

annexed to the original
and submitted with the original

on file in the office of the

APPROVED: JAMES S. GOSWOLD

Clark, U.S. District Court
Western District of Washington

By: [Signature]
Deputy Clerk

FILED

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

UNITED STATES OF AMERICA,

Plaintiff,

DECLARATION
OF
TAKING

CIVIL NO. _____

5.96 ACRES OF LAND, MORE OR LESS,
SITUATE IN SKAMANIA COUNTY,
STATE OF WASHINGTON, AND KNAPTON
TOWBOAT COMPANY, A CORPORATION,
Defendant

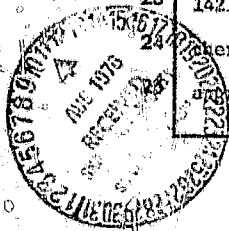
TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

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



Trick!

(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 19TH day of NOVEMBER
8 A.D. 1974, in the City of Washington, District of Columbia.

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12 Howard H. Callaway
13 Secretary of the Army
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SCHEDULE "A"

Tract 354E-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:

That part of a tract of land lying South of the South right-of-way line of the Washington State Highway No. 14 described as follows: Beginning at a point on the North right-of-way line of the Spokane, Portland and Seattle Railway Company, 419.10 feet North and 300.30 feet West of the Southeast corner of Government Lot 6 in said Section 1; thence North 266.00 feet; thence West 361.40 feet; thence South 538.00 feet, more or less, to the Northwestern right-of-way line of said railroad; thence North-easterly along said right-of-way line to the point of beginning.

The tract of land herein described contains 0.26 of an acre, more or less, all of which is contained in Tract 354E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 354E-2,
BONNEVILLE LOCK AND DAM
(LAKE BONNEVILLE)

Knappton Towboat Company,
a Corporation
110 S.E. Coruthers Street
Portland, Oregon 97214

ESTIMATED COMPENSATION:

\$3,510.00

