

FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

84930

AUG 2 1977

EDGAR SCOFIELD, Clerk

By _____ UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

that the
of a true
the original
SCOFIELD
District Court
of Washington
By _____ Deputy Clerk

UNITED STATES OF AMERICA,

Plaintiff,

vs.

57.09 ACRES OF LAND, MORE OR LESS,
SITUATE IN SKAMANIA COUNTY, STATE
OF WASHINGTON, AND RAY E. ZIEGLER,
AND OTHER UNKNOWN OWNERS,

Defendant.

DECLARATION
OF
TAKING

CIVIL NO. 176-767

TO THE HONORABLE
THE UNITED STATES DISTRICT COURT:

I, _____, Secretary of the
Army, do hereby declare that:

1. The land hereinafter described is taken under and in
accordance with the authority set forth in Schedule "A" annexed hereto and
made a part hereof.

2. The public uses for which said land is taken are also set
forth in said Schedule "A".

3. A general description of the tract of land being taken,
the estimated just compensation therefor, and the estate taken for said
public uses are set forth in Schedule "B" annexed hereto and made a part
hereof.

4. A plan showing the land taken is annexed hereto as Schedule
"C" and made a part hereof.

5. The gross sum estimated by me as just compensation for all
of said land, which aggregates 57.09 acres, with all buildings and
improvements thereon and all appurtenances thereto and including any and all
interests hereby taken in said land is TWO HUNDRED NINETY SEVEN THOUSAND
FIVE HUNDRED AND NO/100 DOLLARS (\$297,500.00) which sum I cause to be deposited
in the registry of the court for the use and benefit of the persons entitled
thereto. I am of the opinion that the ultimate award for said land probably
will be within any limits prescribed by law on the price to be paid therefor.

1 IN WITNESS WHEREOF, the United States of America, by its Secretary
2 of the Army, thereunto authorized, has caused this declaration to be signed
3 in its name by said Clifford L. Alexander, Jr., Secretary of
4 the Army, this 8th day of July, A.D., 1977, in the
5 City of Washington, District of Columbia.

6
7
8 Clifford L. Alexander, Jr.
9 Secretary of the Army

SCHEDULE "A"

AUTHORITY FOR TAKING:

The authority for the taking of the land is 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 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; 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 July 12, 1976 (Public Law 94-355), which act appropriated funds for such purposes.

PUBLIC USES:

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 for other uses incident thereto. The said land has been selected by me for acquisition by the United States for use in connection with the construction and maintenance of the Second Powerhouse which must be provided at the Bonneville Dam, and for such other uses as may be authorized by Congress or by Executive Order.

SCHEDULE "B"

Description:

Tract 2547

A tract of land situated in Section 21 and the South half of the Southeast quarter, and the Southeast quarter of the Southeast quarter of the Southwest quarter of Section 16, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington, being more particularly described as follows:

Beginning at the Section Corner common to Sections 15, 16, 21 and 22; thence along the East line of said Section 16 North 825.00 feet; thence West 340.00 feet; thence South 83°00'00" West 740.00 feet; thence South 51°00'00" West 475.00 feet; thence North 74°00'00" West 1,000.00 feet; thence South 32°30'00" West 900.00 feet; thence South 80°00'00" West 300.00 feet; thence South 85°00'00" West to the East line of the County Road leading to Moffetts Hot Springs; thence in a Southerly direction along the East line of said County Road to the intersection with the Evergreen Highway (State Highway No. 14) and the Westerly lot line of Lot 5 of Block Seventeen of the unrecorded plat of the Town of North Bonneville; thence North 00°48'00" West 200.15 feet along said lot line to the Northwest corner of a tract of land conveyed to H. C. Cole by Deed dated April 3, 1950, recorded at page 46 of Book 33 of Deeds, Records of Skamania County Washington; thence Easterly along the North line of said tract and along a curve parallel with the centerline of said Evergreen Highway to an extension of the Easterly line of Lot 1 of Block Fifteen of said unrecorded plat of the Town of North Bonneville; thence North along said lot line to the Northeast corner of Lot 2 of said Block Fifteen; thence in a Northeasterly direction to the Northwest corner of a tract of land conveyed to B. E. Whitsett by Deed dated December 12, 1947, and recorded at page 584 of Book 31 of Deeds; thence South 79°51'00" East 249.13 feet to the Northeast corner of said B. E. Whitsett tract; thence North to a point on the Northerly Section line of said Section 21 which is directly North of said Northeast corner of said B. E. Whitsett tract; thence East along said Northerly line of Section 21 to the point of beginning.

