

Filed  
May 13, 1975

I hereby certify that the  
numbered instrument is a true  
and correct copy of the original  
on file in my office.  
ATTEST: EDGAR S. JOHNSON  
Clerk, U. S. District Court  
Western District of Washington

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

UNITED STATES OF AMERICA,  
Plaintiff,

DECLARATION  
OF  
TAKING

CIVIL NO. C75-947

0.07 ACRE OF LAND, MORE OR LESS,  
SITUATE IN SKAMANIA COUNTY,  
STATE OF WASHINGTON, AND  
ELMA MARIE SWANSON, ET AL  
Defendants

TO THE HONORABLE,  
THE UNITED STATES DISTRICT COURT:

I, Norman R. Struss, Acting 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

Incl 21

(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. 1023), 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 re-regulation 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 situated 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 is caused 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 *Acting*  
5 Secretary of the Army, thereunto authorized, has caused this  
6 declaration to be signed in its name by said *Wm. R. Stander, Acting*  
7 Secretary of the Army, this *15<sup>th</sup>* day of *October*  
8 A.D., *1944*, in the City of Washington, District of Columbia.

9  
10  
11 *Wm. R. Stander*  
12 *Acting* Secretary of the Army  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



## SCHEDULE "A"

The land which is the subject matter of this Declaration of Taking aggregates 0.07 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.

## SCHEDULE "A"

## TRACT 408E-2

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 82.40 feet Mean Sea Level, situated in Section 1, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington:

Lot 15 of Block One of the Town of Stevenson according to the official plat thereof on file and recorded at page 11 of Book "A" of Plats, Records of Skamania County, Washington.

The tract of land herein described contains 0.07 of an acre, more or less, all of which is contained in Tract 408E-1.

NAME AND ADDRESS OF PROPRIETOR  
OWNER(S) FOR TRACT 408E-2,  
BONNEVILLE LOCK AND DAM, (LAKE  
BONNEVILLE)

Willa Marie Swanson  
and Maggie Junior Looney

Mr. & Mrs. Lester Swanson  
113 W. 5th Street  
Juneau, Alaska 99901

Mr. & Mrs. Lawrence D. Looney  
Route 1, Box 143  
Estacada, Oregon 97023

ESTIMATED COMPENSATION:

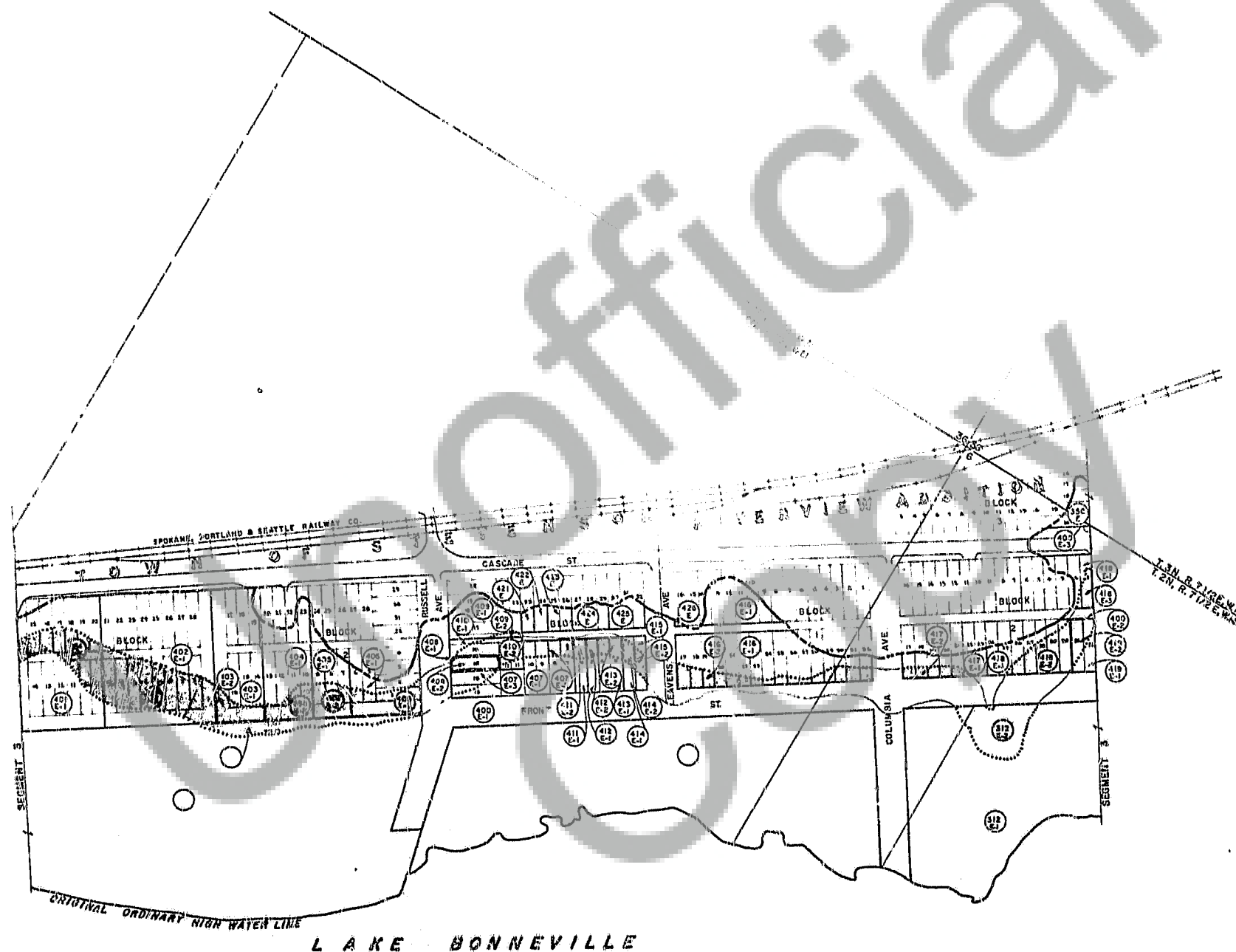
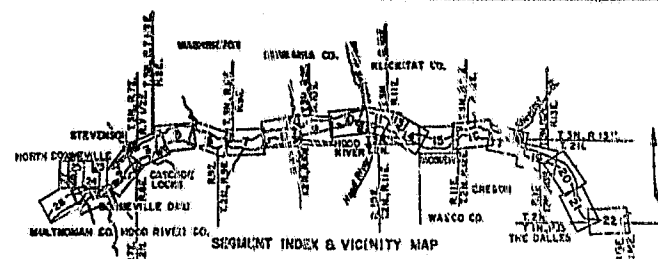
\$800.00

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 EIGHT HUNDRED and NO/100 DOLLARS (\$800.00).



The upper limits of license revenues, obtained from random wage audits by aerial survey, was based upon the allocation of controlled backscatter for a discharge of 600,000 C.F.S. plus 10-foot floodhead for most stands, the reference set being used on 17 stands seen on a few radio bands.

The upper limits of utilization for peeing trees, 4 percent, obtained from random wage audits from aerial survey was based upon the allocation of controlled backscatter for a discharge of 375,000 C.F.S. plus a 3-foot floodhead.



THIS PRINT REDUCED  
TO ONE-HALF SCALE

14 2nd Ind DC: to SPD did 1 Jun 1970  
1 Public Law No 413 did 30 Sep 1945

[illegible]

**SCHEDULE "B"** *Inc/3*