

Memorandum of Agreement

SC Aggregate Company, Inc. a Washington corporation (hereinafter referred to as “Seller”), and **Donald R. Akehurst** (hereinafter referred to as “Purchaser”), in consideration of advising Ecology (hereinafter defined) of the pertinent terms of the agreement between the parties, agree as follows:

1. Seller is the owner of certain water rights in the mainstem of the Yakima River, WRTS File No. CS4-01724CTCLsb7 (KITT-09-05) (the “Water”), which it has placed into the Yakima River Basin Trust Water Rights Program as authorized under Chapter 90.38 RCW (the “Trust”) as evidenced by that certain Certificate of Trust Water Right No. S4-01724CTCLsb7 issued by the Washington State Department of Ecology (“Ecology”) dated April 13, 2010 (the “Certificate”) for the purpose of enhancing in-stream flows and providing mitigation water to offset and allow for the permitting of new water rights to be used for any lawful purpose within the Yakima River basin.
2. Purchaser owns that certain real property located in Kittitas County and legally described in Exhibit 1 attached hereto and incorporated herein (hereinafter referred to as “Property”)
3. Purchaser desires to obtain a permit or water budget neutral determination from Ecology to withdraw ground water for in-door domestic use on the Property, which permit or determination would not otherwise be granted by Ecology without an offsetting water right in mitigation (collectively the “Permit”).
4. Seller has agreed to sell and Purchaser has agreed to purchase a permanent allocation of a portion of the Water in the Trust for the benefit of the Property to allow Purchaser to obtain the Permit (the “Mitigation Water”) pursuant to the terms and provisions contained in that certain Mitigation Water Purchase Agreement executed concurrently herewith.
5. Upon receipt from Ecology of a determination that Purchaser’s proposed appropriation of groundwater, as mitigated by the Water, will be water budget neutral, Seller will permanently allocate the Mitigation Water in the Trust to the Property in mitigation of the water right use designated in Ecology’s determination.
6. This Memorandum of Agreement is not a complete summary of the agreement between the parties.
7. This Memorandum of Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which, when taken together, constitute one and the same document. The signature of any party to any counterpart shall be deemed a signature to, and may be appended to, any other counterpart. Electronic or facsimile transmission of any signed original document, and retransmission of any signed electronic or facsimile transmission, shall be the same as delivery of an original; provided, however, delivery of any and all such signed facsimile


copies shall be immediately followed by delivery of the copy containing the original signature(s).

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement as of the 15th of November, 2021.

SELLER:
SC Aggregate Company, Inc. a Washington corporation

DocuSigned by:

A4A2F5B5FD4D4DB...
By: F. Steven Lathrop
Its: President

PURCHASER:

Gregory A. Akehurst as attorney of fact
Donald R. Akehurst

EXECUTION DATE: 11/15/2021

EXECUTION DATE: _____

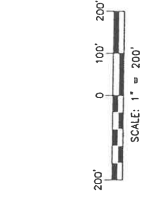
EXHIBIT 1
The Property

Legal Description: Ptn. NW ¼ Sec 20, Twn 18N, Rng 19 EWM, Kittitas County, Washington
Parcel Numbers: 784434, 954945, 954946

More fully described on Akehurst Plat under Kittitas County LP-08-00033, LPF-21-00009, a copy of which is attached hereto and incorporated herein by reference.

LP-08-00033
LPF-21-00009

AKEHURST PLAT
A PORTION OF THE NW 1/4 OF SECTION 20, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M.,
KITITTA COUNTY, WASHINGTON

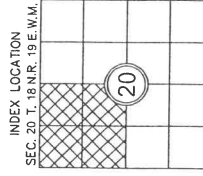


SURVEY NOTES:

