commission by and between the Forest Service, United States Department of Agriculture, and Pacific, a copy of which is on file with the Commissioner of Public Lands under Pacific's Application No. 24874.

3. The easement hereby granted shall be subject to all terms, conditions, limitations, and reservations prescribed by RCW 79.01.316, 79.01.320, 79.01.324, 79.01.328, 79.01.332, 79.01.336, 79.36.240, 79.36.250, 79.36.260, 79.36.270, 79.36.280, and 79.36.290, as fully as though set out at length herein, for that period of time beginning with the date hereof and continuing until the making of that agreement by Pacific and the United States of America referred to in paragraph 2 above.

4. The exercise of any rights granted

hereunder by Pacific, its successors and assigns, shall constitute an agreement on the part of Pacific, its successors and assigns, that:

(a) All or any portion of that road presently constructed by Pacific, its successors and assigns, between the point where said road connects with the main logging road of International Paper Company in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, Township 7 North, Range 6 East, W.M., and the western terminus of said road in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30, Township 7 North, Range 5 East, W.M., may be used by the State of Washington, its successors and assigns, as a logging and forest development road and as a road for general control, management, and administration of lands now or hereafter owned by the state in the Lewis River drainage area.

(b) Reasonable compensation for the use of said road by the State of Washington, its successors and assigns, shall not exceed:

(1) For maintenance. The proportionate cost of maintenance made necessary by the use of said road by the state, its successors and assigns, in relation to all other users thereof; and

(2) For road construction costs. That percentage of the purchase price for said road which is paid to Pacific by the United States of America which State timber tributary to said road bears to the total

timber tributary to said road, exclusive of timber presently owned outright by International Paper Company, and timber of Northern Pacific timberlands which is subject to a contract dated March 31, 1950, with Harbor Plywood Corporation which contract was assigned to International Paper Company (said percentage to be reasonably determined by the Forest Service). It is agreed that this provision shall not be effective until said road is conveyed to the United States.

(c) The State of Washington, its successors and assigns, shall have the right to connect to said road spur roads reasonably necessary to provide access to lands and timber now or hereafter owned by the state; PROVIDED, HOWEVER, that the location and character of construction of the connections to said road shall first be approved in writing by Pacific, its successors or assigns, which approval shall not unreasonably be withheld; PROVIDED FURTHER, HOWEVER, that the state, its successors and assigns, shall construct and at all times maintain any such connection at its own expense in condition satisfactory to Pacific, its successors or assigns.

Given under my hand and seal this 17th day
of August, 1960.

(Seal of the
Commissioner of
Public Lands)

