

Underwood section of said highway, said lands being hereinafter more particularly described;  
and

WHEREAS, it has become necessary and desirable for the Government to acquire and interest in property owned by the State and used in connection with the Evergreen Highway in the State of Washington by reason of the construction of the Bonneville Project, and the Director of Highways of the State of Washington having been authorized, empowered and directed to negotiate and enter into an agreement with the Government as to the granting of a flowage easement and the compensation to be paid therefor, and which agreement was approved as to form by the Attorney General of the State of Washington; and

WHEREAS, the Government desires to purchase a perpetual flowage easement from the State over said lands owned by the State and over lands in which the State has an easement or right of way along the right bank of the Columbia River, occupied by the Cooks to Underwood section of the Evergreen Highway in Skamania and Klickitat Counties, Washington, and the State desires to sell to the Government said perpetual flowage easement;

NOW THEREFORE, the State, for and in consideration of the sum of Sixty-nine Thousand Three Hundred Sixty-one and 64/100 Dollars (\$69,361.64), the receipt whereof is hereby acknowledged, does 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 herein stated, all that portion of the State's lands and to the extent of its rights, lands over which the State has an easement, along the right bank of the Columbia River, forming a part of the right of way of that portion of the Evergreen Highway known as the Cooks to Underwood section of said highway in Skamania and Klickitat Counties, Washington, lying above the ordinary high water mark in said river and below the 800,000 c.f.s. controlled backwater curve of said river, which backwater curve is still well elevation and exclusive of variations caused by wind or traffic, and is approximately equivalent to the 90.6-foot contour line above mean seal level on said lands, as determined by reference to the U. S. C. & G. S. datum, containing 37.52 acres, more or less, situate in the Counties of Skamania and Klickitat, State of Washington. Said amount hereinbefore mentioned being in full consideration for said flowage easement, and shall relieve the Government from any claim of damage by the State, its officers or assigns, by reason of the overflowing of the property of the State and lands over which the State has an easement, up to the elevation designated in this instrument. The lands owned by the State which are partially covered by this flowage easement, are described as follows:

Tract No. 1

All that portion of the following described tract of land that lies southwardly from a line, parallel with and distant 90 feet northwardly (measured at right angles) from the center line of State Road No. 8 (Cooks-East) as constructed over and across Government Lot 5, Section 26, Township 3 North, Range 9 East of the Willamette Meridian, lying north of the State Highway, Skamania County, Washington.

Tract No. 2

All that part of Government Lot 3, Section 25, Township 3 North, Range 9 East of the Willamette Meridian, Skamania County, Washington, that lies northwesterly of the northwesterly right of way line of the Spokane, Portland and Seattle Railway Company and southeasterly of a line parallel to and distant 60 feet northwesterly, measured radially, from the hereinafter described center line of State Road No. 8 (Cooks-East to Underwood-West Section), as constructed over and across said Government Lot 3.