

DEED RECORD 28

SKAMANIA COUNTY, WASHINGTON

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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 by resolution duly passed on the 7 day of September, 1938, by a majority vote of the Board of County Commissioners of Skamania County, Washington, at their regular meeting, it was determined that it was desirable and for the general welfare and benefit of the people of Skamania County to convey to the Government, for the purposes of flood control, navigation and power development, a perpetual flowage easement over all that portion of the following described lands lying below the 95.6-foot contour line above mean sea level, as determined by reference to the U.S.C. & G.S. datum, and above the line of ordinary high water on the right bank of the Columbia River, situate in the County of Skamania and State of Washington, and belonging to the County, to-wit:

Lot 6, Block 2, Town of Underwood, according to the official plat thereof recorded at page 19, Book "A" of Plats, Records of Skamania County, Washington, except:

A strip of land 100 feet in width conveyed to Portland and Seattle Railway Company (now Spokane, Portland and Seattle Railway Company) by warranty deed dated December 16, 1905, and recorded in Book "I" of Deeds, page 413, Deed Records of Skamania County, Washington, said strip of land being 50 feet in width on each side of the center line of said railroad as the same is now constructed and operated over and across the above described land;

And Whereas, at such meeting of the Board of County Commissioners of Skamania County, Washington, it was determined ^{that} a perpetual flowage easement be granted to the Government by deed and that the consideration therefor shall be the sum of Five Hundred and 00/100 Dollars (\$500.00);

Now Therefore, the said Grantor, for and in consideration of the sum of Five Hundred and 00/100 Dollars (\$500.00), cash in hand paid by the Government, the receipt whereof is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY to the Government and 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 95.6-foot contour line above mean sea level, as determined by reference to the U.S.C. & G. S. datum, and above the line of ordinary high water on the right bank of the Columbia River, situate in the County of Skamania and State of Washington:

Lot 6, Block 2, Town of Underwood, according to the official plat thereof recorded at page 19, Book "A" of Plats, Records of Skamania County, Washington, except:

A strip of land 100 feet in width conveyed to Portland and Seattle Railway Company (now Spokane, Portland and Seattle Railway Company) by warranty deed dated December 16, 1905, and recorded in Book "I" of Deeds, page 413, Deed Records of Skamania County, Washington, said strip of land being 50 feet in width on each side of the center line of said railroad as the same is now constructed and operated over and across the above described land;

To Have and To Hold unto the Government and 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, We, the undersigned, constituting the duly elected, qualified