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

By Bert L. Cole
BERT L. COLE
Commissioner of Public Lands

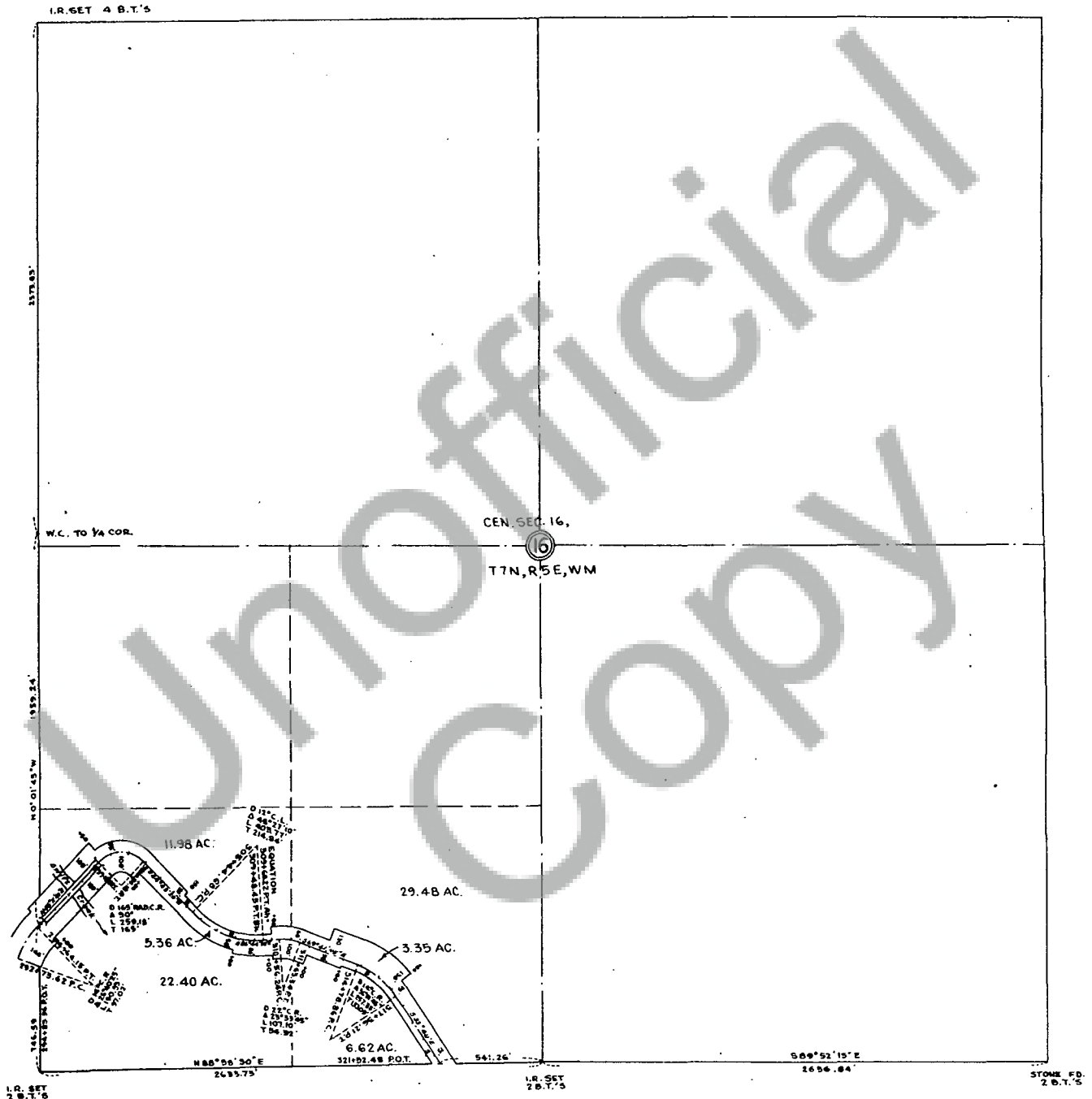
RIGHT OF WAY PLAT

PACIFIC POWER & LIGHT COMPANY

SEC. 16, T7N, R5E, WM.
SKAMANIA CO., WASHINGTON

BOOK 47 PAGE 412

SCALE: 1 IN. = 400 FT.



CERTIFICATE

I, Corbett McLean, Supervisor Engineering Division of Pacific Power & Light Company, do hereby certify that this map accurately represents the location of said company's road across section 16, township 7 north, range 5 east, W. M.

-7-

Corbett McLean
Supervisor Engineering Division
Pacific Power & Light Company

ATTACHMENT 1.

