

and correct copy of this
on file in my office.
ATTEST: EDWARD BUDEN
CLERK - U. S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY: *[Signature]*



82636

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

UNITED STATES OF AMERICA,
Plaintiff,

DECLARATION

OF TAKING
C74-202T
CIVIL NO.

1.20 ACRES OF
2.82 ACRES OF LAND, MORE OR LESS,
SITUATE IN SPANIA COUNTY,
STATE OF WASHINGTON, AND
ODILE ELEANOR DRYDLO.

Defendant

TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

I, *Abraham M. Williams*, 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, 1898 (25 Stat. 94, 33 U.S.C. 591), and March 1, 1917

Incl 2

1 (39 Stat. 948, 33 U.S.C. 701) which sets authorize the acquisition of
 2 land for flood control projects; the Act of Congress approved August 30,
 3 1935 (49 Stat. 1028), which act authorize 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, mainte-
 6 nance and operation of the project and the Act of Congress approved
 7 August 28, 1974 (Public Law 93-393), which act appropriated funds for
 8 such purposes.

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 parking 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 in a
 19 description of the same land described in the complaint in the above
 20 entitled cause.

21 3. The easements 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 "A" herein, which sum I cause to be deposited
25 herewith in the registry of the said court for the use and benefit of

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the persons entitled thereto. I am of the opinion that the ultimate award for said land probably will be within any limits proscribed by law on the price to be paid therefor.

IN WITNESS WHEREOF, the United States of America, by its Secretary of the Army, thereunto authorized, has caused this declaration to be signed in its name by said *Howard W. Callaway*

Secretary of the Army, this *7th* day of *November*

A.D. 19*71*, in the City of Washington, District of Columbia.

Howard W. Callaway
Secretary of the Army

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 1200.00 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
BORNEVILLE)

Odile Eleanor Szydio
Stevenson, Washington 99648

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° 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 "A" 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 PURPOSED OWNER(S) FOR TRACT 512E-3,
 BONNEVILLE LOCK AND DAM (LAKE BONNEVILLE)

Odile Eleanor Szydlo
 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. H. 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)

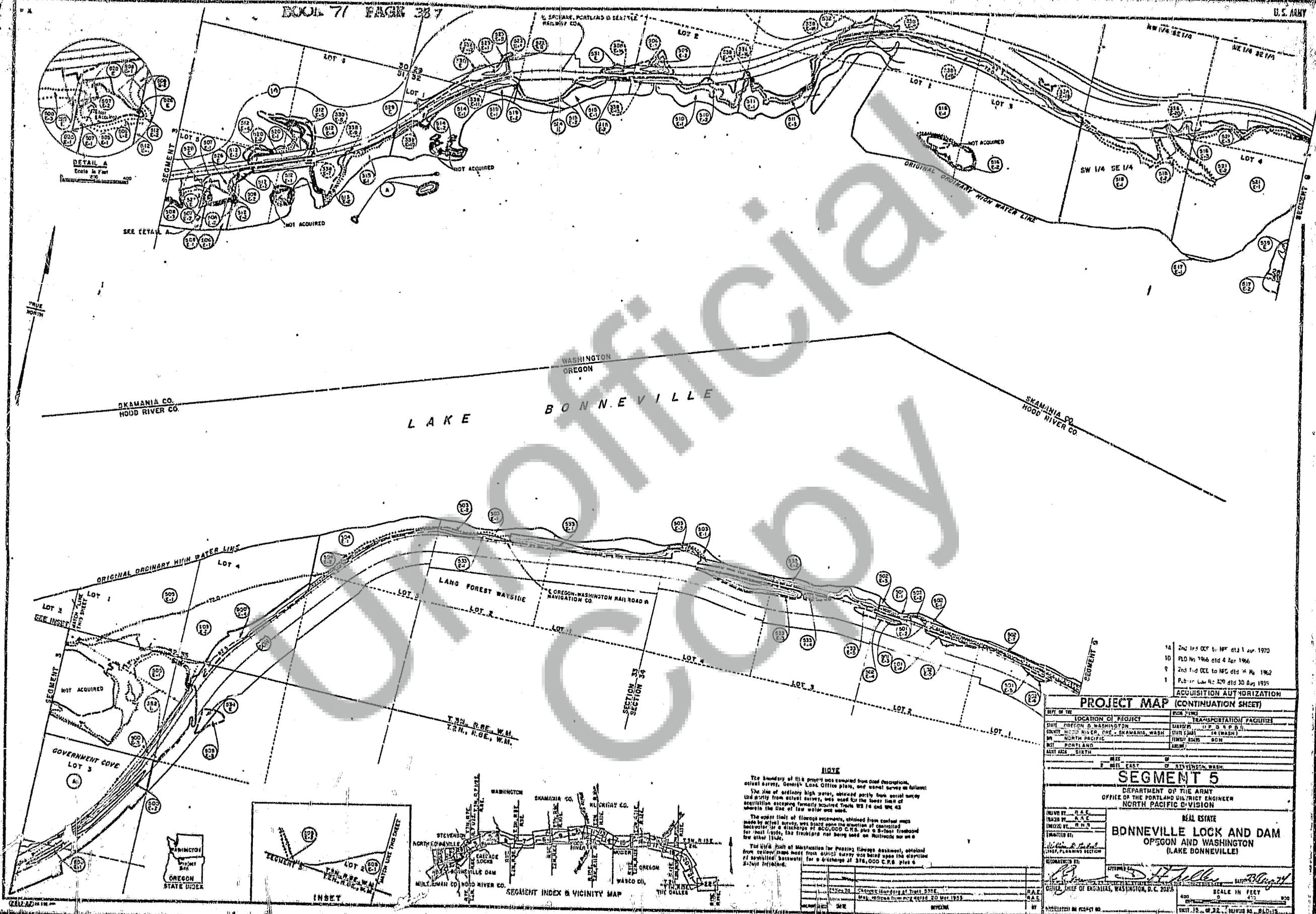
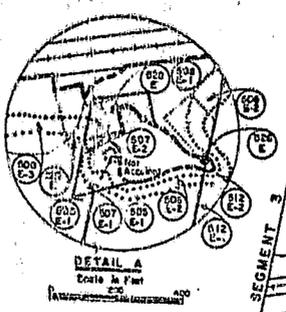
Odile Eleanor Styilo
Stevenson, Washington 98648

