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Page: 1 of 6

10/30/2006 03:33P

ISLAND COUNTY AUDITOR

D

After recording return to:
Whidbey Camano Land Trust
765 Wonn Road, Barn C-201
Greenbank, WA 98253

EXCISE TAX EXEMPT**OCT 30 2006****LINDA E. RIFFE
ISLAND COUNTY TREASURER**

**DEED OF RIGHT TO USE LAND FOR
SALMON RECOVERY**

#37

The Grantor, Whidbey Camano Land Trust, for and in consideration of monies coming in whole or in part from the Salmon Recovery Funding Board of the State of Washington and in fulfillment of terms of the Project Agreement identified below, conveys and grants to the State of Washington individually and as the representative of the people of the State, the right to use the real property described below forever for salmon recovery and conservation purposes.

Those purposes are described in the Project Agreement entered into between the Grantor and the State of Washington through the Salmon Recovery Funding Board, titled Livingston Bay Nearshore Acquisition, Project Number 05-1479A, signed by the Grantor on the 7th day of June 2006, as amended on the 29th day of September 2006, and by the Salmon Recovery Funding Board on the 1st day of June 2006, as amended on the 26th day of September 2006, and the application and supporting materials which are on file with the Grantor and the State in connection with the Project Agreement.

The Grantor will not make or permit to be made any use of the real property described in this deed, or any part of it, which is inconsistent with the right to use for salmon recovery and conservation purposes herein granted unless the State, through the Salmon Recovery Funding Board or its successors, consents to the inconsistent use. This consent shall be granted only upon the following conditions, which will ensure other land will be substituted.

The conditions are that the substituted salmon recovery and conservation land must be: (1) of at least equal fair market value at the time of change of use and of as nearly as feasible equivalent (2) qualities, (3) characteristics and (4) location for salmon recovery and conservation purposes for which state assistance was originally granted.

The real property covered by this deed is described in Exhibit A, Legal Description, attached hereto and made a part hereof.

Chicago Title Company has placed
this document for recording as a
customer courtesy and accepts no
liability for its accuracy or validity.



ISLAND COUNTY AUDITOR

4185608

Page: 2 of 6

10/30/2006 03:33P

This deed shall in no way modify or extinguish the functions of the Grantor under the Project Agreement, including the Grantor's functions to operate and maintain the land as set out in the Project Agreement.

Dated this 16th day of October, 2006

By: CA

Name: Charles Arndt

Title: President, Whidbey Camano Land Trust

ATTEST:

[Signature]

STATE OF WASHINGTON

: SS.

COUNTY OF ISLAND

THIS IS TO CERTIFY that on this 16 day of October 2006, before me the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Charles Arndt to me. This individual is known to be the President of the Whidbey Camano Land Trust that executed the foregoing deed and acknowledged to me that he signed and sealed the same as the free and voluntary act and deed of said Whidbey Camano Land Trust and on oath stated that he was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this certificate.

[Signature]
Notary Public in and for the State of Washington, residing in Snohomish

My commission expires 10/4/08

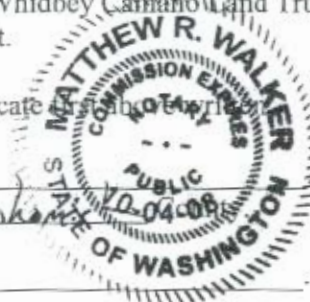




EXHIBIT A
Legal Description of Property

PARCEL A:

All tidelands of the second class, as conveyed by the State of Washington in front of, adjacent to or upon Government Lots 1, 2 and 3, Section 26, Government Lots 1, 2, 3, and 4, Section 27, Government Lots 1, 2, 3, and 4, Section 28, Government Lots 1, 2, 3, and 4, Section 29, Government Lots 1, 2, 3, and 4, Section 32, Township 32 North, Range 3 East of the Willamette Meridian, and Government Lots 1, 2, 3, and 4, Section 5, and Government Lot 1, Section 8, Township 31 North, Range 3 East of the Willamette Meridian;

EXCEPT any portion of said tidelands in front of Government Lot 3, said Section 26, lying within the right of way for the highway crossing Davis Slough;

ALSO EXCEPT that portion of said tidelands embraced within the plat of "Camano-Blue Point Oyster Tracts-Division No. 1", according to the recorded plat thereof in the Office of the Auditor of Island County, Washington, in Volume 3 of Plats, page 42.

ALSO EXCEPT that portion beginning at a point of intersection of the East line of Lot 10, Block 3, "Juniper Beach Tracts", according to the recorded plat thereof in the Office of the Auditor of Island County, Washington, in Volume 3 of plats, page 12, extended Southerly, with the Northerly boundary line of the tidelands of the second class in front of Government Lot 3, said Section 27, and run thence South 600 feet;

thence Westerly parallel to and 600 feet distant from said Northerly line to the place of intersection of said parallel line with the Southerly extension of the West line of Lot 31, Block 2, "Domerude Beach", according to the recorded plat thereof in the Office of the Auditor of Island County, Washington, in Volume 3 of Plats, page 11;

thence North along said Southerly extension of the West line of said Lot 31, a distance of 600 feet of an intersection with the Northerly boundary line of said tidelands of the second class;

thence Easterly along said Northerly line to the place of beginning.

