

DEED RECORD Z

SKAMANIA COUNTY, WASHINGTON

#23776

F. McKelvey et ux to United States

(Office chief of Engineers, Dec. 14, 1936, 6500 (Bonneville Dam) 618/1)

FLOWAGE EASEMENT

THIS INDENTURE, made this 9th day of November, 1936, between F. McKelvey and Myrtle McKelvey, his 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 TWO THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$2,750.00), 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, containing 11.37 acres more or less, situate in the County of Skamania and State of Washington:

Beginning at a point $213\frac{1}{2}$ feet south of the northwest corner of Section 1, Township 2 North, Range 7 East of the Willamette Meridian, thence south along the west line of said Section 1 to the intersection with the north line of the Baughman D. L. C., thence east to a point 300 feet west of the southeast corner of Lot 8 of said Section 1, thence north 326.8 feet; thence north $87^{\circ} 3'$ west 208.7 feet; thence north 208.7 feet; thence north $87^{\circ} 3'$ west 359.85 feet; thence north to a point due east of the place of beginning; thence west to the place of beginning.

Beginning at a point 300 feet west and 326.8 feet north of the southeast corner of Lot 8, Section 1, Township 2 North, Range 7 East of the Willamette Meridian; thence north $87^{\circ} 03'$ west 208.7 feet; thence north 208.7 feet; thence north $87^{\circ} 03'$ west 359.85 feet; thence north 426.2 feet; thence north $78^{\circ} 30'$ east 569 feet; thence south 770.9 feet to place of beginning.

Excepting therefrom the following:

a. Commencing at a point 54 rods south of the northwest corner of said Section 1 (said point of beginning being on the south side of the county road surveyed by Murray in 1906-1907, and known as the original State Road Survey, also known as Red Bluff Road) thence following the south line of said original State Road, now county road, as surveyed by Murray in an easterly direction to the intersection thereof with the present State Highway as established and approved by the State Highway Commission of the State of Washington on the 16th day of March, 1927, thence following the north line of the present State Highway No. 8 as approved March 16th, 1927, as aforesaid, in a southwesterly direction to the north line of the Baughman D. L. C., thence west to the west line of said Section 1, thence north to the point of beginning.

b. A strip of land granted the State of Washington, 100 feet wide, being 50 feet on each side of the center line of said road as surveyed over and across Lot 8 and the $NW\frac{1}{4}$ $NW\frac{1}{4}$ of Section 1, Township 2 North, Range 7 East of the Willamette Meridian, except from Station 16+50 to Station 17+50, said strip of land is 50 feet on the left or south side of the center line, and on the right or north side of said center line includes all the land between the center line of said State Road No. 8 (now Evergreen Highway) and the north boundary of the existing county road, as of April 5, 1927. (Vol. "V" of Deeds, page 289, Records of Skamania County, Washington.)