

SKAMANIA COUNTY, WASHINGTON

Filed for record October 21, 1936 at 8-20 a.m. by Grantee.

Mabel J. Rose
Skamania County, Clerk-Auditor.

#23236

Frank Daubenspeck et ux to U. S. A.

FLOWAGE EASEMENT (Office chief of Engineers, Sep 22, 1936, 6500 (Bonneville Dam) 513/1)

THIS INDENTURE, made this 5 day of Sept., 1936, between Frank Daubenspeck and Lena E. Daubenspeck, 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 Three Hundred Seventy-five and 00/100 Dollars (\$375.00), 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, as determined by reference to the U. S. C. & G. S. datum, situate in the County of Skamania and State of Washington:

Lots 17, 18, 19, 20, 21, 22 and 23, in Block 2, Riverview Addition to the town of Stevenson, according to the official plat thereof on file and of record in the office of the Auditor of Skamania County, Washington, together with all lands accruing there-to by reason of the vacation of the abutting streets or alleys of said Riverview Addition to the town of Stevenson.

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 seals on this the day and year first above written.