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KITTITAS COUNTY AUDITOR
FILED REQUEST OF:
Ken Beckley
93 AUG 17 PM 4:41

Filed for Record at Request of
AFTER RECORDING MAIL TO:

RE EXCISE TAX PAID
Amount 279.90
Date 8/17/93
Affidavit No. 36603
SALLY SCHORMANN, TREAS.
KITTITAS COUNTY TREASURER
By *[Signature]*

STATUTORY WARRANTY DEED

THE GRANTOR, Richard C. Bain and Jeri Bain, husband and wife, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, in hand paid, conveys and warrants to Carl Donovan and Trude Donovan, husband and wife, the following described real estate, situated in the County of Kittitas, State of Washington:

See attached Exhibit "A" attached hereto.

TOGETHER WITH all water rights and irrigation ditches appurtenant thereto, if any.

TOGETHER WITH an easement for ingress, egress, and utilities as follows:

1. Said easement shall be for the benefit of the property conveyed by Grantor herein to Grantee and shall be over property retained by Grantor described on Exhibit "B" attached. Said easement shall be deemed to be an easement benefitting and burdening the parcels of real property affected.
2. Said easement is defined as an easement extending 15 feet in each direction from the centerline of the existing roadway (comprising a 30 foot easement in total width) over and across a portion of the Grantor Bains' retained real property which property is specifically described on Exhibit "B" attached hereto and by this reference incorporated herein. Said easement extends over and across the existing roadway of portions of the Bain property described on Exhibit "B" attached to the boundary line of the Cascade Ditch, which Cascade Ditch is contiguous with a portion of the property being conveyed by Grantor to Grantee herein. Grantee herein, or Grantee's successors-in-interest and/or assigns, shall have the burden of an obligation of providing such maintenance, upkeep, and repair as said Grantees and/or their successors-in-interest and assigns desire pertaining to said easement.

SUBJECT TO all reservations, restrictions, exceptions, easements, and rights of way apparent or of record.

SUBJECT TO pendency of Yakima County Superior Court Cause No. 77-2-01484-5, an action by the State of

STATUTORY WARRANTY DEED 1

LAW OFFICE OF
KENNETH D. BECKLEY
A PROFESSIONAL SERVICE CORPORATION

Ret. 701 NORTH PINE • PO BOX 778
ELLENBURG, WASHINGTON 98926-0778
TELEPHONE (509) 925-6128
FAX (509) 962-2914

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Washington, Department of Ecology v. James J. Acquavella, et al., for the purposes of securing a judgment adjudicating the relative rights of all persons diverting, withdrawing, or otherwise making use of surface waters of the Yakima River Drainage Basin. In the event that Seller/Grantor is or should be a party to the Acquavella water right litigation, all responsibility for substituting or including Purchaser/Grantee as an additional party and for prosecuting any water right claims with respect to said litigation, shall be the sole responsibility of the parties and not of the real estate agents, brokers, attorneys and/or closing agent.

DATED this 19 day of August, 1993.

Richard C. Bain

RICHARD C. BAIN

Jeri Bain

JERI BAIN

STATE OF WASHINGTON)
) SS
County of Kittitas)

On this day personally appeared before me Richard C. Bain and Jeri Bain, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 19 day of August, 1993.

Richard C. Bain

NOTARY PUBLIC in and for the State of
Washington, residing at: Edw...
My commission expires: _____

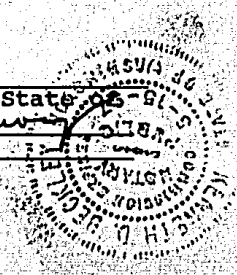


EXHIBIT A

That portion of Government Lot 2 and the Southeast 1/4 of the Northwest 1/4 and that portion of Government Lot 3 and the Northeast 1/4 of the Southwest 1/4 of Section 18, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington,

Beginning at the Southeast corner of the Northeast 1/4 of the Southwest 1/4 of said section and running thence North $01^{\circ}25'$ East, on the North-South center line of said section, 1239.0 feet to the right of way fence of the Northern Pacific Railway Co.; thence North $44^{\circ}09'$ West, along said right of way fence, a distance of 1494.0 feet; thence South $66^{\circ}24'$ West a distance of 455.0 feet; thence South $79^{\circ}36'$ West a distance of 209.0 feet; thence North $51^{\circ}02'$ West a distance of 165 feet; thence South $45^{\circ}38'$ West a distance of 375 feet, more or less, to the left bank of the Yakima River; thence Southeasterly, along the bank of said Yakima River, to the South boundary line of the Northeast 1/4 of the Southwest 1/4 of said section and thence North $89^{\circ}27'$ East a distance of 1156.0 feet, more or less, to the point of beginning; EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY THE FOLLOWING:

