



WASHINGTON STATE DEPARTMENT OF
Natural Resources

Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name:	Kona Residence Trust
County:	Skagit
Water Body:	Burrows Bay
Type of Authorization:	Lease Reauthorization
Authorization Number:	20-A11236
Term:	15 years
Description:	This lease is for boat moorage and a breakwater.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
DOUG SUTHERLAND
COMMISSIONER OF PUBLIC LANDS

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

1. SUBMISSION OF APPLICATION

NO WORK CAN BE STARTED ON THE PROJECT AREA UNTIL A USE AUTHORIZATION HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES.

Enclose a \$25.00 non-refundable application processing fee with the application. This application form will be reviewed by the Department of Natural Resources upon receipt at the address given below. 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.

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

Department of Natural Resources
Northwest Region Office
919 N. Township Street
Sedro-Woolley, WA 98284

II. APPLICANT INFORMATION

Date of Application: _____ KONA RESIDENCE TRUST
Authorization to be Issued To (how name is to appear in the lease document): _____

Address: CAO ALLEN D. ISRAEL
1111 THIRD AVENUE, SUITE 3400
City: SEATTLE State: WA Zip Code: 98101
Telephone Number: 206-447-8911 FAX Number: 206-749-1957
Applicant's Representative: BETH A. CLARK
Relationship to Applicant: ATTORNEY
Address: 1111 THIRD AVENUE, SUITE 3400
City: SEATTLE State: WA Zip Code: 98101
Telephone Number: 206-447-8893 FAX Number: 206-749-1916

If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: 91-6306655

Which of the following applies to Applicant (Check One and Attach written authority to sign - bylaws, power of attorney, etc):

Corporation _____ (State of Registration): _____ Government Agency: _____
General Partnership _____ Limited Partnership _____ (State of Registration): _____
Sole Proprietorship _____ Marital Community _____ (Spouse): _____
Other X (Please Explain): TRUST

Has the site use been authorized before or is it currently under lease: Yes (#) x No _____ Don't Know _____

III. LOCATION

The Body of Water on which the state property is located: SKAGIT COUNTY
County in which the state property is located: _____
Government Lot 1, Section 4, Township 34N, Range 1 EAST E/W W.M.

FOR OFFICIAL USE ONLY

Land Manager Type: (20) 21, 22, 23, 31, 51
Land Manager: New Application Renewal Application
Land Manager Initials: CWJ Aquatic Program Manager Initials
Support: Application Fee Received 39X AQUA OS NW R 030 Date: 4/11/05

Land Records: New Application Number _____
Land Records: Trust _____ County _____ AQR Plate No. _____

A LEGAL PROPERTY SURVEY INCLUDING THE LEGAL DESCRIPTION AND OTHER INFORMATION ABOUT THE PROPERTY IS REQUIRED TO OBTAIN A USE AUTHORIZATION. THE SURVEY REQUIREMENTS ARE DESCRIBED IN SECTION VII, PROPERTY SURVEY OF THIS FORM. THE SURVEY PLAT WILL BE ATTACHED TO THE LEASE 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, Tidelat adjacent to the Chehalis River, etc.):
TIDELANDS OF THE SECOND CLASS AND BED OF BURROUGHS BAY ADJACENT TO ALLAN ISLAND, SKAGIT COUNTY

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:

Name: KONA RESIDENCE TRUST
Address: C/O ALLEN D. ISRAEL
1111 THIRD AVENUE, SUITE 3400
City: SEATTLE State: WA Zip Code: 98101 Phone Number: (206-447-8911)

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties: (PLEASE SEE ATTACHED)

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 OR CONTRACT OF SALE.

