

## SKAMANIA COUNTY, WASHINGTON

#23641

Hugh B. Smith et ux to United States

(OFFICE CHIEF OF ENGINEERS, Sep -4, 1936, 6500 (Bonneville Dam) 489/2.)

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 Fifteen Hundred and 00/100 Dollars (\$1500.00), 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 94-foot contour line, as determined by reference to the U. S. C. & G. S. datum, and above the ordinary high water mark in the Columbia River, containing 14.5 acres more or less, situate in the County of Skamania and State of Washington:

Tract No. 1 - Beginning at the northeast corner of the H. Shepard D.L.C. No. 43 in Section 36, Township 3 North, Range 7½ East of the Willamette Meridian; thence south 19.72 chains, thence S 65° 30' W 8.95 chains, thence west 9.205 chains, thence N 17° 07' W 24.52 chains; thence east to the place of beginning;

Tract No. 2 - Commencing at the southwest corner of the tract of land comprised in the above description, thence S 17° 07' E to the meander line of the Columbia River, thence following the meander line of the Columbia River in a northeasterly direction to an intersection with the south line of the tract comprised in said description, thence westerly along the said south line of said tract to the place of beginning:

Excepting the following described tracts:

Beginning at the northwest corner of Tract No. 1 herein above described, thence S 17° 07' E 1127.00 feet; thence N 67° 07' E 59.30 feet, thence N 24° 50' E 130.00 feet; thence N 10° 49' W 118.00 feet, thence N 45° 28' E 44.00 feet; thence N 5° 19' W 311.00 feet; thence N 81° 05' E 207.00 feet; thence N 11° 39' W 456.00 feet; thence west 533.00 feet along the north line of the Henry Shepard Donation Land Claim to the place of beginning.

Beginning at a point 1260 feet S 4° 00' W of the center of Section 36, Township 3 North, Range 7½ East, Willamette Meridian; thence S 6° 25' E 140.5 feet; thence S 79° 32' W 703.8 feet; S 40° 11' W 75 feet; S 82° 42' W 212.6 feet; N 4° 49' E 77.5 feet; N 19° 39' E 71.6 feet; N 22° 39' E 162.5 feet; N 11° 4' E 175.4 feet; N 89° 45' E 583.6 feet; S 18° 06' E 77.2 feet; S 77° 30' E 206.1 feet to the place of beginning;

Also, beginning at a point 201.9 feet S 86° 20' W of the southwest corner of the above described tract, thence S 73° 20' W 270 feet; N 9° 20' W 135 feet; N 44° 00' E 190 feet; S 65° 56' E 145 feet; S 6° 36' E 135 feet to the place of beginning.

Commencing at a point where the County Road crosses the west line of Lot 10, Township 3 North, Range 7½ East of the Willamette Meridian, and containing all the land between said county road and the bluff of the Columbia River to where Grays road crosses county road.