

DEED RECORD 28

SKAMANIA COUNTY, WASHINGTON

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 shiplock; 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 and 00/100 Dollars (\$200.00), cash in hand paid by the Government, the receipt whereof is hereby acknowledged does/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 94.0-foot contour line above mean sea level, as determined by reference to the U. S. C. & G. S. datum, containing 0.60 acre, more or less, situate in the County of Skamania and State of Washington, being a portion of the following described tract:

Commencing at a point which is 1800 feet south of the one-quarter corner between Sections 30 and 31, township 3 North of range 8 East of the Willamette Meridian; thence following the meanderings of the county road as the same was laid out and established on the 11th day of October, 1909, to a point 1007 feet distant from and north 55° 30' east of the place of beginning, thence south 799 feet to point on a rock ledge, (witness an iron stake near a fir tree two feet in diameter north 40° west 3 feet distant); thence south 60° 30' west 370 feet along the edge of the rock ledge, thence south 300 feet, thence south 75° 30' west 520 feet, thence north 840 feet to the place of beginning, all being in Section 31, Township 3 North, Range 8 East of the Willamette Meridian.

The said parcel of land over which the flowage right herein is being conveyed is more particularly described as follows:

A parcel of land, together with a right of way for a road for the same, said parcel being described as follows: Beginning at a point on the southerly boundary equidistant from the southwest corner of the large white house and the southeast corner of the foundation of the porch to the little brown house, thence in a northerly direction to a line parallel to the foundation of the two houses to a point lying 75 feet south of the right of way of the Spokane, Portland and Seattle Railway, thence in a westerly direction lying parallel to the aforesaid railway right of way to a point in a line lying 50 feet (or more to the nearest five-foot mark) west of and parallel to the line dividing the lowland from the lowland of John F. Sweeney and Mary E. Sweeney to the east; thence south along said line to the southern line detailed above; all in Lot 5, Section 31, Township 3 North, Range 8 East of the Willamette Meridian, Skamania County, Washington;

Excepting:

land
All minerals of whatsoever nature, and said/being subject to the rights of the heirs of John F. Sweeney to cross said lands for the purpose of removing minerals, and being further subject to a right of way for a road along and upon the road now in use to the south side of the Spokane, Portland and Seattle Railway Company's right of way; all of the above mentioned reservations being contained in a certain deed from John F. Sweeney and Mary E. Sweeney, his wife, to C. M. Youmans, recorded in Book "R" of Deeds, page 11, Records of Skamania County, Washington.

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 covenants that he is in the quiet and peaceful possession of said lands, and that he will and his heirs, executors and administrators shall WARRANT and forever