

SKAMANIA COUNTY, WASHINGTON.

#28094

Harold J. Broughton et al to United States

Flowage Easement. Office Chief of Engineers. Feb. 2, 1939. 6500 (Bonneville Dam) 1416/2.

This Indenture made this 5th day of January, 1939, between Harold J. Broughton and Rita E. Broughton, husband and wife, D. M. Stevenson and Angeline W. Stevenson, husband and wife, A. T. Fraley and Laura A. Fraley, husband and wife, (said Harold J. Broughton, D. M. Stevenson and A. T. Fraley, doing business under the assumed name and style of Broughton Lumber Company, and now in possession of the property hereinafter described under a contract to purchase, said contract to purchase being dated November 1, 1932) and John Wilkinson and Ralph A. Coan, the duly qualified and acting joint receivers of Drano Flume & Lumber Company, a Washington corporation, as owners of the real property hereinafter described, all of the above named parties hereinafter called the Grantors, and the United States of America, hereinafter called the Government, witnesseth:

That Whereas, on the 28th day of September, 1932, by an order of the Superior Court of the State of Washington, for the County of Skamania, John Wilkinson and Ralph A. Coan were appointed joint receivers of Drano Flume & Lumber Company, a Washington corporation; and

Whereas, the said John Wilkinson and Ralph A. Coan qualified as such receivers by filing their bond as required by the order appointing said receivers and accepted said trust and ever since that time have been and now are the duly qualified and acting receivers of Drano Flume & Lumber Company; and

Whereas, by virtue of their appointment as such receivers of the Drano Flume & Lumber Company there came into the hands of the said receivers certain real property belonging to the Drano Flume & Lumber Company, a portion of said real property being hereinafter described and set forth in this conveyance; and

Whereas, the said receivers have heretofore filed a petition in the said Superior Court of the State of Washington for the County of Skamania, praying that an order be made authorizing and directing said receivers to execute this conveyance, and based thereon the said Superior Court of the State of Washington for the County of Skamania did, on the 11th day of October, 1937, make an order authorizing and directing the said John Wilkinson and Ralph A. Coan as receivers of Drano Flume & Lumber Company to execute this conveyance; and

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 Rail-Road & 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;