

SKAMANIA COUNTY, WASHINGTON

a Notary Public in and for said County and State, personally appeared the within named H. David Lusk, also known as David Lusk, and Florence Florence Lusk, husband and wife, who are known to me to be the identical individuals described in and who executed the withing 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)

H. C. Muschalik
Notary Public for Oregon. Re-
siding at Portland. My commis-
sion expires
My commission expires Jan. 21,
1942.

APPROVED AS TO FORM AND EXECUTION

E. W. Barnes
SPECIAL ATTORNEY, DEPT. OF JUSTICE

Filed for record December 7, 1938 at 11-00 a.m. by U. S. Engr.

Mabel J. Foster
Skamania County, Clerk-Auditor.

#26748

Paul D. Fandrei et ux to United States

(OFFICE CHIEF OF ENGINEERS AUG 2 1938 6500 (Bonneville Dam) 1224/4).

FLOWAGE EASEMENT

THIS INDENTURE, made this 18 day of July, 1938, between Paul D. Fandrei and Evelyn N. Fandrei, 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 72.533 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 Grantors are in possession of the premises hereinafter described under the terms of an agreement of lease, containing an option to purchase, dated March 1, 1936, and recorded April 10, 1936 in Book 3 of Agreements and Leases, page 302-3, records of Skamania County, Washington, executed by J. R. Phillips and Bertha A. Phillips, his wife, as lessors, and the said Paul D. Fandrei, 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