

## SKAMANIA COUNTY, WASHINGTON

Given under my hand and official seal this 17th day of September, 1936.

(Notarial seal affixed)

Raymond C. Sly  
Notary Public for Washington, residing  
at Stevenson therein.

Filed for record December 24, 1936 at 11-55 a.m. by Raymond C. Sly

*Mabel J. Case*  
Skamania County Clerk-Auditor

#23535

Hugh B. Smith et ux to United States

Office Chief of Engineers Sep 8- 1936. 6500 (Bonneville Dam) 496/1

Flowage Easement

This Indenture, made this 22nd day of August, 1936 between Hugh B. Smith and Ida F. Smith, husband and wife, hereinafter called the Grantors, 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 Grantors, and said Grantors desire to sell said perpetual flowage easement to the Government;

Now therefore, the said grantors, for and in consideration of the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), cash in hand paid by the Government, the receipt whereof is hereby acknowledged, do 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 below the 93.8-foot contour line above mean sea level, as determined by reference to the U. S. C. & G. S. datum, containing 101 acres, more or less, situate in the County of Skamania and State of Washington:

Commencing at a point 300 feet west of the southwest corner of Lot 7, Section 1, Township 2 North, range 7 East of the Willamette Meridian, thence north to the township line between townships 2 and 3 north, range 7 East of the Willamette Meridian, thence east to the center of Rock Creek, thence southerly along the center of Rock Creek to intersection with the north and south center line of said section 1, township 2 north, range 7 East, thence south to point of intersection of said center line with the west bank of the westerly outlet of Rock Creek; thence following said west bank southerly to the north line of the Spokane, Portland and Seattle Railway Company's right of way; thence westerly along north line of said railway company's right of way 23 chains and 20 links, more or less, to intersection with the division line between the easterly and westerly halves of the D. Baughman D. L. C., thence continuing westerly along the north line of said right of way 350 feet to a point 50 feet east of an old skid road, said point being near a sign post marked "one mile to Stevenson", thence northwesterly at right angles to last described course to the southerly line of State Road No. 8 (North Bank Highway), thence northerly along the easterly line of said highway to the intersection thereof with the above mentioned division line of the said Baughman D. L. C., thence following said division line to point of intersection thereof with the section line between Sections 1 and 2, township 2 north, range 7 East of the Willamette Meridian, thence north to point of intersection with the north line of said D. Baughman D. L. C., thence east to the place of beginning;