1. Any portion lying northerly of the southerly boundary line of the Cascade Canal which is described as follows:

That portion of said land which lies within the boundaries of the following described tract: All that portion of Section Eighteen (18), Township Eighteen (18) North, Range Eighteen (18) East, Willamette Meridian, more particularly described as follows:

Beginning at a point North $49^{\circ}28'43''$ West 3388.02 feet from the Southeast corner of said Section 18; thence North $80^{\circ}24'50''$ West 131.66 feet; thence North $09^{\circ}35'10''$ East 50.00 feet; thence North $80^{\circ}24'50''$ West 582.90 feet; thence North $54^{\circ}25'49''$ West 856.82 feet; thence North $72^{\circ}58'14''$ West 91.04 feet; thence South $88^{\circ}32'26''$ West 109.83 feet; thence South $01^{\circ}27'35''$ East 60.00 feet; thence South $88^{\circ}32'27''$ West 104.82 feet; thence North $81^{\circ}27'35''$ West 261.02 feet; thence North $09^{\circ}53'42''$ West 284.60 feet; thence South $81^{\circ}27'35''$ East 317.04 feet; thence South $31^{\circ}27'34''$ East 129.10 feet; thence North $88^{\circ}32'26''$ East 218.26 feet; thence South $54^{\circ}25'49''$ East 882.15 feet; thence South $67^{\circ}25'21''$ East 64.38 feet; thence South $80^{\circ}24'50''$ East 635.73 feet; thence South $00^{\circ}58'03''$ West 151.71 feet to the point of beginning.

2. A part of the Northeast 1/4 of the Southwest 1/4 of Section 18, Township 18 North, Range 18 East, W.M., located in Kittitas County, Washington, described as follows:

Beginning at the Southeast corner of said Section 18; thence North $50^{\circ}09'42''$ West 3516.58 feet to a point of the existing right-of-way line of the New Cascade Canal and the True Point of Beginning; thence North $74^{\circ}42'13''$ West 201.0 feet; thence South $80^{\circ}24'51''$ East 200.0 feet on and along the Southerly right-of-way line of the New Cascade Canal; thence South $09^{\circ}35'09''$ West 20.0 feet on and along the Westerly right-of-way line of the New Cascade Canal to the true point of beginning.

EXHIBIT "A-1"

This property is currently classified under the Open Space Taxation Statute R.C.W. 84:34. Sale of this property without notice of compliance to County Assessor will cause a supplemental assessment, interest, and penalty to be assessed against the purchaser.

Kittitas County Assessor's office must be given seven days notice prior to recordation of conveyance documents.

It is necessary that all Grantees sign the Notice of Continuance Section on Excise Tax Affidavit.

Lien of real estate excise sales tax upon any sale of said premises, if unpaid. Real estate excise tax on said property is subject to tax at the rate of .0153.

Rights of the State of Washington in and to that portion of said premises, if any, lying in the bed of the Yakima River, if said river is navigable.

Any question that may arise due to shifting or change in the course of the Yakima River or due to said river having changed its course.

Any prohibition or limitation on the use, occupancy, or improvements of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water, and the right of use, control, or regulation by the United States of America in exercise of power over navigation.

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF SURFACE WATERS, and the terms and conditions thereof

DATED : August 21, 1973
RECORDED : August 22, 1973, in Volume 42, page 493
AUDITOR'S FILE NO. : 384659

(Affects the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 18 North, Range 18 East.)

Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as conveyed by instrument recorded on November 8, 1974, under Kittitas County Auditor's File No. 393540.

In favor of : Puget Sound Power & Light Company, a Washington corporation

For : A Right of Way 10 feet in width having 5 feet of such width on each side of a centerline for the right to construct, operate, maintain, repair, replace and enlarge an underground electric transmission and or distribution system upon and under the Right-of-Way together with all necessary or convenient appurtenances therefor, which may include but are not limited to the following: underground conduits, cables, communication lines, vaults, manholes, switches, and transformers, and semi-buried or ground mounted facilities, together with the right of ingress and egress therefor.

