

## SKAMANIA COUNTY, WASHINGTON

#26390

Nancy G. Wallace to United States

(OFFICE CHIEF OF ENGINEERS JAN 14 1938 6500 (Bonneville Dam) 950/3)

FLOWAGE EASEMENT

THIS INDENTURE, made this 14th day of December, 1937, between Nancy G. Wallace, an unmarried woman, hereinafter called the Grantor, and the United States of America, hereinafter called the Government, witnesseth:

THAT WHEREAS, the Government is constructing a dam across the Columbia River between the States of Oregon and Washington at Bonneville, Oregon, and upon the completion of said dam will operate and maintain a spillway, power house and ship lock; and

WHEREAS, under operating conditions, all lands abutting on either bank of said river from Bonneville to the Celilo Canal which are below the elevation of the backwater curve which begins at the dam at 72.0 feet above mean sea level (as determined by reference to the U. S. C. & G. S. bench mark, B. 24, situate about one mile east along the Oregon-Washington Railroad & Navigation Company's track from Warrendale, Multnomah County, Oregon, in the north end of a concrete culvert, at elevation 72.533 feet) will be permanently flooded; and

WHEREAS, the Government in operating said structures, will increase periodically the depth and duration of the overflow on a portion of said lands, later described, lying above elevation 72.0 feet; and

WHEREAS, the Government desires to purchase a perpetual flowage easement from the said grantor, and said Grantor desires to sell said perpetual flowage easement to the Government;

NOW THEREFORE, the said Grantor, for and in consideration of the sum of One Thousand and 00/100 Dollars (\$1,000.00), cash in hand paid by the Government, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey to the Government or its assigns, forever, the full and perpetual right, power, privilege and easement to overflow, as hereinbefore stated, all that portion of the following described lands lying below the 96.4-foot contour line above mean sea level, as determined by reference to the U. S. C. & G. S. datum, and above the ordinary high water line on the right bank of the Columbia River, containing 7.03 acres, more or less, situate in the County of Skamania and State of Washington;

All that portion of Lot 3, Section 34, Township 3 North, Range 9 East of the Willamette Meridian, lying southerly of the southerly line of the Spokane, Portland and Seattle Railway Company's right of way;

Lots 1 and 2, Section 34, Township 3 North, Range 9 East of the Willamette Meridian; Excepting therefrom:

a. Rights of the Spokane, Portland and Seattle Railway Company in and to the above described land.

b. Rights of the State of Washington in and to the above described land.

Said land being subject to:

a. Rights of public in and to that street known as South Street, according to dedication of Town of Cooks.

b. Right of way granted Northwestern Electric Company for the purpose of maintaining a transmission line over and across the above described lands.

TO HAVE AND TO HOLD unto the Government or its assigns, forever, together with the right to go upon the lands above described 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;

And the said Grantor covenants that she is in the quiet and peaceful possession of said lands, and that she will and her heirs, executors and administrators shall warrant and forever defend the title to the right, power, privilege and easement hereby granted and conveyed, as aforesaid, to the Government or its assigns, against the lawful claims of all