

DEED RECORD 27

SKAMANIA COUNTY, WASHINGTON

556

#28095

Harold J. Broughton et ux et al to United States

Correction Flowage Easement. Office Chief of Engineers 6500 (Bonneville Dam) 1461/1
Apr. 8, 1939.

This Indenture made this 30th day of March, 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), all of the above named parties 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 72.535 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 One and 00/100 Dollars (\$1.00), 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 that portion of the following described lands lying below the 95.0-foot contour line above mean sea level, as determined by reference to the U. S. C. & G. S. datum, and above the ordinary high water line on the right bank of the Columbia River, containing 3.50 acres, more or less, situate in the County of Skamania and State of Washington:

Lot 4, Section 25, Township 3 North, Range 9 East of the Willamette Meridian;

Excepting therefrom: That certain parcel of land acquired by the Spokane, Portland and Seattle Railway Company by a Decree of Condemnation in the Superior Court of the State of Washington, under date of July 17, 1906;

Also excepting therefrom those certain parcels of land conveyed to the State of Washington under that certain deed from Oregon and Washington Railroad Company, an Oregon corporation, to State of Washington, dated April 16, 1935 and recorded May 16, 1935 in Book "Y" of Deeds at page 199.

Subject to: Right of way granted Northwestern Electric Company

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 granted and conveyed, as aforesaid, to the Government or its assigns, against the lawful claims of