Also including the following:

Commencing at a point on the North boundary of said Evergreen Highway 1,774.00 feet West of the line between Sections 21 and 22; thence North 200.00 feet to the point of beginning; thence North 75°51'00" West to a point that is 100.00 feet West of the line first described; thence North to Bass Lake; thence Easterly along said lake to a point North of the point of beginning; thence South to the point of beginning.

Excepting therefrom all but the West 100.00 feet of that portion of the following described tract which falls in said Section 16.

SCHEDULE "B"

Tract 2547 (Cont'd)

Beginning at the Northwest corner of said Section 22; thence southeasterly to a point 225.00 feet North of the Northeast corner of the Bender's Addition to the Town of North Bonneville according to the official plat thereof on file and of record at page 88 of Book "A" of Plats, Records of Skamania County, Washington; thence South 225.00 feet to the Northeast corner of said Bender's Addition; thence West along the North line of said Addition to the Northwest corner thereof; thence North $00^{\circ}48'00''$ West 360.00 feet to a point where the ground breaks toward the South bank of Dry Lake; thence Easterly to the point of beginning.

Also excepting therefrom the following:

Beginning at a point on the Northerly right-of-way line of the Evergreen Highway (State Highway No. 14), said point being 320.00 feet West of the East line of said Section 21; thence North 1,650.00 feet; thence West 548.00 feet; thence South to the Northerly right-of-way line of said highway; thence Easterly along the Northerly right-of-way line of said highway to the point of beginning.

Also excepting therefrom the following:

Commencing at the Northeast corner of said Section 21; thence South 943.70 feet; thence West 1,515.80 feet to a point on the Northerly right-of-way line of the Evergreen Highway (State Highway No. 14); thence North $00^{\circ}46'00''$ West 500.00 feet to the point of beginning; thence North $79^{\circ}51'00''$ West 76.10 feet; thence North $00^{\circ}46'00''$ West to the shore of Bass Lake; thence Easterly along the shore of Bass Lake to a point which is North $00^{\circ}46'00''$ West of the point of beginning; thence South $00^{\circ}46'00''$ East to the point of beginning.

Also excepting therefrom the following:

Beginning at a point 450.00 feet North of the North right-of-way line of the Evergreen Highway (State Highway No. 14) and 1,574.00 feet West of the East line of said Section 21; thence North to the shore of Bass Lake; thence Westerly along the shore of Bass Lake to a point 100.00 feet West of the last described line; thence South to a point 450.00 feet North of the North right-of-way line of said Evergreen Highway (State Highway No. 14); thence Easterly parallel to the North right-of-way of said highway to the point of beginning.

Also excepting therefrom the following:

Beginning at a point 592.92 feet South and 2,042.23 feet West of the Northeast corner of said Section 21; thence North $00^{\circ}48'00''$ West 100.00 feet; thence West 100.13 feet; thence Westerly along the line parallel to the Northerly right-of-way line of the Evergreen Highway (State Highway No. 14) 150.78 feet; thence South $00^{\circ}48'00''$ East 100.00 feet; thence Easterly along a line parallel to the North line of the Evergreen Highway (State Highway No. 14) 150.78 feet; thence East 100.13 feet to the point of beginning; said tract being designated as Lots 1, 2, 3, 4 and 5 of Block Eighteen of the unrecorded plat of the Town of North Bonneville, Washington.