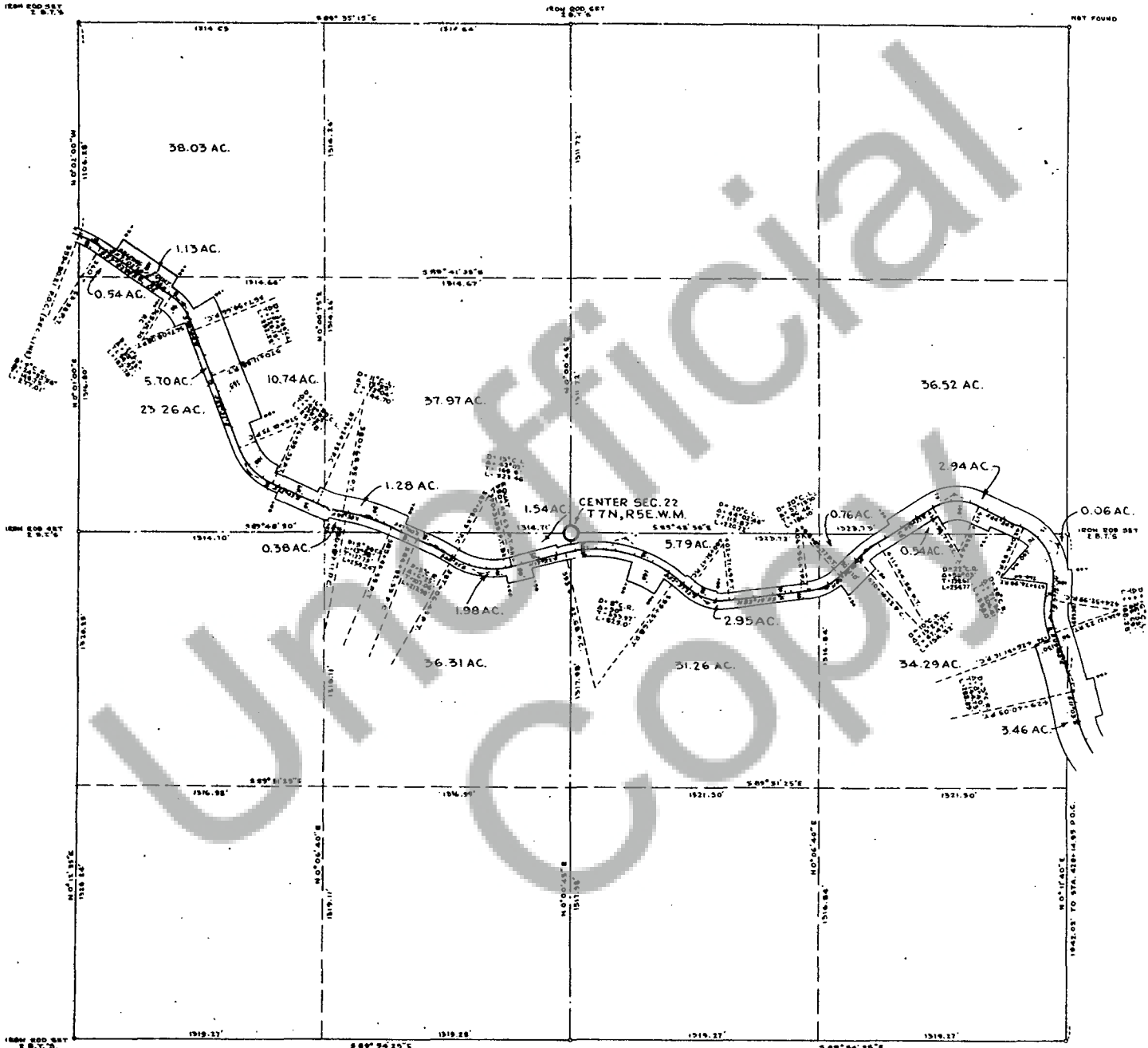


RIGHT OF WAY PLAT
PACIFIC POWER & LIGHT COMPANY

SEC. 22, T7N, R5E, W.M.
SKAMANIA COUNTY, WASHINGTON

BOOK 47 PAGE 413

SCALE: 1 IN. = 400 FT.



CERTIFICATE

I, Corbett McLean, Supervisor Engineering Division of Pacific Power & Light Company, do hereby certify that this map accurately represents the location of said company's road across section 22, township 7 north, range 5 east, W.M.

-8-

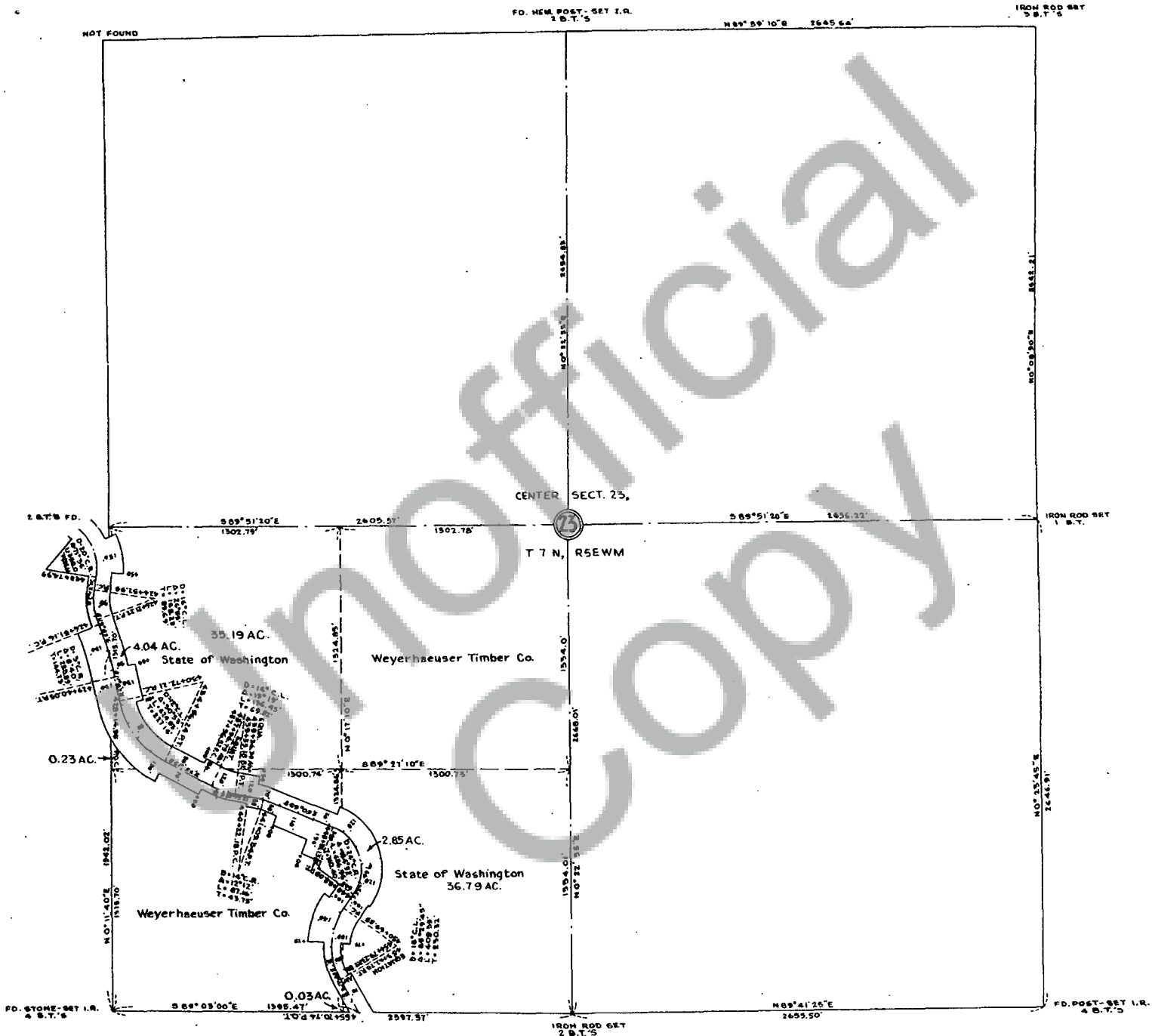
Corbett McLean
Supervisor Engineering Division
Pacific Power & Light Company



