

DEED RECORD 27

SKAMANIA COUNTY, WASHINGTON

YAKIMA BINDERY & PTO. CO. 159234

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 ONE HUNDRED SIXTY and 00/100 DOLLARS (\$160.00), 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 that portion of the following described lands lying below the 95-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 north bank of the Columbia River, containing 5.38 acres, more or less, situate in the County of Skamania and State of Washington:

All that portion of Lot 1, Section 29, Township 3 North, Range 10 East of the Willamette Meridian that lies south of the right of way of the Spokane, Portland and Seattle Railway Company, excepting therefrom that portion of the Evergreen Highway, granted the State of Washington, as the said highway crosses the above described land;

said land being subject to:

Right of way of M. F. Cash for a roadway, the same being a right of way for a road to the river not to exceed 16 feet in width, originally granted Lettie B. Cash.

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 Grantors covenant that they are in the quiet and peaceful possession of said lands, and that they will and their 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 persons whomsoever.

And the said Grantors, in consideration of the above specified sum, also hereby release the Government from all claims for damages that have accrued or may hereafter accrue to them by reason of the overflowing of the above described land.

IN TESTIMONY WHEREOF, the said Grantors have hereunto set their hands and affixed their seals on this the day and year first above written.

1-50¢ Gov. documentary stamp duly affixed and cancelled H.K.-E.M.K. 9/19/37

Henry Kapp (Seal)  
Erma M. Kapp (Seal)

STATE OF WASHINGTON ) ss.  
County of Klickitat )

BE IT REMEMBERED, That on this 14 day of Sept., 1937, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Henry Kapp and Erma M. Kapp, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.