



I hereby certify that the  
 annexed and corrected copy  
 on file in the office of the  
 Attorney General of the State of  
 Washington, U. S. District Court  
 Northern District of Washington  
 is a true and correct copy of the  
 original.

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

UNITED STATES OF AMERICA, )  
 Plaintiff, )

DECLARATION  
 OF  
 TAKING

CIVIL NO. 82-5507

3.94 ACRES OF LAND, MORE OR LESS,  
 SITUATE IN SKAMANIA COUNTY,  
 STATE OF WASHINGTON, AND  
 PORT OF SKAMANIA COUNTY, A  
 MUNICIPAL CORPORATION, )  
 Defendant )

TO THE HONORABLE,  
 THE UNITED STATES DISTRICT COURT:

I, Howard N. 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. 250a), and acts supplementary thereto and amendatory  
 thereof, and under the further authority of the Acts of Congress  
 approved April 20, 1888 (25 Stat. 94, 33 U.S.C. 591), and March 1, 1917

T.N. 1 31

(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 N. Callaway*  
7 Secretary of the Army, this *19<sup>th</sup>* day of *November*  
8 A.D. *1900*, in the City of Washington, District of Columbia.

9  
10  
11  
12 *Howard N. 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 3.94 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 therefor is contained on the following continuation of Schedule "A", comprising eleven pages, including this page.

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

Clerk, U. S. District Court  
Western District of Washington

By Edgar Scoffield  
Deputy Clerk



15 October 1974

BOOK 7/ PAGE 104

## SCHEDULE "A"

### TRACT 419E-2

All that portion of the following described tract of land lying above elevation 72.00 feet Mean Sea Level and below elevation 82.40 feet Mean Sea Level, situated in Section 6, Township 2 North, Range 7-1/2 East of the Willametta Meridian in Skamania County, Washington:

Lots 31 and 32 of Block Two of Riverview Addition according to the official plat thereof on file and of record at page 21 of Book "A" of Plats, Records of Skamania County, Washington.

The tract of land herein described contains 0.08 of an acre, more or less, all of which is contained in Tract 419E-1.

NAME AND ADDRESS OF PURPORTED  
OWNER(S) FOR TRACT 419E-2,  
BONNEVILLE LOCK AND DAM, (LAKE  
BONNEVILLE)

The Port of Skamania County  
P.O. Box 413  
Stevenson, Washington 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 FIFTY-ONE THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$51,500.00).