PACIFIC POWER & LIGHT COMPANY

SEC. 23, T7N, R5E, W.M.
SKAMANIA COUNTY, WASHINGTON
SCALE: 1 IN. = 400 FT.

BOOK 47 PAGE 414



CERTIFICATE

I, Corbett McLean, Supervisor Engineering Division of Pacific Power & Light Company do hereby certify that this map accurately represents the location of said company's road across section 23, township 7 north, range 5 east, W. M.

-9-

Corbett McLean
Supervisor Engineering Division
Pacific Power & Light Company

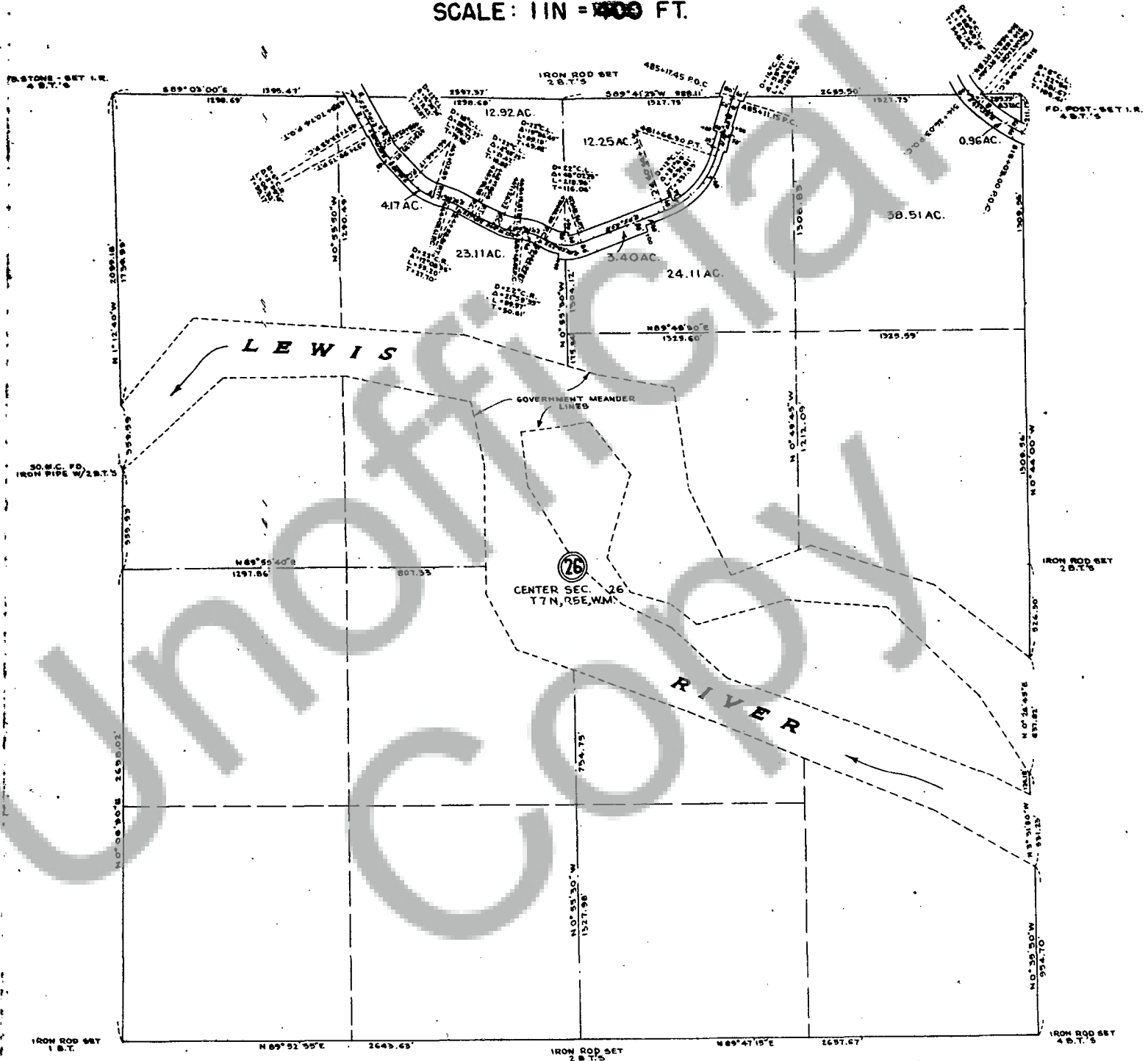


RIGHT OF WAY PLAT PACIFIC POWER & LIGHT COMPANY

SEC. 26, T7N, R5E, W.M.
SKAMANIA COUNTY, WASHINGTON

BOOK 47 PAGE 415

SCALE: 1 IN = 400 FT.



CERTIFICATE

I, Corbett McLean, Supervisor Engineering Division of Pacific Power & Light Company do hereby certify that this map accurately represents the location of said company's road across section 26, township 7 north, range 5 east, W. M.

-10-

Corbett McLean
Supervisor Engineering Division
Pacific Power & Light Company

ATTACHMENT 4.



