

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

*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
Deputy Clerk

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:

- (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

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. 1023), 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, mainte-
6 nance 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 re-regulation 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 shall continue 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN WITNESS WHEREOF, the United States of America, by its *Acting* Secretary of the Army, thereunto authorized, has caused this declaration to be signed in its name by said *Walter R. Stande, Acting* Secretary of the Army, this *17th* day of *October* A.D., *1944*, in the City of Washington, District of Columbia.

Walter R. Stande
Acting Secretary of the Army

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.

Unofficial
Copy

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)

Mrs. 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).



