

DEED RECORD 27

SKAMANIA COUNTY, WASHINGTON

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year last above written.

(Notarial seal affixed)

C. H. Estes
Notary Public for Washington,
Residing at White Salmon, Wash.

APPROVED AS TO FORM AND EXECUTION

J. W. McCulloch

SPECIAL ASSISTANT U.S. ATTORNEY GENERAL

Filed for record November 18, 1938 at 10-45 a.m. by U. S. Engineers.

Mabel J. Assey
Skamania County, Clerk-Auditor

#26695

Henry Kapp et ux to United States

(OFFICE CHIEF OF ENGINEERS Jul 26 1938 6500 (Bonneville Dam) 1216/2.) FLOWAGE EASEMENT

THIS INDENTURE, made this 22 day of April, 1938, between Henry Kapp and Erma M. Kapp 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 Four Hundred Fifty and 00/100 Dollars (\$450.00), cash in hand paid by the Government, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the Government and 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 95.6-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 situate in the Town of Underwood, Skamania County, Washington:

Lots 5 and 7, Block 2, of the Town of Underwood according to the official plat recorded at Page 19, Book "A" of Plats, Records of Skamania County, Washington; excepting: A strip of land 100 feet in width conveyed to Portland and Seattle Railway Company (now Spokane, Portland and Seattle Railway Company) by warranty deed dated December 16, 1905, and recorded in Book "I" of Deeds, page 413, Deed Records of Skamania County, Washington, said strip of land being 50 feet in width on each side of the center line of said railroad as the same is now constructed and operated over and across the above described land;

Said land being subject to:

All rights of way for public road and highway purposes.

TO HAVE AND TO HOLD unto the Government and 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;