



WHEN RECORDED RETURN TO:

Recreation and Conservation Office
Natural Resources Building
PO Box 40917
Olympia, WA 98504-0917
Attn: Mike Ramsey

**DEED OF RIGHT TO USE LAND FOR
SALMON RECOVERY AND CONSERVATION PURPOSES**

m7313

Grantor: The Nature Conservancy
Grantee: State of Washington

#64-

Legal Description

Abbreviated form: GL1 Sec 29-32-3 & Ptn GL4 Sec 32-32-3

Additional legal on Page 2.

Assessor's tax Parcel Numbers: R33229-065-1630, R33232-476-2351, and R33232-476-2352

The Grantor, The Nature Conservancy, a District of Columbia non-profit corporation 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, Whidbey Camano Land Trust and the State of Washington through the Salmon Recovery Funding Board, titled Livingston Bay Nearshore Acquisition, Project Number 05-1479A signed by Whidbey Camano Land Trust on June 7, 2006 and by the State of Washington on behalf of the Salmon Recovery Funding Board on June 1, 2006, as amended by Amendment No. 4 signed by the Grantor on May 8, 2009, by Whidbey Camano Land Trust on April 27, 2009 and by the State of Washington on behalf of the Salmon Recovery Funding Board on April 10, 2009 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 of at least equal fair market value at the time of change of use and of as nearly as feasible equivalent qualities, characteristics and location for salmon recovery and conservation purposes for which state assistance was originally granted.

Legal Description of Property

PARCEL A:

Government Lot 1 in Section 29, Township 32 North, Range 3 East, W.M., Except County road known as Sunrise Blvd.;

TOGETHER WITH tidelands of the second class lying in front of, adjacent to and abutting thereon lying between the government meander line of Livingston Bay and a line parallel to and 500 feet Easterly of and at right angles to said meander line.

EXCEPT the North 36 feet thereof.

(Also known as Parcel A of Boundary Line Adjustment recorded June 25, 2009 as Auditor's File No. 4254557.)

Situate in the County of Island, State of Washington.

PARCEL B:

That portion of Government Lot 4, Section 32, Township 32 North, Range 3 East, W.M., lying East of the following described line:

Beginning at a point 580 feet East of the Northwest corner of said Government Lot 4; thence Southeast to a point on the South line of Government Lot 4, which said point is 1030 feet East of the Southwest corner of said Government Lot 4 and the terminus of said line;

EXCEPT the South 400 feet of Government Lot 4.

Situate in the County of Island, State of Washington.

SUBJECT TO matters of record.

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 23 day of September, 2009

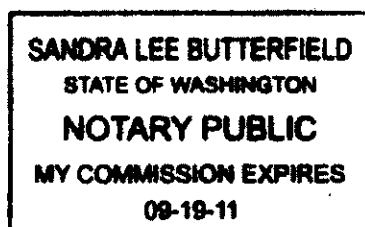
THE NATURE CONSERVANCY

By: Chris Davis
Chris Davis
Director of Programs, Puget Sound

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me, Chris Davis, known to me to be the Director of Programs, Puget Sound, of THE NATURE CONSERVANCY, the District of Columbia non-profit corporation that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such corporation for the uses and purposes therein mentioned, and on oath stated that she was duly authorized to execute such instrument on behalf of such corporation.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 23 day of September 2009.



Sandra Lee Butterfield
Printed Name: Sandra Lee Butterfield
Notary Public in and for the State of Washington,
residing at - Seattle, WA
My Commission Expires 9/19/11