



RECEIVED

OCT 14 1997

# State of Washington Application for a Water Right

For Ecology Use
Fee Paid <u>10.00</u>
Date <u>10/14/97</u>

Please follow the attached instructions to avoid unnecessary delays.

## Section 1. APPLICANT - PERSON, ORGANIZATION, OR WATER SYSTEM

Name MILTON I. COLE & JANET M. COLE Home Tel: (360) 595-2425  
 Mailing Address 3862 South Bay Drive Work Tel: ( ) -  
 City Sedro Woolley State WA Zip+4 98284 + FAX: ( ) -

## Section 2. CONTACT - PERSON TO CALL ABOUT THE APPLICATION

Same as above

Name \_\_\_\_\_ Home Tel: ( ) -  
 Mailing Address \_\_\_\_\_ Work Tel: ( ) -  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip+4 \_\_\_\_\_ + FAX: ( ) -  
 Relationship to applicant \_\_\_\_\_

## Section 3. STATEMENT OF INTENT

The applicant requests a permit to use not more than 15.5 .02 ( gallons per minute or  cubic feet per second) from a  surface water source or  ground water source (check only one) for the purpose(s) of Single Domestic - continuously. ATTACH A "LEGAL" DESCRIPTION OF THE PLACE OF USE. (See instructions.) NOTE: A tax parcel number or a plat number is not sufficient.

Estimate a maximum annual quantity to be used in acre-feet per year: 2.2 0.5

Check if the water use is proposed for a short-term project. Indicate the period of time that the water will be needed:  
 From \_\_\_ / \_\_\_ / \_\_\_ to \_\_\_ / \_\_\_ / \_\_\_

## Section 4. WATER SOURCE

If SURFACE WATER	If GROUNDWATER
Name the water source and indicate if stream, spring, lake, etc. If unnamed, write "unnamed spring," "unnamed stream," etc.: <u>Lake Whatcom</u>	A permit is desired for _____ well(s).
Number of diversions: <u>1</u>	
Source flows into (name of body of water): <u>Lake Whatcom</u>	Size & depth of well(s):

### LOCATION

Enter the north-south and east-west distances in feet from the point of diversion or withdrawal to the nearest section corner: From the N.W. Corner of Sec. 27 go '2100' E + 400' S.

¼ of	¼ of	Section	Township	Range(E/W)	County	If location of source is platted, complete below:		
						Lot	Block	Subdivision
<u>NW¼</u>	<u>NE¼</u>	<u>27</u>	<u>37</u>	<u>04</u>	<u>Whatcom</u>	<u>28-29</u>	<u>Block 1</u>	<u>Brannian S Lakshore Plat</u>

For Ecology Use Date Received: 10/14/97 Priority Date: 10/14/97  
 SEPA: Exempt/Not Exempt \_\_\_\_\_ FER License # \_\_\_\_\_ Dept. Of Health # \_\_\_\_\_  
 Date Accepted As Complete 10/24/97 By AB Date Returned \_\_\_\_\_ By \_\_\_\_\_ WRIA: 1

**Section 5. GENERAL WATER SYSTEM INFORMATION**

A. Name of system, if named: \_\_\_\_\_

B. Briefly describe your proposed water system. (See instructions.)

3/4 hr pump - w/2 30 gal. storage tanks

C. Do you already have any water rights or claims associated with this property or system?  YES  NO  
PROVIDE DOCUMENTATION. See attached claim

**Section 6. DOMESTIC / PUBLIC WATER SUPPLY SYSTEM INFORMATION**  
(Completed for all domestic/public supply uses.)

A. Number of "connections" requested: 2 Type of connection Homes  
(Homes, Apartment, Recreational, etc.)

B. Are you within the area of an approved water system?  YES  NO  
If yes, explain why you are unable to connect to the system. Note: Regional water systems are identified by your County Health Department.

**Complete C. and D. only if the proposed water system will have fifteen or more connections.**

C. Do you have a current water system plan approved by the Washington State Department of Health?  YES  NO  
If yes, when was it approved? \_\_\_\_\_ Please attach the current approved version of your plan.

D. Do you have an approved conservation plan?  YES  NO  
If yes, when was it approved? \_\_\_\_\_ Please attach the current approved version of your plan.

