

APPLICATION FOR PERMIT

have examined this application TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

is: not an "action" SURFACE WATER GROUND WATER categorically exempt.

RECEIVED NOV 23 1992 DEPT. OF ECOLOGY

12/14/92 DATE SIGNATURE *Walter Baker*

\$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION

(GRAY BOXES FOR OFFICE USE ONLY)

APPLICATION NO. *W-26810* W.R.I.A. *1* COUNTY *Whatcom* PRIORITY DATE *11-23-92* TIME ACCEPTED *LB*

APPLICANT'S NAME - PLEASE PRINT **MABERY PACKING INC** Lynden WASHINGTON Bus. Tel. *(206) 354-2094* Home Tel. *Same* Other Tel. _____

ADDRESS (STREET) *816 Loomis Trail Rd.* (CITY) *Lynden* (STATE) *WASHINGTON* (ZIP CODE) *98264*

DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION *1983 WASHINGTON*

1. SOURCE OF SUPPLY IF SURFACE WATER SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE) IF GROUND WATER SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.) *INFILTRATION TRENCH* SIZE AND DEPTH *50 x 400*

2. USE USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.) *Irrigation* ENTER QUANTITY OF WATER REQUESTED USING UNITS OF: CUBIC FEET PER SECOND (CFS) OR GALLONS PER MINUTE (GPM) *250* ACRE FEET PER YEAR *75*

TIMES DURING YEAR WATER WILL BE REQUIRED *Spring - during irrig season* *APRIL THROUGH OCTOBER*

IF IRRIGATION, NUMBER OF ACRES *55* IF DOMESTIC USE, NUMBER OF UNITS BY TYPE, E.G. 1-HOME, 1-MOBILE HOME, 2-CAMPSITES, ETC. IF MUNICIPAL USE, ESTIMATED POPULATION 20 YEARS FROM TODAY DATE PROJECT WAS OR WILL BE STARTED DATE PROJECT WAS OR WILL BE COMPLETED

3. LOCATION OF POINT OF DIVERSION/WITHDRAWAL

3A. IF IN PLATTED PROPERTY LOT BLOCK OF (GIVE NAME OF PLAT OR ADDITION) SECTION TOWN RANGE ALSO, PLEASE ENCLOSE A COPY OF THE PLAT AND MARK THE POINT(S) OF WITHDRAWAL OR DIVERSION

3B. IF NOT IN PLATTED PROPERTY ON ACCOMPANYING SECTION MAPS, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION, SHOW NORTH-SOUTH AND EAST-WEST DISTANCES FROM NEAREST SECTION CORNER OR PROPERTY CORNER

ALSO, ENTER BELOW THE DISTANCES FROM THE NEAREST SECTION OR PROPERTY CORNER TO THE DIVERSION OR WITHDRAWAL.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) *South Half of SE 1/4 of NW 1/4* SECTION *13* TOWNSHIP N. *40* RANGE (E. OR W.) W.M. *1 E of W.M* COUNTY *Whatcom*

4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER *YES*

5. LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY (ON WHICH THE WATER WILL BE USED) TAKEN FROM A REAL ESTATE CONTRACT, PROPERTY DEED OR TITLE INSURANCE POLICY. OR, COPY CAREFULLY IN THE SPACE BELOW.

Irrigated Acreage included in highlighted map

1) Legal: THE NW 1/2 OF SE 1/4 OF NW 1/4 together with S 1/2 OF S 1/2 OF NE 1/4 or NW 1/4 ALL IN SECTION 13 TWP 4 ON R 1 E WM WHATCOM COUNTY

2) OTHER TWO LEGALS INCLUDED IN HIGHLIGHT MARKED BY NUMBERS 2 + 3

WHAT IS YOUR INTEREST IN THE PROPERTY ON WHICH THE WATER IS TO BE USED (PROPERTY OWNER, LESSEE, CONTRACT PURCHASER, ETC.)

