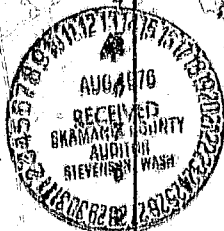


Original Filed
2-12-74



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

UNITED STATES OF AMERICA,
Plaintiff,

DECLARATION
OF
TAKING

8.58 ACRES OF LAND, MORE OR LESS,
SITUATE IN SHANAHAN COUNTY,
STATE OF WASHINGTON, AND
ROBERT P. ASH, ET AL
Defendants

CIVIL NO.

C74-206T

(TR. 226E-2)

TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

I, Howard 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

(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 "A" and made a part hereof.

22 5. The sum estimated by us 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 *19th* day of *November*
8 A.D. *1974*, in the City of Washington, District of Columbia.

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12 */s/ 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 8.58 acres, more or less, situate and being in the County of Skamania, State of Washington. Description 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 three pages, including this page,

Unofficial
Copy

SCHEDULE "A"

Tract 226E-2

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 Section 11, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington:

A tract of land located in the D. F. Bradford DLC No. 37 in said Section 11, lying Westerly of the West right-of-way line of State Highway No. 14, Southeasterly of the South line of State Highway No. 8 as established and existing on November 19, 1915, and Northerly of a line described as follows:

Beginning at the intersection of the Westerly line of said Bradford DLC and said South right-of-way line of State Highway No. 8, said point being in the Westerly line of said Bradford DLC, 116.00 feet Southerly from the Northwest corner thereof; thence Southeasterly 350.00 feet along the Westerly line of said Bradford DLC; thence South 71° East 654.00 feet; thence South 80°30' East 279.00 feet; thence North 84°30' East 300.00 feet; thence South 54°22' East 300.00 feet; thence South 67°40' East 322.00 feet; thence South 36°28' East 100.00 feet; thence South 31° East 340.00 feet; thence South 40°38' East 260.00 feet; thence South 76°30' East 184.00 feet; thence North 42° East 600.00 feet; thence North 75° East 180.00 feet, more or less, to the West line of the Spokane, Portland, and Seattle Railway Company right-of-way.

Excepting therefrom any and all of that tract of land acquired by warranty deed dated February 28, 1934, and recorded June 13, 1934 at Page 535 through 539, inclusive, of Book "X" of Deeds under Auditor's File No. 19539, Records of Skamania County, Washington.

Also excepting therefrom a tract of land described as follows:

Beginning at a point 116.00 feet Southerly from the Northwesterly corner on the Westerly line of the D. F. Bradford Donation Land Claim in said Section 11, said point being at the intersection of the Westerly line of said claim and the South boundary line of State Highway No. 8 (as located prior to March 16, 1927); thence North 64°32'00" East 75.50 feet; thence South 42°20'00" East 303.60 feet; thence South 26°10'00" West 190.40 feet to the North right-of-way line of said State Road; thence along said North right-of-way line 25.30 feet to the West line of Bradford Donation Land Claim; thence continuing along said right-of-way line to the point of beginning.

The tract of land herein described contains 8.58 acres, more or less, all of which is contained in Tract 226E-1.

SCHEDULE "A"

Tract 226E-2 (Cont'd)

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 226E-2
BONNEVILLE LOCK AND DAM
(LAKE BONNEVILLE)

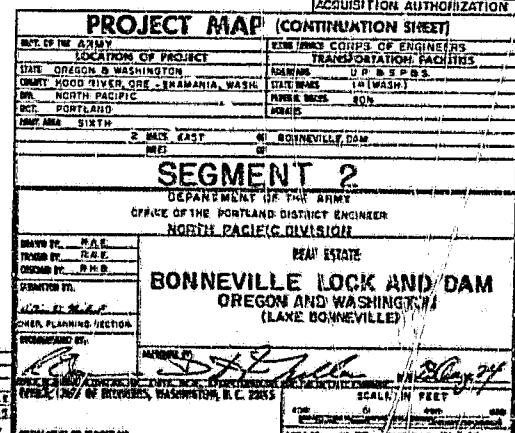
Robert P. Ash and Jean R. Ash,
husband and wife
9609 NW 31st Avenue
Vancouver, WA 98665

Lovell E. Ash and Dolores M. Ash,
husband and wife
P. O. Box 364
Stevenson, WA 98648

ESTIMATED COMPENSATION:

\$500.00

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 FIVE HUNDRED and NO/100 DOLLARS (\$500.00).



SCHEDULE "B"