

## SKAMANIA COUNTY, WASHINGTON

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 and 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 ELEVEN THOUSAND (\$11,000.00) DOLLARS, cash in hand paid by the Government, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the Government, its successors and assigns, Forever, the full and perpetual right, power, privilege and easement to overflow as hereinbefore stated, all that portion of the followingdescribed lands lying below the 95-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 53 acres, more or less, situate in the County of Skamania and State of Washington:

All of the following described lands lying south of the southerly right of way line of the Spokane, Portland and Seattle Railway Company: Government Lots 1, 2 and 5, Section 36; also the west 10 chains of the James M. Findley Donation Land Claim No. 39 in Section 36; (also that portion of Government Lot 4, Section 35, consisting of 1.45 acres situated easterly of a fence, said fence being parallel to and approximately 205 feet west of the east line of Section 35,) all in Township 3 North, Range 8 East of the Willamette Meridian, excepting an easement heretofore granted to the West Coast Power Co.

TO HAVE AND TO HOLD unto the Government, its successors and 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;

And the said Grantors and their heirs covenant that they are in the quiet and peaceful possession of said lands, and that they will defend the title to the right, power, privilege and easement hereby granted and conveyed, as aforesaid, to the Government and its assigns, against the lawful claims of all persons whomsoever.

And the said Grantors, in consideration of the above specified sum, also hereby release the Government from all claims for damages that have accrued or may hereafter accrue to them by reason of the overflowing of the above described land.

IN TESTIMONY WHEREOF, the said Grantors have hereunto set their hands and affixed their seals on this the day and year first above written.

1-\$10.00 Gov. Documentary stamp  
affixed and duly cancelled  
H.W.H. M.E.H. 1/13/36

Hugh W. Hadley (SEAL)

Marion Ellis Hadley (SEAL)

1-\$1.00 Gov. Documentary stamp  
affixed and duly cancelled  
H.W.H. M.E.H. 1/13/36

STATE OF OREGON )  
County of Multnomah ) ss.

BE IT REMEMBERED, That on this 13th day of January, 1936, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Hugh W. Hadley, who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily.