

**7. FLOWAGE EASEMENT (Portions of land to be Subjected to Permanent Inundation and Portions to be Subjected to Occasional Flooding).**

The perpetual right, power, privilege and easement in, upon, over and across (the land described in Schedule "A") (Tracts Nos. \_\_, \_\_ and \_\_) for the purposes set forth below:

a. Permanently to overflow, flood and submerge the land lying below elevation \_\_\_\_\_ (and to maintain mosquito control,) in connection with the operation and maintenance of the \_\_\_\_\_ project for the purposes as authorized by the Act of Congress approved \_\_\_\_\_, together with all right, title and interest in and to the timber and the continuing right to clear and remove any brush, debris and natural obstructions which, in the opinion of the representative of the United States in charge of the project may be detrimental to the project.

b. Occasionally to overflow, flood and submerge the land lying above elevation \_\_\_\_\_ (and to maintain mosquito control,) in connection with the operation and maintenance of said project.

Together with all right, title and interest in and to the structures and improvements now situated on the land, except fencing above elevation \_\_\_\_\_ (and also excepting \_\_\_\_\_ (here identify those structures not designed for human habitation which the District Engineer determines may remain on the land)) <sup>4/</sup> provided that no structures for human habitation shall be constructed or maintained on the land, that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; <sup>3/</sup> the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

<sup>4/</sup> Where substantial residential structures exist in areas subject to very infrequent flooding, and will not interfere with project operations, the following clause may be substituted "(and also excepting the structure(s) now existing on the land, described as \_\_\_\_\_, which may be maintained on the land provided that no portion of the structure(s) located below elevation \_\_\_ feet, mean sea level, shall be utilized for human habitation to the extent that sleeping accommodations will be maintained therein)". The next clause would then be modified to read, "provided that no other structures for....."

<sup>3/</sup> If sand and gravel or other quarriable material is in the easement area and the excavation thereof will not interfere with the operation of the project, the following clause will be added: "excepting that excavation for the purpose of quarrying (sand) (gravel) (etc.) shall be permitted subject only to such approval as to the placement of overburden, if any, in connection with such

excavation;"