

SKAMANIA COUNTY, WASHINGTON

#26718

State of Wash. to United States

(OFFICE CHIEF OF ENGINEERS NOV 29 1937 6500 (Bonneville Dam) 893/1)

FLOWAGE EASEMENT

THIS INDENTURE, Made this 7th day of July, 1937, between the State of Washington, hereinafter called the "State", acting through Clarence D. Martin, its Governor, 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 after the completion of said dam, spillway, power house and ship lock, all lands abutting on the south side of the Columbia 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 State owns and has an easement or right of way over lands in Skamania and Klickitat Counties, Washington, situate along the right bank of the Columbia River forming a part of the right of way of that portion of the Evergreen Highway between Station 104+00 at Blue Creek, situate in the D. F. Bradford Donation Land Claim No. 37, Section 11, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington, and Skadat, situate in Section 17, Township 2 North, Range 13 East of the Willamette Meridian, Klickitat County, Washington, except that portion of said right of way lying between Cooks and Underwood, Washington; and

WHEREAS, it has become necessary and desirable for the Government to acquire an interest in property owned by the State and used in connection with the Evergreen Highway in the State of Washington by reason of the construction of the Bonneville Project, and the Director of Highways of the State of Washington having been authorized, empowered and directed to negotiate and enter into an agreement with the Government as to the granting of a flowage easement and the compensation to be paid therefor, and which agreement was approved as to form by the Attorney General of the State of Washington; and

WHEREAS, the Government desires to purchase a perpetual flowage easement from the State over said lands owned by the State and over lands in which the State has an easement or right of way along the right bank of the Columbia River, occupied by the Evergreen Highway from Station 104+00 at Blue Creek, situate in the D. F. Bradford Donation Land Claim No. 37, Section 11, Township 2 North, Range 7 East of the Willamette Meridian in Skamania County, Washington, and Skadat, situate in Section 17, Township 2 North, Range 13 East of the Willamette Meridian, Klickitat County, Washington, except that portion of said right of way lying between Cooks and Underwood, Washington, and the State desires to sell to the Government said perpetual flowage easement;

NOW THEREFORE, the State, for and in consideration of the sum of Two Hundred Eighty-three thousand Nine Hundred Eighty-four and 04/100 Dollars (\$283,984.04), the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey to the Government or its assigns, forever, the full and perpetual right, power, privilege and easement