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



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Document Title: Deed Of Right To Use Land For Public Conservation Purposes.

Reference No. of Related Document: A.F. No. 200810240074.

Grantor: The State of Washington, The Department of Fish and Wildlife.

Grantee: The State of Washington.

Legal Description: Portion Government Lot 9, Section 36, Township 34 North, Range 3 East, W.M.

Assessor's Parcel Nos.: P128015.

County: Skagit.

## DEED OF RIGHT TO USE LAND FOR PUBLIC CONSERVATION PURPOSES

The State of Washington, The Department of Fish and Wildlife, (the "Grantor"), for and in consideration of monies coming in whole or in part from the Washington Wildlife and Recreation Program 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 conservation purposes.

Those conservation purposes are described in the Project Agreement entered into between the Grantor and the State of Washington through the Recreation and Conservation Funding Board entitled Riparian Protection Project #06-1816A signed by the Grantor on the 5<sup>th</sup> day of November, 2007, and by the Recreation and Conservation Office (RCO) on the 11<sup>th</sup> day of October, 2007, and the applications and supporting materials which are on file with the Grantor and RCO in connection with the Project Agreement.

PROJECT TITLE: Skagit River Forks - Cuperus 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 Recreation and Conservation Office 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 qualities, characteristics and location of conservation purposes for which state assistance was originally granted will be substituted in the manner provided in RCW 79A.25.100 for marine recreation land, whether or not the real property covered by this Deed is marine recreation land. RCW 79A.25.100 reads as follows:

"Marine recreation land with respect to which money has been expended under RCW 79A.25.080 shall not, without the approval of the board, be converted to uses other than those for which such expenditure was originally approved. The board 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:

That portion of Government Lot 9, Section 36, Township 34 North, Range 3 East, W.M., lying Westerly of the most Easterly margin of the right-of-way for Dike District No. 3 as condemned

in Skagit County Superior Court Cause No. 2982, and/or Drainage District No. 23 as condemned in Skagit County Superior Court Cause No. 14391 and/or Dike District No. 2, EXCEPT that portion described as follows:

Beginning at the Southeast corner of said Lot 9;

Thence North 40 rods;

Thence West to the Skagit River;

Thence down said river to the South line of said Government Lot 9;

Thence East along said South line to the point of beginning.

TOGETHER WITH: A 10-foot wide easement for ingress and egress over, on and across a portion of Government Lot 9 of Section 36, Township 34 North, Range 3 East, W.M., the centerline of which is described as follows:

Commencing at the Northeast corner of the Southeast quarter of Section 36, Township 34 North, Range 3 East, W.M.;

Thence South 00°16'25" East 1305.46 feet along the East line of said Southeast quarter to the Northeast corner of Government Lot 9 of said Section 36;

Thence South 00°16'25" East 5.00 feet along the East line of said Government Lot 9; Thence South 88°36'14" West 9.71 feet to the intersection of the Westerly margin of the county road known as Dike Road with the centerline of an existing private road, said intersection being the True Point of Beginning of this easement centerline description;

Thence South 88°36'14" West 196.46 feet along the centerline of said private road to the Easterly margin of an existing dike and the terminus of this centerline description.

Situate in the County of Skagit, State of Washington.

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 **ZO** day of May, 2009.

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WASHINGTON OF THE State of Washington, The Department of Fish and Wildlife

Paul Dahmer, Acting Lands Division Manager

STATE OF WASHINGTON)

) ss

County of THURSTON

THIS IS TO CERTIFY that on this 20th day of May, 2009, before me the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Paul Dahmer, to me personally known to be the Acting 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 Jumwater.

My Commission Expires 1-19-13

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