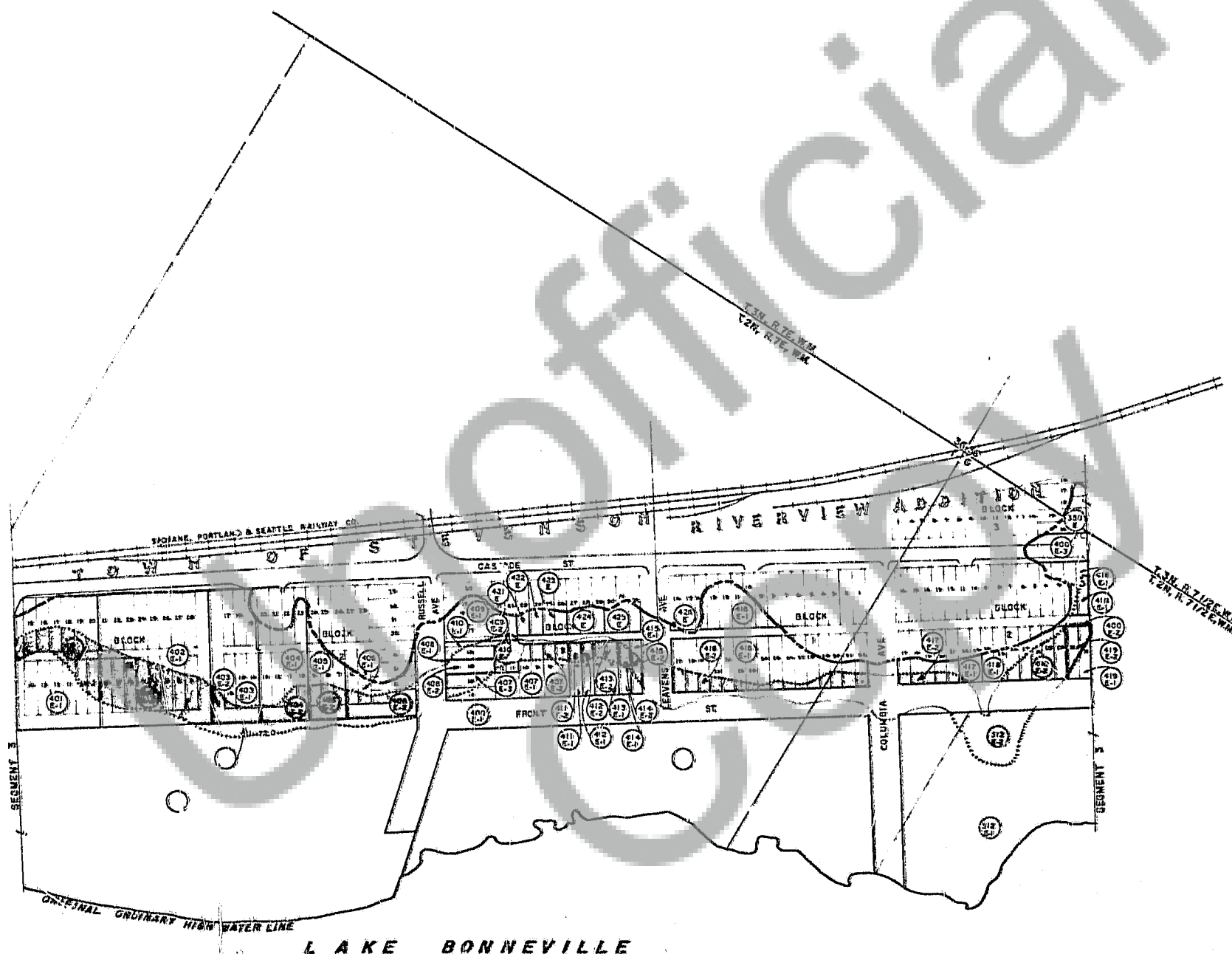
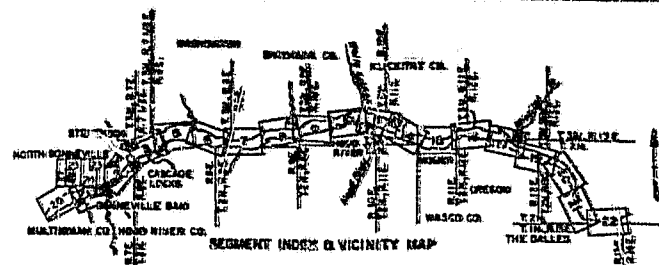
## References

The boundary of this project was surveyed from dense mangroves, coastal scrub, grassland and other places. The aerial survey on February 1967.

The first of ordinary high water, showed partly: Two coral reefs and partly three different surveys, were made in the area North of industrial development formerly occupied by the U.S. Navy and the U.S. Marine Corps. The results are as follows:

The upper bank of Housatonic and lower, situated from another major road by earth survey, was found upon the elevation of artificial backfill for a discharge of 376,000 C.R.S. plus a D-Pest Treatment for four months. The backfill not being used on Railroads nor on the New York Harbor.

The upper bank of Washington for Panning Housatonic treatment, situated from another major road by earth survey was found upon F-4 (distillate oil) backfill for a discharge of 376,000 C.R.S. plus a D-Pest Treatment.



THIS PRINT REDUCED  
TO ONE-HALF SCALE

14 | 2nd Ind. Off. by NED: dtd 7 Jan 1953

14 2nd Ind DCE by NPD dtd 7 Jan 1978

1. PUBLIC LAW 404 OF AUG. 30, 1952  
1. CONSTITUTIONAL GUARANTEES

[illegible]