



200903020147

Skagit County Auditor

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LICENSE FOR USE OF EXISTING WELL

**GRANTOR:** Crystal Creek Ranch Holdings, LLC

**GRANTEE:** Benham Property, LLC

**BURDENED TAX PARCEL:** P30338

**BENEFITED TAX PARCELS:** P30339, P30060

Amount Due  
Skagit Co. Treasurer  
By: *RP*

THE GRANTOR, Crystal Creek Ranch Holdings, LLC, a Washington LLC, which acquired title as Crystal Creek Holdings, LLC, hereby grants a license to Grantee Benham Property, LLC, a Washington LLC, for the use, maintenance, and improvement of an existing well, solely to service the domestic water requirements of one single family residence. This license includes the right to install a shelter, tanks, pumps, filters, and other necessary equipment, and the right to install pipes to convey the water from the well directly to the property of the Grantee, legally described as:

The East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 19, Township 34 North, Range 5 East, W. M., and Northerly of Cold Spring Creek. Situated in the County of Skagit, State of Washington.

All pipes installed under this license shall be installed in the property legally described as:

That portion of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 19, Township 34 North, Range 5 East, W.M., described as follows:

A strip 10 feet in width and lying 5 feet on either side of the following described center line:

Beginning at an existing well, located approximately 755 feet East and 180 feet South of the Northwest corner of Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ ;  
thence North 175 feet, more or less, to a point 5 feet South of the North line of said Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ ;  
thence East, along a line parallel to and five feet South of said North line to the center line the "old alignment of Benham Road" and the terminus of this line description.

Situate in the County of Skagit, State of Washington.

The surface above any underground improvement, and all surface area affected by installation of the improvement, must be returned to the condition it was in immediately prior to installation unless otherwise approved in writing. All above ground structures and improvements must be of the highest architectural and aesthetic quality. Prior to beginning construction the grantee must submit a written plan to Grantor, and must obtain Grantor's written approval before commencing construction.

CONSIDERATION will be paid by the Grantee to the Grantor for the exercise of the license granted herein as follows: A yearly fee of \$3,000 shall be paid from the first day the Grantee changes or modifies the well in any way, including but not limited to the attachment of any equipment, or uses any water from the well, and shall continue until such time as the Grantor surrenders this license by recording a document of surrender with the Skagit County auditor, and providing notice to Grantor or its successors. The yearly fees shall increase by \$150 each calendar year from the granting of this license.


TERMINATION: This license shall automatically terminate at such time as public water is available to Grantee's property, the Grantee installs a well on its property, or any other source of potable water becomes reasonably available to Grantee, or fails to make any payment called for in this agreement.

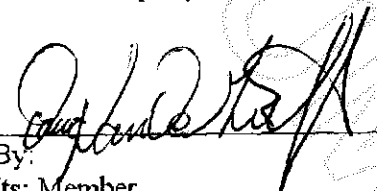
FURTHER DEVELOPMENT: Should the Grantor or the Grantor's successors in interest determine that a replacement well should be developed in a different location, the Grantee shall pay all costs to move the well to a new site within one year of being provided written notice of the new site, or this license shall terminate. The location of any replacement well must be approved by the grantor in writing.

NO WARRANTY: Grantor makes no warranty or representation as to the adequacy or quality of water that can or will be produced by the well, nor whether or not the well meets the health and safety requirements of Skagit County.

Crystal Creek Ranch Holdings, LLC

Benham Property, LLC

  
By: Jeffrey Benham Date: 1/23/09  
Its: Managing Member

  
By: Date: Feb 4-09  
Its: Member

STATE OF WASHINGTON )

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