

## DEED RECORD Z

SKAMANIA COUNTY, WASHINGTON

#25006

R. W. States et ux to United States of America

FLOWAGE EASEMENT

OFFICE CHIEF OF ENGINEERS SEP 29 1937 6500 (Bonneville Dam) 824/2

THIS INDENTURE, made this 21st day of September, 1937, between R. W. States and Ella R. States, 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 SEVEN THOUSAND and 00/100 DOLLARS (\$7000.00), 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 1.11 acres, more or less, situate in the County of Skamania and State of Washington:

Commencing at a point on the south line of the north half of the H. Shepard Donation Land Claim where said line intersects the south line of the right of way of the Spokane, Portland and Seattle Railway Company in Section 36, Township 3 North, Range 7 $\frac{1}{2}$  East of the Willamette Meridian; thence east to a point 218 feet west of the southeast corner of the Monroe Vallett farm as described in deed executed by A. W. Lambert and wife, recorded in Book "G", page 483,; thence in a northerly direction to a point which is on the said south line of said right of way distant 154 feet westerly from the intersection thereof with the east line of the Monroe Vallett farm before mentioned (said distance being measured along said south line of right of way), thence following said south line of right of way in a westerly direction to place of beginning.

Also that certain tract described as follows: Commencing at the southeast corner of the Monroe Vallett farm as described in deed executed by A. W. Lambert and wife and recorded in Book "G" of Deeds at page 483, Skamania County; thence in a northerly direction along the easterly line of the said Vallett farm to the southerly line of the Spokane, Portland and Seattle Railway Company's right of way; thence following said right of way line westerly to an intersection with the east line of the triangular tract conveyed in warranty deed by Monroe Vallett to States & Company of September 9, 1914, recorded in Book "P" on page 96 of Skamania County Deed Records; thence southerly along said east line to the south line of the north half of the Shepard Donation Land Claim; thence easterly along said south line to point of beginning, all being in Section 36, Township 3 North, Range 7 $\frac{1}{2}$  East of the Willamette Meridian.

TO HAVE AND TO HOLD unto the Government or its 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 covenant that they are in the quiet and peaceful possession of said lands, and that they will and their heirs, executors and administrators shall warrant and forever defend the title to the right, power, privilege and easement hereby granted and conveyed, as aforesaid, to the Government or its assigns, against the lawful claims of all persons whomsoever.