STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

DRAFT *REPORT OF EXAMINATION*

To Appropriate Public Waters of the State of Washington

PRIORITY DATE	APPLICATION NO.	PERMIT NO.	CERTIFICATE NO.
October 3, 2008	S1-28597		

NAME
Smith Trust
Allen and Sara Smith Trustees

ADDRESS/STREET	CITY/STATE	ZIP CODE
Site address: 883 Victorian Valley Dr. Mailing address: P.O. Box 459	Orcas, WA	98280

PUBLIC WATERS TO BE APPROPRIATED

SOURCE

Pond referred to as Victorian Valley Lake

TRIBUTARY OF (IF SURFACE WATERS)

Unnamed Stream tributary of West Sound

MAXIMUM CUBIC FEET PER SECOND (cfs)	MAXIMUM GALLONS PER MINUTE (gpm)	MAXIMUM ACRE FEET PER YEAR (ac-ft/yr)
0.1	45	14.3

TYPE OF USE, PERIOD OF USE, QUANTITIES

Irrigation of 8.81 acres, during irrigation season, 14.3 acre feet per year

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

Pond diversion is located 2664 ft South and 2900 ft East from the NW corner of Sect 15

Within Township 36 North, Range 2 West, W. M. in San Juan County, Washington.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
NW1/4 SE1/4	15	36 N	2W	2	San Juan

PARCEL NUMBER	Latitude	Longitude	
261512002000	48.608622	-122.931408	

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Attachment 1 shows the location of the authorized place of use and point of diversion.

Attachment 2 provides the legal description of the property on which water is to be used.

DESCRIPTION OF PROPOSED WORKS

The Smith Trust irrigation system consists of a pond which will provide water to irrigate 8.81 acres of a variety of crops including berries, vegetables and flowers. The property is located in Victorian Valley about one mile northeast of the Orcas Island ferry landing on the east side of West Sound.

DEVELOPMENT SCHEDULE		
BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	WATER PUT TO FULL USE BY THIS DATE
August 1, 2012	October 1, 2022	October 1, 2025

PROVISIONS

- An approved measuring device shall be installed and maintained in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

    - Water use data shall be recorded annually and maintained by the property owner for a minimum of five years, and shall be promptly submitted to the Department of Ecology upon request.

    - WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

    - Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

- A certificate of water right will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use shall not exceed the quantity specified in this report of exam and will be calculated based on the best information available to Ecology, including metering data and/or water duty analysis.

- PROOF OF APPROPRIATION: The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

- A certificate of water right will not be issued until a final investigation is made

FINDINGS OF FACT AND ORDER

Upon reviewing the investigator's report, I find all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question, the purpose of use is beneficial, there will be no impairment of existing rights, and there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S1-28597, subject to existing rights and the provisions listed above.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Please also send a copy of your appeal to:

Jacqueline Klug
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue WA 98008

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov . To find laws and agency rules visit the Washington State Legislature Website: http://www1.leg.wa.gov/CodeReviser .

Signed at Bellevue, Washington, this _____ day of _____, 2011.

_____

Jacqueline Klug
Section Manager
Northwest Regional Office
Water Resources Program

INVESTIGATOR'S REPORT

BACKGROUND

Description and Purpose of the Project

The Smith Trust water right application for appropriation of waters from a pond for 0.1 cfs for irrigation was received October 3, 2008. The applicant has referred to the pond as Victorian Valley Lake. The water source for the pond is an intermittent unnamed stream that flows from Victorian Valley into West Sound 2,000 feet east of the ferry terminal, Orcas Island. The publication for the source is NW¼ SE¼ Section 15, T.36N., R.2W.

There is currently no diversion or irrigation equipment installed. Dan Drahn of Boundary Water Inc. prepared a report of the proposed irrigation project for the Smiths. The report breaks out 8.81 acres of the property into three crop irrigation areas and methods of irrigation depending on the crops planned for each area. Details of the system are described in Irrigation System Details section later in this report.

Legal Requirements for Application Processing

Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340.

The following legal requirements must be met prior to processing a water right application:

- **Public Notice**
  Public notice of the application was published in *The Islands' Sounder* on December 10 and December 17, 2008. There were no written protests during the statutory 30-day protest period.

- **State Environmental Policy Act (SEPA)**
  The subject water right application is categorically exempt under SEPA WAC 197-11-305 and WAC 197-11-800(4) because the instantaneous quantity is less than the one cubic foot per second threshold.