Affects : A portion of the South 1/2 of the Northwest 1/4 and of the North 1/2 of the Southwest 1/4 of Section 18, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

Said document provides in part as follows:

"Grantor reserves the right to use the Right-of-Way for any purpose not inconsistent with the rights herein granted, provided that Grantor shall not construct or maintain any building or other structure on the Right-of-Way which would interfere with the exercise of the rights herein granted; that no digging, tunneling or other form of construction activity shall be done on the Property which would disturb the compaction or unearth Grantee's facilities on the Right-of-Way, or endanger the later support to said facilities, and that no blasting shall be done within 15 feet of the Right-of-Way."

Pendency of Yakima County Superior Court Cause No. 77-2-01404-5, State of Washington, Department of Ecology, Plaintiff, vs. (Numerous named Defendants) notice of which is given by Lis Pendens recorded on October 14, 1977, under Kittitas County recording number 417302, being an action for the determination of the rights to divert, withdraw, or otherwise make use of the surface waters of the Yakima River Drainage Basin, in accordance with the provisions of Chapters 90.03 and 90.44 Revised Code of Washington. (Attorney for Plaintiff: Charles B. Roe, Jr., Senior Assistant Attorney General)

Supplemental notice of Lis Pendens filed June 4, 1980 under Auditor's File No. 442263, in Volume 131, page 03.

EXHIBIT A-2

OIL AND GAS LEASE, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated March 3, 1982, recorded April 29, 1982, under Kittitas County Auditor's File No. 461090;

Term : 10 years with right of extension
Lessor : Tony G. Klocke and Edith I. Klocke, husband and wife
Lessee : Wm. James Stark
Affects : Said premises and other land

Present ownership and other matters affecting said leasehold not shown herein.

Exceptions and Reservations as contained in Instrument

From : Tony G. Klocke and Edith I. Klocke
Dated : May 19, 1988
Recorded : July 27, 1988 in Volume 227, page 909
Auditor's File No. : 514071, as follows:

"Reservation by Seller of one-half interest in all the oil, gas and mineral rights, provided, however, that Purchaser herein shall have the executive mineral rights in and to the entire oil, gas and mineral rights; Seller being entitled to share equally all bonuses and rental received by the executed rights."
(Affects said premises and other land)

Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as disclosed by instrument recorded on June 24, 1991, under Kittitas County Auditor's File No. 540323.

In favor of : Kittitas County

For : The right to enter upon the said premises to construct, reconstruct, maintain and repair a bank protection and/or other flood control works, including all appurtenances thereto, together with any enlargement or reconstruction thereof, and to trim, cut, fell and remove all such trees, brush and other natural growth and obstructions as are necessary to provide adequate clearance and to eliminate interference with, or hazards to, the structures, improvements or utilities placed on, over or under said land; and included as an appurtenance to said easement is a right of access thereto over any other lands owned by first party.

Affects : Said premises

Temporary Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as disclosed by instrument recorded on December 11, 1992, in Volume 337, Page 1744, under Kittitas County Auditor's File No. 555279.

In favor of : United States of America, Department of Energy, Bonneville Power Administration
For : Access; installation, operation and maintenance of a fish screen; excavation and temporary stockpiling of excavated materials, unloading, storing, assembling, and installing said fish screen and appurtenant equipment; and for parking vehicles and mobile equipment

Affects : A portion of said premises

Question of right of access. There does not appear to be any recorded easement for ingress and egress from said premises to a public road.

Right of way for a Ditch in an undetermined width and location as disclosed by the Kittitas County Assessor's Map.

EXHIBIT B

Government Lot 2 and that portion of Government Lot 1, of Section 18, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, lying south of the right of way of the Northern Pacific Railway Company, EXCEPT that portion of said land which lies within the boundaries of the following described tract:

1. Beginning at the southeast corner of the Northeast 1/4 of the Southwest 1/4 of said section and running thence north $01^{\circ}25'$ East, on the north-south center line of said section, 1239.0 feet to the right of way fence of the Northern Pacific Railway Company; thence north $44^{\circ}09'$ west, along said right of way fence, a distance of 1494.0 feet; thence south $66^{\circ}24'$ west a distance of 455.0 feet; thence south $79^{\circ}36'$ west a distance of 209.0 feet; thence north $51^{\circ}02'$ west a distance of 165 feet; thence south $45^{\circ}38'$ west a distance of 375 feet, more or less, to the left bank of the Yakima River; thence southeasterly, along the bank of said Yakima River, to the south boundary line of the Northeast 1/4 of the Southwest 1/4 of said section and thence north $89^{\circ}27'$ east a distance of 1156.0 feet, more or less, to the point of beginning.

