

After Recording Return to:

Dave George
Department of Ecology
Eastern Regional Office
N. 4601 Monroe
Spokane, WA 99205-1295

1282390 02/09/2011 10:08 AM COV
Page 1 of 9 R 70.00 Grant Co, WA
SALTER JOYCE ZIKER



Document Title: Environmental Covenant

Grantor(s): School District No. 144

Grantee(s): State of Washington, Department of Ecology

Assessor's Property Parcel Numbers/Legal Descriptions:

<u>04-0090-000</u>	BLK 1;BROWNS ADD;50X186.9 EACH
<u>04-0327-000</u>	LOTS 9 TO 16 BLK 21;CENTRAL QUINCY;400X125
<u>04-1209-000</u>	TRACTS 12 & 13; SCHROCK ORCHARD TRACTS; 1324.26X648.80
<u>04-1193-000</u>	E150' LOT 1 LS TX# 5735 & HWY; SCHROCK ORCHARD TRACTS; 2.05 AC (CALC) MEMO
<u>04-1196-000</u>	TRACT 2; SCHROCK ORCHARD TRACTS; 331.09X630.8 MEMO



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SEP 17 2010
BY V FLORES

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Department of Ecology
Eastern Regional Office
N. 4601 Monroe
Spokane, WA 99205-1295

RECEIVED
OCT 18 2010

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

ENVIRONMENTAL COVENANT

Grantor: School District No. 144

Grantee: State of Washington, Department of Ecology

Legal: See Attachment A for Full Legal Descriptions

Tax Parcel Nos.:

40090000
40327000
41209000
41193000
41196000

Grantor, School District No. 144, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this day of _____, 2010, in favor of the State of Washington Department of Ecology and its successors and assigns (hereafter "Ecology"). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, RCW 64.70.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by School District No. 144, its successors and assigns, and Ecology.

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following document[s]:

1. Remedial Investigation dated October 23, 1997.
2. Supplement to Remedial Investigation dated November 13, 1997.
3. Feasibility Study dated February 10, 2000.
4. Cleanup Action Plan dated February 22, 2001.
5. Consent Decree dated March 6, 2001.
6. Ecology Periodic Review dated September 2008.

These documents are on file at Ecology's Eastern Regional Office.

This Covenant is required because the Remedial Action resulted in residual concentrations of fumigant constituent chemicals, primarily 1,2-Dichloropropane, which exceed the Model Toxics Control Act Method B Cleanup Level(s) for groundwater established under WAC 173-340-720. A recent Ecology periodic review included an assessment of the ability of the Remedial Action to meet groundwater cleanup goals in a reasonable restoration timeframe and to ensure continued protection of human health and the environment. Different and/or additional remedial studies and/or actions may be needed in the future to address these concerns.

The undersigned, School District No. 144, is the fee owner of real properties (hereafter "Property") in the County of Grant, State of Washington, that are subject to this Covenant. The Property is legally described in Attachment A to this Covenant and made a part hereof by reference.

School District No. 144 makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. No groundwater may be taken for any use from the Property except if (a) part of monitoring activities associated with an Ecology-approved monitoring plan or (b) Ecology provides prior written approval.



Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Property, to determine compliance with this Covenant, and to inspect records that are related to the Remedial Action.

Section 8. The Owner reserves the right under WAC 173-340-440 to record an instrument that provides that this Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

SCHOOL DISTRICT NO. 144

[Signature]

Burton Dickerson

[Name of Signatory]

Superintendent
[Title]

Dated: 9-20-10

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY


[Signature]

Michael A. Hibbler
[Name of Person Acknowledging Receipt]

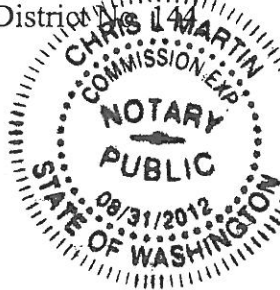
Regional Section Manager
[Title]

Dated: 24 January 2011



STATE OF Washington
COUNTY OF Grant

On this 20th day of September, 2010, I certify that Barton Dickerson personally appeared before me, acknowledged that he/she is the superintendent of School District No. 144 that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said School District No. 144, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument for said School District No. 144.



Chris L. Martin
Notary Public in and for the State of
Washington, residing at
Quincy

My appointment
expires 8-31-12.



Attachment A
Legal Descriptions

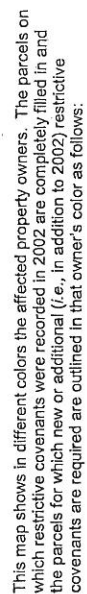
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331.09X630.8 MEMO



- CHS is yellow (no new or additional restrictive covenant needed).
- Blakal is green (7 additional restrictive covenants needed).
- Simplot is orange (no new or additional restrictive covenant needed).
- School District is pink (5 additional restrictive covenants needed).
- David Gaescht/Trailer Park is purple (one new restrictive covenant needed).