

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

UNITED STATES OF AMERICA,)
Plaintiff,)
)
)
)
)
0.52 ACRE OF LAND, MORE OR LESS,)
SITUATE IN SKAMANIA COUNTY,)
STATE OF WASHINGTON, AND)
JOSEPH D. ST. MARTIN, ET AL)
Defendants)

DECLARATION
OF
TAKING

C5 CIVIL NO. 1

TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

I, HOWARD H. CALLAWAY

, 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. 258a), 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

61732

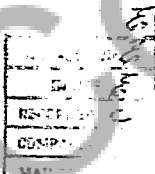
STATE OF WASHINGTON
COUNTY OF SPOKANE

I HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT OF WRITING FILED AT

R. J. Johnson
OF Missoula, Idaho
AT 11 A.M. 2-13 1916

WAS RECORDED IN BOOK 70
OF 116 AT PAGE 453
RECORDS OF SPOKANE COUNTY, WASH.

H. P. Todd
COUNTY AUDITOR
E. McFarland



BOOK 70 PAGE 454

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

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

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

3. The estate taken for said public uses is the perpetual right, power, privilege and easement permanently to overflow, flood and submerge the land described in Schedule "A", and to maintain mosquito control, in connection with the operation and maintenance of 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 "B" 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 HOWARD H. CALLAWAY
 7 Secretary of the Army, this 17th day of December
 8 A.D. 1927, in the City of Washington, District of Columbia.

12 Howard H. Callaway
 13 Secretary of the Army

SCHEDULE "A"

The land which is the subject matter of this Declaration of Taking aggregates 0.52 of an acre, 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 three pages, including this page.

Unofficial
Copy

SCHEDULE "A"

Tract 633E-2

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 82.70 feet Mean Sea Level situated in the Southeast quarter of Section 35, Township 3 North, Range 8 East of the Willamette Meridian, Clatsop County, Washington:

All that portion of Government Lot 4 in said Section 35 lying Southerly of the Southerly right-of-way line of the Spokane, Portland and Seattle Railway Company.

The tract of land herein described contains 0.32 of an acre, more or less, all of which is contained in Tract 633E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 633E-2,
BONNEVILLE LOCK AND DAM
(LAKE BONNEVILLE)

The heirs at law of
Margaret St. Martin, et al

Joseph D. St. Martin,
individually and as trustee
1930 NW Holcomb Drive
Portland, OR 97229

Margaret Brundage
Box 10
Cannon, OR 98610

Addressees unknown for the
following:

John and Henrietta Eastrom,
husband and wife
Helena Meyers
Hughes St. Martin
Hawes Estoria
Heirs of Eli Bayliff St. Martin
Sidney St. Martin
Red Hall, as trustee for
Lenna Dee St. Martin
Arlene Reid
Marguerite Allinger
Arthur L. Reid

SCHEDULE "A"

Tract 633E-2 (continued)

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 633E-2,
BONNEVILLE LOCK AND DAM
(LAKE BONNEVILLE)

Addresses unknown for the
following: (cont'd)

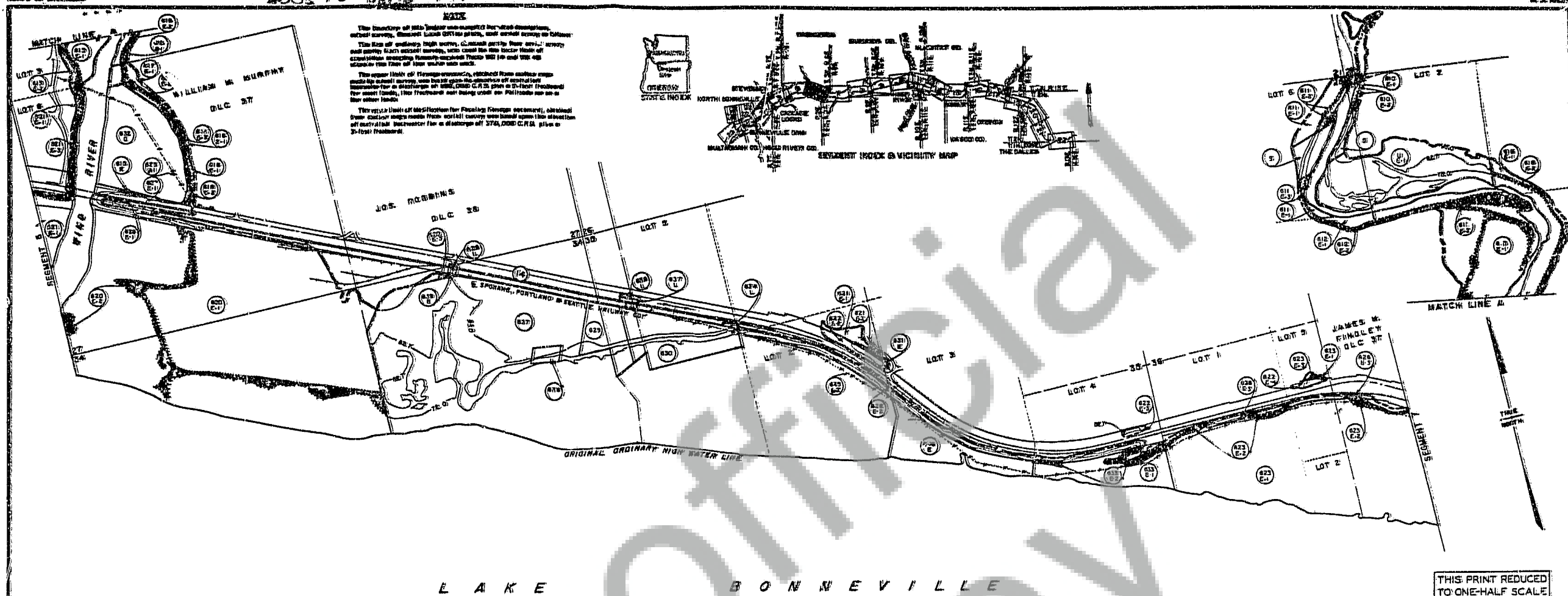
Frances Neal
Joan Beasley Nibler
Frances Beasley Neal
Geraldine Hannaford
William Hannaford
Andrew St. Martin
Eli St. Martin
Presque St. Martin
Isadore Albert St. Martin
Marcellaide Stephenson
Olivia St. Martin
Estate of Oren Richards
Margaret Allinger
John Anthony Lucas
LaVerne C. Stephenson
Amos D. Reid

