

## SKAMANIA COUNTY, WASHINGTON

Filed for record April 4, 1938 at 3-15 p.m. by Grantee.

*Mabel J. J. J.*  
Skamania County, Clerk-Auditor

#25468

Clara E. Barton et vir to United States.

(OFFICE CHIEF OF ENGINEER OCT 6, 1937 6500 (Bonneville Dam)--834/2)

FLOWAGE EASEMENT

THIS INDENTURE, made this 10th day of June, 1937, between Clara E. Barton and Simeon C. Barton, her husband, hereinafter called the Grantors, ~~and the United States of America 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 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 Two Hundred Forty and 00/100 Dollars (\$240.00), cash in hand paid by the Government, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the Government or its assigns, forever, the full and perpetual right, power, privilege and easement to overflow, as hereinbefore stated, all the following described lands, lying above the ordinary high water line on the north bank of the Columbia River, containing 11.41 acres, more or less, situate in the County of Skamania And State of Washington:

Lot 5 in Section 1, Lots 5 and 6 in Section 11, and Lots 1, 2 and 3 in Section 12, all in Township 2 North, Range 7 East of the Willamette Meridian; also the following described tract:

Commencing at a post in a rock mound at the upper end of the chute on the Columbia River, thence westerly and down said river 200 feet and on a line of high water mark to a stake and castle mound, thence northerly and at right angles from said named line 300 feet to a stake and earth mound, thence easterly and at right angles from said last named line and up said river 200 feet to a stake and earth mound, thence southerly and at right angles from said last named line 300 feet to the place of beginning, with all the buildings, improvements, and appurtenances thereon, said tract being situate in the D. Baughman D.L.C. No. 42, in Section 1, Township 2 North, Range 7 East of the Willamette Meridian.

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 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