INVESTIGATION

In considering this application, my investigation included, but was not limited to, research and/or review of:

- Brandon, M. T., Cowan, D.S., and Vance, J.A. 1988, The Late Cretaceous San Juan Thrust System, San Juan Islands, Washington, The Geological Society of America Special Paper 221, 81 page.
- Orr, L.A., Bauer, H.H. and Wayenberg, J.A. 2002, Estimates of Ground-Water Recharge from Precipitation to Glacial-Deposit and Bedrock Aquifers on Lopez, San Juan, Orcas, and Shaw Islands, San Juan County, Washington, U.S. Geological Survey Water-Resources Investigations Report 02-4114, 114 pages.
- Department of Ecology (1975): Water Supply Bulletin No. 46, Geology and Water Resources of the San Juan Islands.
- Washington State University, (1985 and 1992): State of Washington Irrigation Guide.
- Drahn, Dan, February 2, 2011, Smith Surface Water Right Permit Applications, Orcas Island, Boundary Water Inc. Memo.
- USGS Shaw Island, Wash. 7.5 minute topographic map
- Water well reports for Orcas Island
- Notes and GPS data from my site visit on March 23, 2011
- Records of existing water rights in the vicinity

Geographic Setting of the Place of Use and Point of Diversion

The Smith Trust property is located in the south portion of the west half of Orcas Island, east of West Sound and 1 mile northeast of the Orcas Island ferry terminal (Attachment 1). The property is located on Victorian Valley Drive near the intersection of Orchard Drive. Generally the area consists of hummocky hilly terrain with Mt. Woolard to the northeast having an elevation of 1,192 feet. The mountains and hills are heavily forested and much of the lowlands have been cleared for crops or pasture.

Geological Background of the San Juan Islands

The San Juan Islands expose a thick and regionally extensive sequence of Late Cretaceous thrust faults and nappes, referred to as the San Juan thrust system. A nappe is a fold in which the axial plane is horizontal or sub-horizontal. Nappes of the thrust system contain a diverse group of rocks ranging from early Paleozoic to middle Cretaceous in age. Based on stratigraphy, metamorphism, and geochemistry, five terranes have been identified within and peripheral to the thrust system. A terrane is a fault-bounded package composed of one or more related rock units and characterized by a distinctive geologic history. These terranes were widely separated from each other until Late Jurassic. (1) the Haro terrane, an Upper Triassic arc-volcanic sequence; (2) the Turtleback terrane, a Paleozoic arc-plutonic and volcanic unit; (3) the Deadman Bay terrane, a Permian to Lower Jurassic oceanic-island sequence containing Tethyan-fusulinid limestones; (4) the Garrison terrane, a Permo-Triassic, high-pressure metamorphic unit; and (5) the Decatur terrane, a Middle to Upper Jurassic ophiolite and superimposed arc-volcanic sequence. Thick Jura-Cretaceous clastic units are linked to these older San Juan terranes and to Wrangellia, either as directly overlapping units or by the presence of clastic material derived from the terranes. The voluminous amount of clastic material in the overlying Jura-Cretaceous units suggests a large, sub-aerially exposed source region, presumably part of continental America.

Wrangellia is a large allochthonous terrane that underlies most of Vancouver Island and parts of Alaska. On Vancouver Island it is characterized as a coherent Paleozoic to Lower Jurassic stratigraphic sequence, dominantly volcanic. The thrust system straddles the southeastern edge of the Wrangellia terrane of Vancouver Island, contains important information on the accretionary history of Wrangellia and other, related, far-traveled terranes.

The former topography of the San Juan Islands has been greatly modified by glaciation, but the erosion beneath the glaciers was no doubt guided to a considerable extent by valleys and by the fracture zones and fault zones that were already in existence. It is probable that a fault of considerable magnitude occupies each of the major channels.

Orcas Island Geohydrology

Orcas Island has an aerial extent of about 57 square miles and consists of three distinct areas. A fault of small horizontal displacement follows East Sound and divides Orcas Island into two almost equal parts. From evidence occurring on the north shore of Orcas Island the fault is post-Cretaceous in age, and the eastern side moved southward and upward with respect to the western side. This has created the mountainous east and west portions of the island. The northern narrow area connecting the east and west portions north of East Sound and south of President Channel forms the third area. The northern area consists predominantly of unconsolidated Quaternary deposits. The east and west portions of the island are predominantly composed of bedrock with areas covered by Quaternary gravels of limited thickness. The Quaternary sediments are thin and discontinuous and bedrock commonly sticks up through them on the east and west portions and are not very conducive to providing ground water. Exceptions are Quaternary deposits in the West Beach area and some areas near West Sound. The other area of Quaternary deposits is along the shoreline on the southeast tip of the island.