SCHEDULE "B"

Tract 2547 (Cont'd)

Also excepting therefrom the following:

Commencing at a point 392.92 feet South and 2,042.23 feet West from the Northeast corner of said Section 21; thence West 100.13 feet; thence North $00^{\circ}48'00''$ West 180.00 feet to the point of beginning; thence South $00^{\circ}48'00''$ East 80.00 feet to the Northeast corner of Lot 3 of Block Eighteen of the unrecorded plat of the Town of North Bonneville as described in Deed dated February 20, 1948, and recorded at page 636 of Book 31 of Deeds, Records of Skamania County, Washington; thence West 50.01 feet to the Northeast corner of Lot 4 of Block Eighteen of the unrecorded plat of the Town of North Bonneville as described in Deed dated March 11, 1938, and recorded at page 8 of Book 27 of Deeds; thence Westerly on a curve concentric with and 380.00 feet distant from the centerline of the Evergreen Highway (State Highway No. 14) 60.10 feet to the Northwest corner of the said Lot 4; thence North $00^{\circ}48'00''$ West 70.00 feet; thence in a Northeasterly direction to the point of beginning.

Also excepting that portion of Lots 8 and 9 of Block Seventeen of said unrecorded plat of North Bonneville which lies Northerly of said Evergreen Highway.

Also excepting therefrom the following:

Commencing at the Northeast corner of said Section 21; thence South 860.08 feet; thence West 2,005.14 feet to the Northerly line of the Evergreen Highway (State Highway No. 14) right-of-way; thence Westerly along said right-of-way 1,041.45 feet to the Southwest corner of Block 20 of the unrecorded plat of the Town of North Bonneville, Washington; thence North $48^{\circ}09'00''$ West 843.14 feet; thence South $80^{\circ}35'00''$ East 490.52 feet; thence North $09^{\circ}25'00''$ East 55.00 feet to the point of beginning, said point being the Northeast corner of a tract of land conveyed to Andrew A. Cripe by Deed dated January 14, 1959, and recorded at page 397 of Book 45 of Deeds, Records of Skamania County, Washington; thence South $09^{\circ}25'00''$ West 162.26 feet to the Northerly line of the Old State Road right-of-way; thence South $80^{\circ}35'00''$ East along said right-of-way 102.00 feet; thence North $09^{\circ}25'00''$ East 100.00 feet; thence Northwesterly to the point of beginning.

Also excepting therefrom the following:

Commencing at a point on the Northerly line of the Evergreen Highway (State Highway No. 14) 860.08 feet South and 2,005.14 feet West of the Northeast corner of said Section 21; thence Westerly along the Northerly line of said highway 1,041.25 feet to the Southwest corner of Block Twenty of the unrecorded plat of North Bonneville; thence North $48^{\circ}09'00''$ West 643.14 feet to the point of beginning; thence North $48^{\circ}09'00''$ West 260.70 feet; thence South $80^{\circ}35'00''$ East 490.52 feet; thence South $09^{\circ}25'00''$ West 107.26 feet to the Northerly right-of-way line of said highway; thence North $80^{\circ}35'00''$ West along said Northerly line 321.72 feet to the point of beginning.

Also excepting therefrom the following:

SCHEDULE "B"

Tract 2547 (Cont'd)

Commencing at a point on the Northerly line of the Evergreen Highway 860.08 feet South and 2,005.14 feet West of the Northeast corner of said Section 21; thence Westerly along the Northerly line of said highway 1,041.25 feet to the Southwest corner of Block Twenty of the unrecorded plat of North Bonneville; thence North 48°09'00" West 843.14 feet to the point of beginning; thence South 80°35'00" East 490.52 feet; thence North 09°25'00" East 105.00 feet; thence in a Westerly direction to the point of beginning.

Also including one-half of the adjacent streets and alleys.

The tract of land herein described contains 57.09 acres, more or less.

Estimated compensation deposited in the registry of the Court for the above described property: \$297,500.00

Estate taken: The fee simple title to Tract 2547, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Name and address of purported owners:

Ray E. Ziegler and Heirs of
Gladys Ziegler, deceased
P.O. Box 35
North Bonneville, Washington 98639

Ray E. Ziegler, as Administrator
of the Estate of Gladys Ziegler,
deceased
PO Box 35
North Bonneville, WA 98639