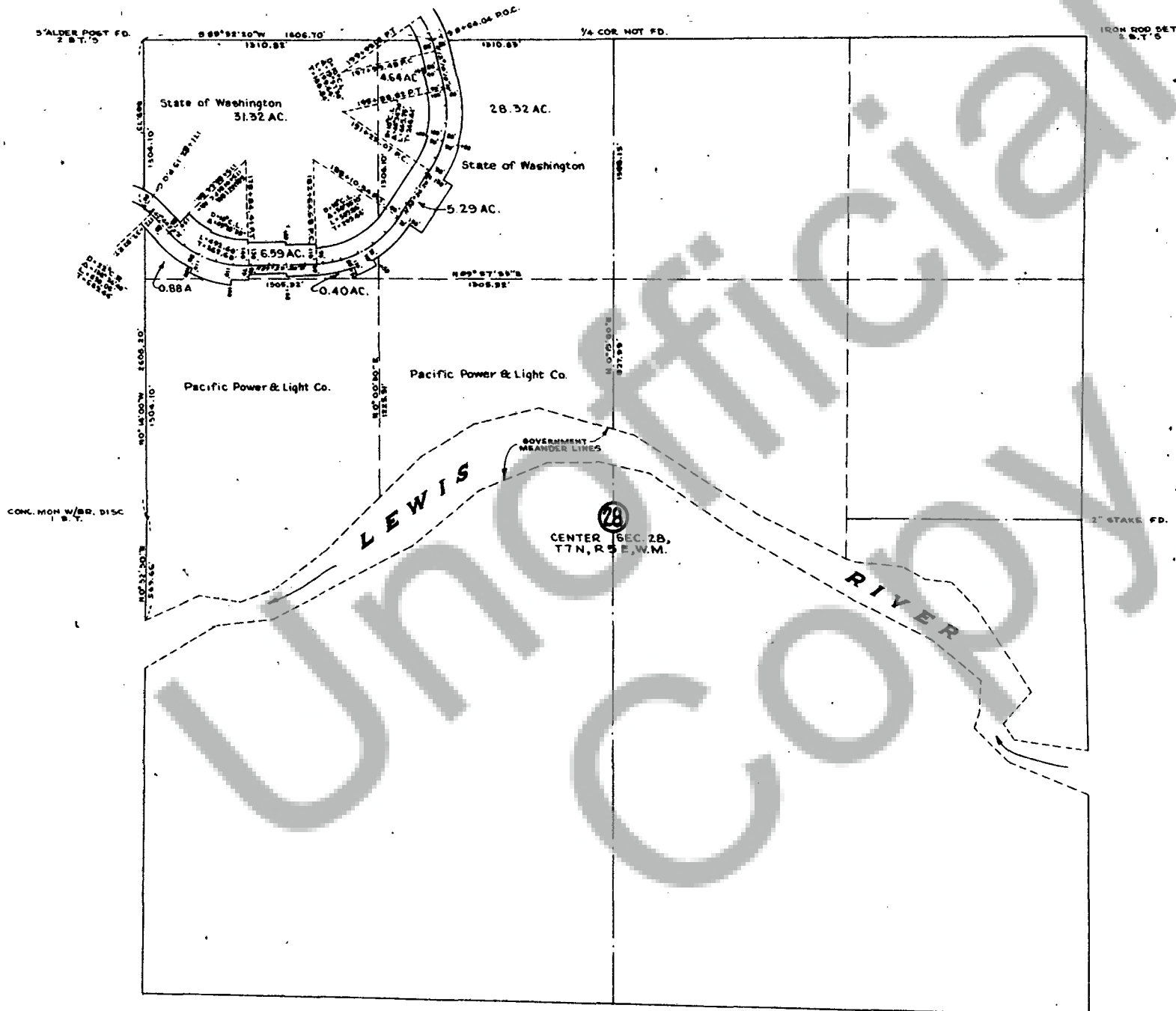
RIGHT OF WAY PLAT

PACIFIC POWER & LIGHT COMPANY

SEC. 28, T7N, R5E, W.M.
SKAMANIA COUNTY, WASHINGTON

BOOK 47 PAGE 416

SCALE: 1 IN. = FT.



CERTIFICATE

I, Corbett McLean, Supervisor Engineering Division of Pacific Power & Light Company, do hereby certify that this map