Application for Use of State-owned Aquatic Lands

Applicant Name: Vinton H. and Amelia J. Sommerville
County: San Juan County
Water Body: West Sound
Type of Authorization - Use: Easement – Reverse Osmosis System
Authorization Number: Pending
Term: 12 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of a Reverse Osmosis System for two existing houses. It is located in Evans Cove on West Sound, in San Juan County, Washington.
APPLICATION FOR AUTHORIZATION
TO USE STATE-OWNED AQUATIC LANDS

No work can be started on the project area until a use authorization has been granted by the state Department of Natural Resources

I. SUBMISSION OF APPLICATION

This application form will be reviewed by the state Department of Natural Resources upon receipt at the address given below, and also posted on the DNR website as public information. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN

Please send the completed application form to your region land manager at:

Washington State Department of Natural Resources
Attn: Terry Carton
919 N. Township
Sedro Woolley, WA 98284

Enclose a $25.00 non-refundable application processing fee with the application. (This fee is not required for local, state, and other government agencies).

II. APPLICANT INFORMATION

Date of Application: December 13, 2010

Authorization to be Issued To (how name is to appear in the lease document): Vinton H. and Amelia J. Sommerville

Applicant’s Representative: Jeff Otis

Relationship to Applicant: Agent

<table>
<thead>
<tr>
<th>Address: 393 Bobbyann Rd.</th>
<th>City: Eastsound</th>
<th>State: WA</th>
<th>Zip Code: 98245</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone: 360-376-3679</td>
<td>Fax: 360-376-3780</td>
<td>E-Mail: <a href="mailto:jeffo@rockisland.com">jeffo@rockisland.com</a></td>
<td></td>
</tr>
</tbody>
</table>

FOR OFFICIAL USE ONLY

Support Staff: [Signature] Application Fee Received [Signature] DNRPA Received [Signature] Date: 12/27/16

Land Manager: New Application Type: (20, 21, 22, 23, 31, 33)

II. APPLICANT INFORMATION cont

<table>
<thead>
<tr>
<th>Corporation</th>
<th>Limited Partnership</th>
<th>General Partnership</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Registration:</td>
<td>State of Registration:</td>
<td>State of Registration:</td>
</tr>
<tr>
<td>Sole Proprietorship</td>
<td>Marital Community Spouse:</td>
<td>Government Agency</td>
</tr>
</tbody>
</table>

Other ☐ (Please Explain:)

Has the site use been authorized before or is it currently under lease? Yes ☐ Lease Number:  
No ☒ Don’t Know ☐

III. LOCATION

The Body of Water on which the state property is located: Evan’s Cove which opens to West Sound and Harney Channel.

County in which the state property is located: San Juan County

Government Lot:

Section: 17

Township: 36N

Range: 2

E ☐ or W ☒

Note: A legal property survey including the legal description and other information about the property is **required** to obtain a use authorization. WA DNR survey requirements are attached to this form. The survey plat will be attached to the lease/easement as Exhibit A. **DO NOT HAVE THIS SURVEY CONDUCTED UNTIL YOU HAVE BEEN NOTIFIED IN WRITING THAT THE APPLICATION HAS BEEN ACCEPTED FOR PROCESSING.**

Physical description of Project Area (For example, Marsh, Tidelot adjacent to the Chehalis River, etc.): Open water

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property: Vinton H. and Amelia J. Sommerville

Address: 200 NE Pacific St., Suite 102

City: Seattle

State: WA

Zip Code: 98105

Phone Number: (206) 675-9463

Fax Number 206.675.9315

E-mail: tads@uw.edu

Note: Except for property located within established Harbor Areas, proof of ownership, or authorization to use the adjacent tideland, shoreland, or upland property may be required. If the applicant is the owner of the adjacent land, attach a copy of the deed.

