

## SKAMANIA COUNTY, WASHINGTON

4. The Railway Company hereby releases the Government from all claims for damages that have accrued or may hereafter accrue to it, its successors or assigns, by reason of the overflowing of the railroad property herein described between Railway Company's Station 174+18.5 = Mile Post 50.42, to Railway Company's Station 866+18.7 = Mile Post 102, as the result of the construction and operation of the Bonneville Project as herein authorized. But nothing herein shall be construed to grant or imply any right in the Government to cause or accomplish the elevation of the waters of said river above the said authorized maximum of 800,000 cubic feet per second controlled backwater curve, for flows of 800,000 cubic feet per second or less, or, for flows greater than 800,000 cubic feet per second, to raise said waters above the natural elevation which they would have reached prior to the construction of the Bonneville Project.

5. The flowage right given the Government by this instrument shall include the right to go upon the property of the Railway Company from time to time as the occasion may require and remove therefrom the timber and other natural growth and any accumulations of brush, trash or driftwood.

6. The railway Company covenants that it is in the quiet and peaceful possession of the property which is the subject matter of this indenture, and the Railway Company, and its successors, will warrant and forever defend the right, power and privilege granted by this indenture to the Government, or its assigns, against the lawful claims and demands of all persons whomsoever.

(Corporate seal affixed)

SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY,

By Charles Donnelly  
President.

Attest:

A. J. Witchel  
Secretary.

1-\$1,000.00, 1-\$100.00, 2-\$10.00 & 1-\$5.00  
Gov. documentary stamps duly affixed and  
cancelled S.P. & S. Ry. J.C.D. 7/30/1938

STATE OF Minnesota )  
County of Ramsey ) ss.

On this 20th day of August, 1937, before me, appeared Charles Donnelly, to me personally known, who being duly sworn, did say that he is the President of the Spokane, Portland and Seattle Railway Company, the within named corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that the said instrument was signed and sealed on behalf of said corporation by authority of its board of Trustees, and the said Charles Donnelly acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this day and year in this, my certificate, written.

(Notarial seal affixed)

C. B. Theits, Notary Public for  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_  
C. B. Theits, Notary Public  
Ramsey Co., Minn. My Commission expires January 24, 1944.

APPROVED AS TO FORM AND EXECUTION

J. W. McCulloch  
SPECIAL ASSISTANT U.S. ATTORNEY GENERAL

Filed for record August 22, 1938 at 8-10 a.m. by U. S. Engineers.

*Mabel J. Osse*  
Skamania County, Clerk-Auditor