accurately represents the location of said company's road across section 28, township 7 north, range 5 east, W.M.

-11-

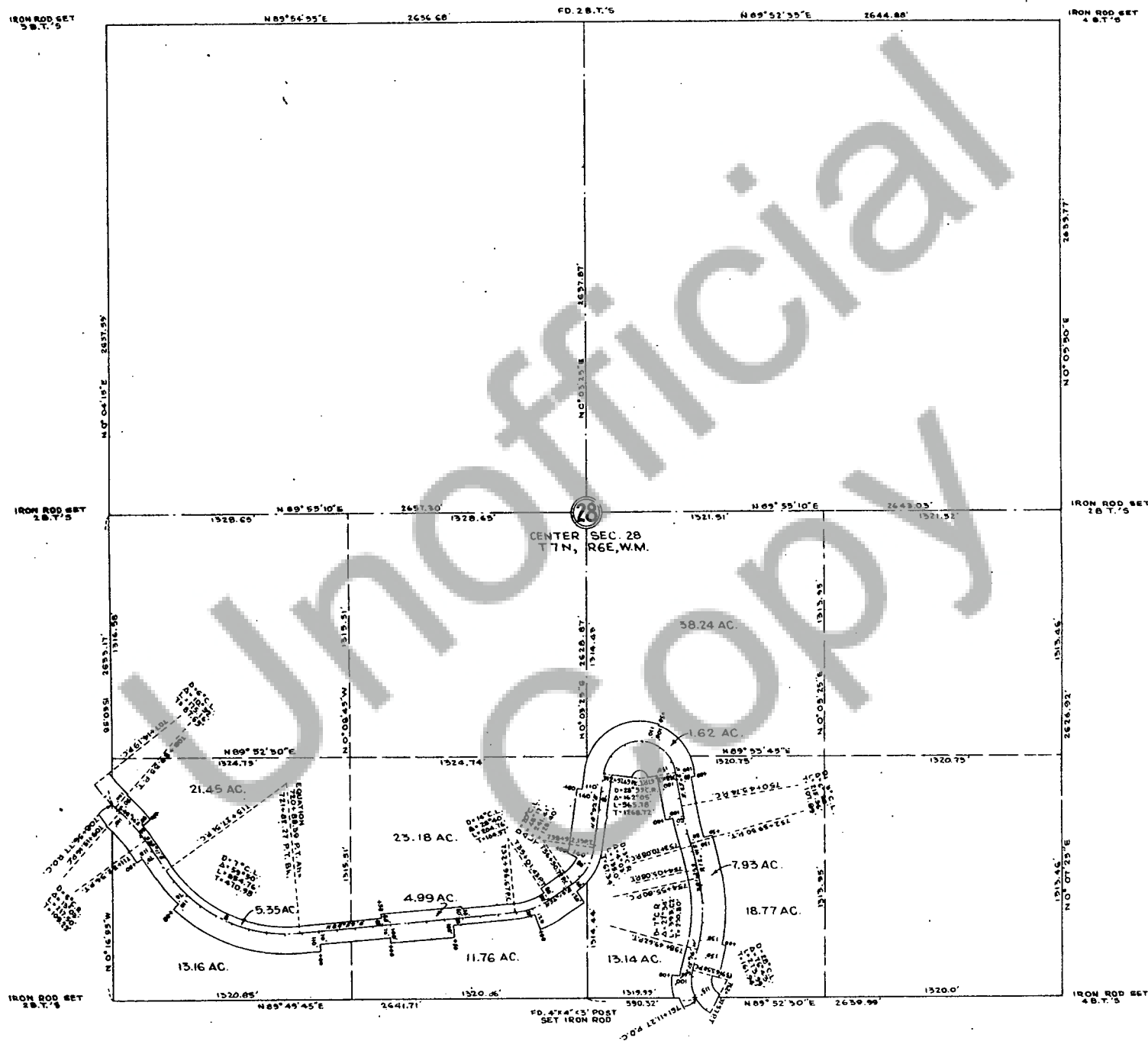
Corbett W. McLean
Supervisor Engineering Division
Pacific Power & Light Company



SEC. 28, T7N, R6E, W.M.
SKAMANIA COUNTY, WASHINGTON
SCALE: 1 IN. = 400 FT.

