

Upon Recording Return To:
Todd Walker
Washington Department of Fish & Wildlife
Real Estate Services
600 Capitol Way North
Olympia, Washington 98501-1091



200609280133
Skagit County Auditor

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Document Title: Corrected Deed Of Right To Use Land For Public Conservation Purposes.
Reference No. Of Related Document: A.F. #200603140038.
Grantor: The State of Washington.
Grantee: The State of Washington.
Legal Description: Portion Gov't Lots 3 and 4, 31-35-3 EWM; and portion W1/2SW1/4, 32-35-3 EWM.
Assessor's Parcel Nos.: 350331-0-001-0008, P35064; 350331-0-002-0007, P35065; 350331-3-008-0004, P35262; 350332-0-024-0000, P35194; 350332-0-020-0004, P35186.

CORRECTED DEED OF RIGHT TO USE LAND FOR PUBLIC CONSERVATION PURPOSES

The Grantor, State of Washington, Department of Fish and Wildlife, for and in consideration of monies coming in whole or in part from the Habitat Conservation Account of the General Fund 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 all the people of the State, the right to use the real property described below forever for the conservation purposes described in the Project Agreement entered into between the Grantor and the State of Washington through the Interagency Committee for Outdoor Recreation entitled Aquatic Lands Enhancement Account Project #03-1182A signed by the Grantor on the 31st day of August, 2005, and by the Interagency Committee on the 15th day of July, 2005, and the application and supporting materials which are on file with the Grantor and the State in connection with the Project Contract.

PROJECT TITLE: Telegraph Slough Complex - McMoran Property

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 conservation purposes herein granted unless the state, through the Interagency Committee for Outdoor Recreation or its successors, consents to the inconsistent use, which consent shall be granted only upon conditions which will ensure that other conservation land of at least equal fair market value at the time of change of use and of as nearly as feasible equivalent usefulness and location for the conservation purposes for which state assistance was originally granted will be substituted in the manner provided in RCW 43.99.100 for marine recreation land, whether or not the real property covered by this deed is marine recreation land. RCW 43.99.100 reads as follows:

"Marine recreation land with respect to which money has been expended under RCW 43.99.080 shall not, without the approval of the committee, be converted to uses other than those for which such expenditure was originally approved. The committee shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location."

The real property covered by this deed is described as follows:

PARCEL "A":

Government Lots 3 and 4 of Section 31, Township 35 North, Range 3 East, W.M., EXCEPT the four following described tracts:

- 1.) Begin at the Northeast corner of said Government Lot 3;
thence South along the East line of said subdivision, 382 feet;
thence West, 100 feet to the center of the county road as it existed on December 9, 1892;
thence North $51^{\circ}36'$ West, 615 feet, more or less, to the North line of said subdivision;
thence East along said North line, 582 feet, more or less, to the point of beginning.
- 2.) The County Road right-of-way known as the Bayview-Edison Road across a Northeasterly portion of said Government Lot 3.
- 3.) The right-of-way condemned for Diking District No. 8 across the Northerly line of Government Lot 3 and across the Westerly lines of Government Lots 3 and 4.
- 4.) That portion of said Government Lot 4, lying South of the centerline of that certain open drainage ditch, as said ditch existed on April 6, 1942, which is approximately 10 feet in width running in a slightly irregular, but in a general Easterly and Westerly direction through the South portion of said Government Lot 4, to Padilla Bay.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

That portion of the West half of the Southwest quarter of Section 32, Township 35 North, Range 3 East, W.M., described as follows:

Begin at a point on the West line of said Southwest quarter, which is 801 feet South of the West quarter corner of said Section 32;
thence East, 330.8 feet to the center of said County Road;
thence Southerly along the centerline of the County Road to a point 403 feet North of the South line of said Section 32;
thence West, 1045 feet, more or less, to the West line of said Section 32;
thence North along said West line to the point of beginning,
EXCEPT the County Road right-of-way known as the Bayview-Edison Road along the Easterly line thereof.

Situate in the County of Skagit, State of Washington.

PARCEL "C":

That portion of the Northwest quarter of the Southwest quarter of Section 32, Township 35 North, Range 3 East, W.M., more particularly described as follows:

Beginning at the intersection of the West line of said subdivision with the Westerly right-of-way line of County Road known as Bayview-Edison Road, which point is 455.37 feet South of the quarter corner between Sections 31 and 32;
thence South along the West line of said subdivision, 345.63 feet;
thence East, 315.19 feet to the Southerly right-of-way line of said road;
thence North $50^{\circ}10'$ West along said right-of-way line 354.61 feet;
thence North $7^{\circ}50'$ West along said right-of-way line, 114.31 feet to the point of beginning.

Situate in the County of Skagit, State of Washington.

This deed of right shall in no way modify or extinguish the functions of the Grantor under the Project Contract, including the Grantor's functions to operate and maintain the land as set out in section 19 of the Project Contract.

THIS DOCUMENT CORRECTS, SUPERCEDES AND REPLACES THAT CERTAIN DEED OF RIGHT TO USE LAND FOR SALMON RECOVERY AND CONSERVATION PURPOSES DATED MARCH 9, 2006 AND RECORDED MARCH 14, 2006 UNDER AUDITOR'S FILE NO. 200603140038.



Dated this 26 day of September, 2006.

The State of Washington, the Department of Fish and Wildlife



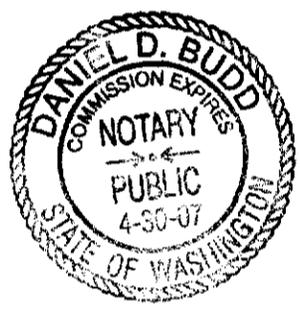
Mark Quinn, Lands Division Manager

STATE OF WASHINGTON)
) ss
County of Thurston)

THIS IS TO CERTIFY that on this 26th day of September, 2006, before me the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Mark Quinn, to me personally known to be the Lands Division Manager for the Washington State Department of Fish and Wildlife, and that he executed the foregoing instrument and acknowledged to me that he signed the same as the free and voluntary act and deed of said State of Washington and on oath stated that he is authorized to execute said instrument.



Notary Public in and for the State of Washington, residing in Olympia.
My Commission Expires April 30, 2007



SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

SEP 28 2006

Amount Paid \$ 
Skagit Co. Treasurer
By  Deputy



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