

SKAMANIA COUNTY, WASHINGTON

#24172

Eliza Fields et al to United States

(OFFICE CHIEF OF ENGINEERS APR - 5 1937 6500 (Bonneville Dam) 709/6)

FLOWAGE EASEMENT

THIS INDENTURE, made this 18th day of March, 1937, between Eliza Fields, an unmarried woman, also known as Elizabeth Fields, and Edward William Fields, an unmarried man, also known as Edward Fields, 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 SEVEN THOUSAND EIGHT HUNDRED and 00/100 DOLLARS (\$7,800.00), 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 right bank of the Columbia River, containing 85.31 acres, more or less, situate in the County of Skamania and State of Washington:

Tract "A"

Beginning at the southeast corner of the Daniel F. Bradford Donation Land Claim No. 37 on the right bank of the Columbia River, in Section 11, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington, running thence North 53° 32' West 1255.5 feet, more or less, following the east boundary line of said Donation Land Claim to a point of intersection with the southerly boundary line of the Spokane, Portland and Seattle Railway Company's right of way, thence southwesterly following said southerly right of way line 1800 feet, thence east 505.3 feet to the line of ordinary high water on the right bank of the Columbia River, thence following said line of ordinary high water upstream to the place of beginning, containing 34 acres, more or less.

Tract "B"

Beginning at the southeast corner of the Daniel F. Bradford Donation Land Claim No. 37, in Section 11, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington, said point being also the southwest corner of the Daniel Baughman Donation Land Claim No. 42, situate on the right bank of the Columbia River, thence upstream along the ordinary high water line of said river, 4300 feet, more or less, to the division line dividing said Daniel Baughman Donation Land Claim No. 42, thence leaving the Columbia River North 63° 22' West 830 feet, more or less, and being along the easterly line of the west half of said Baughman Donation Land Claim, to the south right of way line of the Spokane, Portland and Seattle Railway Company, thence westerly along the southerly line of said railroad right of way to the west line of the Baughman Donation Land Claim No. 42, thence South 0° 01' East along the west line of said Daniel Baughman Donation Land Claim No. 42, 998.47 feet to an iron pipe set at the southeast corner of the Felix G. Iman Donation Land Claim No. 44 on the east boundary of the Daniel F. Bradford Donation Land Claim No. 37, thence South 53° 32' East, following the east line of said Bradford Donation Land Claim 610.5 feet to the place of beginning, containing 71.29 acres, more or less, together with a right of way 40 feet in width for a road across lands on the north side of the Spokane, Portland and Seattle Railway Company's right of way, said road leading to the south line of State Highway No. 8, now known as Evergreen Highway, excepting the following described parcel of land: