

DEED RECORD Z

79

SKAMANIA COUNTY, WASHINGTON

Approved as to Form and Execution

J. W. McCulloch
Special Assistant U.S. Attorney General

Filed for record November 5, 1936 at 11-00 a.m. by U. S. Engr.

Mabel J. Case
Skamania County, Clerk-Aud.

#23300

Elmer Preston Ash et ux to United States

FLOWAGE EASEMENT (Office Chief of Engineers, Oct 6, 1936, 6500 (Bonneville Dam) 542/1)

THIS INDENTURE, made this 25th day of August, 1936, between Elmer Preston Ash and Gertrude E. Ash, 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 Eight Thousand Five Hundred and 00/100 Dollars (\$8,500.00), 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 80.03 acres, more or less, situate in the County of Skamania and State of Washington:

Tract 1

Beginning 1850 feet east of the quarter corner between Sections 10 and 11 in Township 2 North, Range 7 East, Willamette Meridian, running thence 850 feet East to the right of way of the Spokane, Portland and Seattle Railway; thence following the westerly right of way line of said Spokane, Portland and Seattle Railway to a point 1000 feet north of the center line through said section 11 of said township and range; thence west 1130 feet; thence south 1000 feet to place of beginning.

Excepting the following described lands:

a. A fraction of an acre in the northwest corner which lies within the right of way of the county road.

b. A strip of land of varying widths in the Bradford Donation Land Claim granted the State of Washington for State Road No. 8, on each side of the center line of said road as now constructed, being more particularly described as follows:

A strip of land on the right side of said center line from the intersection of said center line with the north boundary of said Bradford D. L. C. to Engineers