1. THE PURPOSE OF THIS SURVEY IS TO ILLUSTRATE PARCELS AS SHOWN HEREIN AND TO FACILITATE SATISFYING THE CONDITIONS FOR APPROVAL FOR AN APPLICATION FOR A PLAT SUBMITTED SEPARATELY TO KITITTA COUNTY.
2. THIS SURVEY WAS PERFORMED USING A TRIMBLE S7-3 TOTAL STATION WITH RESULTING ACCURACY THAT MEETS OR EXCEEDS STANDARDS PER WAC 332-130-060.
3. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS, ENCUMBRANCES OR RESTRICTIONS OF RECORD OR OTHERWISE.
4. FOR ADDITIONAL SURVEY AND REFERENCE INFORMATION, SEE THE FOLLOWING:
 - BOOK J OF SHORT PLATS, PAGES 222 & 223, APN: 2008089160026
 - BOOK 22 OF SURVEYS, PAGES 237 & 238, APN: 19811160031
5. BEARINGS ARE BASED ON THE BEARINGS ESTABLISHED ON THE AKEHURST SHORT PLAT, RECORDED IN BOOK J OF SHORT PLATS. THE MONUMENTS ARE THE FOUND 1 1/2" ALUMINUM CAP AT THE WEST 1/4 CORNER OF SECTION 20 AND THE FOUND RAILROAD SPIKE AT THE EAST 1/4 CORNER OF SECTION 20, AS NOTED HEREON.

LEGEND

- SECTION CORNER, AS NOTED
- QUARTER CORNER, AS NOTED
- CENTER OF SECTION, AS NOTED
- FOUND REBAR & CAP, AS NOTED
- SET REBAR & CAP, LS 45503



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS DAY OF 20 AT _____, WA.
IN BOOK _____ OF _____ AT PAGE _____ AT THE REQUEST OF
DUSTIN L. PIERCE
SURVEYOR'S NAME
JERALD V. PETTIT
County Auditor
Deputy County Auditor

Encompass
ENGINEERING & SURVEYING
Western Washington Division
1163 NE Juniper Street, Ste. 201 • Issaquah, WA 98027 • Ph: (425) 925-0250 • Fax: (425) 921-3055
Eastern Washington Division
407 Southwater Blvd. • Cle Elum, WA 98922 • Ph: (509) 674-7433 • Fax: (509) 674-7419

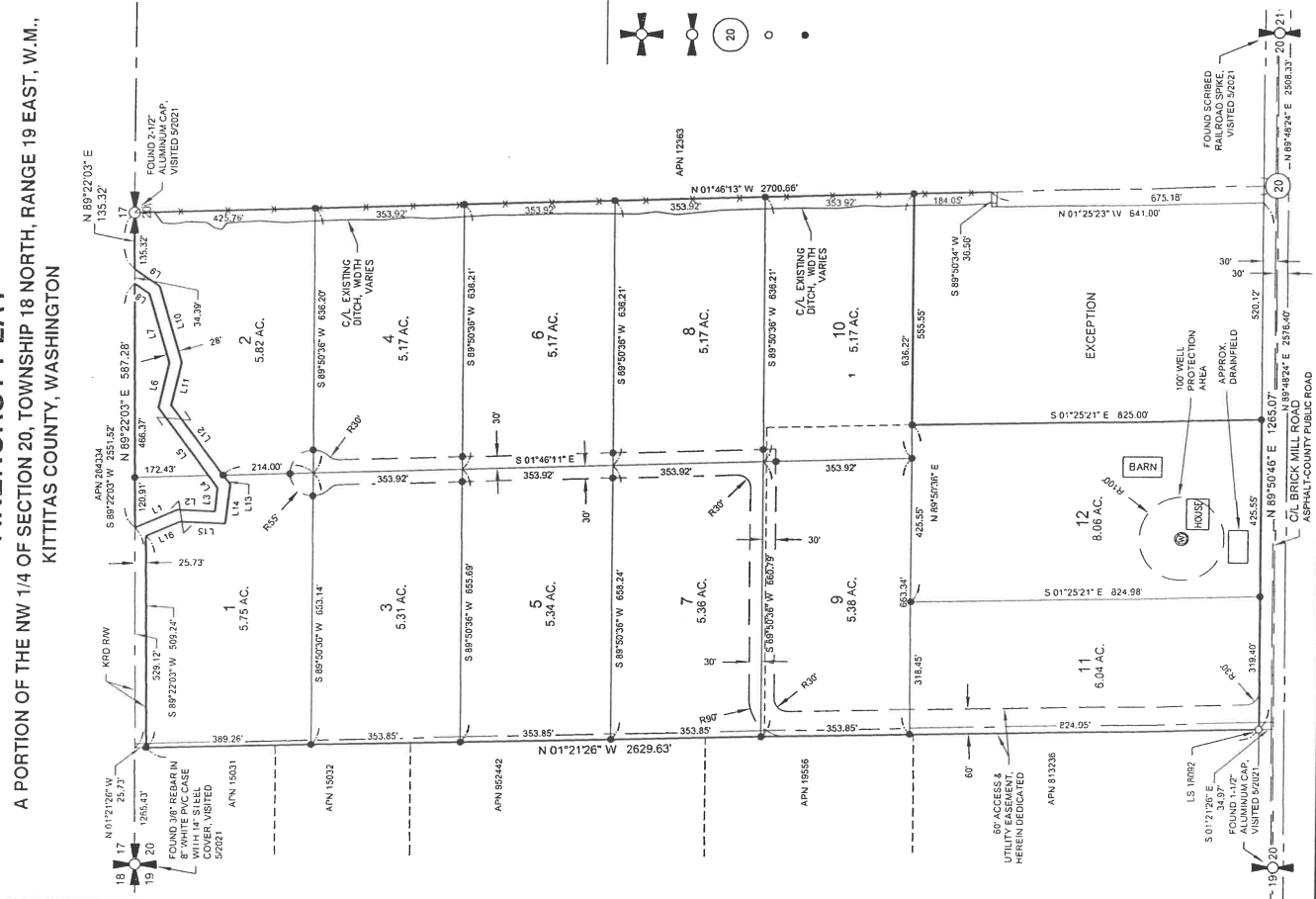
AKEHURST PLAT
PREPARED FOR
DUSTIN L. PIERCE
A PORTION OF THE NW 1/4 OF SECTION 20,
TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M.,
KITITTA COUNTY
DWN BY
D.L.P./G.W.,
CHKD BY
D.L.P.