The geology in the vicinity of the site consists of bedrock of the Deadman Bay terrane, of the San Juan Thrust System. Water Supply Bulletin No. 46 mapped rocks within this terrane as Orcas Formation, consisting of Permian to Lower Jurassic oceanic-island sequence containing limestone and ribbon chert of the Orcas Formation, and Deadman Bay basaltic volcanics. The bedrock in the immediate area of the applicant’s property is overlain by a veneer of Pleistocene glacial deposits. Ponds and shallow wells are completed in the glacial deposits whereas deeper wells in the area are completed within the bedrock. Fractures within the bedrock supply water to the bedrock wells.

Mean annual precipitation in the area is from 32 to less than 34 inches per year. Recharge to the ground water system on Orcas Island occurs from percolation of precipitation. Recharge in the area varies from approximately 1 to 1.5 inch per year (USGS, 2002). The basin drains the area southwest of Mt. Wollard and discharges into West Sound near Orcas. There is considerable natural storage in the marshes that occupy the basin.

Site Visit

On March 23, 2011, I met with Allen Smith who gave me a tour of the pond, planned point of diversion, and the area to be irrigated. Previously, Steve Boessow, of Washington Department of Fish & Wildlife, and I examined the pond and stream while reviewing a water right application for the Metta Foundation to divert water from the same pond.

Irrigation System Details

The Smith Trust irrigation system will divert water from an in-stream pond known as “Victorian Valley Lake”. The pond was constructed over thirty years ago by a previous land owner with an earthen dam approximately five feet high across the creek bed and occupies an area of about two acres. Presently there is no diversion works or

irrigation equipment. Dan Drahn of Boundary Water Inc. prepared a report of the proposed irrigation project for the Smith Trust. The plan is to dredge the creek near its entrance to the pond and install an intake and pump house with two 1.5 HP pumps adjacent to the pond.

A total of 8.81 acres will be irrigated to include a variety of crops. Berries will occupy 8.35 acres, and vegetables and flowers will occupy 0.46 acre. The berries will be split into two areas in which 4.5 acres will be irrigated by drip lines and 3.75 acres will be irrigated by spray. The vegetables and flowers will be irrigated by hand line.

Other Water Rights in the Vicinity

The Department of Ecology Water Right Tracking System (WRTS) database was queried to determine the number of existing water rights within one-half mile of the point of diversion (Figure 1). An arbitrarily, yet conservatively chosen area of one-half mile is used to define “close proximity”. This value is justified experimentally based on current and historical pump test data that show negligible drawdown, and therefore unlikely impairment to wells or surface water diversions, induced by groundwater withdrawal from wells at a distance of 1000 feet in most cases. Since this is a surface water diversion proposal there should be no effect on ground water withdrawals.

