

SKAMANIA COUNTY, WASHINGTON

(Notarial seal affixed)

P. L. Allen
Notary Public in and for the
State of Washington. Residing
at Seattle.

Filed for record June 3, 1938 at 8-00 a.m. by State of Washington Dept. of Hwys.

Mabel J. Fosse
Skamania County, Clerk-Auditor

#25749

Harry Smith et ux to Mabel J. Fosse

This Indenture Made and entered into between Harry Smith and Bernice Smith, husband and wife, parties of the first part and Mabel J. Fosse, party of the second part, Witnesseth:

Whereas, On the 8th day of June, 1936 the party of the second part executed and delivered to the party of the first part herein a certain indenture of deed for an undivided one-half interest in and to the following described real property in Skamania County, Washington, to-wit:

Beginning at the intersection of the center line of Rock Creek with the south line of Sec. 36 Tp. 3 N. R. 7 E. W. M., thence east to a point 4.39 chains west of the quarter corner on the south line of said Section 36, thence north 5 deg. 30' West 662.5 feet, more or less, to the north boundary line of the Town of Stevenson, thence west to the center line of Rock Creek, thence following the center line of Rock Creek in a southerly direction to the point of beginning.

Excepting therefrom that tract of land conveyed to Grant Ballard by deed recorded at page 250 Book N of Deeds, records of Skamania County, Washington.

Excepting also that tract of land conveyed to P. E. Michell by deed recorded at page 159 Book "S" of Deeds, records of Skamania County, and excepting also an easement for road to land lying northerly of the above described tract.

which said deed was thereafter recorded at page 523 Book "Z" of Deeds, records of Skamania County, Washington, and

Whereas, It was understood and agreed by and between the parties to said instrument that the grantor was then negotiating for the conveyance to the United States of America a flowage easement thereover for back water of the Bonneville Dam and that the said instrument was then given and accepted subject to the said flowage easement and the right of the grantor to convey the same, and

Whereas, By inadvertance no exception of said flowage was made by said instrument, and

Whereas, A conveyance of said flowage easement has been made to the United States of America and its successors and assigns by the said Mabel J. Fosse.

Now Therefore, This indenture witnesseth: That the said parties of the first part herein do hereby Grant, Convey, Release and Confirm unto the said Mabel J. Fosse and to her successor in interest, United States of America and to its successors and assigns all their right, title and interest in and to the full and perpetual right, power, privilege and easement to over-flow the hereinabove described real property lying above the 94.0 foot contour line above mean sea level as determined by reference to the U. S. C. & G. S. datum described in the flowage easement above mentioned, to the intent and purpose that title thereto shall vest in the United States of America, its successors and assigns by virtue of the flowage easement granted by the said Mabel J. Fosse, as fully as though the aforesaid deed had never been made.

In Testimony Whereof, We have hereunto set our hands and seals this 17th day of May, 1938.

Harry Smith (Seal)
Bernice Smith (Seal)

STATE OF WASHINGTON)
County of Skamania) ss.