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DECLARATION OF DEED RESTRICTIONS

THIS DECLARATION is hereby given that the property associated with the Silver Mountain Mine Superfund site legally described below hereto (the Property) is subject to use restrictions and other obligations:

That portion of the southwest quarter of Section 34, Township 38 North, Range 26 East of the Willamette Meridian, more particularly described as follows:

Commencing at the northeast corner of the Mill, said point bears north 86 degrees 05 minutes 33 seconds east, a distance of 26.78 feet from the northwest corner of said Mill; thence north 31 degrees 25 minutes 08 seconds east for a distance of 431.84 feet to the TRUE POINT OF BEGINNING; thence south for a distance of 100.00 feet; thence south 10 degrees 42 minutes 47 seconds west for a distance of 470.00 feet; thence east for a distance of 295.00 feet, more or less, to the TRUE POINT OF BEGINNING.

All situated in Okanogan County, State of Washington.

These use restrictions are put forth AS REQUESTED by the Environmental Protection Agency (EPA), Region 10 this 20th day of December, 1994, in accordance with the March 27, 1990, Record of Decision (ROD) for the Silver Mountain Mine Site, developed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986.

The Property described above includes that portion of property (approximately five acres) located within a barbed wire fence. The Property is an abandoned mine dump where heap leaching operations left cyanide and arsenic contamination in soil, surface water, and groundwater. Approximately 7100 cubic yards of contaminated material have been consolidated and graded with the cyanide leach heap and covered with a soil/clay cap. Because the selected remedy will result in hazardous substances remaining on site above health-based levels, the following use restrictions will be instituted to protect human health and the environment.

The undersigned as owner of the above described property agree to burden the same real property with a restriction prohibiting use. The restrictions and obligations described below shall run with the land and shall be binding on any and all persons who

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acquire an interest in the Property, unless EPA Region 10 (or its successor) consents to an inconsistent use:

- 1) the owner of the property shall not make use of the property, which compromises the integrity of the soil/clay cap. Restricted uses include, but are not limited to, construction or landscaping on the cap or excavation of any part of it. However, the owner of the Property shall not be responsible for any other persons or entity who constructs, landscapes or otherwise excavates or compromises the integrity of the soil/clay cap.
- 2) the owner of the property shall not use any restricted water for human consumption. Restricted water includes, but is not limited to, mine drainage and groundwater beneath, or affected by, the side. However, the owner of the Property shall not be responsible for any consumption of any restricted water by any other human or animal.
- 3) these restrictive covenants shall restrict the Property and run with the land, and be binding on the current owners and all of their successors, assigns and transferees.

In Witness Whereof, the undersigned has executed this instrument on the day and year first written above.

James W. McDaniel
JAMES W. MCDANIEL, Property Owner

STATE OF WASHINGTON)
 : ss.
County of Okanogan)

Personally appeared before me JAMES W. MCDANIEL, this 20th day of December, 1994.

Cheryl E. Mullins
NOTARY PUBLIC in and for the
State of Washington. My
Commission Expires: 9-16-96