Property owner

ARE THERE ANY EXISTING WATER RIGHTS RELATED TO THE LAND ON WHICH THE WATER IS TO BE USED (INCLUDING WATER PROVIDED BY IRRIGATION DISTRICTS OR DITCH COMPANIES.)

YES NO

IF YES, FROM WHAT SOURCE (i.e. SURFACE OR GROUND WATER) AND UNDER WHAT AUTHORITY

SURFACE

6. DESCRIPTION OF SYSTEM PROPOSED OR INSTALLED

(FOR EXAMPLE: SIZE OF PUMP, CAPACITY OF PUMP, PUMP MOTOR HORSE POWER, PIPE DIAMETER, NUMBER OF SPRINKLERS, ETC.)

40 HP. Pump

250 GALLON Per MINUTE

6 INCH PIPE

BIG GUN TRAVELER

REMARKS

7.

8.

COMPLETE THIS SECTION ONLY IF THIS APPLICATION INCLUDES IRRIGATION AS A USE

IN ORDER TO IMPLEMENT THE PROVISIONS OF INITIATIVE MEASURE NUMBER 59, THE FAMILY FARM WATER ACT WHICH WAS PASSED BY THE VOTERS ON NOVEMBER 3, 1977, WE MUST ASK THE FOLLOWING QUESTIONS:

DOES THE TOTAL NUMBER OF ACRES IN WHICH YOU HAVE CONTROLLING INTEREST IN THE STATE OF WASHINGTON EXCEED 2000 ACRES FOR THE FOLLOWING THREE CATEGORIES:

- 1. LANDS THAT ARE BEING IRRIGATED UNDER WATER RIGHTS ACQUIRED AFTER DECEMBER 8, 1977. YES NO
- 2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF ECOLOGY. YES NO
- 3. LANDS THAT MAY BE IRRIGATED UNDER THIS APPLICATION. YES NO

IF 10 ACRE-FEET OR MORE OF WATER IS TO BE STORED AND/OR IF THE WATER DEPTH WILL BE 10 FEET OR MORE AT THE DEEPEST POINT, A STORAGE PERMIT MUST BE FILED IN ADDITION TO THIS PERMIT. THESE FORMS CAN BE SECURED, TOGETHER WITH INSTRUCTIONS, FROM THE DEPARTMENT OF ECOLOGY.

SIGNATURES

Marty Mabeary V.P.
APPLICANT'S SIGNATURE

MABEAR Packing Inc.
LEGAL LANDOWNERS NAME
(PLEASE PRINT)

Marty Mabeary V.P.
LEGAL LANDOWNER'S SIGNATURE/OWNER OF PROPERTY
DESCRIBED IN ITEM NUMBER 5)

816 Loomis Tran Rd Lynden
LEGAL LANDOWNER'S ADDRESS
98264

FOR OFFICE USE ONLY

STATE OF WASHINGTON }
DEPARTMENT OF ECOLOGY } ss.

This is to certify that I have examined this application together with the accompanying maps and data, and am returning it for correction or completion as follows:

.....
.....

In order to retain its priority date, this application must be returned to the Department of Ecology, with corrections, on or before, 19.....

Witness my hand this day of, 19.....

FIRST AMERICAN

**First American Title
INSURANCE COMPANY**

THIS SPACE RESERVED FOR RECORDER'S USE:

Filed for Record at Request of

Name JAMES A. WYNSTRA, Attorney at Law
506 W. Grover St., Suite 101
Address P.O. Box 409
City and State Lynden, WA 98264-0409

LEGALS OF IRRIGATED ACREAGE

Statutory Warranty Deed

THE GRANTOR OLEG A. PRICE, a single man

for and in consideration of ten dollars and other good and valuable consideration
in hand paid, conveys and warrants to MABERRY PACKING, INC., a Washington corporation
the following described real estate, situated in the County of Whatcom, State of
Washington:

