

DEED RECORD 27

SKAMANIA COUNTY, WASHINGTON

to overflow, as herein stated, all that portion of the State's lands and to the extent of its rights, lands over which the State has an easement along the right bank of the Columbia River, forming a part of the right of way of that portion of the Evergreen Highway from Station 104+00 and 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, in Klickitat County, Washington, except that portion of said right of way lying between Cooks and Underwood, Washington, lying above the ordinary high water mark in said river and below the 800,000 c.f.s. controlled backwater curve of said river, which backwater curve is stillwell elevation and exclusive of variations caused by wind or traffic. Said amount hereinbefore mentioned being in full consideration for said flowage easement, and shall relieve the Government from any claim of damage by the State, its officers or assigns, by reason of the overflowing of the property of the State and lands over which the State has an easement up to the elevation designated in this instrument.

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 State covenants that it is in the quiet and peaceful possession of the said lands and that it will and its assigns shall warrant and forever defend the title to the right, power, privilege and easement hereby granted and conveyed over the lands owned by the State, as aforesaid, to the Government or its assigns, against the lawful claims of all persons whomsoever, and that it will and its assigns shall warrant and forever defend the title to the right, power, privilege and easement hereby granted and conveyed on the lands over which the State has an easement, as aforesaid, to the Government or its assigns, against the lawful claims of all persons claiming by, through or under the State.

And the State, in consideration of the above specified sum, also hereby releases the Government from all claims for damages that have accrued or may hereafter accrue to it by reason of the overflowing of the above described lands.

IN TESTIMONY WHEREOF, the State of Washington, acting through Clarence D. Martin, its Governor, has executed these presents the day and year first herein stated.

STATE OF WASHINGTON

By Clarence D. Martin
Governor

(State of Wash. Seal affixed)

ATTEST:

Ernest N. Hutchinson
Secretary of State,
State of Washington.

Approved:

L. V. Murrow
Director of Highways

O.K. as to form
E. P. Donnelly
Asst. Atty. Genl.

APPROVED AS TO FORM AND EXECUTION

J. W. McCulloch
SPECIAL ASSISTANT U.S. ATTORNEY GENERAL

STATE OF WASHINGTON)
) ss.
County of Thurston)

On this 7 day of July, 1937, before me personally appeared Clarence D. Martin, to me personally known, who being duly sworn, did say that he, the said Clarence D. Martin, is the Governor of the State of Washington, and that said instrument was signed and sealed on behalf of the State of Washington by reason of the statutes made and provided therefor.