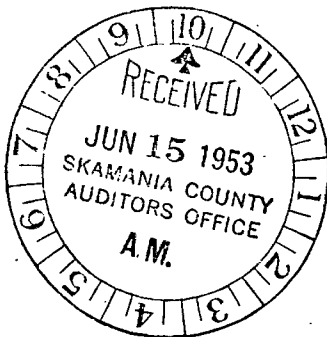


45579



UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CERTAIN TRACTS OF LAND IN
SKAMANIA COUNTY, WASHINGTON;

LEONARD J. JUNGERT and MILDRED
JUNGERT, his wife, et al.,

Defendants.

NO. 1718

JUDGMENT

on

DECLARATION OF TAKING

THIS CAUSE coming on to be heard on motion of plaintiff, United States of America, for entry of a judgment on the declaration of taking which was filed in the above entitled cause on May 26, 1953, a hearing having been held in open Court on said motion and declaration of taking, and the Court being fully advised in the premises, does hereby find:

1. That a complaint was filed on May 26, 1953, at the direction and under the authority of the Attorney General of the United States of America, pursuant to the request of the Bonneville Power Administrator, who has the power to acquire for the United States the land and rights described in said complaint.
2. That the United States is entitled to acquire property by eminent domain for the purposes described in said complaint.
3. That a proper description of the land which is sought to be condemned herein, sufficient for the identification thereof, is set forth in said declaration of taking.
4. That said declaration of taking contains a statement of the estate in said land taken for the public use.
5. That a plat showing the land sought to be condemned herein is incorporated in said declaration of taking.
6. That a statement is contained in said declaration of taking of the sum of money estimated by the Bonneville Power Administrator to be just compen-

1 sation for the taking of the estate condemned herein, to-wit, the sum of Five
2 Hundred Fifty Dollars (\$550.00), and said sum has been deposited in the registry
3 of this Court, and the Court being fully advised in the premises,

4 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

5 1. That there is vested in the United States of America the perpetual
6 easement and rights described in Exhibit A attached hereto and by this reference
7 made a part hereof, over, across and upon the property situate in Skamania
8 County, Washington, designated Tracts Mc-R-121 and Mc-R-122 and more particularly
9 described in said Exhibit A.

10 2. That possession of the land described herein be and it is hereby
11 granted to the United States of America as of June 3rd, 1953.

12 DONE IN OPEN COURT this 3rd day of June, 1953.

13
14 OLIVER J. CARTER
15 United States District Judge

16 Presented by:

17 GEORGE E. HEIDLEBAUGH
18 Special Assistant to the
19 United States Attorney
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George E. Heidlebaugh

1 A perpetual easement for the following purposes, namely:
 2 the perpetual right to enter and to construct, maintain,
 3 repair, rebuild, operate and patrol not more than two lines
 4 of electric power transmission structures with conductor and
 5 necessary appurtenances; and the further right to clear the
 6 land hereinafter described as Tract Mc-R-121-122 and to keep
 7 the same clear of brush, timber, inflammable structures and
 8 fire hazards (provided, however, that the words "fire
 9 hazards" shall not include growing crops), and to dispose of
 10 such timber, brush and inflammable structures by sale or
 11 other means in such a manner as shall not create a fire
 12 hazard; subject, however, to the rights of the public in
 13 and to all public roads; subject also to existing pipes and
 14 conduits, irrigation and drainage lines, ditches and canals,
 15 and public utility lines, to the exercise of existing ease-
 16 ments and licenses therefor, and to the exercise of existing
 17 mineral rights; over and across the following described
 18 lands, to-wit:

19 Tract Mc-R-121-122

20 That portion of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 18, Township 3
 21 North, Range 8 East of the Willamette Meridian, Skamania
 22 County, Washington, which lies within a strip of land 300
 23 feet in width, the boundaries of said strip lying 87.5 feet
 24 distant southeasterly from and 212.5 feet distant north-
 25 westerly from and parallel to the survey line of the Bonne-
 26 ville Power Administration McNary-Ross transmission line as
 27 now located and staked on the ground over, across, upon and
 28 adjacent to the above described property, said survey line
 29 being particularly described as follows:

30 Beginning at survey station 7410 + 74.9, a point on the
 east line of Section 17, Township 3 North, Range 8 East of
 the Willamette Meridian, said point being N. 0° 58' 10" E.
 a distance of 1198.2 feet from the quarter section corner
 on the east line of said Section 17; thence S. 89° 37' 10"
 W. a distance of 4725.1 feet to survey station 7458 + 00.0;
 thence S. 61° 43' 30" W. a distance of 999.6 feet to survey
 station 7467 + 99.6, a point on the line common to said
 Sections 17 and 18, said point being N. 0° 57' 50" E. a
 distance of 567.4 feet from the quarter section corner

1 common to said Sections 17 and 18; thence continuing S. 61°
2 $43' 30''$ W. a distance of 6065.4 feet to survey station 7528 +
3 65.0, a point on the west line of said Section 18, said point
4 being N. $1^{\circ} 10' 40''$ E. a distance of 340.9 feet from the
5 southeast corner of Section 13, Township 3 North, Range $7\frac{1}{2}$
6 East, Willamette Meridian.

7 Also, within a strip of land 100 feet in width on each
8 side of and contiguous to said Tract Mc-R-121-122, such strips
9 being bounded at the ends by the easterly and southerly
10 boundary lines of the $S\frac{1}{2}NE\frac{1}{4}$ of Section 18, Township 3 North,
11 Range 8 East of the Willamette Meridian, the right to fell,
12 limb or top all trees and snags which at the date of filing
13 the declaration of taking in the above entitled proceeding
14 are of such height and location that they could fall within
15 the limits of said Tract Mc-R-121-122 and damage the trans-
16 mission line facilities to be constructed thereon, together
17 with the right to sell, burn or otherwise destroy such trees
18 and snags; provided, however, that said rights shall only be
19 exercised in such a manner that no fire hazard shall be
20 created.
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