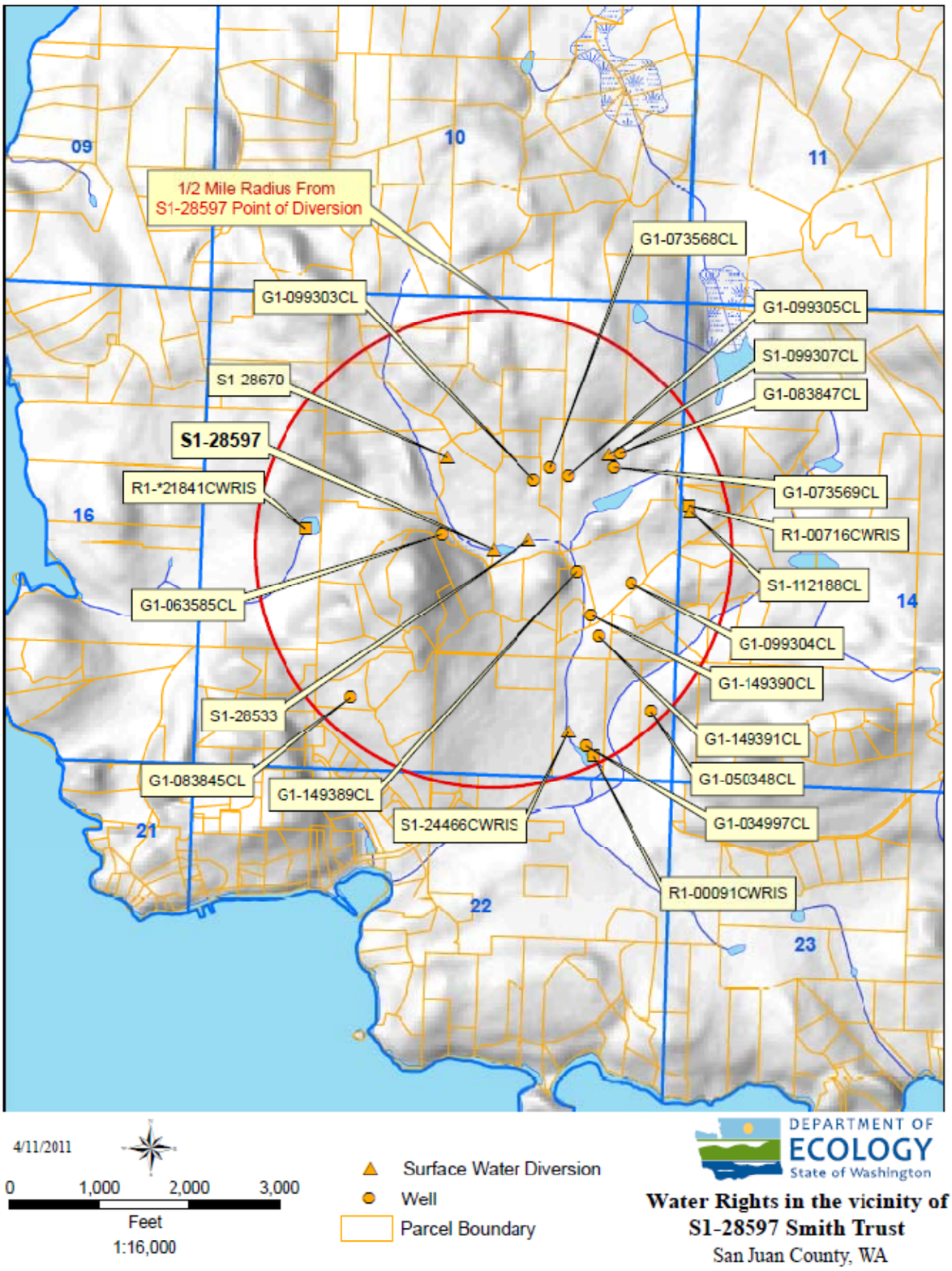


Figure 1: Impairment Map for Application S1-28597

Figure 1 shows all water rights, including claims, within the half-mile radius. Claims are designated with a CL at the end of the claim number. There are eleven ground water claims and two surface water claims within the half mile radius. A water right claim is a statement of the beneficial use of water that occurred prior to the adoption of the water right codes and is not authorized by a state-issued permit or certificate. The Department of Ecology cannot verify the validity of these claims, as water right claims can only be confirmed in an adjudication by the Washington State Superior Court. Many of the claims represent use under the ground water exemption (RCW 90.44.050) for single domestic use.

One surface water certificate and three reservoir certificates were found to be located within the one-half mile radius. The water right certificates are summarized in Table 1 below:

Table 1 Existing Water Rights Certificates in the vicinity of Water Right Application S1-28597

Water Right	Priority Date	¼¼ Section of T.36N, R.2W	Qi	Qa (afy)	Purpose of Use
S1-24466C	03/05/1984	SW¼ SE¼ SE¼ S. 15	0.156 cfs	2.6	DS, FR, IR, ST
R1-00091C	09/08/1969	SW¼ SE¼ SE¼ S.15	0	6	RE, WL
R1-00716C	10/24/1983	SW¼ SW¼ NW¼ S.14	0	1.2	FR, IR
R1-*21841C	10/02/1969	SE¼ SW¼ NW¼ S.15 & NE¼ NW¼ SW¼ S.15	0	7.2	FR, IR, ST, WL

DS=Single Domestic, FR=Fire Protection, IR=Irrigation, ST=Stock Watering, RE=Recreation, WL=Wildlife Refuge

In addition one water right permit exists for the Metta Foundation, S1-28533P, which withdraws water from the same "Victorian Valley Lake" pond the Smith Trust proposes to withdraw from. It is for irrigation of 7.35 acres with a Qi of 0.1 cfs and a Qa of 11.8 acre-feet per year. The Smith Trust and the Metta Foundation properties are adjacent to one another and straddle the "Victorian Valley Lake" pond.

Ecology's well log database shows thirty-five water wells within one-half mile of the point of diversion. Some of the wells belong to the claimed water rights mentioned above. The remainders fall under the ground water exemption.

FINDINGS

Under state law the following four criteria must be met for an application to be approved:

- Water must be available
- There must be no impairment of existing rights
- The water use must be beneficial
- The water use must not be detrimental to the public interest

Water Availability

There are no regulatory closures or restrictions affecting water availability on Orcas Island, therefore I find water is legally available for this appropriation. The instantaneous quantity of 0.1 cfs is physically available for appropriation from the pond.