IV. USE OF PROPERTY

1. Describe, in detail, the proposed use of the Property: KONA RESIDENCE TRUST OWNS ENTIRETY OF ALLAN ISLAND. USE OF LEASEHOLD AREA IS FOR BOAT MOORAGE AND BREAKWATER (EXISTING USE).
2. Is or will the Property be subleased to another party? Yes No x (If yes, submit a copy of the sublease agreement.)
3. What are the current and past uses of the site? ALLAN ISLAND HAS BEEN IN PRIVATE OWNERSHIP AND LARGELY UNDEVELOPED FOR MANY YEARS. KONA RESIDENCE TRUST HAS OWNED THE PROPERTY SINCE 1992. USE HAS BEEN LIMITED TO PRIVATE/ RESIDENTIAL AND RECREATIONAL USE.
4. 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? If so, please explain: NO KNOWLEDGE
5. Do you know if any fill material has been placed on the property in question? If yes, please explain: NO KNOWLEDGE

V. IMPROVEMENTS

PHYSICAL IMPROVEMENTS ARE STRUCTURES PLACED ON THE LAND THAT CANNOT BE REMOVED WITHOUT DAMAGE TO THE LAND. EXAMPLES OF SUCH STRUCTURES INCLUDE PILING, DOLPHINS, PIERS, WHARVES, PILING-SUPPORTED BUILDINGS, STRUCTURES BUILT ON FILL OR CONCRETE FOUNDATIONS, BURIED PIPELINES AND CABLES, AND SUPPORT STRUCTURES FOR BRIDGES.

1. What physical improvements currently exist on the site? (Photos may be required.) MOORAGE, BREAKWATER
2. If there are physical improvements currently on the site, who owns them? OWNER
3. If there are physical improvements currently on the site, describe their condition: AVERAGE
4. Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? NO CURRENT PLANS

5. Describe any physical improvements that the applicant is proposing to construct on the site: _____

 NOT AT THIS TIME
6. Has any fill material been placed on the site? If Yes, please describe: _____

 NO KNOWLEDGE

VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS

COPIES OF ALL GOVERNMENT REGULATORY PERMITS ARE REQUIRED BEFORE ISSUANCE OF A DNR USE AUTHORIZATION. YOUR PROJECT MAY REQUIRE SOME OR ALL OF THESE PERMITS.

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, filing, 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 Nonsignificance, 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: _____

N/A

VII. PROPERTY SURVEY

EXISTING SURVEY ON FILE WITH THE
 DEPARTMENT OF NATURAL RESOURCES

Guidelines for all Surveys of Easements or Lease Sites:

1. The location of the easement areas or lease sites shall be surveyed by a Washington State Professional Land Surveyor and the survey is a part of the application. This survey must comply with the standards set forth in Title 58 RCW and WAC 332-130; and a Record of Survey shall be submitted showing the results of the survey and the location of the easement or lease site applied for. A copy of the preliminary survey must be submitted for review and approval prior to approval of the agreement. The final Record of Survey shall be filed with the proper county auditor. An additional two full size copies and one 8-1/2"x11" copy that include the auditor's recording information shall be submitted to the Department's Manager of the specific project.
2. The survey shall provide the name of the applicant, the purpose of the easement or lease site, and the application number assigned by the Department of Natural Resources.
3. Distances and directions to any lease site from two or more controlling corners of a recorded subdivision, recorded survey, or government survey (GLO) corners must be provided.

See the following page for additional guidelines as appropriate for a specific agreement.

SURVEY GUIDELINES (CON'T)

4. The survey shall 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.

5. Proposed easement or lease site boundaries must be clearly shown with distances and directions of all boundary lines. The area shall be shown to an accuracy of $(\pm)0.5\%$ of the total area or $(\pm) 10$ square feet, whichever is greater, and the plat shall provide the lineal footage along the center line of a linear easement.

6. The complete alignment information and width of a linear lease shall be shown, including any necessary curve data. For a lease which encroaches on a previously leased site, the boundary for the senior lease in the vicinity of the proposed lease shall also be shown, together with ties between the two leases sufficient to determine the full extent of the encroachments.

7. A narrative legal description which describes the actual area proposed for an easement or lease site must be prepared, and shown upon the Record of Survey.

8. The survey must show a detailed plan of improvements to be constructed or already existing on the proposed area. All structures and improvements must be shown in sufficient detail to determine what they are used for and to ensure they are entirely within the lease area. The location of any proposed utility shall be shown. Upon completion of the proposed improvements, if any portion of the improvements are located outside of the granted lease site, a revised survey and legal description shall be prepared and submitted for the as-built locations. 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.

9. Any other data necessary for the complete and intelligent understanding of the information shown on the survey should be provided. If, in the opinion of the department, such information is lacking, the survey may be rejected.

Notes for Surveys of all Lease Sites:

If questions arise regarding the items identified in these guidelines, or variance of the requirement of State Plane Coordinates is needed, please contact the Land Survey Section of DNR, at phone number (360)902-1182.

10. Additional Guidelines for Surveys of Upland Leases or Easements:

(A) For a lease or easement crossing a section line or state ownership boundary, ties shall be provided to the centerline of a linear lease or easement along the section or subdivision line from the nearest appropriate Public Land Survey System (PLSS) section corner, quarter section or subdivision corner, where the linear lease enters and leaves the section or state ownership.

For a lease site falling entirely within one section and does not cross a section line or state ownership boundary, ties from both end points of the linear easement to PLSS corners or other subdivision corners shall be provided.

11. Additional Guidelines for Surveys of Communication Sites:

(A) Ties shall be made to the corners of previously monumented communication sites adjacent to, or in the immediate vicinity of the communication site being applied for, and access to the site shall be shown.

(B) The corners of the communication site, as described and granted, shall be marked by substantial permanent magnetically locateable monuments. The monuments shall be in place and obviously marked on the ground after the construction of installations and improvements.

(C) The center of any communication site tower shall be identified on the plat by Washington Plane Coordinates, NAD83(1991), or latitude and longitude having an accuracy of and showing 3 decimals of a second. On all communication sites where towers or beam paths are shown, an elevation is required at the base of the tower. The tower height, and the height of the antenna or microwave dish shall be shown, and any beam path used shall have the diameter and tilt thereof shown. The elevation shall be derived from an established bench mark in the vicinity of the site, or an elevation designated by the Department of Natural Resources.

12. Additional Guidelines for Surveys of Leases for Aquatic Land uses:

(A) Where applicable, the survey of aquatic lands must show the location of the following lines for:

(1) Tidal areas - Government meander line, line of mean high tide, line of mean low tide, and line of extreme low tide. The survey must include the name of tidal bench mark(s) used or describe the alternate method employed for determining a Tidal Datum. For lease areas which contain tidelands and bedlands, at a minimum the location of the line of extreme low tide crossing the lease area must be shown. For lease areas containing bedlands exclusively may be required to show the relationship to the line of extreme low tide and the -18 foot contour line only.

(2) 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.

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

See the following page for additional guidelines as appropriate for a specific agreement.

SURVEY GUIDELINES (CON'T)

(4) Where they exist, the survey must show the location of lots and blocks of platted tide lands or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, and easements of record within the lease site.

These 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.

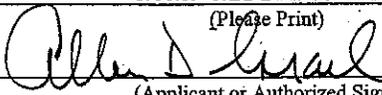
(B) For lease sites which contain existing or proposed structures and improvements that are classified as "non water-dependent" or "water oriented" uses as described within RCW 79.90.465 and WAC 332-30-106, the square footage of each structure and improvement shall be provided.

Notes for Surveys of Leases for Aquatic Land uses:

1. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show details of the proration of coves and irregular shorelines.

