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Subscribed to be a true and  
correct copy of the original  
filed in 1976  
JAN 28 1976 ATTEST:  
JANAR

By: *[Signature]* Deputy

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

UNITED STATES OF AMERICA, )  
Plaintiff, )

DECLARATION  
OF  
TAKING

CIVIL NO. \_\_\_\_\_

0.36 ACRE OF LAND, MORE OR LESS, )  
SITUATE IN SKAMANIA COUNTY, )  
STATE OF WASHINGTON, AND )  
STATE OF WASHINGTON, DEPARTMENT )  
OF HIGHWAYS, ET AL )  
Defendants )

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

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 improve its 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 *Herbert H. Co. H. Co.*  
7 Secretary of the Army, this *192* day of *November*  
8 A.D. *1974*, in the City of Washington, District of Columbia.

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12 *Herbert H. Co. H. Co.*  
13 Secretary of the Army  
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SCHEDULE "A"

The land which is the subject matter of this Declaration of Taking aggregates 0.3% 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 two pages, including this page.

Unofficial  
Copy



SCHEDULE "A"

TRACT 903E-2

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 83.20 feet Mean Sea Level, situated in Section 25, Township 3 North, Range 9 East of the Willamette Meridian, Skamania County, Washington.

The West 450.00 feet of Government Lot 4 in said Section 25 lying Northerly and Westerly of the Northerly right-of-way line of State Highway No. 14.

The tract of land herein described contains 0.36 of an acre, more or less.

NAME AND ADDRESS OF PURPORTED  
OWNER(S) FOR TRACT 903E-2,  
BONNEVILLE LOCK AND DAM, (LAKE  
BONNEVILLE)

The State of Washington  
Department of Highways  
Highway Administration  
P. O. Box 327  
Olympia, Washington 98504

Albert Eugene Stebiner and  
Mary Helen Stebiner, husband  
and wife  
808 - Fourth Street  
Santa Monica, California 90403

ESTIMATED COMPENSATION:

\$200.00

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).