ESTIMATED COMPENSATION:

\$200.00

The sum is 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 00/100 DOLLARS
(200.00).





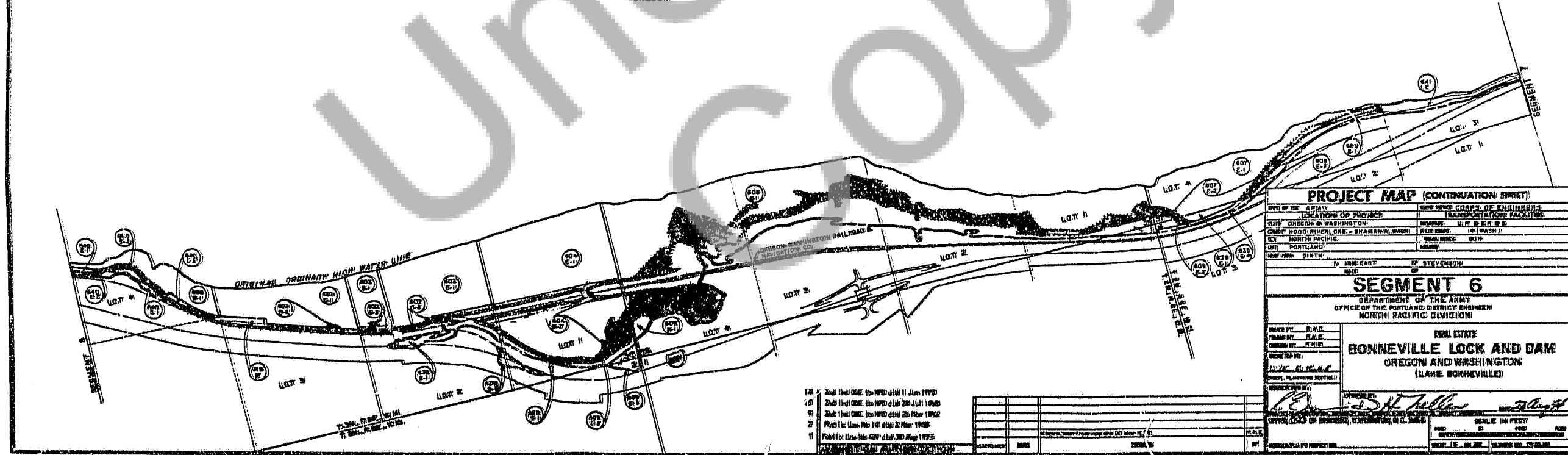
THIS PRINT REDUCED
TO ONE-HALF SCALE

L A K E B O N N E V I L L E

SKAMANIA CO.
HOOD RIVER CO.

WASHINGTON
OREGON

SKAMANIA CO
HOOD RIVER CO



- 128 2nd Ind CMB: 1st MPD date 11 Jan 1963
129 2nd Ind CMB: 2nd MPD date 20 Jan 1963
49 2nd Ind CMB: 3rd MPD date 26 Feb 1963
27 1st Ind CMB: 1st MPD date 27 Feb 1963
11 1st Ind CMB: 2nd MPD date 28 Aug 1963

[illegible]

SCHEDULE "B"

12-1057-0000 11 NOV 68 1755-C