

Certified to be a true and correct copy of the original filed in my office.
Dated: March 11, 1931
EDGAR SNODGRASS, CLERK

By *E. Snodgrass*Original Filed
MAR 15 1931

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

DECLARATION
OF
TAKING

C74-223T
CIVIL NO.

1.35 ACRES OF LAND, MORE OR LESS,
SITUATE IN SIKKANIA COUNTY,
STATE OF WASHINGTON, AND WIND
RIVER LUMBER COMPANY, A
CORPORATION,

Defendant

TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

I, HERALD A. SYLVESTER

, Secretary of the

Army do hereby declare that:

1. (a) The land hereinafter described is taken under and in accordance with the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. 358a), and acts supplementary thereto and amendatory thereof, and under the further authority of the Acts of Congress approved April 24, 1888 (25 Stat. 94, 33 U.S.C. 591), and March 1, 1917

1 (39 Stat. 948, 33 U.S.C. 701) which acts authorize the acquisition of
2 land for flood control projects; the Act of Congress approved August 30,
3 1935 (49 Stat. 1028), which act authorizes the construction of the
4 Bonneville Lock and Dam (Oregon); the Act of Congress, approved
5 August 20, 1937 (50 Stat. 731), which act authorized completion, maintenance
6 and operation of the project, and the Act of Congress approved
7 August 28, 1974 (Public Law 93-393), which act appropriated funds for
8 such purposes.

9 (b) The public uses for which said land is taken are as
10 follows: The said land is necessary to provide for the construction of
11 a river improvement for the purposes of flood control, navigation and
12 other purposes incident thereto. The said land has been selected by
13 me for acquisition by the United States for use in connection with the
14 reregulation of the peaking discharge which must be provided at the
15 Bonneville Dam, and for such other uses as may be authorized by Congress
16 or by Executive Order.

17 2. A general description of the land being taken is set forth
18 in Schedule "A" attached hereto and made a part hereof, and is a
19 description of the same land described in the complaint in the above
20 entitled cause.

21 3. The estate taken for said public uses is the perpetual
22 right, power, privilege and easement permanently to overflow, flood
23 and submerge the land described in Schedule "A", and to maintain
24 mosquito control, in connection with the operation and maintenance of
25 the Bonneville Lock and Dam project as authorized by the Act of Congress

1 approved August 20, 1937, and the continuing right to clear and remove
2 any brush, debris and natural obstructions which, in the opinion of the
3 representative of the United States in charge of the project, may be
4 detrimental to the project, together with all right, title and interest
5 in and to the timber, structures and improvements situate on the land;
6 provided that no structures for human habitation shall be constructed
7 or maintained on the land, that no other structures shall be constructed
8 or maintained on the land except as may be approved in writing by the
9 representative of the United States in charge of the project, and that
10 no excavation shall be conducted and no landfill placed on the land
11 without such approval as to the location and method of excavation and/
12 or placement of landfill; the above estate is taken subject to existing
13 easements for public roads and highways, public utilities, railroads
14 and pipelines; reserving, however, to the landowners, their heirs and
15 assigns, all such rights and privileges as may be used and enjoyed
16 without interfering with the use of the project for the purposes
17 authorized by Congress or abridging the rights and easement hereby
18 acquired; provided further that any use of the land shall be subject
19 to Federal and state laws with respect to pollution.

20 4. A plan showing the land taken is annexed hereto as
21 Schedule "3" and made a part hereof.

22 5. The sum estimated by me as just compensation for said
23 land, including any and all interests hereby taken in said land, is
24 set forth in Schedule "A" herein, which sum I cause to be deposited
25 herewith in the registry of the said court for the use and benefit of

1 the persons entitled thereto. I am of the opinion that the ultimate
2 award for said land probably will be within any limits prescribed by
3 law on the price to be paid therefor.

