

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**

Grantor: Whidbey Camano Land Trust
Grantee: State of Washington

Legal Description

Abbreviated form: Portions of Govt Lots 2, 3 and 4, Sec 17, T33N, R2E, EWM.

Additional legal on Exhibits A and B.

Assessor's tax Parcel Numbers: R23317-521-1800; R23317-527-2670; R23317-506-3460; and R23317-450-2020.

The Grantor, Whidbey Camano Land Trust, a Washington State 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 two Project Agreements for acquisition entered into between the Grantor, Whidbey Camano Land Trust and the State of Washington through the Salmon Recovery Funding Board titled Skagit Bay Nearshore Protection, Project Number 07-1591A, signed by Whidbey Camano Land Trust on March 12, 2008 and by the State of Washington on behalf of the Salmon Recovery Funding Board on March 25, 2008, as amended and signed by Whidbey Camano Land Trust on November 17, 2009 and the State of Washington on behalf of the Salmon Recovery Funding Board on November 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.

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 _____ day of December, 2009

WHIDBEY CAMANO LAND TRUST

By: _____

Ivan Miller, President

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

On this day personally appeared before me, Ivan Miller, known to me to be the President of the Whidbey Camano Land Trust, a Washington State 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 he was duly authorized to execute such instrument on behalf of such corporation.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this _____ day of December 2009.

Printed Name: _____

Notary Public in and for the State of Washington,
residing at _____

My Commission Expires _____

Exhibit A: Legal Description of Skagit Bay Property

LOT 1

THAT PORTION OF THE EAST 850 FEET OF GOVERNMENT LOT 4 AND THAT PORTION OF GOVERNMENT LOT 3, SECTION 17, TOWNSHIP 33 NORTH, RANGE 2 EAST, W.M., LYING NORTH AND WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17;
THENCE S02°37'30"E, ALONG THE WEST LINE OF SAID SECTION 17, FOR 1324.53 FEET TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 4;
THENCE N87°19'51"E, ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 4, FOR 454.80 FEET TO THE WEST LINE OF THE EAST 850 FEET OF SAID GOVERNMENT LOT 4;
THENCE N02°42'48"W, ALONG SAID WEST LINE, FOR 205.00 FEET TO THE POINT OF BEGINNING;
THENCE N84°15'53"E FOR 851.18 FEET TO THE EAST LINE OF SAID GOVERNMENT LOT 4;
THENCE N69°48'24"E FOR 366.94 FEET;
THENCE N42°55'42"E FOR 462.16 FEET;
THENCE N01°00'15"W TO THE NORTH LINE OF SAID GOVERNMENT LOT 3 AND THE TERMINUS OF SAID LINE;

EXCEPT THAT PORTION OF SECOND CLASS TIDELANDS AS CONVEYED BY THE STATE OF WASHINGTON, LOCATED IN FRONT OF GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 33 NORTH, RANGE 2 EAST, W.M., LYING EAST OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE CORNER COMMON TO SECTIONS 7, 8, 17 AND 18, TOWNSHIP 33 NORTH, RANGE 2 EAST, W.M.;
THENCE SOUTH A DISTANCE OF 1098.7 FEET;
THENCE NORTH 76°08' EAST A DISTANCE OF 467 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE;
THENCE NORTH 540 FEET TO THE TERMINUS OF SAID LINE.

TOGETHER WITH SECOND CLASS TIDELANDS AS CONVEYED BY THE STATE OF WASHINGTON, LOCATED IN FRONT OF GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 33 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER COMMON TO SECTIONS 7, 8, 17 AND 18, SAID TOWNSHIP 33 NORTH, RANGE 2 EAST, W.M.;
THENCE SOUTH A DISTANCE OF 1098.7 FEET;
THENCE NORTH 76°08' EAST A DISTANCE OF 467 FEET;
THENCE NORTH A DISTANCE OF 540 FEET;
THENCE NORTH 46° WEST A DISTANCE OF 632 FEET, MORE OR LESS TO THE POINT OF BEGINNING;

ALSO TOGETHER WITH SECOND CLASS TIDELANDS AS CONVEYED BY THE STATE OF WASHINGTON, LOCATED IN FRONT OF GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 33 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER COMMON TO SAID SECTIONS 7, 8, 17 AND 18;
THENCE SOUTH 46° EAST A DISTANCE OF 632 FEET;
THENCE NORTH A DISTANCE OF 210 FEET;
THENCE NORTH 63°55' WEST A DISTANCE OF 510 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,

ALSO TOGETHER WITH THAT PORTION OF SECOND CLASS TIDELANDS AS CONVEYED BY THE STATE OF WASHINGTON, LOCATED IN FRONT OF GOVERNMENT LOT 4, SECTION 17, TOWNSHIP 33 NORTH, RANGE 2 EAST, W.M., LYING EAST OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE CORNER COMMON TO SECTIONS 7, 8, 17 AND 18, TOWNSHIP 33 NORTH, RANGE 2 EAST, W.M.;
THENCE SOUTH A DISTANCE OF 1098.7 FEET;
THENCE NORTH 76°08' EAST A DISTANCE OF 467 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE;
THENCE NORTH 540 FEET TO THE TERMINUS OF SAID LINE.

SITUATE IN ISLAND COUNTY, WASHINGTON. Subject to matters of record.

EXHIBIT B
Legal Description of Property - Tidelands

Parcel 5:

Second class tidelands as conveyed by the State of Washington, located in front of Government Lot 3, Section 17, Township 33 North, Range 2 E.W.M.;

EXCEPT therefrom that portion as described in Deed recorded June 20, 1986, in Auditor's File No. 86007224, records of Island County, Washington;

ALSO EXCEPT therefrom that portion as described in deed recorded December 31, 1990 in Auditor's File No. 900023677, records of Island County, Washington.

Situate in the County of Island, State of Washington.

Parcel 6:

Tidelands of the second class, described as:

Beginning at a point which is 18.031 chains North and 43.58 chains West of the meander corner of Sections 16 and 17, Township 33 North, Range 2 E.W.M.;

thence North 25°9' East 20.332 chains;

thence North 73°34.5' West 6 chains;

thence South 25°9' West to a point which bears North 87°30' West of the point of beginning, a distance of 6 chains;

thence South 87°30' East to point of beginning.

ALSO: Beginning at a point which is 18.031 chains North and 43.58 chains West of the meander corner of Sections 16 and 17, Township 33 North, Range 2 E.W.M.;

thence North 25°9' East 12.66 chains;

thence South 64°51' East 6 chains;

thence South 25°9' West to a point which bears South 68°6' East of the point of beginning, a distance of 6 chains;

thence North 68°6' West to a point of beginning.

Situate in the County of Island, State of Washington.

Parcel 7:

All that portion of the former Charles H. Hunter Oyster Claim, fronting on Sections 16 and 17, Township 33 North, Range 2 East, W.M., as deeded by the State of Washington to Charles H. Hunter by deed filed in Volume 22 of Deeds page 371, records of Island County, Washington, lying between property described in Treasurer's deed under Auditor's File No. 55426, in Volume 3 of Deeds, Page 8, and Treasurer's deed under Auditor's File No. 67545, in Volume 3 of Deeds, Page 380.

Situate in the County of Island, State of Washington.