

DEED RECORD 30

SKAMANIA COUNTY, WASHINGTON

YAKIMA BINDERY & PTO. CO. 173967

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causing an overflow on said easement rights of the respondents, Wauna Toll Bridge Company; it appearing to the Court that the Toll Bridge Company easement and right of way is for the purpose of constructing, maintaining, and operating a toll bridge and for no other purposes, and that said toll bridge had been built and was being operated at the time this condemnation proceeding was filed and that subsequent to the filing of the petition in condemnation in this cause Congress passed the Act of August 16, 1937, 50 Stat. 648, which provided:

That the Secretary of War be, and he is hereby authorized and directed to cause such alterations in existing bridges across the Columbia River at Cascade Locks and Hood River, Oregon, as will render navigation for ocean-going vessels in the pool formed by the Bonneville Dam reasonably free, easy, and unobstructed, and to reimburse the owners of said bridges for the actual cost of such alterations from appropriations heretofore or hereafter made for maintenance and improvements of rivers and harbors.

That under order of the Secretary of War the Wauna Toll Bridge was raised 45 feet; that the Secretary of War has determined it to be advantageous to and necessary for the United States to acquire the flowage easement described in this proceeding, and that the petitioner, United States of America, has done and performed every act and thing required by law to be done as a condition precedent to the beginning and maintaining of this action; that this court has jurisdiction of the subject matter and of the parties named in this cause and the Court being fully advised in the premises, it is hereby

Ordered, adjudged and decreed that said stipulation between the petitioner, United States of America, and the respondents, Wauna Toll Bridge Company, a corporation, and Baker-Boyer National Bank of Walla Walla, Washington, a corporation, and all of its terms be and they are hereby approved and made a part of this judgment, and the sum of Five Hundred (\$500.00) Dollars without interest, is adjudged to be just compensation and full settlement for all of the rights taken by the petitioner in this cause for damages, if any, resulting from such taking, and it is further

Ordered, adjudged and decreed that there is vested in the petitioner, United States of America, free and clear from all liens or claims of any kind whatsoever, a perpetual right of way and easement to flood and overflow the right of way and easement of the respondent, Wauna Toll Bridge Company, a corporation, to a low water elevation of 72.5 feet above mean sea level and to a high water elevation of 86 feet above mean sea level, together with the right to go upon and remove from the easement of said Toll Bridge Company timber, brush, and driftwood; that the land over which the Wauna Toll Bridge Company has said right of way and easement, and which is affected by the flowage easement taken by the petition^{er}, United States of America, in this cause, is more particularly described as follows:

All that portion of the following described lands lying below the 86-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 mark of the Columbia River, containing 1.03 acres, more or less;

Commencing at the one-quarter section corner between Sections 11 and 14, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington; thence south 54° 56' 45" east 1863.11 feet to a point of intersection with the easterly right of way line of the Spokane, Portland and Seattle Railway Company, and the center line of the Wauna Toll Bridge Company's bridge over the Columbia River (Called the Bridge of the Gods), and the place of beginning of said tract of land; thence northerly on the easterly right of way line of said railway, and 1960.08-foot radius curve line to the left, 100.01 feet; thence south 76° 44' east on a line which is parallel to and 100 feet distant northerly of as measured at right angles from the center line of said bridge, to the line of ordinary high water on the right bank of the Columbia River; thence downstream along said line of ordinary high water to a line which is parallel to and 100 feet distant southerly measured at right angles from the center line of said bridge; thence north 76° 44' west to an intersection with the easterly right of way line of said Spokane, Portland and Seattle Railway Company; thence easterly along said right of way line to the place of beginning.

It is further ordered, adjudged and decreed that the respondents, Wauna Toll Bridge Company, a corporation, and Baker-Boyer National Bank of Walla Walla, Washington, a corporation, be and they are hereby forever barred from making any claim other than