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties: 261734003, 261734005, 261734006, 261734007, 262021001, 262021006, and 262021007.
IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property:
Provide potable water and fire protection with a reverse osmosis system to two existing houses. Fire protection would also be provided to all of the lots under the applicant's ownership and will be available to the neighboring property owner to the south. The project includes construction of a treatment facility located in an existing building, and construction of a trench (355' long by 24 inch deep by 12 – 18 inches wide) for placement of the input, output, and electrical lines. The trench would start at the existing water tank and extend seaward to approximately -3' MLLW. The electrical and water lines will daylight at approximately -3' MLLW after which they will be laid on the substrate to approximately -10' MLLW where the terminus of the intake and output will be located. The lines will be anchored to the substrate by small concrete blocks approximately every 10 feet until they come to the pump/brine discharge support block. They will then turn upwards and attach to the pump and the brine discharge pipes which are both supported on the block. Saltwater will be pumped to the treatment plant by an in-line submersible pump.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is or will the Property be subleased to another party?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes, submit a copy of the sublease agreement.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What are the current and past uses of the site?</td>
<td>Open water</td>
<td></td>
</tr>
<tr>
<td>Do you have any knowledge of contamination of the site by toxic or hazardous substances, or of past uses or practices that might have lead to contamination by such substances?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If so, please explain:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you know if any fill material has been placed on the property in question?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If yes, please explain:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

V. IMPROVEMENTS

Physical improvements are structures placed on the land that cannot be removed without damage to the land. Examples of such structures include: pilings, dolphins, piers, wharves, piling-supported buildings, structures built on fill or concrete foundations, buried pipelines and cables, and support structures for bridges.

What physical improvements currently exist on the site? (Photos may be required.) None.

If there are physical improvements currently on the site, who owns them?

If there are physical improvements currently on the site, describe their condition:

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed?
Describe any physical improvements that the applicant is proposing to construct on the site: A reverse osmosis system which will include approximately 260 lineal feet of 2" HDPE seawater supply line, 2" HDPE brine return line, 1.25" power conduit, concrete anchors to secure the lines, and a 5'x3' concrete vault to contain the input and output lines (see attached drawings)

Has any fill material been placed on the site? Yes ☐  No ☒
If Yes, please describe:

| VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS | Copies of all Government Regulatory Permits, or Permit Waivers Are Required Before Issuance of a DNR Use Authorization. Your project may require all or some of the following:

Please include the following permit applications, permits, or waivers with the application:

**JARPA (Joint Aquatic Resource Permit Application)** - This one form is used to apply for all of the following individual permits:

1. **Section 10 Permit** (Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.)
2. **Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption** (Issued by Local Government, and is required for work or activity in the 100 year flood plain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filling, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.)
3. **Hydraulic Project Approval** (Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.)
4. **Section 404 Permit** (Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.)
5. **Section 401 Water Quality Certification** (Required by the Department of Ecology if a Section 404 permit is required.)

**NPDES (National Pollutant Discharge Elimination System Permit)** - Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

**SEPA (State Environmental Policy Act) Checklist and Environmental Assessments** - When you submit a permit application to any agency, if the project is not exempt, the lead agency will ask you to fill out an environmental checklist. Based on checklist answers and the reviewers knowledge of the project site, agency personnel will determine the types of impacts the project may have on the environment. The agency assessments may be the following forms: Determination of Non-significance, Determination of Significance, scoping documents, draft or final Environmental Impact Statements (EIS) or others prepared for the purpose of compliance.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify where such mitigation is proposed to occur:

All answers and statements are true and correct to the best of my knowledge.

Washington State Department of Natural Resources  August 2007  4 of 8
Application for Use of State-owned Aquatic Land
WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES
REQUIREMENTS FOR RECORDS OF SURVEY FOR LEASES AND
EASEMENTS

Records of Survey are required for easements and leases granted by the department for:

- County roads
- Highways
- Easements across high value lands
- Easements across transition lands
- Utilities
- Upland leases
- Communication sites

- Drainage or irrigation easements
- Railroads
- Aquatic land uses: exemptions are provided for recreational docks and mooring buoys per RCW 79.105.430 and for those permits issued as a Right of Entry

The applicant is responsible for:

- All costs and work associated with creating, submitting, revising and recording the Record of Survey
- Submitting a preliminary Record of Survey for review and approval by the department prior to approval of the agreement.
- Recording the final Record of Survey with the county auditor’s office.
- Submitting a digital copy in AutoCAD.DWG or DXF (drawing exchange format) of the final survey.
- Submitting two full size copies and one 8 1/2 X 11” copy and of the recorded survey including the auditor’s recording information to the department.

A Record of Survey must:

1. Be produced by a licensed surveyor.
2. Meet the requirements of Title 58 RCW and Chapter 332-130 WAC.
3. Include the name of the applicant, the purpose of the easement or lease and the DNR easement or lease number.
4. Clearly show easement or lease boundaries with distances and directions of all boundary lines.
5. Show the easement or lease area to an accuracy of (±□) 0.5% of the total area or (±□) 10 square feet, whichever is greater.
6. (Not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean) Indicate the acreage encompassed by the lease or easement within each quarter-quarter section or government lot.
7. Show distances and directions from two or more controlling corners of a recorded subdivision, recorded survey or government survey (GLO) corners.
government survey (GLO) corners.