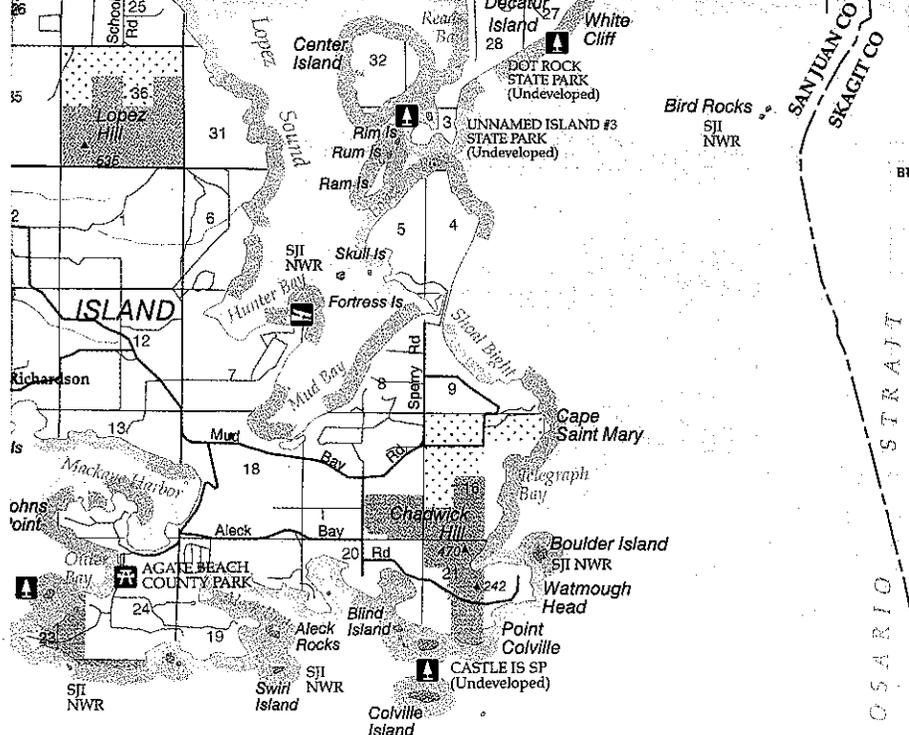
Effective date: August 1, 2000

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

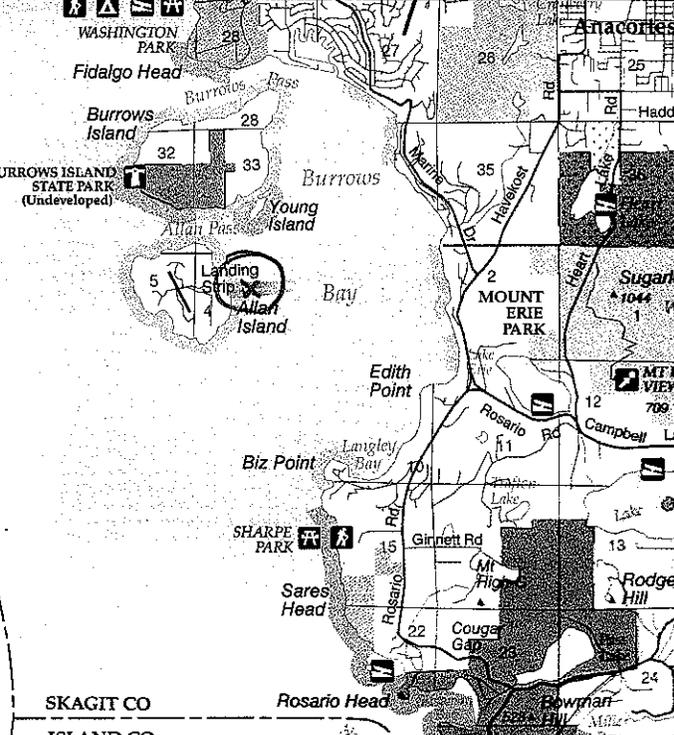
Applicant KONA RESIDENCE TRUST
(Please Print)
Signed 
(Applicant or Authorized Signature)
Title TRUSTEE
Company _____
Date JANUARY 9, 2004

C:\MyFiles\Brenda\Misc Forms\Application info\LONGAPFORM.DOC

1 425 000 FEET R1W 1450 45' R1E 1475



ISLANDS SAN JUAN ISLANDS NATIONAL WILDLIFE REFUGE



DECEPTION PASS STATE PARK

WHIDBEY ISLAND NAVAL AIR STATION

JOSEPH WHIDBEY STATE PARK

SAN JUAN ISLANDS NATIONAL WILDLIFE REFUGE Note: All the islands of the San Juan Islands National Wildlife Refuge on this map are designated as wilderness areas except for Smith and Minor Islands.

INDEFINITE BOUNDARY

F JUAN DE FUCA

SURVEY IN SECTION 485, TWP 34 N, R 1 E, W.M.
 ALLAN ISLAND, SKAGIT COUNTY, WASHINGTON

SHORT PLAT NUMBER 9180
 DATE 3-2-81 RECORDED

CONSENT
 KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED SUB-DIVIDERS HEREBY CERTIFY THAT THIS SHORT PLAT IS MADE AS THEIR FREE AND VOLUNTARY ACT AND DEED.