#2
PARCEL A: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., THENCE
SOUTH 330 FEET ALONG THE WEST BOUNDARY OF THE SAID SOUTHEAST QUARTER OF THE NORTHWEST
QUARTER OF SECTION 13, THENCE EAST 660 FEET PARALLEL TO THE NORTH BOUNDARY, THENCE
NORTH 330 FEET, THENCE WEST 660 FEET TO THE POINT OF BEGINNING.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL B: A 15 FOOT EASEMENT FROM THE EASTERLY BOUNDARY OF THE ABOVE DESCRIBED PROPERTY
TO THE STEIN ROAD FOR INGRESS AND EGRESS WHICH 15 FOOT EASEMENT IS ADJACENT TO AND
PARALLEL WITH THE NORTHERLY BOUNDARY OF THE FOLLOWING DESCRIBED PROPERTY: THE SOUTH
HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 1 EAST
OF W.M.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO: (1) Easement as granted by instrument recorded August 11, 1965, under Whatcom
County Auditor's File No. 991932 to PUGET SOUND POWER & LIGHT COMPANY; and (2) Conditions
disclosed by a Survey of said premises recorded May 22, 1974, in Book 11 of Surveys,
Page 12, under Whatcom County Auditor's File No. 1162288.

Dated this 7th day of October, 19 86.

.....(SEAL)
Oleg A. Price

First American Title
INSURANCE COMPANY

THIS SPACE RESERVED FOR RECORDER'S USE:

RECORDED
FIRST AMERICA TITLE
CO. OF BELLINGHAM
8:30 A.M.

JUL 14 1983

VOL. _____ Page _____
REQUEST OF _____
JOAN GGDEN, AUDITOR
WHATCOM COUNTY, WASH.
DEPUTY

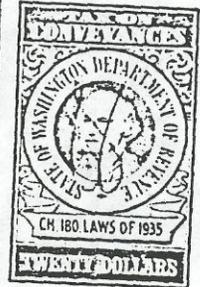
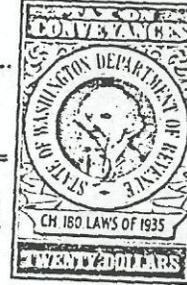
Filed for Record at Request of

Name..... William A. MABERRY
c/o 1st American Title Co.
Address..... 109 Grand Ave.
City and State..... Bellingham, WA 98225

1453478

3361/11493

Statutory Warranty Deed



THE GRANTOR FORREST S. DUNKIN and PEARL DUNKIN, husband and wife

for and in consideration of ---NINETY THOUSAND AND NO/100THS---

in hand paid, conveys and warrants to WILLIAM A. MABERRY, a married man

the following described real estate, situated in the County of Whatcom, State of Washington:

#3
The South half of the Southeast quarter of the Northwest quarter AND the North half of the Northeast quarter of the Southwest quarter of Section 13, Township 40 North, Range 1 East, W.M., in Whatcom County, Washington; EXCEPT beginning at the Southeast corner of the North half of the Northeast quarter of the Southwest quarter of said Section, Township and Range; thence West along the South boundary 456½ feet; thence North parallel to the East boundary 670 feet; thence East parallel to the South boundary 456½ feet; thence South 670 feet to the point of beginning; ALSO EXCEPT the North 330 feet of the South half of the Southeast quarter of the Northwest quarter thereof; ALSO EXCEPT County Road.

Situate in County of Whatcom, State of Washington

CERTIFICATE OF EXEMPTION

THE LAND DIVISION DESCRIBED IN THIS DOCUMENT IS EXEMPT FROM THE WHATCOM COUNTY SUBDIVISION REGULATIONS, AS C

Dated this 8.12.030.2 13 day of

July 1983
Y MONTH YEAR FOR WHATCOM COUNTY



July, 1983

Forrest S. Dunkin (SEAL)
Pearl L. Dunkin

1,188.01
JUL-14-83 3590 HLS