

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST: EDGAR S. RUMLEY  
Clerk, U. S. District Court  
Western District of Washington

By: *[Signature]*, Deputy Clerk

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

UNITED STATES OF AMERICA,  
Plaintiff,

DECLARATION  
OF  
TAKING

11.67 ACRES OF LAND, MORE OR LESS,  
SITUATE IN SKAMANIA COUNTY,  
STATE OF WASHINGTON, AND  
MERLE J. BURGESS, ET UX  
Defendants

CIVIL NO.                     

~~C74-222-1~~  
C74-222-1

TO THE HONORABLE,  
THE UNITED STATES DISTRICT COURT:

I, *Howard H. Cushman*, 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 and operation of the project and the Act of Congress approved  
6 August 28, 1974 (Public Law 93-393), which act appropriated funds for  
7 such purposes.  
8

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 causa.

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 "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 *19th* day of *November*  
8 A.D. *1974*, in the City of Washington, District of Columbia.

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12 *s/ Howard H. Callaway*  
13 Secretary of the Army  
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## SCHEDULE "A"

The land which is the subject matter of this Declaration of Taking aggregates 11.67 acres, more or less, situate and being in the County of Skamania, State of Washington. Descriptions 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 624E-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 Section 31, Township 3 North, Range 9 East of the Willamette Meridian and in Section 36, Township 3 North, Range 8 East of the Willamette Meridian, all in Skamania County, Washington:

Government Lots 5, 6 and 7 in said Section 31 lying Southerly of the Spokane, Portland and Seattle Railway Company South right-of-way line. Also all that portion of the James M. Findley Donation Land Claim No. 37 in said Sections 31 and 36, lying Southerly of the South right-of-way line of the Spokane, Portland and Seattle Railway Company, except the West 660.00 feet of said Donation Land Claim. Also except the following described tract: Beginning at a point North 74.00 feet and West 180.00 feet from the Northwest corner of Lot 1 of Columbia Gorge Village Tracts No. 1; thence South 28° 21' 00" West 276.00 feet; thence North 61° 39' 00" West 200.00 feet; thence North 28° 21' 00" East 288.00 feet, more or less, to the Southerly line of the Spokane, Portland and Seattle Railway Company's right-of-way thence in a Southeasterly direction following the said South right-of-way line 200.00 feet, more or less, to a point North 28° 21' 00" East from the point of beginning; thence South 28° 21' 00" West to the point of beginning. Also, except Lots 2, 6 and 7 of Columbia Gorge Village Tracts No. 1 according to the official plat thereof on file and of record at page 126 of Book "A" of Plats, Records of Skamania County, Washington.

The tract of land herein described contains 11.60 acres, more or less, all of which is contained in Tract 624E-1.

NAME AND ADDRESS OF PURPORTED  
OWNER(S) FOR TRACT 624E-2,  
BONNEVILLE LOCK AND DAM, (LAKE  
BONNEVILLE)

Merle J. Burgess  
and Lillian I. Burgess  
4532 Marine View Dr.  
Tacoma, Washington 98400

ESTIMATED COMPENSATION:

\$64,825.00

## SCHEDULE "A"

## TRACT 701E-2

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 83.00 feet Mean Sea Level, situated in Section 31, Township 3 North, Range 9 East of the Willamette Meridian, Skamania County, Washington:

All that portion of the James M. Findley Donation Land Claim No. 37 in said Section 31 lying Northerly of State Highway No. 14 and Easterly of the center of Collins Creek.

The tract of land herein described contains 0.07 of an acre, more or less, all of which is contained in Tract 701E-1.

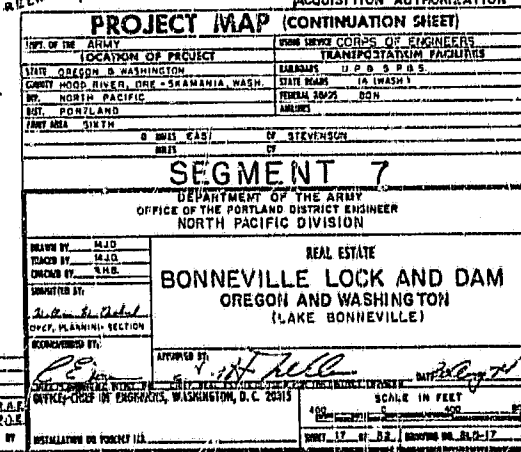
NAME AND ADDRESS OF PURPORTED  
OWNER(S) FOR TRACT 701E-2,  
BONNEVILLE LOCK AND DAM, (LAKE  
BONNEVILLE)

Merle J. Burgess  
and Lillian L. Burgess  
4532 Marine View Dr.  
Tacoma, Washington 98400

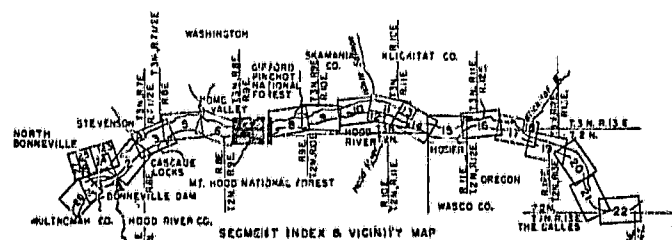
ESTIMATED COMPENSATION:

\$250.00

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 SIXTY-FIVE THOUSAND SEVENTY-FIVE and NO/100 DOLLARS (\$65,075.00).



THIS PRINT REDUCED  
TO ONE-HALF SCALE



**SCHEDULE "B"**