4 IN WITNESS WHEREOF, the United States of America, by its
5 Secretary of the Army, thereunto authorized, has caused this
6 declaration to be signed in its name by said ~~SECRETARY~~
7 Secretary of the Army, this ~~27th~~ day of ~~November~~
8 A.D. 1974, in the City of Washington, District of Columbia.

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12 ~~SECRETARY~~ ~~of the Army~~
13 Secretary of the Army
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SCHEDULE "A"

The land which is the subject matter of this Declaration of Taking aggregates 1.35 acres, more or less, situate and being in the County of Skamania, State of Washington. Description of the land taken, and a statement of the sum estimated to be just compensation thereof is contained on the following continuation of Schedule "A", comprising two pages, including this page.

SCHEDULE "A"

Tract 535E

All that portion of Section 28, Township 3 North, Range 8 East of the Willamette Meridian, Skamania County, Washington, lying below elevation 82.50 feet Mean Sea Level and East of the middle of the Wind River.

The tract of land herein described contains 1.35 acres, more or less.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 535E
BONNEVILLE LOCK AND DAM
(LAKE BONNEVILLE)

Wind River Lumber Company

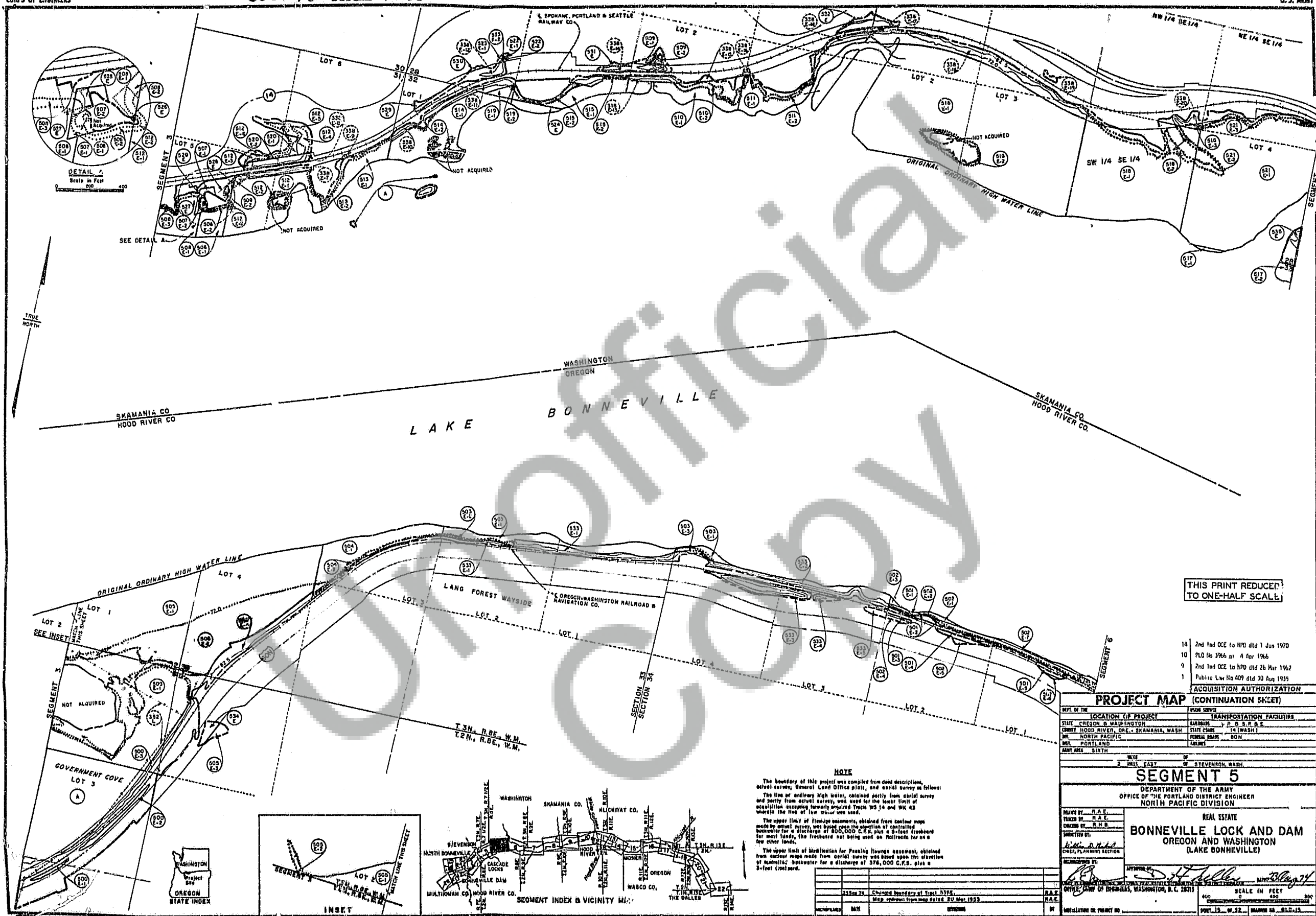
Address unknown

\$200.00

ESTIMATED COMPENSATION:

The gross sum estimated by the acquiring authority to be just compensation for the estate hereby taken, inclusive of all rights set forth in the Declaration of Taking, is TWO HUNDRED and NO/100 DOLLARS (\$200.00).



THIS PRINT REDUCED
TO ONE-HALF SCALE

- 18 2nd Ind OCE to NPD dtd 1 Jun 1970
10 PLO Ho 3966 dtd 4 Apr 1966
9 2nd Ind OCE to NPD dtd 26 Mar 1962