2. All that portion of section Eighteen (18), Township Eighteen (18) North, Range Eighteen (18) East, Willamette Meridian, more particularly described as follows:

Beginning at a point North $49^{\circ}28'43''$ West 3388.02 feet from the southeast corner of said Section 18; thence North $80^{\circ}24'50''$ West 131.66 feet; thence North $09^{\circ}35'10''$ East 50.00 feet; thence North $80^{\circ}24'50''$ West 582.90 feet; thence North $54^{\circ}25'49''$ West 856.82 feet; thence North $72^{\circ}58'14''$ West 91.04 feet; thence South $88^{\circ}32'26''$ West 109.83 feet; thence South $01^{\circ}27'35''$ East 60.00 feet; thence South $88^{\circ}32'27''$ West 104.82 feet; thence North $81^{\circ}27'35''$ West 261.02 feet; thence North $09^{\circ}53'42''$ West 284.60 feet; thence South $81^{\circ}27'35''$ East 317.04 feet; thence South $31^{\circ}27'34''$ East 129.10 feet; thence North $88^{\circ}32'26''$ East 218.26 feet; thence South $54^{\circ}25'49''$ East 882.15 feet; thence South $67^{\circ}25'21''$ East 64.38 feet; thence South $80^{\circ}24'50''$ East 635.73 feet; thence South $00^{\circ}58'03''$ West 151.71 feet to the point of beginning.

AND

That portion of the South 1/2 or the Northwest 1/4 and of the North 1/2 of the Southwest 1/4 of Section 18, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is described as follows:

Beginning at the southeast corner of the northeast 1/4 of the southwest 1/4 of said section and running thence north $01^{\circ}25'$ East, on the north-south center line of said section, 1239.0 feet to the right of way fence of the Northern Pacific Railway Co.; thence north $44^{\circ}09'$ west, along said right of way fence, a distance of 1494.0 feet; thence south $66^{\circ}24'$ west a distance of 455.0 feet; thence south $79^{\circ}36'$ west a distance of 209.0 feet; thence north $51^{\circ}02'$ west a distance of 165 feet; thence south $45^{\circ}38'$ west a distance of 375 feet, more or less, to the left bank of the Yakima River; thence southeasterly, along the bank of said Yakima River, to the south boundary line of the Northeast 1/4 of the Southwest 1/4 of said section and thence north $89^{\circ}27'$ east a distance of 1156.0 feet, more or less, to the point of beginning. EXCEPT any portion of the right of way of the Northern Pacific Railway Company which lies within said above described tract and EXCEPT that portion of said land which lies within the boundaries of the following described tract:

All that portion of Section Eighteen (18), Township Eighteen (18) North, Range Eighteen (18) East, Willamette Meridian, more particularly described as follows:

Beginning at a point North $49^{\circ}28'43''$ West 3388.02 feet from the southeast corner of said Section 18; thence North $80^{\circ}24'50''$ West 131.66 feet; thence North $09^{\circ}35'10''$ East 50.00 feet; thence North $80^{\circ}24'50''$ West 582.90 feet; thence North $54^{\circ}25'49''$ West 856.82 feet; thence North $72^{\circ}58'14''$ West 91.04 feet; thence South $88^{\circ}32'26''$ West 109.83 feet; thence South $01^{\circ}27'35''$ East 60.00 feet; thence South $88^{\circ}32'27''$ West 104.82 feet; thence North $81^{\circ}27'35''$ West 261.02 feet; thence North $09^{\circ}53'42''$ West 284.60 feet; thence South $81^{\circ}27'35''$ East 317.04 feet; thence South $31^{\circ}27'34''$ East 129.10 feet; thence North $88^{\circ}32'26''$ East 218.26 feet; thence South $54^{\circ}25'49''$ East 882.15 feet; thence South $67^{\circ}25'21''$ East 64.38 feet; thence South $80^{\circ}24'50''$ East 635.73 feet; thence South $00^{\circ}58'03''$ West 151.71 feet to the point of beginning.