The annual quantity of water for appropriation was calculated using Crop Irrigation Requirement (CIR) data from the State of Washington Irrigation Guide (WAIG) 1985 and 1992. A CIR of (17.99 inches for berries) and (6.01 inches approximating an average for vegetables and flowers) was based on the Olga rain gage on Orcas Island. This gave inches of irrigation water needed above average rainfall for each crop observed for this location. However the CIR formula does not take into account the loss in conveyance from seepage, evaporation and surface runoff. Consequently, Irrigation Efficiency percentages were used from Ecology Water Resources Guidance 1210. Drip irrigation for berries efficiency estimates average 88%. Spray irrigation planned for berries efficiency estimates average 90%. The hand line sprinklers planned for vegetables and flowers efficiency estimates average 75%. Adjusting the Crop Irrigation Requirements (CIR) by the efficiencies for each irrigation method, the Total Irrigation Requirement (TIR) for the 8.81 acres of crops is approximately 14.3 acre-feet per year. The formula used to account for this is:

TIR = # acres x CIR / CONV / EFF%

Where: *TIR = total irrigation requirement in acre-feet per year*

 # acres = area irrigated in acres

CIR = crop irrigation requirement needed above precipitation

CONV = conversion factor to change units (12, inches to feet)

EFF% = application efficiency of irrigation system

4.6 acres of berries using trickle/drip:

*TIR=(4.6 acres berries) (*17.99 *inches)/(12in/ft)/(88%)=7.8 acre feet*

3.75 acres of berries using spray:

TIR=(3.75 acres berries) (17.99 inches)/(12in/ft)/(90%)=6.2 acre feet

0.46 acres vegetables and flowers using hand line sprinklers:

TIR=(0.46 acres vegetables and flowers) (6.01 inches)/(12in/ft)/(75%)=0.3 acre feet

Total Irrigation Requirement for all crops: 7.8 + 6.2 + 0.3 = 14.3 acre-feet per year.

Impairment Considerations

The surface water permit, S1-28533P, for the Metta Foundation withdraws water from the same "Victorian Valley Lake" pond the Smith Trust proposes to withdraw from. The Smith Trust water right will be junior to the Metta Foundation's water right and if there is impairment in any year to the Metta Foundation's water right, the Smith Trust shall discontinue use until water levels are adequate for both to share without impairment.

The surface water certificate, S1-24466C, and reservoir certificate, R1-00091C, are located between ½ to ¾ stream-mile downstream of the "Victorian Valley Lake" pond. I found a report in the water right certificate file for S1-24466C that noted the stream was flowing 0.1 cfs January 13, 1986 and flowing 0.03 cfs June 1, 1970. It appears this water right uses water captured in the winter and stored in its reservoir. There is little to no water in the stream during the summer. Likewise the Smith Trust will use water that it captures in "Victorian Valley Lake" pond during the winter and should have no effect on the downstream water right. In addition to looking at the surface water right noted within the half mile radius, I looked for the possibility of surface water rights for the entire stream downstream of the "Victoria Valley Lake" pond and discovered there are none other than S1-24466C.

The other two reservoir certificates are located in a separate drainage and therefore cannot be impaired by permitting the Smith Trust diversion. The two surface water claims are not located downstream of the "Victorian Valley Lake" pond and therefore cannot be impaired either. Certainly the ground water wells and claims will not be affected. Thus there will be no impact or impairment to water rights, claims or wells. The only caveat is if there is a water short year when "Victorian Valley Lake" pond does not fill adequately for both the Metta Foundation and the Smith Trust to share the stored water. Metta Foundation would have priority to allocate its share first.

Steve Boessow, Department of Fish and Wildlife, has no objection to this application because he believes any water released downstream would likely only benefit the non-fish bearing waters downstream to the next pond. Maintaining the dam in the current condition of seeping and leaking allows some level of minimum flow. More important is the unknown quantity and purpose of the water used from known diversions without water rights. We can't really know if water is available until we account for all water users. Steve recommends that no unpermitted diversions be allowed so that we can quantify the amount being used from the stream system.

The creek may or may not have non-native fish in it. Most ponds have blue gill and bass, or trout, or any number of other species. Fish surveys were done in the lower creek up to the culvert at Killebrew Lake Road. Sea-run cutthroat were documented. That lower section would be the primary reach for fish concerns since above that would likely be fish planted by homeowners into farm ponds. Placing conditions on one pond doesn't do much unless everything downstream is set to allow the water to pass.

Beneficial Use

Irrigation is considered to be beneficial under RCW 90.54.020(1).

Public Interest Considerations

No potential for detriment to the public interest could be identified during the investigation of this application.

Consideration of Protests and Comments

No protests were filed against this application.

RECOMMENDATIONS

Based on the above investigation and findings, I recommend the request for a surface water permit be approved in the quantities and within the limitations listed below and subject to the provisions on page 2.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 0.1 cfs (45 gpm)
- 14.3 acre-feet per year for irrigation

Point of Diversion

NW¼ SE¼ Section 15, Township 36 North, Range 2 West, W.M.

Place of Use

As described and as shown in Attachments 1 and 2.

