

SKAMANIA COUNTY, WASHINGTON

#23391

Susan T. Counts to United States

FLOWAGE EASEMENT (Office Chief of Engineers, Sep. 29, 1936, 6500 (Bonneville Dam) 520/1)

THIS INDENTURE, made this 1st day of September, 1936, between Susan T. Counts, a widow, hereinafter called the Grantor, and the United States of America, hereinafter called the Government, witnesseth:

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 ship lock; 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 THREE HUNDRED FIFTY AND 00/100 (\$350.00) DOLLARS, cash in hand paid by the Government, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey to the Government, or 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 south of the southerly right of way line of the Spokane, Portland & Seattle Railway Company and above the ordinary high water mark in the Columbia River, containing 3.5 acres more or less, situate in the County of Skamania and State of Washington:

Commencing at the quarter corner of Sections 21 and 28, Township 3 North, Range 10 East of the Willamette Meridian, thence S. 89° 03' 18" E. 1146.54 feet to the Government meander corner, thence N. 0° 21' W. 957.1 feet, thence S. 89° 56' W. 1167.80 feet, thence S. 0° 03' W. 980.45 feet to the place of beginning and being in Section 21, Township 3 North, Range 10 East of the Willamette Meridian;

Excepting therefrom the following:

a. A strip of land 100 feet in width granted the Portland & Seattle Railway Company, a Washington corporation, now the Spokane, Portland & Seattle Railway Company, said strip being 50 feet in width on each side of the center line of the railroad of said railway company, as located, staked out and constructed over and across the above described parcel of land as of March 13, 1906.

b. A strip of land granted the Portland and Seattle Railway Company, a Washington corporation, now the Spokane, Portland & Seattle Railway Company, 50 feet in width upon the northerly side of, and a strip of land 150 feet in width upon the southerly side of, parallel with and immediately adjacent to the right of way of said railway company as located March 13, 1906, beginning at Station 759.50 of the railway survey of said railway company and extending in a southwesterly direction to the west line of Lot 1 of Section 21, Township 3 North, Range 10 East of the Willamette Meridian.

c. A strip of land 100 feet wide (except as may be hereafter specified), granted the State of Washington in the matter of State Road No. 8, Underwood West, said strip being 50 feet wide on the northward side and 50 feet wide on the southward side of the center line of said road as surveyed except: On northward side, from the north line of Spokane, Portland & Seattle Railway Company's right of way to Engineering Station 627.88.1, said strip of land is 80 feet wide; and from Engineering Survey Station 627.88.1 to Engineering Survey Station 631.00, said strip of land is 70 feet wide. On southward side, from the north line of said Spokane, Portland & Seattle Railway Company's right of way to Engineering Survey Station 631.00, said strip of land is 60 feet wide, measured from the center line of said State Road No. 8, Underwood West, as surveyed over and across that parcel of land first above described.

TO HAVE AND TO HOLD unto the Government or 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;