

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 Grantors are in possession of the premises hereinafter described under the terms of an agreement of lease, contain an option to purchase, dated January 1, 1936, and recorded April 20, 1938, in Book 3 of Agreements and Leases, page 366, Records of Skamania county, Washington, executed by J. R. Phillips and Bertha A. Phillips, his wife, as lessors, and the said Grantors, as lessee; and said Grantors have constructed certain buildings and improvements upon said premises; and

WHEREAS, contemporaneously with the execution of this instrument, the said J. R. Phillips and Bertha A. Phillips, husband and wife, have executed a flowage easement in favor of the Government wherein it is provided, among other things, that said J. R. Phillips and Bertha A. Phillips will cause the Grantors herein to execute and deliver to the Government a perpetual flowage easement covering the land and improvements hereinafter described.

NOW THEREFORE, the said Grantors, for and in consideration of the sum of One and 00/100 Dollars (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt whereof from the said J. R. Phillips and Bertha A. Phillips 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 to the extent of the right, title and interest of the grantors herein, all that portion of the following described lands and all those portions of any and all improvements, buildings and/or structures, whether the same be fixtures or movables, resting or located upon said lands lying below the 83.0-foot contour line above mean sea level, as determined by reference to the U. S. C. & G. S. datum, situate in Section 15, Township 2 North, Range 7 East of the Willamette Meridian, in Skamania County, Washington, more particularly described as follows, to-wit:

Beginning at the southwest corner of Lot No. 9 of the Normandy tracts; thence north 35°15' west 475 feet; thence at right angle westerly a distance of 50 feet; thence at a right angle northerly a distance of 25 feet; thence at a right angle easterly a distance of 50 feet to the said 475-foot line, if extended; and thence southerly along said line to the point of commencement, in Skamania county, Washington.

TO HAVE AND TO HOLD unto the Government and its assigns, forever,

And the said Grantors covenant that they are in the quiet and peaceful possession of said lands, improvements, building and structures under and by virtue of the terms of said ~~lease, improvements, buildings and structures under any by virtue of the terms of said~~ agreement of lease, dated January 1, 1936, 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, improvements, buildings and/or structures.

IN TESTIMONY WHEREOF, THE said Grantors have hereunto set their hands and affixed their seals on this the day and year first above written.

H. David Lusk (Seal)
Florence Lusk (Seal)

STATE OF OREGON)
) ss.
County of Multnomah)

BE IT REMEMBERED, THAT on this 21st day of July, 1938, before me, the undersigned,