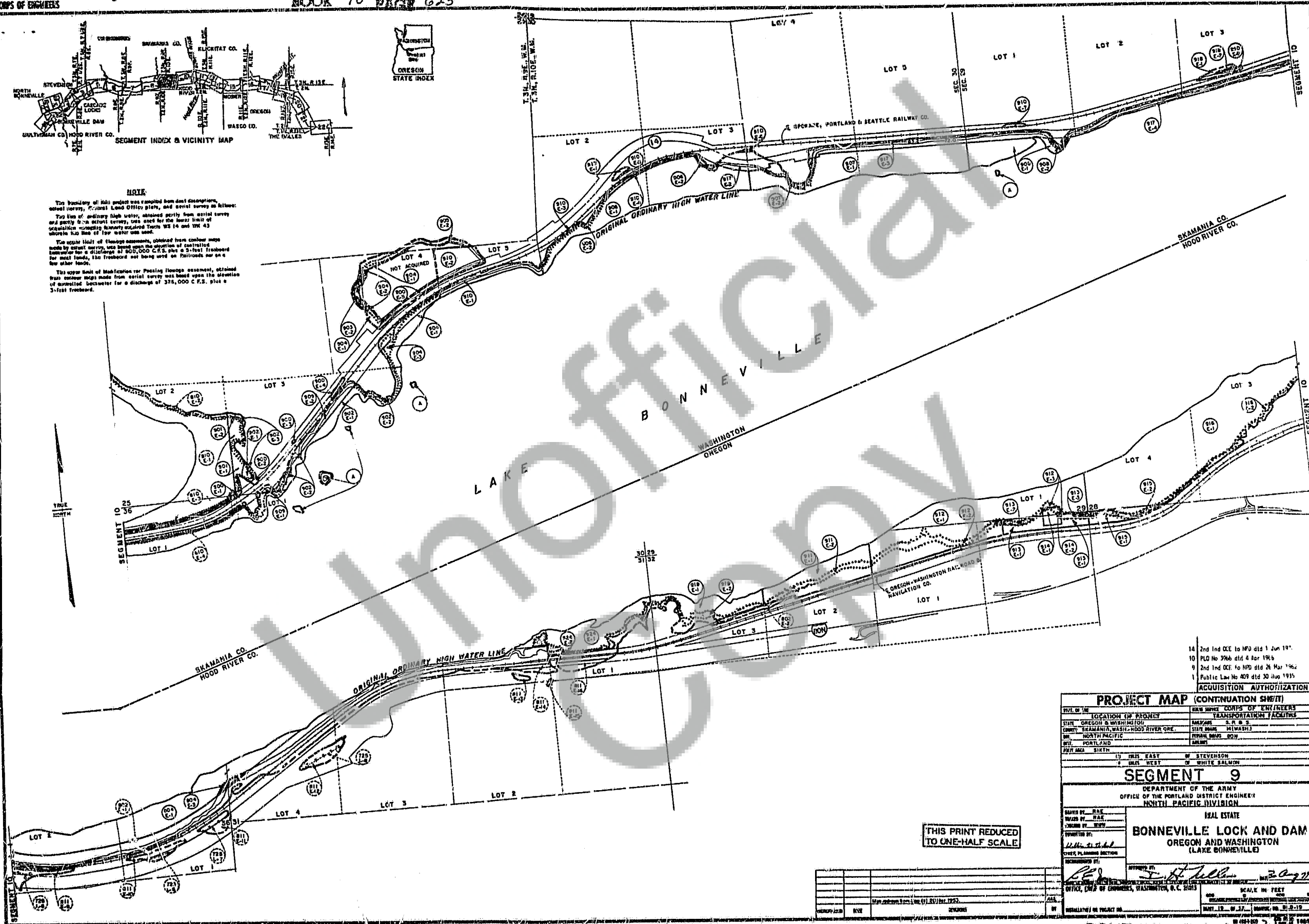


The boundary of this project was compiled from data discrepancies, street views, Kansas Land Office plots, and aerial survey as follows:

Top line of ordinary High water, obtained partly from aerial survey and partly from actual survey, was used for the lower limit of acquisition. Remaining boundary extended Thence W 1/4 and W 1/4 of section 16, T 12 N, R 10 E, of the 1st Meridian.

The upper limit of this project consists, obtained from contour maps made by actual survey, was based upon the elevation of controlled benchmark for a discharge of 800,000 C.F.S. about a 3-foot floodbank above the crest of the floodbank not being used on floodways near a few other lands.

This upper limit of floodbank not being used on floodways, obtained from contour maps made from aerial survey not based upon the elevation of controlled benchmark for a discharge of 375,000 C.F.S. plus a



14 2nd Ind OCE to NPD dtd 1 Jun 1971  
10 PLO No 396b dtd 4 Apr 1966  
9 2nd Ind OCE to NPD dtd 26 Mar 1966  
1 Public Law No 409 dtd 30 Aug 1955

ACQUISITION AUTHORIZATION

# PROJECT MAP (CONTINUATION SHEET)

9721, 01/76	LOCATION IN PEOPLE	ARMY SERVICE CORPS OF ENGINEERS
STATE OREGON & WASHINGTON	TRANSPORTATION / ACQUISITION	
COUNTY SHAMANIA, WASH.-HOOD RIVER ORE.	RAILROADS S. P. & S.	
OFF. NORTH PACIFIC	STATE ROAD 14 (WASH.)	
DATE 1976 APR	PERSONAL BOARD 80N	
	ARMY USE	

SEGMENT S

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

## REAL ESTATE

**BONNEVILLE LOCK AND DAM**  
**OREGON AND WASHINGTON**  
**(LAKE BONNEVILLE)**

**'THIS PRINT' REDUCED  
TO ONE-HALF SCALE**

APPROVED BY: <i>[Signature]</i> SPECIAL AGENT IN CHARGE		DATE: <i>20 Aug 72</i>	
OFFICE, U.S. DEPT. OF COMMERCE, WASHINGTON, D.C. 20541			
SCALE IN FEET 000 100 200 300 400 500 600 700 800 900 1000		DATE: <i>19</i> OF <i>37</i> - MONTH: <i>08</i> - YEAR: <i>72</i>	
CATEGORY: <i>10</i>	TYPE: <i>10</i>	RESPONSE: <i>10</i>	BY: <i>10</i>
INSTALLATION / ON PROJECT: <i>10</i>			

**SCHEDULE "B"**