Caroline K. Anderson
 CAROLINE K. ANDERSON
David I. Anderson
 DAVID I. ANDERSON
 Basic Company of Charles R. Baer, General Partner

ACKNOWLEDGMENTS
 STATE OF WASHINGTON
 COUNTY OF SKAGIT
 ON THIS 22 DAY OF May 1980 BEFORE ME, THE UNDER-SIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED David I. Anderson and Caroline K. Anderson and Carolanne K. Anderson and

TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR FIRST WRITTEN
 NOTARY PUBLIC
David I. Anderson
 RESIDING AT Bellingham

STATE OF WASHINGTON
 COUNTY OF Skagit
 ON THIS 22 DAY OF May 1980 BEFORE ME, THE UNDER-SIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Charles R. Baer and Carolanne K. Anderson and

THE CORPORATION THAT EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT as AUTHORIZED TO EXECUTE THE SAID INSTRUMENT.
 WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR ABOVE WRITTEN.
 NOTARY PUBLIC
David I. Anderson
 RESIDING AT Bellingham

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THIS SHORT PLAT AND THE BOUNDS WITHIN HAVE BEEN SURVEYED AND MONUMENTED AND THAT ALL DISTANCES AND BEARINGS ARE ACCURATE.
DALE R. ROCKEY
 DALE R. ROCKEY
 CONSTRUCTION SURVEYOR'S NORTHWEST, INC.
 1300 1st STREET
 BELLINGHAM, WASHINGTON 98225
 CERTIFICATE NO. 10330
 DATE 2-2-80

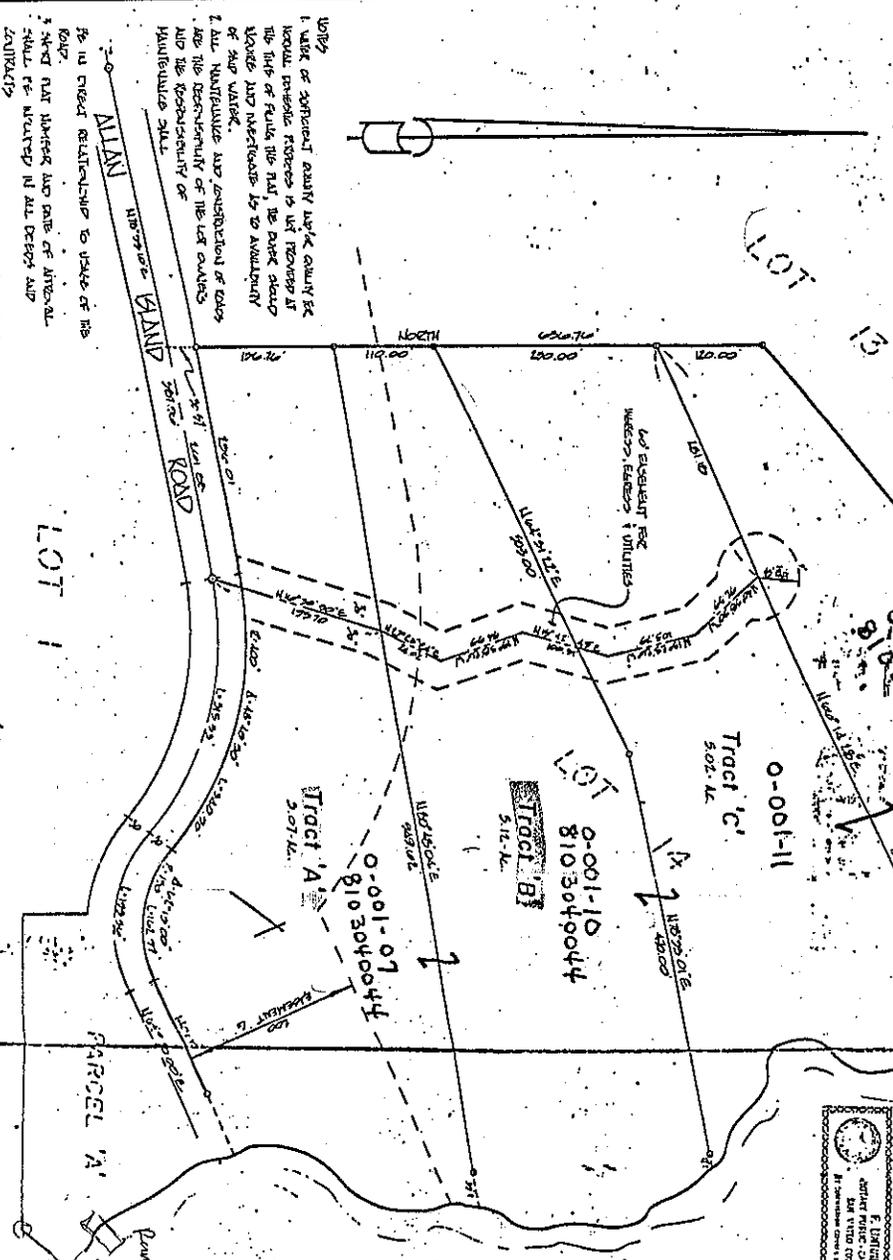
APPROVALS
 THE WITHIN AND FOREGOING SHORT PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE COUNTY CLERK OF SKAGIT COUNTY, WASHINGTON, THIS 19 DAY OF April 1980 AT 11:00 A.M. IN ACCORDANCE WITH THE PROVISIONS OF THE SHORT PLAT ACT.
John C. Galloway
 JOHN C. GALLOWAY
 COUNTY CLERK
 SHORT PLAT ADMINISTRATOR

AUDITOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THIS SHORT PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SKAGIT COUNTY, WASHINGTON, ON THIS 19 DAY OF April 1980 AT 11:00 A.M. IN ACCORDANCE WITH THE PROVISIONS OF THE SHORT PLAT ACT.
John C. Galloway
 JOHN C. GALLOWAY
 COUNTY CLERK
 SHORT PLAT ADMINISTRATOR

SKAGIT COUNTY AUDITOR
John C. Galloway
 JOHN C. GALLOWAY
 COUNTY CLERK
 SHORT PLAT ADMINISTRATOR
 SCALE 1" = 100'
 MERIDIAN N. 89° 57' 00" W. 100' OF A.S.M. GRADE 19 1 1/2'

LEGAL DESCRIPTION
 Lot 14 of that certain Survey recorded in Volume 1 of Surveys, page 173 and 174, recorded February 10, 1976, under Auditor's File No. 830489, being a portion of Sections 7 and 5, Township 34 North, Range 1 East of W.M., and Sections 32 and 33, Township 35 North, Range 1 East of W.M., Allam Island, Skagit County, Washington.
 SUBJECT TO Declaration of easements, covenants, conditions and restrictions for Allam Island Estates recorded under Auditor's File No. 834115.
 TOGETHER with a non-exclusive right to each of the easements described in Article 11 of said Declaration.

- INDICATES 3/8" DIAMETER ELEC. SET
- HOUGHTON P.D.
- ZONING CIRCUMSCRIPTION: EXH.



- 1. MARK OF SURVEYOR'S QUARTER SECTION CORNER BEING NEARBY BEING REFERRED TO AS MONUMENT AT THE END OF ROAD, THE END OF ROAD BEING MARKED AND IDENTIFIED BY TO ADJACENT AND ADJACENT.
- 2. ALL MONUMENTS AND CONSTRUCTION OF ROADS AND THE RESPONSIBILITY OF MAINTENANCE SHALL BE UPON THE OWNER OF THE LAND.
- 3. THE ROAD BEING REFERRED TO AS MONUMENT AT THE END OF ROAD, THE END OF ROAD BEING MARKED AND IDENTIFIED BY TO ADJACENT AND ADJACENT.
- 4. THE ROAD BEING REFERRED TO AS MONUMENT AT THE END OF ROAD, THE END OF ROAD BEING MARKED AND IDENTIFIED BY TO ADJACENT AND ADJACENT.
- 5. THE ROAD BEING REFERRED TO AS MONUMENT AT THE END OF ROAD, THE END OF ROAD BEING MARKED AND IDENTIFIED BY TO ADJACENT AND ADJACENT.