DATE
11/2021

JOB NO.
21114

SHEET
1 OF 2

SCALE
1" = 200'



LINE #	DIRECTION	DISTANCE
L1	S 23°27'57" E	108.21'
L2	S 15°37'02" W	86.53'
L3	S 83°25'57" E	56.16'
L4	N 83°24'02" E	35.10'
L5	N 57°54'02" E	202.74'
L6	S 77°10'57" E	110.44'
L7	N 74°12'03" E	172.65'
L8	N 34°53'102" E	42.15'
L9	N 24°51'02" E	75.12'
L10	N 74°12'03" E	189.80'
L11	S 77°10'57" E	104.75'
L12	N 57°54'02" E	209.27'
L13	N 53°28'02" E	26.02'
L14	S 83°25'57" E	95.12'
L15	S 15°37'02" W	106.29'
L16	S 23°27'57" E	85.77'



SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF DUSTIN L. PIERCE, SURVEYOR, IN DATE 11/20/21.

DUSTIN L. PIERCE
CERTIFICATE NO. 45503

LP-08-00033
LPF-21-00009

AKEHURST PLAT
A PORTION OF THE NW 1/4 OF SECTION 20, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M.,
KITITITAS COUNTY, WASHINGTON

PROPERTY OWNER:
DONALD R. AKEHURST & BARBARA J. AKEHURST
HUSBAND AND WIFE
1521 E BR 106
ELLENBURG, WA 99226-7218
PROPERTY INFORMATION:
PARCEL NO.: 784434, 954945 AND 954946
MAP NO.: 18-19-2020-0005, 18-19-2054-0001 AND 18-15-2005-4-0003
ZONING: R1
WATER SOURCE: INDIVIDUAL WELLS
SEWER SOURCE: INDIVIDUAL SEPTIC / DRAINFIELD
ZONE: AGRICULTURE 20 (AG-20)

APPROVALS

KITITITAS COUNTY PUBLIC WORKS
KITITITAS COUNTY DEPARTMENT OF PUBLIC WORKS EXAMINED AND
APPROVED THIS ___ DAY OF _____, A.D. 20___

KITITITAS COUNTY ENGINEER _____

COMMUNITY DEVELOPMENT SERVICES

HEREBY CERTIFY THAT THE "AKEHURST PLAT" HAS BEEN
EXAMINED AND APPROVED FOR CONFORMANCE WITH THE
COMPREHENSIVE PLAN OF THE KITITITAS COUNTY PLANNING
COMMISSION.

DATED THIS ___ DAY OF _____, A.D. 20___

KITITITAS COUNTY PLANNING OFFICIAL _____

KITITITAS COUNTY HEALTH DEPARTMENT

HEREBY CERTIFY THAT THE PLAT HAS BEEN EXAMINED AND
CONFORMS WITH CURRENT KITITITAS COUNTY CODE CHAPTER 13.