BOOK 47 PAGE 417

SCALE: 1 IN. = ~~10~~ FT.



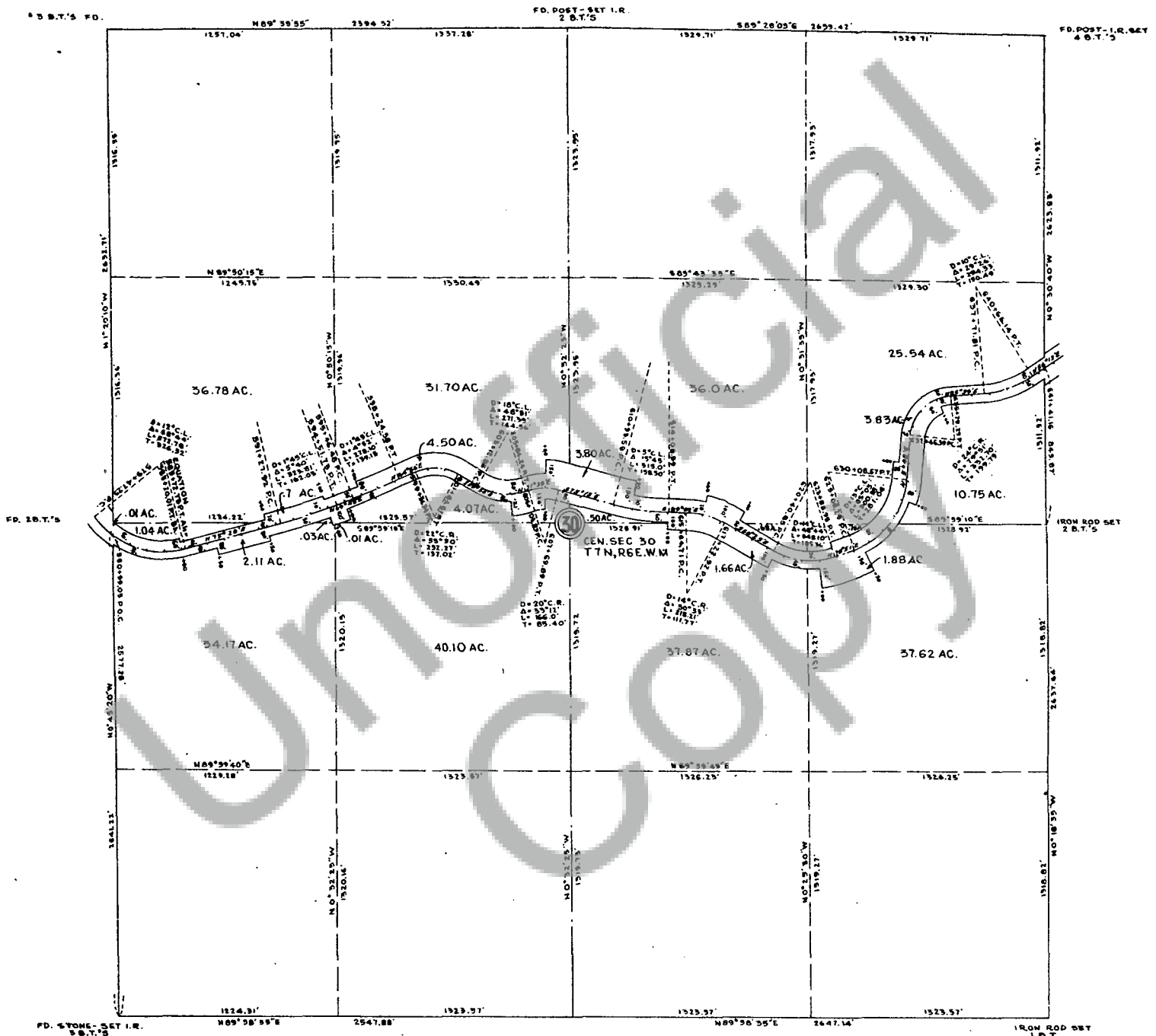
I, Corbett McLean, Supervisor Engineering Division of Pacific Power & Light Company, do hereby certify that this map accurately represents the location of said company's road across section 28, township 7 north, range 6 east, W.M.

