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BOOK 71 PAGE 370

FILED
DEC 5 1974

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

ATTEST: EDGAR SCOWFIELD
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

C74-201T

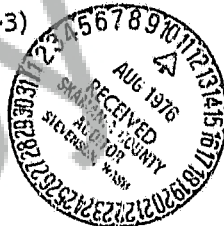
UNITED STATES OF AMERICA,
Plaintiff,

DECLARATION
OF
TAKING

CIVIL NO. _____

0.46 ACRE OF
2.82 ACRES OF LAND, MORE OR LESS,
SITUATE IN SKAMMIA COUNTY,
STATE OF WASHINGTON, AND
ODILE ELEANOR SZYDLO,
Defendant

(TRACT 512E-3)



TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

I, Howard S. [Signature], 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

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(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 *7th* day of *November*
8 A.D. *1904*, 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 2,82 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"

TRACT 512E-2

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 82.50 feet Mean Sea Level, situated in Section 31, Township 3 North, Range 8 East of the Willamette Meridian, Skamania County, Washington: Commencing at a point 1000.00 feet South of the North quarter corner of said Section 31; thence North 55° 30' 00" East 1007.00 feet to the Northeast corner of a tract of land conveyed to C. M. Youmans by deed recorded at page 11 of Book "R" of Deeds, Records of Skamania County, Washington; thence South to a point on the South right-of-way line of the Spokane, Portland and Seattle Railway Company, said point being the true point of beginning; thence continuing South to the meander line of the Columbia River; thence following the meander line of the Columbia River upstream to a point 200.00 feet East of Smith Creek; thence Northerly following a line parallel to and 200.00 feet distant, measured Easterly at a right angle, from the center line of the channel of Smith Creek, to intersection with the Southerly right-of-way line of the Spokane, Portland and Seattle Railway Company; thence following said right-of-way line in a Westerly and Southerly direction to the true point of beginning.

The tract of land herein described contains 1.16 acres, more or less, all of which is contained in tract 512E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 512E-2,
BONNEVILLE LOCK AND DAM (LAKE
BONNEVILLE)

Odile Eleanor Szydio
Stevenson, Washington 98648

ESTIMATED COMPENSATION:

\$5,400.00

SCHEDULE "A"

TRACT 512E-3

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 82.50 feet Mean Sea Level, situated in Section 31, Township 3 North, Range 8 East of the Willamette Meridian in Skamania County, Washington; Commencing at a point 1800.00 feet South of the North quarter corner of said Section 31; thence North $55^{\circ} 30' 00''$ East 1007.00 feet to the Northeast corner of a tract of land conveyed to C. M. Youmans by Deed recorded at page 11 of Book "R" of Deeds, Records of Skamania County, Washington; being the true point of beginning; thence East 350.00 feet; thence South to a intersection with the Northerly right-of-way line of the Spokane, Portland and Seattle Railway Company; thence following said line Southwesterly to a point due South of the point of beginning; thence North to the point of beginning.

The tract of land herein described contains 0.46 of an acre, more or less, all of which is contained in tract 512E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 512E-3,
BOONEVILLE LOCK AND DAM (LAKE
BOONEVILLE)

Odile Eleanor Szydio
Stevenson, Washington 98648

ESTIMATED COMPENSATION:

\$850.00

SCHEDULE "A"

TRACT 512E-4

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 82.50 feet Mean Sea Level, situated in Section 31, Township 3 North, Range 8 East of the Willamette Meridian in Skamania County, Washington: Commencing at a point 1800.00 feet South of the North quarter corner of said Section 31; thence North $55^{\circ} 31' 00''$ East 1007.00 feet to the Northeast corner of a tract of land conveyed to C. M. Youmans by deed recorded at page 11 of Book "R" of Deeds, Records of Skamania County, Washington; said point being the true place of beginning of the tract hereby described; thence East 350.00 feet; thence North 180.00 feet; thence East to the center of the channel of Smith Creek; thence following the center of the channel of Smith Creek in a Southeasterly direction to intersection with the Northerly right-of-way line of the Spokane, Portland and Seattle Railway Company; thence following the Northerly right-of-way line of said railway Northeasterly to a point that lies 200.00 feet East of Smith Creek; thence Northerly following a line parallel to and 200.00 feet distant, when measured at a right angle, from the center of the channel of Smith Creek to intersection with Southerly right-of-way line of Primary State Highway No. 14; thence following said right-of-way line in a Southerly and Westerly direction to a point on the Easterly boundary thereof which is South $55^{\circ} 30' 00''$ West from the true place of beginning; thence North $55^{\circ} 30' 00''$ East to the place of beginning.

The tract of land herein described contains 1.20 acres, more or less, all of which is contained in tract 512E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 512E-4,
BONNEVILLE LOCK AND DAM (LAKE
BONNEVILLE)

Odile Eleanor Szydio
Szevenson, Washington 98648

ESTIMATED COMPENSATION:

\$5,150.00

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 ELEVEN THOUSAND FOUR HUNDRED and NO/100 DOLLARS (\$11,400.00).