DATED THIS ___ DAY OF _____, A.D. 20___

KITITITAS COUNTY HEALTH OFFICER _____

CERTIFICATE OF COUNTY TREASURER

HEREBY CERTIFY THAT THE TAXES AND ASSESSMENTS ARE
CURRENTLY PAID FOR THE PRECEDING YEARS AND FOR THIS YEAR IN
WHICH THE PLAT IS BEING FILED FOR RECORD.
PARCEL NO.: 784434, 954945 AND 954946

DATED THIS ___ DAY OF _____, A.D. 20___

KITITITAS COUNTY TREASURER _____

CERTIFICATE OF COUNTY ASSESSOR

HEREBY CERTIFY THAT THE "AKEHURST PLAT" HAS BEEN
EXAMINED AND APPROVED FOR PLATTING IN ACCORDANCE WITH AN
ACCEPTABLE CONDITION FOR PLATTING.
PARCEL NO.: 784434, 954945 AND 954946

DATED THIS ___ DAY OF _____, A.D. 20___

KITITITAS COUNTY ASSESSOR _____

KITITITAS COUNTY BOARD OF COMMISSIONERS

EXAMINED AND APPROVED THIS ___ DAY OF _____, A.D. 20___

BOARD OF COUNTY COMMISSIONERS
KITITITAS COUNTY, WASHINGTON

BY: _____
CHAIRMAN

ATTEST: _____
CLERK OF THE BOARD

NOTICE: THE APPROVAL OF THIS PLAT IS NOT A GUARANTEE
THAT FUTURE PERMITS WILL BE GRANTED.

LEGAL DESCRIPTION PER CHICAGO TITLE INSURANCE COMPANY - POLICY NO. 72156-47603038:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M., KITITITAS COUNTY,
STATE OF WASHINGTON WHICH IS DESCRIBED AS FOLLOWS:

LOTS "A", "B" & "C" OF THAT CERTAIN SURVEY RECORDED IN BOOK 23 OF SURVEYS, PAGES 237 AND 238, UNDER AUDITOR'S FILE NO.
1998116001, RECORDS OF KITITITAS COUNTY, STATE OF WASHINGTON;

EXCEPT

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M., KITITITAS COUNTY,
STATE OF WASHINGTON, WHICH IS DESCRIBED AS FOLLOWS:

BEING AT THE SOUTHEAST CORNER OF PARCEL "A" OF THAT CERTAIN SURVEY RECORDED IN BOOK 23 OF SURVEYS, PAGES 237
AND 238, UNDER AUDITOR'S FILE NO. 1998116001, RECORDS OF KITITITAS COUNTY, STATE OF WASHINGTON, BEING THE TRUE POINT
OF BEGINNING OF SAID LOT; THENCE SOUTH 89°50'48" WEST, ALONG THE SOUTH BOUNDARY OF SAID LOT, A DISTANCE OF 200.00 FEET,
NORTH 01°20'01" WEST, 823.00 FEET, THENCE NORTH 88°50'38" EAST 555.57 FEET, MORE OR LESS, TO THE EAST BOUNDARY OF SAID
LOT; THENCE SOUTH 07°44'11" EAST, ALONG SAID EAST BOUNDARY, 184.09 FEET THENCE SOUTH 89°50'38" WEST
36.58 FEET, THENCE SOUTH 07°44'11" EAST, 104.00 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING AND THE TERMINUS OF
SAID LINE.

PLAT NOTES:

- A PUBLIC UTILITY EASEMENT 10 FEET IN WIDTH IS RESERVED ALONG ALL LOT LINES. THE 10 FOOT EASEMENT SHALL ABUT THE
BOUNDARY AND SHALL BE DIVIDED 5 FEET ON EACH SIDE OF INTERIOR LOT LINES. SAID EASEMENT SHALL
ALSO BE USED FOR IRRIGATION.
- PER RCW 17.03.10 LANDOWNERS ARE RESPONSIBLE FOR CONTROLLING AND PREVENTING THE SPREAD OF NOXIOUS WEEDS.
ACCORDINGLY, THE KITITITAS COUNTY NOXIOUS WEED BOARD RECOMMENDS IMMEDIATE RESEEDING OF AREAS DISTURBED
BY DEVELOPMENT TO PRECLUDE THE PROLIFERATION OF NOXIOUS WEEDS.
- ANY FURTHER SUBDIVISION OR LOTS TO BE SERVED BY PROPOSED ACCESS MAY RESULT IN FURTHER ACCESS
REQUIREMENTS. SEE THE KITITITAS COUNTY ROAD STANDARDS.
- AN APPROVED ACCESS PERMIT WILL BE REQUIRED FROM THE DEPARTMENT OF PUBLIC WORKS PRIOR TO CREATING ANY NEW
DRIVEWAY ACCESS OR PERFORMING WORK WITHIN THE COUNTY ROAD RIGHT-OF-WAY.
- MAINTENANCE OF THE ACCESS IS THE RESPONSIBILITY OF THE PROPERTY OWNERS WHO BENEFIT FROM ITS USE.
- ENTIRE PRIVATE ROAD SHALL ACHIEVE 98% COMPACTION AND SHALL BE INSPECTED AND CERTIFIED BY A LICENSED
ENGINEER IN THE STATE OF WASHINGTON SPECIFYING THAT THE ROAD MEETS CURRENT KITITITAS COUNTY ROAD
STANDARDS. 3RD EDITION, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THIS PLAT.
- KITITITAS COUNTY WILL NOT ACCEPT PRIVATE ROADS FOR MAINTENANCE AS PUBLIC STREETS OR ROADS UNTIL SUCH
STREETS OR ROADS ARE BROUGHT INTO CONFORMANCE WITH CURRENT COUNTY ROAD STANDARDS. THE REQUIREMENT
WILL INCLUDE THE HARD SURFACE PAVING OF ANY STREET OR ROAD SURFAGED ORIGINALLY WITH GRAVEL.
- THE APPROVAL OF THIS DIVISION OF LAND INCLUDES NO GUARANTEE THAT THERE IS A LEGAL RIGHT TO WITHDRAW
GROUNDWATER WITHIN THE LAND DIVISION. THE APPROVAL OF THIS DIVISION OF LAND PROVIDES NO GUARANTEE THAT USE
OF GROUNDWATER WITHIN THIS PLAT OR ANY PORTION THEREOF WILL NOT BE
SUBJECT TO CURTAILMENT BY THE DEPARTMENT OF ECOLOGY OR A COURT OF LAW.
- METERING WILL BE REQUIRED ON ALL NEW RESIDENTIAL WELL CONNECTIONS AND METERING RESULTS SHALL BE RECORDED
IN A MANNER CONSISTENT WITH KITITITAS COUNTY AND WASHINGTON STATE DEPARTMENT OF ECOLOGY REQUIREMENTS.
- THE SUBJECT PROPERTIES WILL ONLY HAVE STICK-BUILT HOMES, AND FENCES ALONG THE PERIMETER OF THE PROPERTY
WILL BE OF SAME DESIGN AND CHARACTER. THERE WILL BE NO MODULAR OR TRAILER HOMES ALLOWED WITHIN THE
DEVELOPMENT.
- THE SUBJECT PROPERTY IS WITHIN OR NEAR LANDS USED FOR AGRICULTURE ON WHICH A VARIETY OF COMMERCIAL
ACTIVITIES MAY OCCUR THAT ARE NOT COMPATIBLE WITH RESIDENTIAL DEVELOPMENT FOR PERIODS OF VARYING
DURATION. SUCH COMMERCIAL, NATURAL, RESOURCE ACTIVITIES PERFORMED IN ACCORDANCE WITH COUNTY,
STATE, AND FEDERAL LAWS ARE NOT SUBJECT TO LEGAL ACTION AS PUBLIC NUISANCES (RCW 7A.08.030).

