

DEED RECORD Z

SKAMANIA COUNTY, WASHINGTON

APPROVED AS TO FORM AND EXECUTION

J. W. McCulloch
SPECIAL ASSISTANT U.S. ATTORNEY GENERAL

Filed for record November 7, 1936 at 11-00 a.m. by U. S. Engr.

Maher J. J. J.
Skamania County, Clerk-Auditor.

#23311

Mrs. Herman Bevans to United States

FLOWAGE EASEMENT (Office Chief of Engineers, Sep 15, 1936, 6500 (Bonneville Dam)-501/1)

THIS INDENTURE, Made this 29th day of August, 1936, between Mrs. Herman Bevans, widow of Herman Bevans, hereinafter called the Grantor, 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 Grantor, and said Grantor desires to sell said perpetual flowage easement to the Government;

NOW THEREFORE, the said Grantor, for and in consideration of the sum of Six Hundred Fifty and 00/100 Dollars (\$650.00), cash in hand paid by the Government, 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 hereinbefore stated, all the following described lands, situate in the County of Skamania and State of Washington:

Lots Three and Four of Block One of the original town of Stevenson, according to the official plat of record in the office of the County Auditor of Skamania County, Washington, together with all lands accruing thereto by reason of the vacation of abutting streets or alleys of said 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 Grantor covenants that she is in the quiet and peaceful possession of said lands, and that she will and her 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 Grantor, in consideration of the above specified sum, also hereby releases the Government from all claims for damages that have accrued or may hereafter accrue to her by reason of the overflowing of the above described land.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set her hand and affixed her seal on this the day and year first above written.

Mrs. Herman Bevans (Seal)