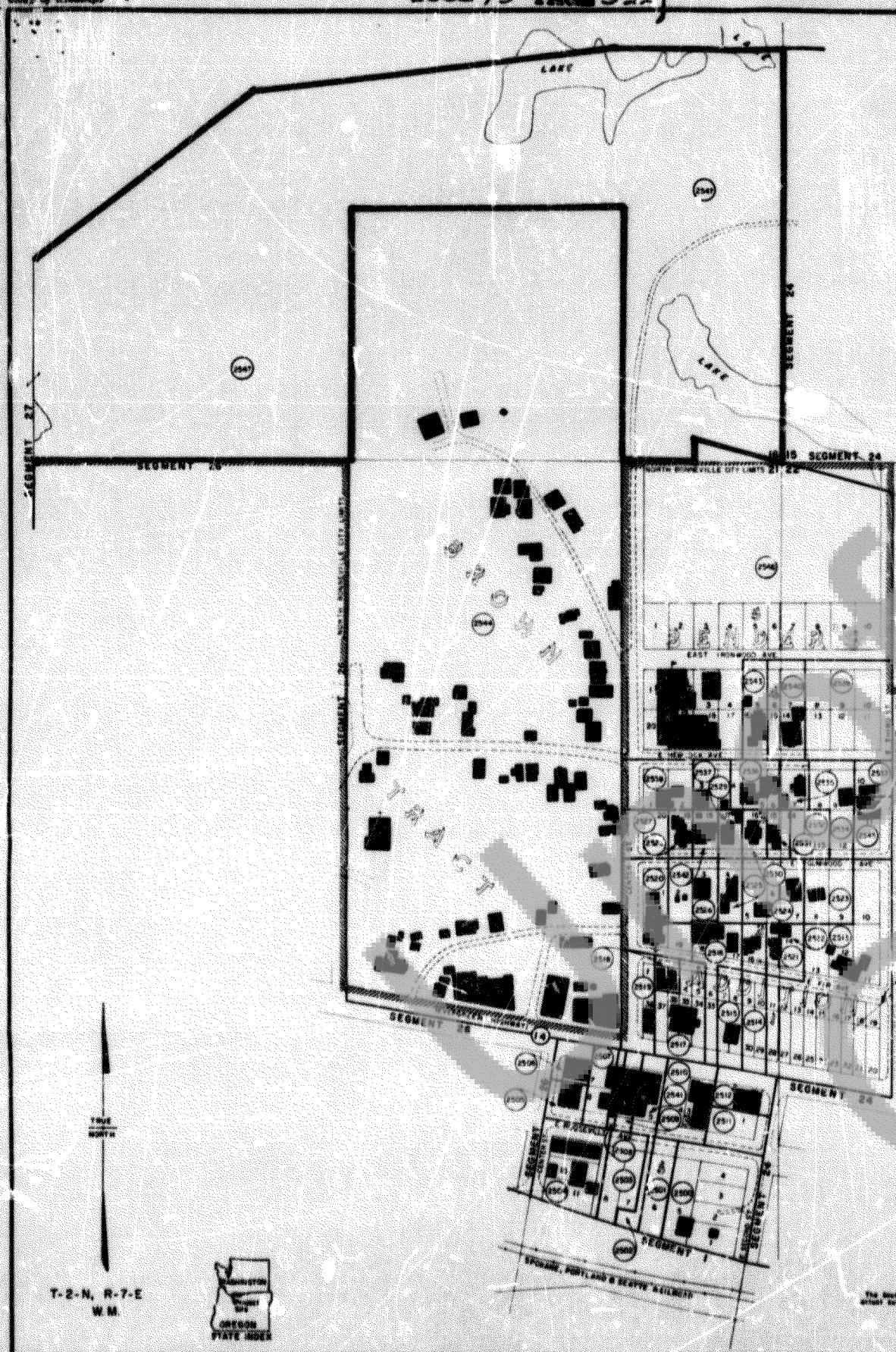
Hene Bldg.
PO Box 35
North Bonneville, WA 98639

Wesley J. Ziegler and Darrela J.
Ziegler
c/o Lazy Z Mobile Home Sales
7307 Highway 99
Vancouver, WA 98665

Kenneth W. Peterson
P.O. Box 305
North Bonneville, WA 98639

William A. Bulley, Director
Washington State Department of
Highways
Highway Administration Bldg.
Olympia, WA 98504