1 Public Law 409 dtd 30 Aug 1955

ACQUISITION AUTHORIZATION

PROJECT MAP (CONTINUATION SHEET)

DEPT. OF THE ARMY	LOCATION OF PROJECT	FROM SHEET
STATE OREGON & WASHINGTON	TRANSPORTATION FACILITIES	
COUNTY HOOD RIVER, ORE. & SKAMANIA, WASH.	RAILROADS	Y. D. & S. P. & N. E.
BY NORTH PACIFIC	STATE CHART	14 (WASH.)
PORTLAND	FEDERAL BOARD	80N
PORTLAND	AIRLINE	

SEGMENT 5

DEPARTMENT OF THE ARMY
OFFICE OF THE PORTLAND DISTRICT ENGINEER
NORTH PACIFIC DIVISION

REAL ESTATE
BONNEVILLE LOCK AND DAM
OREGON AND WASHINGTON
(LAKE BONNEVILLE)

DESIGNED BY: R. A. C.
CHECKED BY: R. A. C.
DRAWN BY: R. A. C.
PROJECT PLANNING SECTION

APPROVED BY: *[Signature]*
DATE: *[Date]*
SCALE IN FEET
400 800
PORT 15, W. 32, DRAWING NO. 810.15
PORT 15, W. 32, DRAWING NO. 810.15

NOTE

The boundary of this project was compiled from deed descriptions, actual survey, General Land Office plat, and aerial survey as follows:
The line of ordinary high water, retained partly from aerial survey and partly from actual survey, was used for the lower limit of acquisition, excepting formerly acquired Tracts 14 and 43 wherein the line of low water was used.

The upper limit of flowage assessment, obtained from contour maps made by actual survey, was based upon the elevation of controlled water for a discharge of 800,000 C.F.S. plus a 3-foot freeboard for most lands, the freeboard not being used on Railroad lands on a few other lands.

The upper limit of identification for flowage assessment, obtained from contour maps made from aerial survey was based upon the elevation of uncontrolled water for a discharge of 376,000 C.F.S. plus a 3-foot freeboard.

REVISION	DATE	BY
1	23 Jan 74	Changed boundary of Tract 135E. Map redrawn from map dated 20 Mar 1955
2		
3		

SEGMENT INDEX & VICINITY MAP