

FILED
NOV 27 1974

I, Edward H. Callaway, certify that the
annexed instrument is a true
and correct copy of the original
on file in my office.
ATTEST: ABRAHAM BOGARD
Clerk, U. S. District Court
Western District of Washington
Edward H. Callaway
Deputy Clerk

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

UNITED STATES OF AMERICA,
Plaintiff,

DECLARATION
OF
TAKING

CIVIL NO. _____

7.22 ACRES OF LAND, MORE OR LESS,
SITUATE IN SKAMANIA COUNTY,
STATE OF WASHINGTON, AND
THOMAS O. MONAGHAN, ET AL
Defendants

C74-195T
(TR. J-2 / E-2)

TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

I, EDWARD 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



BOOK 71

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. 1020), 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
6 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 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 "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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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 5th day of November
8 A.D. 1974, in the City of Washington, District of Columbia.

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13 Secretary of the Army
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7 October 1974

SCHEDULE "A"

TRACT 518E-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 28, Township 3 North, Range 8 East of the Willamette Meridian, Skamania County, Washington

The Southwest quarter of the Southeast quarter of said Section 28.

The tract of land herein described contains 2.59 acres, more or less, all of which is contained in Tract 518E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 518E-2
BONNEVILLE LOCK AND DAM
(LAKE BONNEVILLE)

Thomas O. Monaghan
and Margaret P. Ziegler

Thomas O. Monaghan
330 S.W. Plum Street
Portland, Oregon 97219

Margaret P. Ziegler
201 West 49th Street
Vancouver, Washington 98663

ESTIMATED COMPENSATION:

\$6,100.00

SCHEDULE "A"

TRACT 521E-2

All that portion of Government Lot 4 in Section 28, Township 3 North, Range 8 East of the Willamette Meridian, Skamania County, Washington, lying above elevation 72.00 feet Mean Sea Level and below elevation 82.50 feet Mean Sea Level,

The tract of land herein described contains 1.02 acres, more or less, all of which is contained in Tract 521E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 521E-2,
BONNEVILLE LOCK AND DAM, (LAKE
BONNEVILLE)

Thomas O. Monaghan
and Margaret P. Ziegler

Thomas O. Monaghan
320 S.W. Fifth Street
Portland, Oregon 97219

Margaret P. Ziegler
201 West 49th Street
Vancouver, Washington 98663

ESTIMATED COMPENSATION:

\$2,130.00

SCHEDULE "A"

The land which is the subject matter of this Declaration of Taking aggregates 7.22 acres, more or less, situated 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 six pages, including this page.

SCHEDULE "A"

TRACT 521E-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 Sections 27 and 28, Township 3 North, Range 8 East of the Willamette Meridian, Skamania County, Washington.

Government Lot 6 in said Section 27, the Northeast quarter of the Southeast quarter of said Section 28.

The tract of land herein described contains 2.74 acres, more or less, all of which is contained in Tract 521E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 521E-3.
BONNEVILLE LOCK AND DAN (LAKE
BONNEVILLE)

Thomas O. Monaghan and
Margaret P. Ziegler

Thomas O. Monaghan
330 S.W. Plum Street
Portland, Oregon 97219

Margaret P. Ziegler
201 West 49th Street
Vancouver, Washington 98663

ESTIMATED COMPENSATION

\$5,710.00

SCHEDULE "A"

TRACT 611E-2

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 82.70 feet Mean Sea Level, situated in Section 28, Township 3 North, Range 8 East of the Willamette Meridian, Skamania County, Washington:

That part of Government Lot 6 of said Section 28 lying Northerly of the parcel of land acquired by the United States of America in Judgement in Declaration of Taking filed in the United States District Court for the Western District of Washington, Southern Division, in Cause No. 34, dated February 3, 1939, and recorded February 6, 1939, at page 315 of Book 27 of Deeds, Records of Skamania County, Washington, Except the West 330.00 feet of said Government Lot 6.

The tract of land herein described contains 0.61 of an acre, more or less, all of which is contained in Tract 611E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 611E-2,
BONNEVILLE LOCK AND DAM, (LAKE
BONNEVILLE)

Thomas O. Monaghan
and Margaret P. Ziegler

Thomas O. Monaghan
330 S.W. Plum Street
Portland, Oregon 97219

Margaret P. Ziegler
201 West 49th Street
Vancouver, Washington 98663

ESTIMATED COMPENSATION:

\$780.00

SCHEDULE "A"

TRACT 611E-3

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 82.70 feet Mean Sea Level, situated in Section 28, Township 3 North, Range 8 East of the Willamette Meridian, Skamania County, Washington:

That part of Government Lot 6 of said Section 28 lying Southerly of the parcel of land acquired by the United States of America in Judgement in Declaration of Taking filed in the United States District Court for the Western District of Washington, Southern Division, in Cause No. 34, dated February 3, 1939, and recorded February 6, 1939, at page 315 of Book 27 of Deeds, Records of Skamania County, Washington, Except the West 330.00 feet of said Government Lot 6.

The tract of land herein described contains 0.26 of an acre, more or less, all of which is contained in Tract 611E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 611E-3,
BONNEVILLE LOCK AND DAM, (LAKE
BONNEVILLE)

Thomas O. Monaghan
and Margaret P. Ziegler

Thomas O. Monaghan
330 S.W. Plum Street
Portland, Oregon 97219

Margaret P. Ziegler
201 West 49th Street
Vancouver, Washington 98663

ESTIMATED COMPENSATION:

\$280.00

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 FIFTEEN THOUSAND and NO/100 DOLLARS (\$15,000.00).