Burt L. Cole
Commissioner of Public Lands
Washington State Department of
Natural Resources
Public Lands Bldg., 2nd Floor
Olympia, WA 98504



TRACT REGISTER									
TRACT NO.	LINE OWNER	FEET	ACRES	ACRES	ACRES	ACRES	ACRES	ACRES	REMARKS
2401	JOHN W. BROWN, JR.	100	2.31						
2402	J. W. BROWN, JR.	100	2.31						
2403	JOHN W. BROWN, JR.	100	2.31						
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2499	JOHN W. BROWN, JR.	100	2.31						
2500	JOHN W. BROWN, JR.	100	2.31						



THIS PRINT REDUCED TO ONE-HALF SCALE

T-2-N, R-7-E
W.M.



NOTE

The boundary of this project was compiled from the following sources: Aerial Survey, General Land Office plan, and other sources.

DATE	BY	REVISION
1/1/50	J. W. BROWN, JR.	1
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1/1/50	J. W. BROWN, JR.	99
1/1/50	J. W. BROWN, JR.	100

ACQUISITION AUTHORIZATION

PROJECT MAP (CONTINUATION SHEET)

DEPT. OF THE ARMY
ENGINEERS
TRANSPORTATION DIVISION

LOCATION OF PROJECT
COUNTY: WASHINGTON
STATE: OREGON
TOWNSHIP: 24N
RANGE: 7E

IN THE TOWN OF NORTH BONNEVILLE

SEGMENT 25

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

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

APPROVED BY: *D.H. Tuller*
DATE: 1/1/50

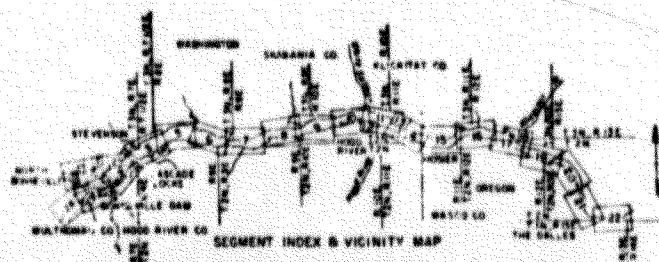
SCALE: 1" = 1/2 MILE

SCHEDULE C

TRACT REGISTER									
TRACT NO.	LAND OWNER	ACRES	SECTION	TOWNSHIP	RANGE	COUNTY	STATE	REMARKS	
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T-2-N, R-7-E
W.M.



NOTE

THE BOUNDARY OF THIS PROJECT WAS DETERMINED BY THE U.S. ARMY ENGINEERS, WASHINGTON, D.C. 20315, AND THE U.S. ARMY ENGINEERS, PORTLAND, OREGON, 97201.

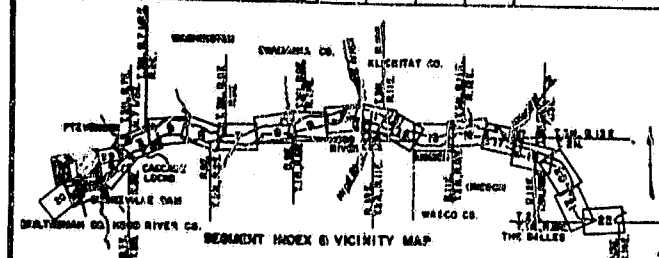
DATE	10/1/54
BY	W. H. H. H.
FOR	THE U.S. ARMY ENGINEERS, WASHINGTON, D.C. 20315
BY	W. H. H. H.
FOR	THE U.S. ARMY ENGINEERS, PORTLAND, OREGON, 97201

PROJECT MAP CONTINUATION SHEET	
BY THE ARMY	FOR THE ARMY
LOCATION OF PROJECT	TRANSPORTATION FACILITIES
DATE	10/1/54
BY	W. H. H. H.
FOR	THE U.S. ARMY ENGINEERS, WASHINGTON, D.C. 20315
BY	W. H. H. H.
FOR	THE U.S. ARMY ENGINEERS, PORTLAND, OREGON, 97201
SEGMENT 26	
DEPARTMENT OF THE ARMY	
OFFICE OF THE PORTLAND DISTRICT ENGINEER	
NORTH PACIFIC DIVISION	
REAL ESTATE	
BONNEVILLE LOCK AND DAM	
WASHINGTON AND OREGON	
(LAKE BONNEVILLE)	
DRAWN BY: D.H. Teller	
DATE: 10/1/54	
SCALE: 1" = 100'	
SHEET NO. 1 OF 1	

