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DEED RECORD 27

SKAMANIA COUNTY, WASHINGTON

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 and 00/100 DOLLARS (\$1.00) 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 hereinafore 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, First Addition to the Town of Underwood, according to the official plat thereof in the office of the County Auditor, recorded at Page 19, Book "A" of Plats, Records of Skamania County, Washington; excepting;

A strip of land 100 feet in width as the same crosses the above described lots as 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", page 413, Deed Records of Skamania County, Washington.

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,

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.

This correction flowage easement is given for the purpose of correcting that certain flowage easement, dated April 22, 1938, between Henry Kapp and Erma M. Kapp, husband and wife, to the United States of America, by reason of the fact that said flowage easement incorrectly described the lands over which the United States sought to acquire a flowage easement.

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)

STATE OF WASHINGTON)
County of Skamania.) ss

BE IT REMEMBERED, That on this 28th day of Sept., 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 Washington,
Residing at Underwood.