-12-

Corbett McLean
Supervisor Engineering Division
Pacific Power & Light Company



BOOK 47 PAGE 418



CERTIFICATE

I, Corbett McLean, Supervisor Engineering Division of Pacific Power & Light Company, do hereby certify that this map accurately represents the location of said company's road across section 30, township 7, north, range 6 east, W.M.

-13-

Collett M. Lean
Supervisor Engineering Division
Pacific Power & Light Company

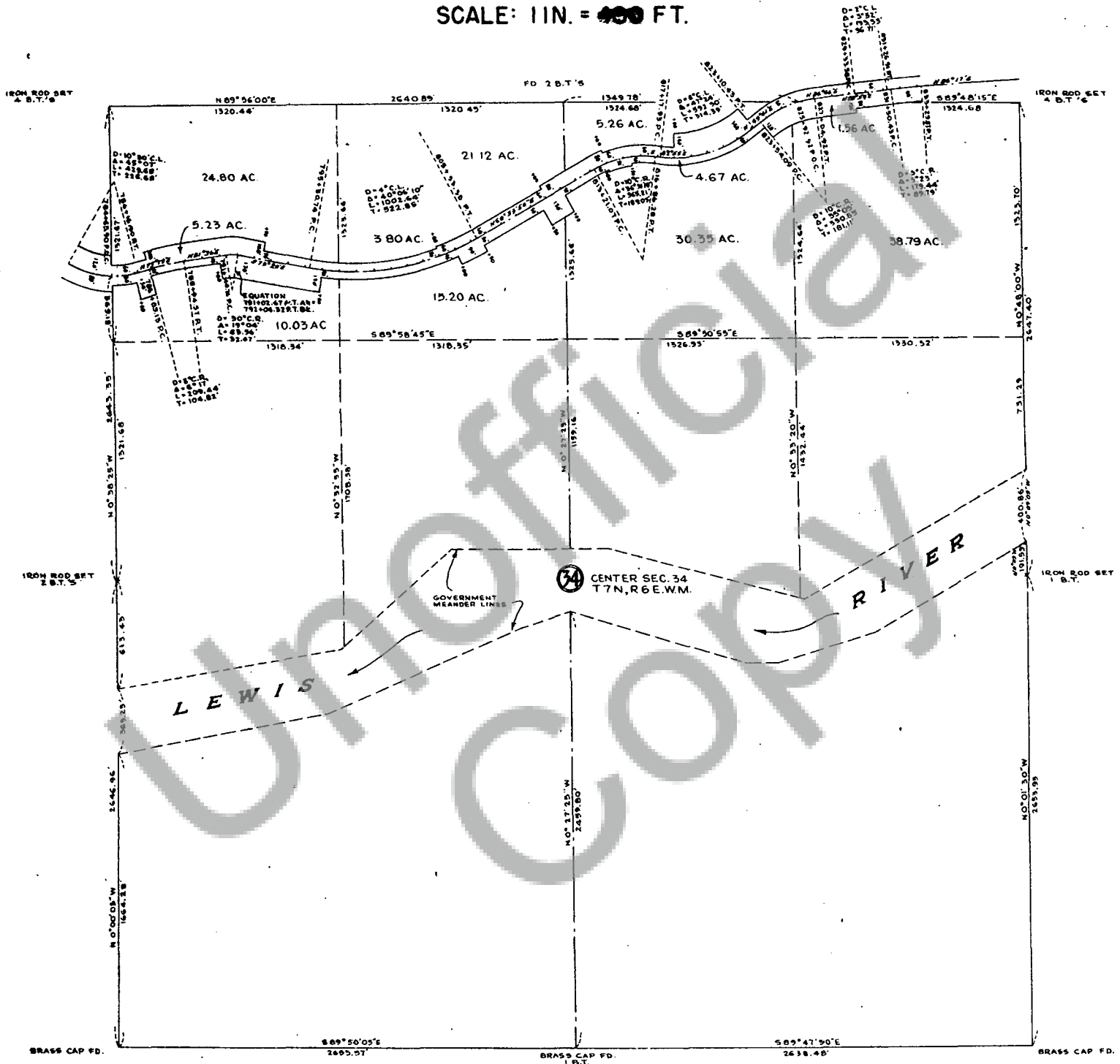


RIGHT OF WAY PLAT
PACIFIC POWER & LIGHT COMPANY

SEC. 34, T7N, R6E, W.M.
SKAMANIA COUNTY, WASHINGTON

BOOK 47 PAGE 419

SCALE: 1 IN. = 400 FT.



CERTIFICATE

I, Corbett McLean, Supervisor Engineering Division of Pacific Power & Light Company, do hereby certify that this map accurately represents the location of said company's road across section 34, township 7 north, range 6 east, W. M.

-14- *Corbett McLean*
Supervisor Engineering Division
Pacific Power & Light Company

ATTACHMENT 8.