CONCLUSIONS

In accordance with chapter 90.03 RCW, I conclude there is water available from the source in question, the purpose of use is beneficial, there will be no impairment of existing rights, and there will be no detriment to the public interest.

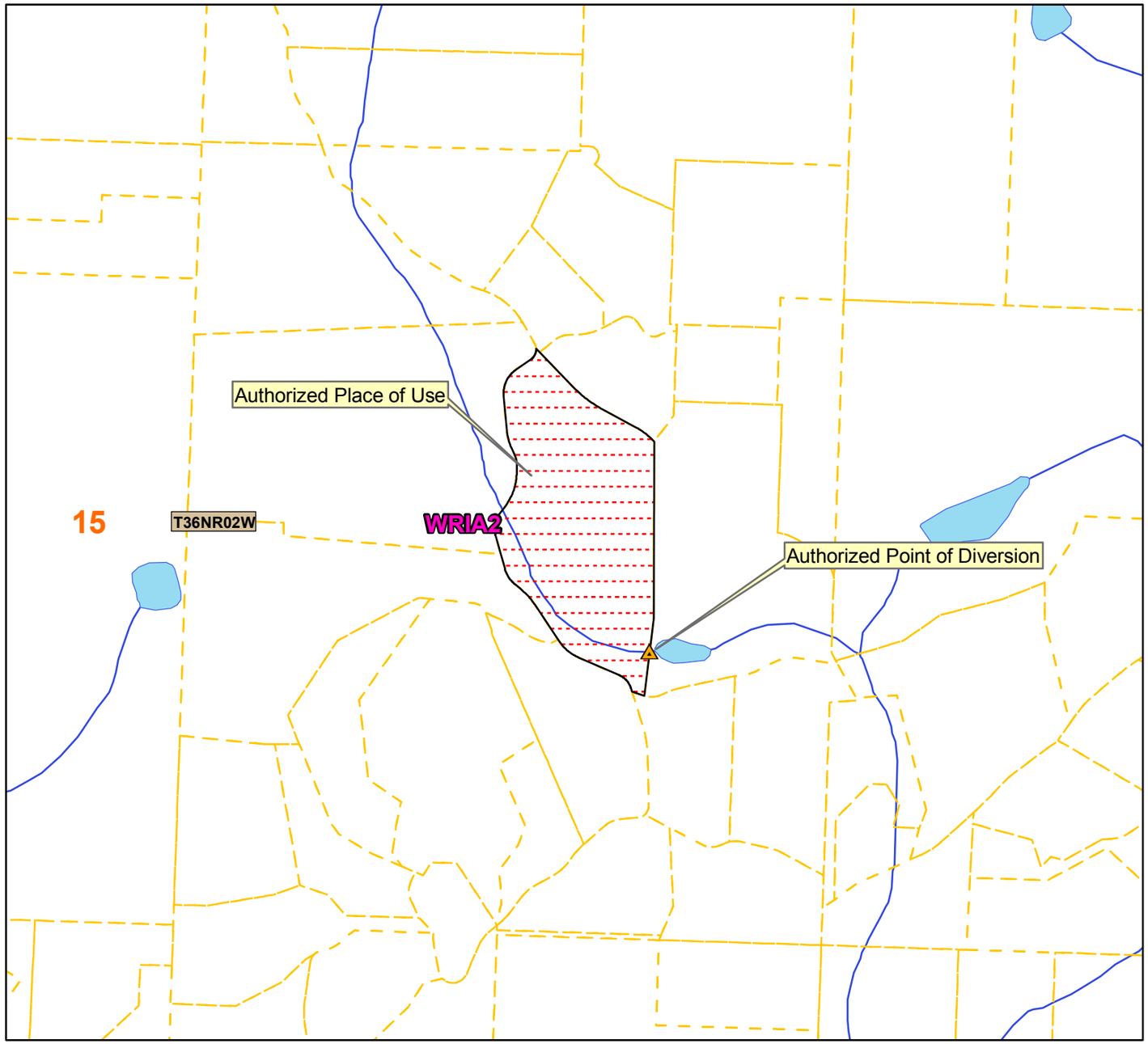
Report by: _____ _____, 2011
Jerry L. Liszak, LG, LHG Date
Water Resources Program

