

SKAMANIA COUNTY, WASHINGTON

States of America acquired a perpetual flowage easement as mentioned in objection 3 of the Attorney General's opinion under date of June 15, 1939 is situated in the bed of the Columbia River below the line or ordinary high water of said river. I also know of my own knowledge that the right of way conveyed by the Spokane, Portland and Seattle Railway Company to the State of Washington under date of April 9, 1938, as shown by that certain deed recorded May 5, 1938 in Vol. 27 of Deeds, page 56, Records of Skamania County, Washington, and shown at page 27 et seq. of Abstract of Title No. 1447, prepared by Skamania County Abstract & Title Company, Stevenson, Washington, was acquired by the State of Washington with full knowledge that the same was to be affected by flowage created by the Bonneville Dam, and that the Spokane, Portland and Seattle Railway Company had granted the United States of America a flowage easement prior to the grant of the highway right of way to the State of Washington as above mentioned. I also say that said section of highway was constructed by the State of Washington in the relocation, alteration and revision of sections of State Road No. 8 located in the vicinity of Blue Creek and Rock Creek, Skamania County, Washington, due to flowage created by the Bonneville Dam, full compensation having been paid the State of Washington for flowage rights.

Don E. Meldrum

Subscribed and sworn to before me this 26 day of June, 1939.

(Notarial seal affixed)

E. W. Barnes
Notary Public for Oregon. My commission expires March 16, 1942.

Filed for record June 28, 1939 at 8-20 a.m. by U. S. Engr.

Mabel J. P. J.
Skamania County Auditor.

#27523

S. P. & S. Ry. Co. by affiant to The Public.

STATE OF OREGON)

ss

COUNTY OF MULTNOMAH)

I, A. J. Witchel, being first duly sworn, depose and say:

I am secretary and assistant superintendent of Spokane, Portland and Seattle Railway Company, a Washington corporation. I had charge of negotiations with the United States of America resulting in the execution by Spokane, Portland and Seattle Railway Company of a flowage easement to the United States of America dated August 20, 1937. I also had charge of the negotiations with the State Department of Highways of the State of Washington which resulted in the execution of an easement by Spokane, Portland and Seattle Railway Company to the State of Washington dated April 9, 1938.

The said easement to the State of Washington was an easement for the construction and maintenance of a highway known as State Road No. 8 just west of Stevenson, Skamania County, Washington. Due to inadvertence the easement theretofore executed by Spokane, Portland and Seattle Railway Company to the United States of America was not referred to in the instrument granting said easement for construction and maintenance of the highway to the State of Washington. I know of my own knowledge, however, that the Assistant Director of Highways of the State of Washington who approved said easement to the State of Washington and all of the officials of the State of Washington with whom the said highway easement was negotiated were fully aware of the existence of the prior easement to the United States. Indeed, the highway construction work for which the highway easement was required was necessitated by the increase in the level of the Columbia River which the said flowage easement permitted.