

DEED RECORD 27

SKAMANIA COUNTY, WASHINGTON

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 and 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.

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

1-50¢ Gov. documentary stamp duly affixed  
and cancelled H.K.- E.M.K. 4-22-38.

STATE OF WASHINGTON )  
County of Skamania. ) ss.

BE IT REMEMBERED, That on this 22nd day of April, 1938, 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.

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

(Notarial seal affixed)

Myron S. Smith  
Notary Public for Wash. State  
Residing at Underwood, Wash.  
My commission expires October  
12th, 1938.

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. Engr.

*Michael J. Danaher*  
Skamania County, Clerk-Auditor.

#26696 Henry Kapp et ux to United States

CORRECTION FLOWAGE EASEMENT

THIS INDENTURE, made this 28 day of September, 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 72.535 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