

57035

AGREEMENT RESPECTING RIGHT TO USE PUBLIC WATERS
OF THE
STATE OF WASHINGTON

WHEREAS, pursuant to a permit to appropriate public waters of the State of Washington issued to Pacific Power & Light Company ("Pacific"), on April 24, 1956, by the State of Washington Department of Conservation and Development, the State Supervisor of Water Resources on September 7, 1960 issued to Pacific a Certificate of Surface Water Right, Certificate Record No. 16, Page no. 7890, which said permit and certificate relate to the diversion and use of the waters of the North Fork of the Lewis River for power purposes in connection with the Swift Hydroelectric Project, the point or points of diversion being within the South half of the Northwest quarter ($S\frac{1}{2}NW\frac{1}{4}$) and the North half of the Southwest quarter ($N\frac{1}{2}SW\frac{1}{4}$) of Section 28, Township 7 North, Range 5 East, W.M., Skamania County, and the place where such water is put to beneficial use being described in said certificate as:

Swift No. 1 Plant

Lots 4 and 5 of Section 28, Township 7 North,
Range 5 East, W.M., Skamania County

Swift No. 2 Plant

Lot 1 of Section 25, Township 7 North, Range 4
East, W.M., Cowlitz County

WHEREAS, on October 29, 1956, the Federal Power Commission granted Pacific a license for Swift Plant No. 1, Project No. 2111, and on November 29, 1956, granted a license for Swift Plant No. 2, Project No. 2213 to Public Utility District No. 1 of Cowlitz County, Washington, ("District"); and

WHEREAS, on June 4, 1957, Pacific and the District entered into a power contract whereby they agreed in part that the District should have the right to use the regulated flow of the Lewis River and impounded water of Pacific's reservoir as released from the operation of Swift Plant No. 1



and that Pacific should discharge such waters so released into the District's canal leading to Swift Plant No.2;

NOW, THEREFORE, in consideration of the premises and pursuant to the rights granted to Pacific by virtue of said permit and certificate, Pacific hereby confirms to the District the right to such use of said waters as released from Swift Plant No.1 by receiving the same at the afterbay of said Swift Plant No.1 and by discharging the same from Swift Plant No.2 in Lot 1, in Section 25, Township 7 North, Range 4 East, W.M. and the District agrees that any water so received and used in Swift Plant No.2 shall be discharged below Swift Plant No.2 for return to said Lewis River pursuant to said Certificate of Surface Water Right.

It is understood that the foregoing shall not in any way supercede or modify any agreements presently in effect between Pacific and the District.

DATED this 24th day of October, 1960.

PACIFIC POWER & LIGHT COMPANY

By

E. R. H. de Fuccia
Vice President

PUBLIC UTILITY DISTRICT NO. 1 OF
COWLITZ COUNTY, WASHINGTON

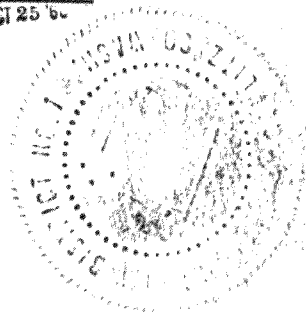
By

Frank Jaeger
President

OCT 25 1960

MS
The foregoing is hereby noted,
approved and consented to this
28th day of October, 1960.

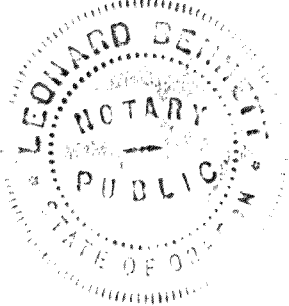
M. Walker
State of Washington
State Supervisor of Water Resources



STATE OF OREGON)
County of Multnomah)

On this 24th day of October, 1960, before me personally appeared E. ROBT. deLUCCIA to me known to be one of the Vice Presidents of the corporation that executed the within and foregoing instrument, and acknowledged 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 first above written.



Leonard Bennett
Notary Public for Oregon
My commission expires: 9-7-62

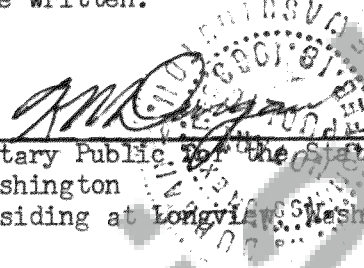
STATE OF WASHINGTON)

) ss

COUNTY OF COWLITZ)

On this 25th day of October, 1960, before me personally appeared Frank Jaeger, to me known to be the President of Public Utility District No. 1 of Cowlitz County, Washington, a municipal corporation, and acknowledged that he executed the within and foregoing instrument as such President of said municipal corporation, for uses and purposes therein mentioned, and on oath stated that he was authorized to execute the same and that the seal affixed is the corporate seal of said municipal corporation.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.


Notary Public for the State of
Washington
Residing at Longview, Washington

Filed for Record 11-2-60 9:45 A.M.
Request of P. U. D. No. 1
SARAH IVIE, Cowlitz County Auditor & Treasurer Dep.

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