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).

BOOK 71 PAGE 387



SKAMANIA CO. HOOD RIVER CO.

WASHINGTON OREGON

LAKE BONNEVILLE

SKAMANIA CO. HOOD RIVER CO.

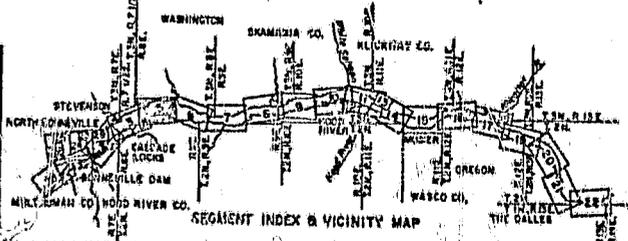
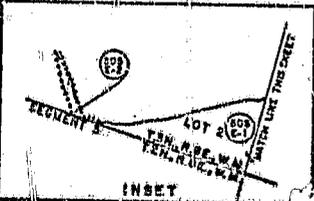
ORIGINAL ORDINARY HIGH WATER LINE

LAND FOREST WAYSIDE

OREGON-WASHINGTON RAILROAD & NAVIGATION CO.

GOVERNMENT COVE

T.P.M. R.B.F. W.M. T.P.N. R.B.F. W.M.



NOTE
 The boundary of this project was compiled from deed descriptions, official surveys, General's Logs, Office plans, and aerial surveys as follows:
 The line of ordinary high water, obtained partly from aerial survey and partly from actual surveys, was used for the base line of acquisition excepting formerly acquired Tracts 23, 24 and 25 as shown on the line of low water and used.

The water limit of storage reservoirs, obtained from contour maps made by aerial survey, was placed upon the situation of controlled low water line, the floodplain not being used on all tracts nor on all other tracts.

The 1/4 mile limit of navigation for possible storage assessment, obtained from contour maps made from aerial survey was placed upon the situation of controlled low water line for a discharge of 375,000 C.F.S. plus 6 cubic feet per second.

- 14 2nd 1st OCT. 1. 1970
- 10 P.L.O. No 1966 dtd 4 Apr 1966
- 9 2nd 1st OCT. to 1st 1st 1962
- 1 Pub. in Law No 379 dtd 30 Aug 1935

ACQUISITION AUTHORIZATION

| PROJECT MAP (CONTINUATION SHEET) | |
|----------------------------------|------------------------------------|
| NAME OF THE PROJECT | TRANSPORTATION FACILITIES |
| STATE | OREGON & WASHINGTON |
| COUNTY | HOOD RIVER, ORE. & SKAMANIA, WASH. |
| BY | NORTH PACIFIC |
| FOR | PORTLAND |
| DATE | 1966 |
| SCALE | AS SHOWN |

SEGMENT 5

DEPARTMENT OF THE ARMY
 OFFICE OF THE PORTLAND DISTRICT ENGINEER
 NORTH PACIFIC DIVISION

REAL ESTATE
BONNEVILLE LOCK AND DAM
 OREGON AND WASHINGTON
 (LAKE BONNEVILLE)

SCALE IN FEET
 1" = 400'