KRD NOTES:

- ACCORDING TO KITITITAS RECLAMATION DISTRICT (KRD) RECORDS, LOT 1 HAS 2 IRRIGABLE ACRES, LOT 2 HAS 2 IRRIGABLE
ACRES, LOT 3 HAS 1 IRRIGABLE ACRE, LOT 4 HAS 1 IRRIGABLE ACRE, LOT 5 HAS 1 IRRIGABLE ACRE, LOT 6 HAS 2 IRRIGABLE
ACRES, LOT 7 HAS 2 IRRIGABLE ACRES, LOT 8 HAS 2 IRRIGABLE ACRES, LOT 9 HAS 2 IRRIGABLE ACRES, LOT 10 HAS 2 IRRIGABLE
ACRES, LOT 11 HAS 2 IRRIGABLE ACRES, AND LOT 12 HAS 7 IRRIGABLE ACRES. KRD WATER MAY ONLY BE APPLIED TO
IRRIGABLE ACRES.
- FULL PAYMENT OF ANNUAL KRD ASSESSMENT IS REQUIRED REGARDLESS OF THE USE OR NON-USE OF WATER BY THE
OWNER.
- THE LANDOWNERS MUST PROVIDE FOR THE APPOINTMENT OF ONE WATER MASTER FOR EACH TURNOUT, WHO SHALL BE
RESPONSIBLE FOR ORDERING WATER FOR THE TURNOUT. THE WATER MASTER SHALL BE RESPONSIBLE FOR KEEPING
WATER USE RECORDS FOR EACH LOT. KRD WILL ONLY BE RESPONSIBLE FOR KEEPING RECORDS ON THE TOTAL WATER
ORDERED AT THE KRD TURNOUT.
- KRD OPERATIONS AND MAINTENANCE HOUSE ARE FOR DISTRICT USE ONLY. RESIDENTIAL AND RECREATIONAL USE IS
PROHIBITED.
- KRD IS ONLY RESPONSIBLE FOR DELIVERY OF WATER TO THE HIGHEST FEASIBLE POINT IN EACH 650 ACRE UNIT OR
DESIGNATED TURNOUT. THE KRD IS NOT RESPONSIBLE FOR WATER DELIVERY LOSS (SEEPAGE, EVAPORATION, ETC.) BELOW
THE DESIGNATED TURNOUT.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DONALD R. AKEHURST AND BARBARA J. AKEHURST,
HUSBAND AND WIFE, HAVE HEREBY DECLARED AND PLAT AS HEREIN DESCRIBED.
HEREBY DECLARE, SUBDIVIDE AND PLAT AS HEREIN DESCRIBED.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS ___ DAY OF _____, A.D., 20___.

DONALD R. AKEHURST

BARBARA J. AKEHURST

ACKNOWLEDGEMENT
STATE OF WASHINGTON)
COUNTY OF _____) s.s.

ON THIS DAY PERSONALLY APPEARED BEFORE ME _____

TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND
FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT _____ SIGNED THE SAME AS
FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED,
GIVEN UNDER MY HAND AND OFFICIAL SEAL, THIS ___ DAY OF _____, 20___.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT _____
MY APPOINTMENT EXPIRES _____



ADJACENT OWNERS:

- 284334
270 LLC
C/O TUCKER FARMS
1921 E BR 106
UNION, WA 98922
- 12300
WIDNER, GARY A
2813 BRICK MILL ROAD
ELLENBURG, WA 99226
- 813236
BODDY, ROBERT E ETUX
1501 BRICK MILL RD
ELLENBURG, WA 99226
- 19526
ARNOTT, RUSSELL H &
BODDY, ROBERT ETUX
E D BOSSBURG
ELLENBURG, WA 99226
- 982442
RUSSELL H
PO BOX 1698
ELLENBURG, WA 99226
- 19323
CALLAWAY, BARRY E ETUX
PO BOX 805
ELLENBURG, WA 99226
- 19301
RUSSELL R ETUX
PO BOX 465
ELLENBURG, WA 99226

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS ___ DAY OF _____, 20___ AT _____, WA.
IN BOOK ___ OF _____ AT PAGE ___ AT THE REQUEST OF

DUSTIN L. PIERGE
SURVEYOR'S NAME

JERALD V. PETTIT
County Auditor

Deputy County Auditor



165 NE Juniper Street, Ste. 201 • Issaquah, WA 98027 • Ph: (425) 322-0250 • Fax: (425) 391-2055
407 Stillwater Blvd. • Cle Elum, WA 98922 • Ph: (509) 674-7433 • Fax: (509) 671-7419

AKEHURST PLAT
FOR
RECORD

A PORTION OF THE NW 1/4 OF SECTION 20,
TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M.

KITITITAS COUNTY	DATE	JOB NO.
D.L.P./G.W.	11/2021	21114
CHKD BY	SCALE	SHEET
D.L.P.	N/A	2 of 2