

DEED RECORD 27

SKAMANIA COUNTY, WASHINGTON

#28172

Hauser Construction Co. to United States.

Flowage Easement. Office Chief of Engineers Mar. 3, 1939. 6500 (Bonneville Dam)
1427/2

This Indenture, made this 20th day of December, 1938, between Hauser Construction Company, an Oregon corporation, hereinafter called the Grantor, 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 Grantor, and said Grantor desires to sell said perpetual flowage easement to the Government;

Now, Therefore, the said Grantor, for and in consideration of the sum of Two Hundred Fifty Dollars, cash in hand paid by the Government, the receipt whereof is hereby acknowledged, does 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 94.1-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 8.55 acres, more or less, situate in the County of Skamania and State of Washington;

Government Lot 3 in Section 35, Township 3 North, Range 8 East of the Willametter Meridian; subject to

1. Rights of Spokane, Portland and Seattle Railway Company;
2. Right of way of Northwestern Electric Company for a transmission line;
3. Right of way of West Coast Power Company for a transmission line;
4. Rights of State of Washington for State Highway.

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 Grantor, in consideration of the above specified sum, also hereby releases the Government from all claims for damages that have accrued or may hereafter accrue to it by reason of the overflowing of the above described land.

In Testimony Whereof, the said Grantor, by direction of its Board of Directors, executed the foregoing instrument, this the day and year first above written.

(Corporate seal affixed)

Hauser Construction Company, an
Oregon corporation,
By Kenneth D. Hauser, President
By A. E. Tweeddale, Secretary.