

I hereby certify that the
 annexed instrument is a true
 and correct copy of the original
 on file in my office.
 ATTEST: BOOKS BOOKFIELD,
 Clerk, U. S. District Court
 Eastern District of Washington
 By James J. Smith
 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 SKAGANAWIA COUNTY,
STATE OF WASHINGTON, AND
H. ROBERT COLE, ET AL
Defendants

C74-189T
(Tract 210E-4)

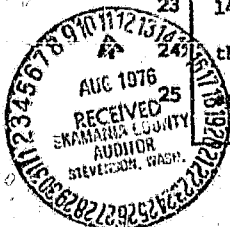
TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

I, Herman R. Stoldt

Acting 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.
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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 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 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 "C" 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 Acting
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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12 Herman R. Staudt

13 Acting Secretary of the Army
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SCHEDULE "A"

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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"

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TRACT 210E-4

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 82.20 feet Mean Sea Level, situated in Sections 11 and 12, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington:

Government Lot 6 in said Section 11 and Government Lot 1 in said Section 12.

The tract of land herein described contains 0.38 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-4,
BONNEVILLE 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:

\$800.00