8. Be related by meridian and coordinate to the Washington Coordinate System NAD'83(1991) by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used shall appear on the plat.

9. Include a narrative legal description describing the servient estate (grantor's parcel) on the Record of Survey.

10. Show a detailed plan of improvements to be constructed or already existing on the easement or lease area. All improvements must be shown in sufficient detail to determine what they are used for and to ensure they are entirely within the easement area.

11. Show the location of any proposed utility.

12. (linear lease or easement) Show the lineal footage along the centerline.

13. (linear lease or easement) Show the complete alignment information and width including any necessary curve data.
Additional Requirements for Aquatic Land Uses (cont.):

b. Lakes – Government meander line, line of ordinary high water (original ordinary high water if the lake has experienced artificial raising or lowering of the water level), and line of ordinary low water (include source of data) and line of navigability if established.

c. Rivers - Line of ordinary high water and line of ordinary low water (include source of data) and line of navigability if established.

d. Lots and blocks of platted tide lands or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, any dredge or fill areas, and easements of record within the lease site.

e. All lines must be shown in sufficient detail to compute and show the area of each area of State-owned bedlands, tidelands, shore lands, harbor area, or waterways included within the proposed lease site.

Include any other data necessary for the complete understanding of the information shown on the survey. If, in the opinion of the department, such information is lacking, the survey may be rejected.

Record of Survey Revisions:

27. Any differences between the as-built road and the regulation plat must be reflected in a revised Record of Survey and recorded with the county by the applicant.

28. When any portion of the completed improvements are located outside of the granted lease site, the as-built locations must be reflected in a revised Record of Survey and legal description. In this instance, a new application for an amended lease site may be required if the as-built location creates adverse impacts. In the case of linear leases across the bed lands of the sound or the ocean, an as-built Record of Survey and a revised legal description of the linear lease must be provided.

Survey Information updated July 2002.

For additional information contact one of the following region offices:

Southeast Region
713 Bowers Rd
Ellensburg, WA 98926-9341
509-925-8510
TTY: 509-925-8527

Northeast Region
P.O. Box 190
225 S Silke Rd
Colville, WA 99114-0190
360-684-7474
TTY: 509-684-7474

Olympic Region
411 Tillicum Ln
Forks, WA 98331-9797
360-374-2800
TTY: 360-374-2819

Pacific Cascade Region
P.O. Box 280
601 Bond Rd
Castle Rock, WA 98611-0280
360-577-2025
TTY: 360-577-2025

Northwest Region
919 N Township St
Sedro-Woolley, WA 98284-9333
360-856-3500
TTY: 360-856-1371

South Puget Sound Region
950 Farman Ave N
Enumclaw, WA 98022-9282
360-825-1631
TTY: 360-825-6381
PURPOSE: This treatment plant and associated equipment will be used to produce potable water for two existing homes located at 7338 Deer Harbor Rd., Deer Harbor, WA. The plant will be located upland 260' ± from the shoreline.

Datum: MLLW = 0'

Adjacent Property Owners:
252021003 John M Salvini
261734533 Vinton H & Amelia Sommerville
SEC. 17 and 20, T36N, R2W

REFERENCE:

PROPOSED: Install submersible saltwater pump, utility conduit, saltwater transmission main and brine return line on shore, beach and sea bottom.

IN: Pois Pass
AT: Orcas Island
COUNTY: San Juan

APPLICANT: Vinton H & Amelia Sommerville
DATE: July 27, 2010
FIGURE: 1 OF 8
PURPOSE: This treatment plant and associated equipment will be used to produce potable water for two existing homes located at 7338 Deer Harbor Rd., Deer Harbor, WA. The plant will be located upland 260' ± from the shoreline.

Datum: MLLW = 0'

Adjacent Property Owners:
262021003 John M. Salvinii,
261734003 Vinton H. & Amelia Sommerville

SEC. 17 and 20, T39N, R2W

REFERENCE:

PROPOSED: Install submersible saltwater pump, utility conduit, saltwater transmission main and brine return line on shore, beach and sea bottom.

IN: Pole Pass
AT: Orcas Island
COUNTY: San Juan

APPLICANT: Vinton H. & Amelia Sommerville

DATE: July 27, 2010
FIGURE: 2 OF 8