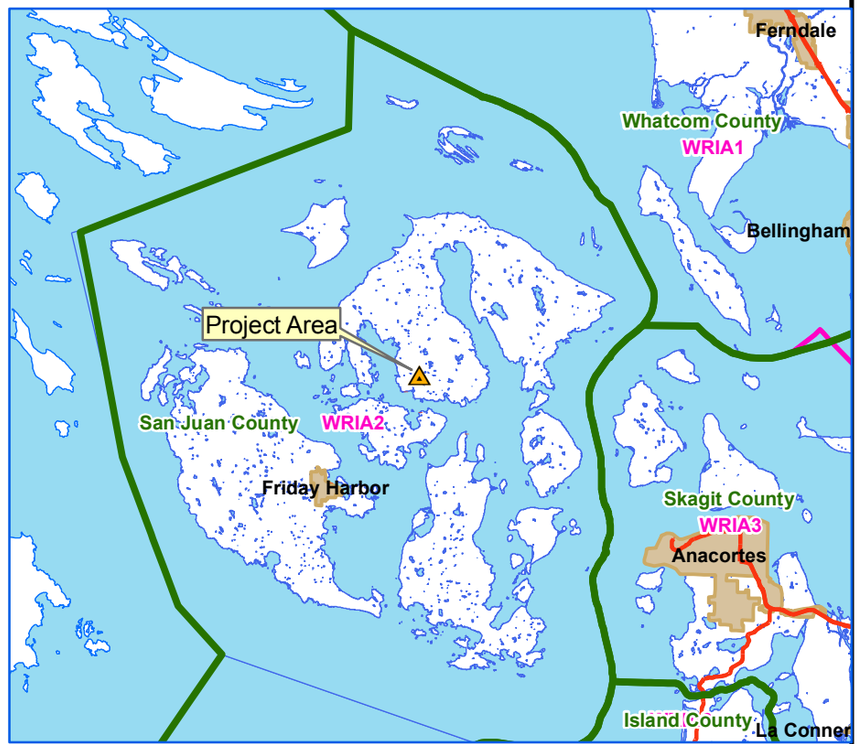
_____
Licensed Geologist/Hydrogeologist No. 834

If you need this publication in an alternate format, please call the Water Resources Program at (425) 649-7000. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Smith Trust
Water Right Number G1-28597
Sec.15, T 36N, R 02W W.M.
WRIA 2 - San Juan County

DEPARTMENT OF ECOLOGY
State of Washington





Legend

- County
- WRIA
- Highways
- Townships
- cities
- Sections
- Authorized Point of Diversion
- Authorized Place of Use

Place of use and point(s) of diversion/withdrawal are as defined on the cover sheet under the headings, 'LOCATION OF DIVERSION/WITHDRAWAL' and 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

Attachment 1

Attachment 2

Smith Trust Legal Description

Portions of the Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, and the Northwest Quarter of the Southeast Quarter of Section 15, Township 36 North, Range 2 West, W.M., San Juan County, Washington, described as follows:

Commencing at the 1" diameter iron rod shown of record as marking the North Quarter Corner of said Section 15; thence along the northerly boundary of said Section 15, South 89°21'19", East, 218.96 feet; thence leaving said northerly boundary and along the easterly boundary of that certain parcel of land described by instrument recorded under Auditor's File No. 86142876, records of said county South 0°03'59" West, 756.54 feet (South, 756.71 feet per record); thence along the southerly boundary of said parcel North 89°56'01" West, 1,061.21 feet to a point on the centerline of an existing 60 foot wide roadway and utility easement described as Easement "G" in that certain instrument recorded under Auditor's File No. 119514, records of said county, said point previously designated of record as Point "J-1" for reference purposes; thence leaving said Southerly boundary South 18°06'48" East, 120.70 feet to the P.C. of a curve to the left having a central angle of 41°15'07" and a radius of 79.70 feet; thence along said curve 57.39 feet to the P.T.; thence South 58°09'24" East, 52.13 feet to the P.C. of a curve to the right having a central angle of 17°20'50" and a radius of 524.42 feet; thence along said curve 158.78 feet to the P.T.; thence South 42°48'20" east, 133.25 feet to the P.C. of a curve to the left having a central angle of 17°58'31" and a radius of 410.97 feet; thence along said curve 128.93 feet to the P.T.; thence South 60°46'51" East, 182.84 feet to the P.C. of a curve to the left having a central angle 12°39'16" and a radius of 270.56 feet; thence along said curve 59.76 feet to the P.T.; thence South 73°26'06" East, 32.50 feet to the P.C. of a curve to the right having a central angle of 42°11'54" and a radius of 285.08 feet; thence along said curve 209.96 feet to the P.T.; thence South 31°14'12" East, 100.23 feet to the P.C. of a curve to the right having a central angle of 85°17'06" and a radius of 50.00 feet: thence along said curve 24.16 feet to a point previously designated of record as Point H-1 in that certain instrument recorded under Auditor's File No. 119564, records of said county, said point also being the TRUE POINT OF BEGINNING of the parcel to be described; thence continuing along said curve 50.26 feet to the P.T.; thence South 54°02'54" West, 73.78 feet to the P.C. of a curve to the left having a central angle of 60°43'00" and a radius of 119.51 feet; thence along said curve 126.65 feet to the P.T.; thence South 6°40'06" East, 141.29 feet to the P.C. of a curve to the left having a central angle of 20°21'28" and a radius of 222.78 feet; thence along said curve 79.16 feet to the P.T>; thence South 27°01'35" East, 19.59 feet to the P.C. of a curve to the right having a central angle of 28°01'48" and a radius of 120.19 feet; thence along said curve 58.80 feet to the P.T.; thence South 1°00'13" West, 31.23 feet to the P.C. of a curve to the right having a central angle of 34°13'15" and a radius of 227.39 feet; thence along said curve 135.81 feet to the P.T.; thence South 35°13'28" West, 43.27 feet to the P.C. of a curve to the left having a central angle of 52°10'48" and a radius of 102.11 feet; thence along said curve 92.99 feet to the P.T.; thence South 16°57'20" East, 77.94 feet to the Southeasterly corner of that certain tract of land described b instrument recorded under Auditor's File No. 91174658, records of said county, from which corner a point on the Southerly boundary of said tract marked by a 5/8" rebar and cap #24222 as shown on that certain survey recorded in Book 11 of Surveys, page 84, records of said county, and noted in the instrument as a point on the Westerly margin of Easement "G" as described by instrument recorded under Auditor's File No. 119564, records of said county, bears North 86°20'54" West, 32.05 feet; thence from said Southeasterly corner along the centerline of said Easement "G", the same being the Easterly boundary of that certain parcel of land referred to as Tract 4 and described by instrument recorded

