

SKAMANIA COUNTY, WASHINGTON

(Notarial seal affixed)

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

Filed for record February 10, 1937 at 1-00 p.m. by Grantor.

Mabel J. Case
Skamania Co. Clerk-Auditor.

#23702

Emma Hill Yoe et vir to United States

(OFFICE CHIEF OF ENGINEERS, DEC. 21, 1936, 6500 (Bonneville Dam)

FLOWAGE EASEMENT

THIS INDENTURE, Made this 2nd day of December, 1936, between Emma Hill Yoe and Warren W. Yoe, wife and husband, 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 THREE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$3500.00), 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 above mean sea level, as determined by reference to the U. S. C. & G. S. datum, and above the ordinary high water line on the north bank of the Columbia River, containing 15.3 acres more or less, situate in the County of Skamania and State of Washington:

Parcel No. 1

All that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29 and Government Lot 1 of Section 32, Township 3 North, Range 8 East of the Willamette Meridian, lying south of the Evergreen Highway (State Road No. 8);

Excepting therefrom the following:

a. A strip of land 100 feet in width granted Portland & Seattle Railway Company (now Spokane, Portland & Seattle Railway Company), being 50 feet in width on each side of the center line of the railroad of said railway company as constructed over and across the above described lands.

b. A strip of land 100 feet in width upon the north side of and a strip of land 100 feet in width upon the south side of, parallel with and immediately adjacent to the 100-foot strip conveyed December 26, 1905, to Portland & Seattle Railway Company over and across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29; and 50 feet in width upon the north side of and 50 feet in width upon the south side of, parallel with and immediately adjacent to said 100-foot strip conveyed December 26, 1905, to Portland & Seattle Railway Company over and across Lot 1 of Section 32, all in Township 3 North, Range 8 East of the Willamette Meridian.