SCHEDULE C

TRACT REGISTER

TIMEY, INC.		AND OWNER		TRUCK REGISTER				REMARKS
		PER	TRANS	LIC	PERMIT	TRANS		
1	ROBERT WILLIAMS POWER ADMINISTRATION	8.93						
2	JOHN O. DODGE	1.12					1111 11/11/11	
3	JOHN C. DODGE	1.12						
4	JOHN C. DODGE	1.12						
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NOTE

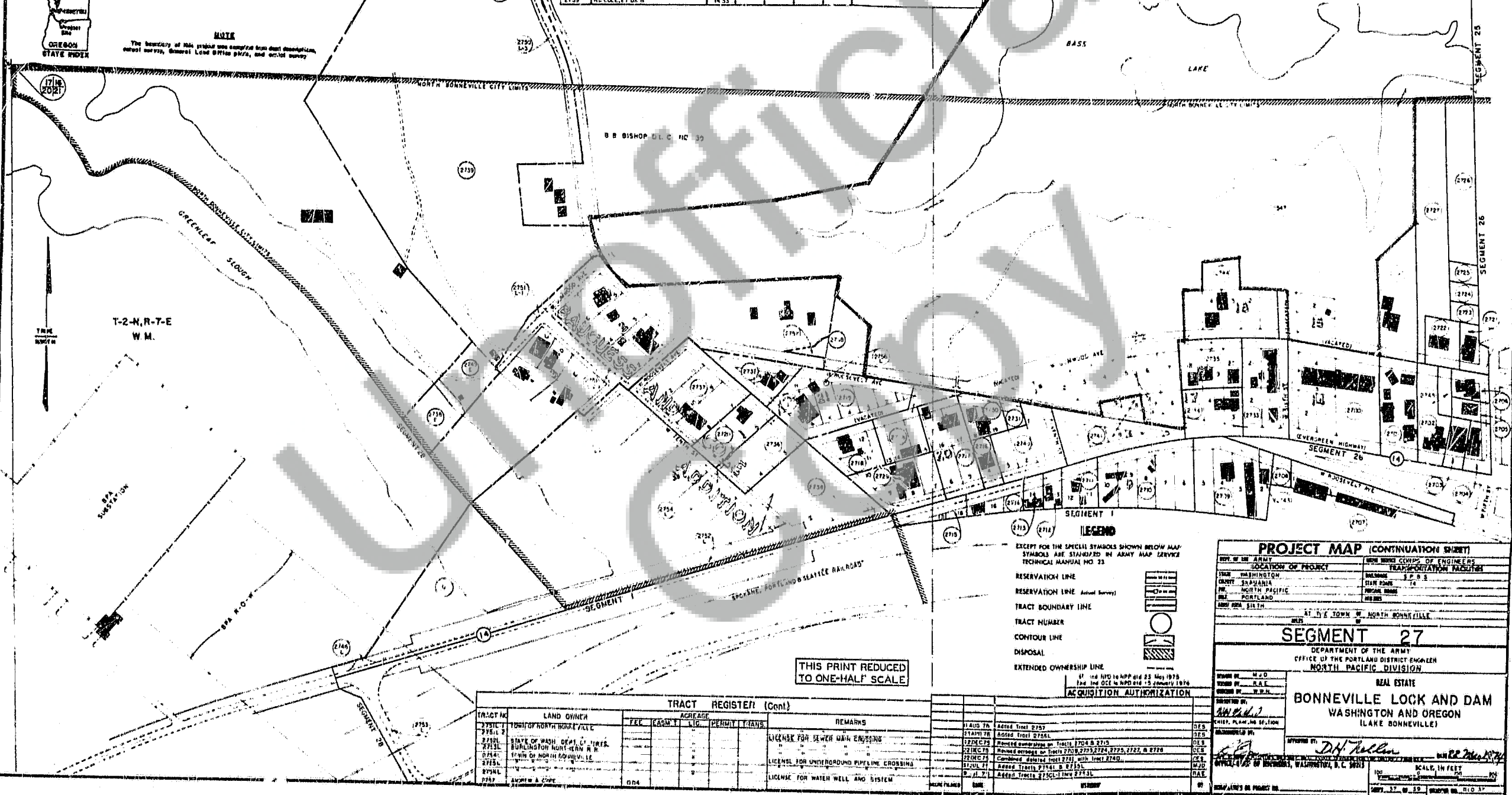
The boundary of 2046 project was computed from aerial stereopairings, control survey, Grounded Line Office data, and aerial _____

