

DEED RECORD Z

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 & 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 ONE HUNDRED and 00/100 DOLLARS (\$100.00), 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, situate in the County of Skamania and State of Washington:

Commencing at a point 748 feet south and 729.5 feet east of the quarter corner between Sections 1 and 36, Townships 2 and 3 North, Range 7 East of the Willamette Meridian, said point being the northeast corner of Etta Hoag's lot; thence west 50 feet to the northwest corner of said Etta Hoag's lot; thence south 104 feet along west boundary of said lot to the north line of Ash and Attwell's lot; thence south 89° 45' west 200 feet along north line of Ash and Attwell's lot; thence north 259 feet to State Road No. 8; thence south 88° 58' east along said State Road No. 8, 250 feet; thence south to place of beginning, being a fractional piece of land containing 1.35 of an acre, more or less, all being situate in Section 1, Township 2 North, Range 7 East of the Willamette Meridian; excepting therefrom

a. Beginning at a point 572.20 feet south of the point where the west line of the Henry Shepard Donation Land Claim intersects the township line between Townships 2 and 3 North of Range 7 East of the Willamette Meridian; thence north 89° 06' west along the south boundary of the extension of Second Street, same being the old State Road survey through the Udell estate, 320.00 feet to a pipe 1½ inches in diameter as set by LaBarre, this being the point of beginning; thence north 89° 06' west 50.00 feet; thence south 00° 54' west 150.00 feet; thence south 89° 06' east 50.00 feet; thence north 00° 54' east 150.00 feet to the point of beginning, the distance being more or less according to the survey made by LaBarre. (Book "R" of Deeds, page 178, Records of Skamania County, Washington.)

b. Beginning at the northwest corner of that tract of land deeded by Herman Menzel to Margaret Menzel as described in that certain deed dated March 4th, 1921 and recorded in Book "S", Record of Deeds of Skamania County, Washington, at page 239; thence from said northwest corner southerly on the west line of said tract of land to the southwest corner thereof; thence easterly on the south line of said tract 100 feet; thence northerly paralleling said west line to the south boundary of State Road No. 8; thence west on said south boundary of said State Road No. 8, 100 feet, to place of beginning. Book "X" of Deeds, page 428, Records of Skamania County, Washington.)

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.

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