ALSO EXCEPT all tidelands of the second class in front of Government Lots 1 and 2, Section 29, lying between the Government meander line and a line 500 feet (measured at right angles to said meander line) Easterly thereof;



EXHIBIT "A"

EXHIBIT "A" - Continued
Page 2, Parcel A continued

ALSO EXCEPT that portion of the tidelands of the second class to line of extreme low tide in front of and adjacent to Government Lot 1 and the South 1000 feet of Government Lot 2, measured at right angles to the South 1000 feet of Government Lot 2, measured at right angles to the South line thereof of Section 32, Township 32 North, Range 3 East of the Willamette Meridian, Lying between the meander line and the line parallel with and 1000 feet Easterly of said meander line and in front of and adjacent to Government Lots 3 and 4 in Section 5, Township 31 North, Range 3 East of the Willamette Meridian, lying between the meander line and the line parallel with and 600 feet Easterly of said meander line, the North line of the South 1000 feet of Government Lot 2, Section 32, Township 32 North, Range 3 East of the Willamette Meridian, and the South line of said tract being projection of the South line of government Lot 3, Section 5, Township 31 North, Range 3 East of the Willamette Meridian;

ALSO EXCEPT that portion of the tidelands of the second class to the line of extreme low tide in front of and adjacent to Government Lot 1, Section 5, Township 31 North, Range 3 East of the Willamette Meridian, lying between the meander line and the line parallel with and 600 feet Easterly of said meander line, the North line of the tideland tract being the projection Easterly of the North line of said Lot 1 and the South line of said Tract being the projection of the South line of said Government Lot 1, Section 5, Township 31 North, Range 3 East of the Willamette Meridian;

ALSO EXCEPT all tidelands of the second class in front of Government Lot 2, Section 5, Township 31 North, Range 3 East of the Willamette Meridian, lying between the meander line and a line 600 feet Easterly and parallel with said meander line;

ALSO EXCEPT all that portion of a tract of land to be hereinafter described, lying and being Northerly of a line drawn parallel with and 75 feet distant Southerly, when measured at right angles from the center line survey of Secondary State Highway No. 1-Y. The hereinbefore mentioned tract of land is described as follows:

Tidelands of the second class, as conveyed by the State of Washington to the line of extreme low tide in front of Government Lot 3, Section 26, Township 32 North, Range 3 East of the Willamette Meridian;



ISLAND COUNTY AUDITOR

4185608

Page: 5 of 6

10/30/2006 03:33P

EXHIBIT "A"

EXHIBIT "A" - Continued
Page 3, Parcel A continued

EXCEPT portion within the highway right of way crossing Davis Slough.

ALSO EXCEPT that portion of tidelands of the second class extending in front of Government Lot 2, Section 28, Township 32 North, Range 3 East of the Willamette Meridian, extending out a distance of 600 feet normal to the Government meander line established with respect to said tidelands. With respect to the above description, reference is made to the Gaetz Oyster Company plat of Sections 26, 27, 28, 29, and 32, Township 32 North, Range 3 East of the Willamette Meridian, and Sections 5 and 8, Township 31 North, Range 3 East of the Willamette Meridian, showing location of government meander line;

ALSO EXCEPT that portion of tidelands of second class situated in front of Government Lot 1, Section 28, and the East 48 rods of Government Lot 4, Section 29, Township 32 North, Range 3 East of the Willamette Meridian, extending out a distance of 600 feet normal to the Government meander line. With respect to the above description, reference is made to the Gaetz Oyster Company plat of Sections 26, 27, 28, 29, and 32, Township 32 North, Range 3 East of the Willamette Meridian, Sections 5 and 8, Township 31 North, Range 3 East of the Willamette Meridian, showing location of government meander line.

EXHIBIT "A"

EXHIBIT "A" - Continued
Page 4



4185608
Page: 6 of 6
10/30/2006 03:33P

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PARCEL B:

Lots 1 to 58, inclusive, and Lots 59 to 96, inclusive, Block 1; Lots 1 to 53, inclusive, and Lots 54 to 98, inclusive, Block 2;

Lots 1 to 49, inclusive, Lot 54 and Lots 60 to 98, inclusive, Block 3; and Lots 1 to 48, inclusive, Lots 59 to 65, inclusive, and Lots 68 to 96, inclusive, Block 4;

ALL in the plat of "Camano-Blue Point Oyster Tracts-Division No. 1", according to the recorded plat thereof in the Office of the Auditor of Island County, Washington, in Volume 3 of Plats, page 42;

EXCEPT those Lots and portions of Lots, if any, lying within the tidelands of the second class, beginning at the point of intersection of the East line of Lot 10, Block 3, "Juniper Beach Tracts", according to the recorded plat thereof in the Office of the Auditor of Island County, Washington, In Volume 3 of Plats, page 12, extended Southerly with the Northerly boundary line of the tidelands of the second class in front of Government Lot 3, Section 27, Township 32 North, Range 3 East of the Willamette Meridian;

thence South 600 feet;

thence Westerly parallel to and 600 feet distant from the Southerly extension of the West line of Lot 31, Block 2, "Domerude Beach"; according to the recorded plat thereof in the Office of the Auditor of Island County Washington, in Volume 3 of Plats, page 11;

thence North along said Southerly extension of the West line of said Lot 31, a distance of 600 feet to an intersection with the Northerly boundary line of said tidelands of the second class;

thence Easterly along said Northerly line to the point of beginning;

Situated in Island County, Washington.

- END OF EXHIBIT "A" -