(Legal Description Continued)

under Auditor's File No. 88152883, records of said county, South 16°57'20" East, 63.10 feet to the P.C. of a curve to the left having a central angle of 35°05'56" and a radius of 126.48 feet; thence along said curve 77.48 feet to the P.T.; thence South 52°03'16" East, 28.07 feet to the P.C. of a curve to the right having a central angle of 17°06'30" and a radius of 299.17 feet; thence along said curve 89.33 feet to the P.T.; thence South 34°56'46" East, 172.06 feet to the corner common to said Tract 4 and that certain parcel of land described by instrument recorded under Auditors File No. 87145348, records of said county; thence continuing along said centerline and the Northerly boundary of said parcel South 34°56'46" East, 6.68 feet to a point previously designated of record as Point "W-1" for reference purposes, said point being the P.C. of a curve to the left having a central angle of 32°50'33" and a radius of 186.62 feet; thence along said curve 106.97 feet tot the P.T.; thence South 67°47'18" East, 181.34 feet to a point previously designated of record as Point " W-2" for reference purposes, said point being the P.C. of a curve to the right having a central angle of 49°02'16" and radius of 87.70 feet; thence along said curve 75.06 feet to the P.T.; thence South 18°45'02" East, 14.33 feet to the corner common to said parcel and that certain tract of land described by instrument recorded under Auditor's File No. 87145357, records of said county; thence leaving said centerline and along the Northerly boundary of said tract South 72°39'52" East, 42.81 feet to the Southwest corner of Lot 1 according to the Plat of Chestnut Hill, as recorded in Volume 5 of Plats, pages 68, 68A and 68 B, records of said county; thence leaving said Northerly boundary and along the Westerly boundary of said Lot 1 North 7°19'13" East, 319.13 feet; thence North 1°08'26" West (also shown of record as North 0°01'02" East), 725.16 feet to the Westerly corner common to said Lot 1 and Lot 3 of said Plat; thence along the Westerly boundary of said Lot 3 North 42°23'53" West, 81.12 feet to the P.C. of a curve to the left having a central angle of 16°18'19", and a radius of 209.41 feet; thence along said curve 59.59 feet to the P.T.; thence North 58°46'59" West, 106.73 feet to the P.C. of a curve to the left having a central angle of 11°09'03" and a radius of 358.54 feet; thence along said curve 69.78 feet to the P.T.; thence North 69°56'02" West, 66.49 feet to the P.C. of a curve to the right having a central angle of 24°36'35" and a radius of 91.69 feet; thence along said curve 39.38 feet to the P.T.; thence North 45°19'28" West, 181.92 feet to the most Westerly corner of said Lot 3; thence North 45°19'28" West, 19.07 feet; to the True Point of Beginning.

TOGETHER WITH AND SUBJECT TO a non-exclusive easement for roadway and utility purposes, over, across and under a parcel of land 60 feet in width as described as Easements "G" and "I" in Application for a Simple Land Division, recorded December 24, 1981, in Volume 86 of Official Records as page 99, under Auditor's File no. 119514, records of San Juan County, Washington.

Situate in San Juan County, Washington.