

## DEED RECORD 27

SKAMANIA COUNTY, WASHINGTON

9th day of September, 1938.

(Notarial seal affixed)

L. J. Moody  
Notary Public in and for the  
State of Washington, residing  
at Washougal.

Filed for record September 15, 1938 at 2-50 p.m. by Raymond C. Sly.

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

#26476

C. T. Smith et ux to United States

(OFFICE CHIEF OF ENGINEERS FEB 18 1938 6500 (Bonneville Dam) 996/2)

FLOWAGE EASEMENT

THIS INDENTURE, made this 27th day of December, 1937, between C. T. Smith and Annabelle Smith, husband and wife, hereinafter called the Grantors, 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 Grantors, and said Grantors desire to sell said perpetual flowage easement to the Government;

NOW THEREFORE, the said Grantors, for and in consideration of the sum of TWO THOUSAND FIVE HUNDRED and 00/100 Dollars (\$2,500.00), cash in hand paid by the Government, the receipt whereof is hereby acknowledged, do 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 the following described lands, lying above the ordinary high water line on the right bank of the Columbia River, containing 5.42 acres, more or less, situate in the County of Skamania and State of Washington:

Commencing at the southeast corner of the town of Stevenson, according to the duly recorded plat thereof, thence running north 55°30' east 637 feet along the south line of Riverview Addition to the town of Stevenson; thence south to the line of ordinary high water on the right bank of the Columbia River; thence following the line of ordinary high water of the Columbia River in a westerly direction to intersection with the east line of Russell Street, thence northerly along the east line of Russell Street to intersection thereof with the south line of the town of Stevenson; thence north 55°30' east along the south line of the town of Stevenson to the point of beginning; all in Section 1, Township 2 North, Range 7 East of the Willamette Meridian and Section 6, Township 2 North, Range 7½ East of the Willamette Meridian; subject to:

Right of way granted Skamania County, Washington for the purpose of a public road. (Book "Q" of Deeds, page 399, Records of Skamania County, Washington.)

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;