

Original Filed
12-6-74



I, Howard H. Callaway, do hereby declare that the foregoing is a true and correct copy of the original
Filed for Record in the District Court
For the Western District of Washington
By Howard H. Callaway
Deputy Clerk

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

UNITED STATES OF AMERICA,
Plaintiff,

DECLARATION

C74-203T

CIVIL NO.

0.26 ACRE OF LAND, MORE OR LESS,
SITUATE IN SKAMANIA COUNTY,
STATE OF WASHINGTON, AND
GEORGE D. DE GROOTE

Defendant

(TR. 57-20 E - 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 "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. 1974, in the City of Washington, District of Columbia.

9
10
11
12 Howard H. Callaway
13 Secretary of the Army
14
15
16
17
18
19
20
21
22
23
24
25

SCHEDULE "A"

The land which is the subject matter of this Declaration of Taking aggregates 0.26 of an acre, 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 two pages, including this page.

Unofficial
Copy

SCHEDULE "A"

TRACT 520E-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 1800.00 feet South of the quarter corner common to Sections 30 and 31, Township 3 North, Range 8 East of the Willamette Meridian; 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; thence East 350.00 feet to the point of beginning of the tract hereby described; 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 South $69^{\circ} 40' 00''$ West to a point due South from the point of beginning; thence North to the point of beginning.

The tract of land herein described contains 0.26 of an acre, more or less all of which is contained in tract 520E-1.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 520E-2,
BORNEVILLE LOCK AND DAM (LAKE
BORNEVILLE)

George D. DeGroote
P. O. Box 391
Stevenson, WA 98648

ESTIMATED COMPENSATION:

\$600.00

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 SIX HUNDRED and NO/100 DOLLARS (\$600.00).

