

CONFIDENTIAL - SECURITY INFORMATION

Original Filed

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

UNITED STATES OF AMERICA,  
Plaintiff.

DECLARATION  
OF  
TAKING

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

**CLARK**

074-216T

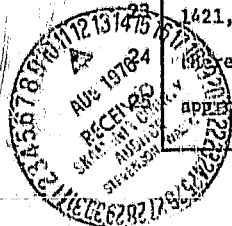
THURSDAY

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



(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 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 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"

The land which is the subject matter of this Declaration of Taking aggregates 5.95 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 five pages, including this page.

Unofficial  
Copy



20 April 1974

BOOK 71 PAGE 373

## EXHIBIT "A"

Tract 354E-2

All that portion of the following described tract of land lying above elevation 12.00 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 Northwestwesterly 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

## EXHIBIT "A"

## Tract 613E-2

All that portion of Government Lot 3 in Section 27, Township 3 North, Range 8 East of the Willamette Meridian lying above elevation 72.00 feet Mean Sea Level and below elevation 82.70 feet Mean Sea Level, all in Skamania County, Washington.

The tract of land herein described contains 4.22 acres, more or less, all of which is contained in Tract 613E-1.

NAME AND ADDRESS OF PURPORTED  
OWNER(S) FOR TRACT 613E-2,  
BONNEVILLE LOCK AND DAM  
(LAKE BONNEVILLE)

Knapperton Towboat  
Company

EXHIBIT "A"

TRACT 809E-1

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 83.10 feet Mean Sea Level situated in Section 26, Township 3 North, Range 9 East of the Willamette Meridian, Skamania County, Washington: Government Lot 2 of said Section 26.

The tract of land herein described contains 1.24 acres, more or less, all of which is included in Tract 809E-1.

NAME AND ADDRESS OF PURPORTED  
OWNER(S) FOR TRACT 809E-2,  
BONNEVILLE LOCK AND DAM, (LAKE  
BONNEVILLE)

Knappton Towboat Company,  
a corporation



EXHIBIT "A"

Tract 1025E-2

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 83.50 feet Mean Sea Level situated in Section 23, Township 3 North, Range 10 East of the Willamette Meridian, Skamania County, Washington:

That part of Lots 8, 9 and 10 of the First Addition to the town of Underwood according to the official plat thereof on file and of record in the office of the Auditor of Skamania County, Washington, lying South of the South right-of-way line of the Spokane, Portland and Seattle Railway Company.

A tract of land in Government Lot 1 in said Section 23 described as follows: Beginning at the intersection of the Southerly right-of-way line of the Spokane, Portland and Seattle Railway Company with the West line of said Section 23; thence South along the West line of said Section 23 to the meander line of the Columbia River; thence following said meander line upstream to the Southerly extension of the West line of Lot 10 of Block 2 of the First Addition to the town of Underwood according to the official plat thereof; thence North 6°49'00" West along the West line of said Lot 10 and its prolongation to intersection with the Southerly right-of-way line of said railroad; thence in a Westerly direction along said right-of-way line to the point of beginning.

The tract of land herein described contains 0.24 of an acre, more or less, all of which is contained in Tract 1025E-1.

NAME AND ADDRESS OF PURPORTED  
OWNER(S) FOR TRACT 1025E-2,  
BONNEVILLE LOCK AND DAM  
(LAKE BONNEVILLE)

Knappton Towboat Company,  
a corporation



**NOTE**

The boundary of this project was compiled from deed descriptions, actual survey, General Land Office plats, and aerial survey as follows:

The line of ordinary high water, obtained partly from aerial survey and partly from actual survey, was used for the lower limit of acquisition excepting formerly acquired Tracts MS 14 and MS 43 wherein the line of low water was used.

The upper limit of floodage easements, obtained from contour maps made by actual survey, was based upon the elevation of controlled bargeways for a discharge of 800,000 C.F.S., plus a 5-foot freeboard for most lands, the freeboard not being used on Railroads nor on a few other lands.

The upper limit of Modification for Peaking (floodage easement, obtained from contour maps made from aerial survey was based upon the elevation of controlled bargeways for a discharge of 800,000 C.F.S., plus a 5-foot freeboard for most lands, the freeboard not being used on Railroads nor on a few other lands.



- 14 2nd Ind OCE to NFD dtd 1 Jun 1970  
10 PIO Ho 3466 dtd 4 Apr 1966  
8 1st Ind NFD to NFP dtd 11 Dec 1953  
6 6th Ind OCE to NFD dtd 14 Aug 1950  
2 Public Law No 14 dtd 2 Mar 1949  
1 Public Law No 409 dtd 30 Aug 1953

ACCOMPLISHMENT AUTHORITY

<b>PROJECT MAP</b> OUT OF THE ARMY		(CONTINUATION SHEET) U.S. NAVY CORPS OF ENGINEERS	
LOCATION OF PROJECT STATE OREGON & WASHINGTON COUNTY HOOD RIVER, LEE, SHANANIA, WASH. DIST. NORTH PACIFIC CITY PORTLAND STATE ORE. & WASH.		TRANSPORTATION FACILITIES U.S. R. R. & B. (HODGSON) (HAWTH) ROAD A.E. 80N BRIDGE	
II MILE WEST OF STEVENSON FIVE MILE WEST OF WHITE BELL ON			
<b>SEGMENT 8</b>			
DEPARTMENT OF THE ARMY OFFICE OF THE PORTLAND DISTRICT ENGINEER NORTH PACIFIC DIVISION			
DRAWN BY: R.A.E. CHECKED BY: R.A.E. ORIGINAL BY: R.H.P. ESTIMATED BY: (Signature) ONLY, PLANNING SECTION BUREAU OF REVENUE		REAL ESTATE <b>BONNEVILLE LOCK AND DAM</b> OREGON AND WASHINGTON (LAKE BONNEVILLE)	
APPROVED BY: (Signature)		SCALE IN FEET 400' 0 400' 800'	
OFFICE, CHIEF OF ENGINEERS, WASHINGTON, D.C. 20315			