

OVERFLOW EASEMENT

THIS AGREEMENT, made this day by and between ARTHUR E. BELSHAW and MARY GRACE BELSHAW, husband and wife, hereinafter referred to as "first party", and Woodard Marina Estates, Inc., an Oregon corporation, hereinafter referred to as "second party", WITNESSETH:

WHEREAS, first party are the owners of certain land situate in Skamania County, State of Washington, through which flows a stream known as Bergstrom Creek; and

WHEREAS, the second party is the owner of certain lands situate on the shores of Shahala Lake into which the aforementioned Bergstrom Creek flows; and

WHEREAS, the second party has erected a dam at the outflow of said lake into the Columbia River causing water to overflow upon the land of the first party:

NOW, THEREFORE, in consideration of the sum of Three Hundred and no/100 Dollars, (\$300.00), the receipt of which is hereby acknowledged, the first party does hereby grant, bargain, sell, transfer, convey and warrant unto the second party, and its assigns, forever, a permanent easement and right to cause water from Shahala Lake to overflow and inundate the lands of the first party to a height of approximately 3.3 feet above the normal water level of the said Bergstrom Creek existing prior to the erection of the dam of second party at the outflow of Shahala Lake.

The land owned by the first party through which said creek flows and for which this easement is given is described as follows:

COUNTY OF SKAMANIA, STATE OF WASHINGTON

A tract of land in the West half of the Northeast quarter of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$) of Section 34, Township 2 North, Range 6 E.W.M. described as follows:
Beginning at a point 662.6 feet west of the northeast corner of said Section 34; thence west 247.4 feet; thence south $00^{\circ}13'$ east 728.5 feet; thence south $42^{\circ}56'$ east 138.5 feet; thence south $06^{\circ}54'$ west 121 feet to the initial point of the tract hereby described, said point being in the center of a certain county road known and designated as Butler Loop Road; thence west 97 feet; thence south $00^{\circ}13'$ east 340 feet to the south line

