

I hereby certify that the  
 annexed instrument is a true  
 and correct copy of the original  
 on file in my office.  
 ATTEST: EDGAR SCOTTE  
 Clerk, U. S. District Court  
 Western District of Washington  
 By: Herman H. Staudt  
 Deputy Clerk

*Filed*  
*11-22-74*

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

UNITED STATES OF AMERICA,  
 Plaintiff,

DECLARATION  
 OF  
 TAKING

CIVIL NO. \_\_\_\_\_

1.26 ACRES OF LAND, MORE OR LESS,  
 SITUATE IN SKAMANIA COUNTY,  
 STATE OF WASHINGTON, AND  
 H. ROBERT COLE, ET AL  
 Defendants

C74-187

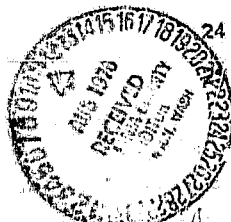
TRACT 2106-2

TO THE HONORABLE,  
 THE UNITED STATES DISTRICT COURT:

I, Herman H. Staudt, Acting Secretary of the

Army do hereby declare that:

1. (a) The land hereinafter described is taken under and  
 accordance with the Act of Congress approved February 26, 1931 (46 S  
 1421, 40 U.S.C. 258a), and acts supplementary thereto and amenatory  
 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, 1



(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 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 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 a  
 3 representative of the United States in charge of the project, are or  
 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 such  
 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 Act  
5 Secretary of the Army, thereunto authorized, has caused this  
6 declaration to be signed in its name by said Herman R. Staudt, Acting  
7 Secretary of the Army, this 17TH day of OCTOBER  
8 A.D. 1974, in the City of Washington, District of Columbia.  
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Herman R. Staudt

Acting Secretary of the Army

SCHEDULE "A"

C74-187T

BOOK. 71 PAGE 322.

The land which is the subject matter of this Declaration of Taking aggregates 1.26 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 four pages, including this page.

Unofficial  
Copy

SCHEDULE "A"

C74-187T  
BOOK 7/ PAGE 253

TRACT 210E-2

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 92.20 feet Mean Sea Level, situated in Section 1, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington:

A tract of land located in the Daniel Baughman D.L.C. No. 42 in said Section, acquired by quitclaim deed dated 22 March, 1938, recorded 24 March, 1938, at page 15 of Book 27 of Deeds under Auditors File No. 25416, Records of Skamania County, Washington.

The tract of land herein described contains 0.26 of an acre, more or less, all of which is contained in Tract 210E-1.

NAME AND ADDRESS OF PURPORTED  
OWNER(S) FOR TRACT 210E-2,  
PONNEVILLE LOCK AND DAM, (LAKE  
BONNEVILLE)

H. Robert Cole  
and George J. Schmid

Mr. and Mrs. H. Robert Cole  
Star Route 302  
Lyle, WA 98635

Mr. and Mrs. George J. Schmid  
1407 - 32nd Street  
Washougal, WA 98671

ESTIMATED COMPENSATION:

\$550.00

