

MISCELLANEOUS RECORD G

SKAMANIA COUNTY

Approved Jan. 11, 1943 E. A. Monda, Chr. Mbr. of Co. Comms.

Filed for record September 15, 1943 at 9-00 a.m. by Skamania County Auditor.

Delia J. Monda
Skamania County Auditor.

#32916

Frank Birkenfeld et ux to Emil A. Noble et ux

This Indenture, made and entered into by and between Frank Birkenfeld and Ruth Birkenfeld, husband and wife, parties of the first part and Emil A. Noble and Alyce Noble, husband and wife, parties of the second part, witnesseth:

Whereas the parties of the first part, by deed dated the 1st day of October, 1943, sold and conveyed unto the parties of the second part a tract of land containing 2.75 acres, more or less, of land situated in the Robbins D. L. C. in section 27 tp 3 N R 8 E. W. M., and it is desirable and necessary that water for domestic purposes be granted to the said parties of the second part as appurtenant to the said real property, and,

Whereas, the parties of the first part are the owners of a certain spring or springs situated near the west line of the said Robbins D. L. C. which is more particularly described in deed for easement from Wind River Lumber Company to the State of Washington, recorded at page 434 Book P of Deeds, records of Skamania County, Washington, subject, only, to the rights of the said State of Washington.

Now, therefore, in consideration of the sum of one dollar and other considerations, the said parties of the first part do hereby grant and convey unto the said parties of the second part so much of the water from said spring, or springs, as will flow through a 3/4 inch pipe, subject to the rights of the State of Washington.

In order to efficiently empound and divert and divide the said water, it is agreed that the parties will, at their joint expense construct a concrete tank in the vicinity of said springs upon property belonging to the parties of the first part having a capacity of approximately 1150 cubic feet, and will obtain and jointly maintain a ram at said springs to lift said water from said springs into said tank. They will also obtain and maintain a pipe one inch in diameter from the ram into the said tank, and a pipe 1 1/2 inches in diameter for a distance of 200 feet from the said tank in an easterly direction to a point for division. From the said point the parties of the second part will at their own expense, place and maintain the pipe, not to exceed 3/4 inch in diameter, to the tract of land above mentioned, to which this right is appurtenant.

It is further agreed that in case there shall not, from any cause, be sufficient water from the said springs to supply the water herein mentioned, the parties of the second part shall have the right to take water, not to exceed the amount herein mentioned, from the creek flowing through that tract of land in said section 27 tp 3 N R 8 E. W. M. described in deed from H. W. Davison et ux to the parties of the first part, recorded at page 225 Book 28 deed records of said Skamania County, Washington.

It is further understood and agreed that the parties of the first part reserve the right to the use of waters from said springs and/or said creek, in excess of the amount hereby granted to the parties of the second part, and that the use of the said springs, ram, pipes and reservoir shall jointly be enjoyed by the parties hereto, and their heirs, and assigns, excepting, however, the private pipes to be furnished by said parties for their private supply.

It is further understood and agreed that the rights, easements hereby granted shall be appurtenant to the said tract of land conveyed to the parties of the second part by

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deed hereinbefore mentioned, and to no other property, for domestic purposes only; and that the rights, easements and privileges hereby granted shall be a burden upon the property of the grantors, and binding upon their heirs and assigns.

The parties of the second part, their heirs, and assigns, shall have the right of ingress and egress upon the property of the parties of the first part for the purpose of maintaining the said springs, ram, reservoir and pipe lines.

The rights, easements and privileges herein described shall run with the land.

In event it becomes necessary to take water from the creek on the Davison tract, above mentioned, the expense of constructing intake and supply line shall be borne jointly by the parties hereto.

In Testimony Whereof, the parties have executed these presents in duplicate this 22nd day of October, 1943.

Frank Birkenfeld
Ruth Birkenfeld
Parties of the first part

Emil A. Noble
Alyce M. Noble

STATE OF WASHINGTON)
COUNTY OF SKAMANIA) ss

On this day personally appeared before me Frank Birkenfeld and Ruth Birkenfeld, his wife and Emil A. Noble and Alyce Noble, his wife, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed.

Given under my hand and official seal this 22nd day of October, 1943.

(Notarial seal affixed)

Raymond C. Sly
Notary Public for Washington. Residing at
Stevenson therein.

Filed for record October 25, 1943 at 11-35 a.m. by Grantrees

Mable J. J. J.
Skamania County Auditor.

#32937

Norine Harris Harvey to Bessie Y. Sampson.

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That NORINE HARRIS HARVEY of Tillamook, Oregon hereby appoints BESSIE Y. SAMPSON for her use and benefit to sell, release and convey upon such terms and conditions and under such covenants as she shall think fit and for me and in my name and as my act and deed to sign, seal, execute, deliver and acknowledge such deeds, receipts and releases and such other instruments in writing as may be necessary and proper relative to all lands in my name and owned by me in Skamania County, Washington.

Giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, hereby ratifying and confirming all that my said attorney shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 18 day of November, 1942.

Norine Harris Harvey

STATE OF OREGON)
COUNTY OF TILLAMOOK) ss.

I, the undersigned, Notary Public in and for the State of Oregon, residing at Tillamook, Oregon, do hereby certify that on this 18 day of November, 1942, personally appeared before