TRACT REGISTER (Cont.)

TRACT NO.	LAND OWNER	1935-1936				1936-1937				REMARKS
		PRE	TRANS	CH	CH	PRE	TRANS	CH	CH	
2206	WILLIAM B. BROWN, JR. JR.	0.17								
2207	WILLIAM B. BROWN, JR. JR.	0.17								
2208	WILLIAM B. BROWN, JR. JR.	0.17								
2209	WILLIAM B. BROWN, JR. JR.	0.17								
2210	WILLIAM B. BROWN, JR. JR.	0.17								
2211	WILLIAM B. BROWN, JR. JR.	0.17								
2212	WILLIAM B. BROWN, JR. JR.	0.17								
2213	WILLIAM B. BROWN, JR. JR.	0.17								
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2238	WILLIAM B. BROWN, JR. JR.	0.17								
2239	WILLIAM B. BROWN, JR. JR.	0.17								
2240	WILLIAM B. BROWN, JR. JR.	0.17								
2241	WILLIAM B. BROWN, JR. JR.	0.17								
2242	WILLIAM B. BROWN, JR. JR.	0.17								
2243	WILLIAM B. BROWN, JR. JR.	0.17								
2244	WILLIAM B. BROWN, JR. JR.	0.17								
2245	WILLIAM B. BROWN, JR. JR.	0.17								
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2247	WILLIAM B. BROWN, JR. JR.	0.17								
2248	WILLIAM B. BROWN, JR. JR.	0.17								
2249	WILLIAM B. BROWN, JR. JR.	0.17								
2250	WILLIAM B. BROWN, JR. JR.	0.17								

TRACT REGISTER (Cont)

TRACT NO.	LAND OFFICER	DATE	CLASS Y	ACRES	PERMIT	TRANS	REMARKS
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2701	JOHN KEEFER, ET UN	0 11					
2702	JOHN KEEFER, ET UN						
2703	JOHN KEEFER, ET UN						
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THIS PRINT REDUCED
TO ONE-HALF SCALE

TRACT REGISTER (Cont.)

TRACT NO.	LAND OWNER	ACREAGE					REMARKS
		FEE	EASE	LIC	PERM	TRANS	
27951	10W/4 NORTH HOGUE, ALLE						
27951	STATE OF WASH. DEPT. OF TRAN.						LICENSE FOR SEWER MAIN CROSSING
27951	BUILDINGS FOR NON-TERMINAL R						
27951	TOWN OF NORTH HOGUE, ALLE						
27951	10W/4 NORTH HOGUE, ALLE						LICENSE FOR UNDERGROUND PIPELINE CROSSING
27951	10W/4 NORTH HOGUE, ALLE						
27951	10W/4 NORTH HOGUE, ALLE						
27951	10W/4 NORTH HOGUE, ALLE						LICENSE FOR WATER WELL AND SYSTEM

11 AUG 76	Added Tract 2757
21 AUG 76	Added Tract 2758L
2 DEC 76	Platted subdivisions on Tracts 2704 & 2715
2 DEC 76	Platted acreage on Tracts 2703, 2735, 2742, 2725, 2727, & 2728
2 DEC 76	Combined deleted tract 2723, with Tract 2748
2 JUL 77	Added Tracts 2716 & 2717L
2 JUL 77	Added Tracts 2750L & 2751L

PROJECT MAP (CONTINUATION SHEET)

[illegible]