**Section 7. IRRIGATION/AGRICULTURAL/FARM INFORMATION**  
(Complete for all irrigation and agriculture uses.)

A. Total number of acres to be irrigated: \_\_\_\_\_

B. List total number of acres for other specified agricultural uses:

Use \_\_\_\_\_ Acres \_\_\_\_\_  
Use \_\_\_\_\_ Acres \_\_\_\_\_  
Use \_\_\_\_\_ Acres \_\_\_\_\_

C. Total number of acres to be covered by this application: \_\_\_\_\_

D. Family Farm Act (Initiative Measure Number 59, November 3, 1977)  
Add up the acreage in which you have a controlling interest, including only:  
‡ Acreage irrigated under water rights acquired after December 8, 1977;  
‡ Acreage proposed to be irrigated under this application;  
‡ Acreage proposed to be irrigated under other pending application(s).

1. Is the combined acreage greater than 2000 acres?  YES  NO  
2. Do you have a controlling interest in a Family Farm Development Permit?  YES  NO  
If yes, enter permit no: \_\_\_\_\_

E. Farm uses:  
Stockwater - Total # of animals \_\_\_\_\_ Animal type \_\_\_\_\_ (If dairy cattle, see below)  
Dairy - # Milking \_\_\_\_\_ # Non-milking \_\_\_\_\_

**Section 8. WATER STORAGE**

Will you be using a dam, dike, or other structure to retain or store water?

YES  NO

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point, and some portion of the storage will be above grade, you must also apply for a reservoir permit. You can get a reservoir permit application from the Department of Ecology.

**Section 9. DRIVING DIRECTIONS**

Provide detailed driving instructions to the project site.

take I-5 South from Bellingham to the Alger exit #240 turn Left Follow down Cain Lake Road to S. Bay Dr. - turn Right proceed 2 1/2 miles to easement Rd - 3862 S. Bay Dr. - turn L. Follow Down to Lake

**Section 10. REQUIRED MAP**

A. Attach a map of the project. (See instructions.)

**Section 11. PROPERTY OWNERSHIP**

A. Does the applicant own the land on which the water will be used?  YES  NO  
If no, explain the applicant's interest in the place of use and provide the name(s) and address(es) of the owner(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Does the applicant own the land on which the water source is located?  YES  NO  
If no, submit a copy of agreement:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though I may have been assisted in the preparation of the above application by the employees of the Department of Ecology, all responsibility for the accuracy of the information rests with me.

Milton J. Cole  
Applicant (or authorized representative)

10-13-97  
Date

SAME  
Landowner for place of use (if same as applicant, write "same")

10-13-97  
Date

Use this page to continue your answers to any questions on the application. Please indicate section number before answer.

We are returning your application for the following reason(s):	
_____ Examination fee was not enclosed	APPLICANT PLEASE RETURN TO CASHIER, PO BOX 5128, LACEY, WA 98509-5128
_____ Section number(s) _____ is/are incomplete	APPLICANT PLEASE RETURN TO THE APPROPRIATE REGIONAL OFFICE
Explanation:	
Please provide the additional information requested above and return your application by _____ (date).	

Ecology staff \_\_\_\_\_ Date \_\_\_\_\_

To receive this document in alternative format, contact Lisa Newman at (360) 407-6604 (Voice) or (360) 407-6006 (TDD).

# WATER RIGHT CLAIM

OTHER

1. NAME MILTON I. COLE

ADDRESS Rt 2 Box 256A

Sedro Woolley, Washington ZIP CODE 98284

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED: Surface  
(SURFACE OR GROUND WATER)

W.R.I.A. 01  
(LEAVE BLANK)

A. IF GROUND WATER, THE SOURCE IS \_\_\_\_\_

B. IF SURFACE WATER, THE SOURCE IS Lake Whatcom

3. THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED:

A. QUANTITY OF WATER CLAIMED 15.5 gallons per minute PRESENTLY USED 5 gallons per minute  
(CUBIC FEET PER SECOND OR GALLONS PER MINUTE)

B. ANNUAL QUANTITY CLAIMED 2.2 acre feet per year PRESENTLY USED 2.2 acre feet per year  
(ACRE FEET PER YEAR)

C. IF FOR IRRIGATION, ACRES CLAIMED 1 1/2 PRESENTLY IRRIGATED 1 1/2

D. TIME(S) DURING EACH YEAR WHEN WATER IS USED: Year round January 1 to January 1

4. DATE OF FIRST PUTTING WATER TO USE: MONTH June YEAR 1966

5. LOCATION OF THE POINT(S) OF DIVERSION/WITHDRAWAL: \_\_\_\_\_ FEET \_\_\_\_\_ AND \_\_\_\_\_

FEET \_\_\_\_\_ FROM THE \_\_\_\_\_ CORNER OF SECTION \_\_\_\_\_

BEING WITHIN Lots 1 and 2 OF SECTION 27, T. 37 N., R. 4E (E.ORW.) W.M.

IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, LOT 28 BLOCK \_\_\_\_\_ OF  
"Brannians Lake Shore Plats Whatcom Co., Wash., Parts of lots 2 and 3 Section 27 T.  
37 N. R 4 #. W.M." as per the map thereof recorded in Book 7 of Plats, page 27 in the  
(GIVE NAME OF PLAT OR ADDITION)  
Auditor's Office of said county and state.

6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED: \_\_\_\_\_

Lot 27, 28, and 29 of the above.

COUNTY Whatcom

7. PURPOSE(S) FOR WHICH WATER IS USED: Domestic supply, irrigation, stock, water 1 home

8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED: owner of land and 2nd class shorelands.

THE FILING OF A STATEMENT OF CLAIM DOES NOT CONSTITUTE AN ADJUDICATION OF ANY CLAIM TO THE RIGHT TO USE OF WATERS AS BETWEEN THE WATER USE CLAIMANT AND THE STATE OR AS BETWEEN ONE OR MORE WATER USE CLAIMANTS AND ANOTHER OR OTHERS. THIS ACKNOWLEDGEMENT CONSTITUTES RECEIPT FOR THE FILING FEE.

DATE RETURNED \_\_\_\_\_ THIS HAS BEEN ASSIGNED \_\_\_\_\_  
WATER RIGHT CLAIM REGISTRY NO. \_\_\_\_\_

I HEREBY SWEAR THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

X Milton I. Cole

DATE 4-11-73

IF CLAIM FILED BY DESIGNATED REPRESENTATIVE. PRINT OR TYPE FULL NAME AND MAILING ADDRESS OF AGENT BELOW.

1197405



LAW OFFICES  
**LIVESEY, KINGSBURY & LIVESEY**  
BELLINGHAM NATIONAL BANK BUILDING  
BELLINGHAM, WASHINGTON

Mail to Janet J. Cole  
3562 S Bay Dr  
West Bellingham, Wash  
98254

Send Tax Statement to \_\_\_\_\_

1197405



14609

FULFILLMENT  
**STATUTORY WARRANTY DEED**

THE GRANTORS WILLIAM F. BRANNIAN and GERTRUDE BRANNIAN, his wife,  
for and in consideration of SEVEN THOUSAND, FIVE HUNDRED and no/100 Dollars (\$7,500.00)  
in hand paid, convey and warrant to MILTON I. COLE and JANET M. COLE, his wife,

the following described real estate, situated in the County of Whatcom, State of Washington: The West 1/2 of Lot 28, "Brannian's Lake Shore Plats, Whatcom Co., Wash., part of Lots 2 and 3, Section 27, T. 37 N. R. 4 E. W. M.," as per the map thereof, recorded in Book 7 of Plats, page 27, in the Auditor's office of said county and state. TOGETHER WITH 2nd class Shorelands abutting. ALSO: Lot 27, "Brannian's Lake Shore Plat, Whatcom Co., Wash., part of lots 2 and 3, Section 27, T. 37 N. R. 4 E. W. M.," as per the map thereof, recorded in Book 7 of Plats, page 27, in the Auditor's office of said county and state, EXCEPTING from said lot 27 and reserving to the grantors, however, the following described tract of land:

Beginning at the Southwesterly corner of lot 27, running thence North-east along the Southwesterly line of 27, 30 feet more or less to a point which is precisely 15 feet due East of the West line of said lot 27, thence North and slightly West to that point on the West line of said lot 27, at which said West line considered as running Northerly from the Southerly point thereof, changes course from approximately due North to approximately Northeasterly, thence Southerly along the West line of Lot 27 to the point of beginning.

This deed is given solely in fulfillment of that certain real estate contract between the parties for the above described real estate dated June 1, 1968, and the warranties herein are limited to the date of said contract.

Dated this \_\_\_\_\_ day of June \_\_\_\_\_, 1968.

17 12 21 PM '75  
\$7,500.00  
MILTON I. COLE  
JANET M. COLE

William F. Brannian  
Gertrude Brannian

# Statutory Warranty Deed

THE GRANTORS WILLIAM F. BRANNIAN and GERTRUDE BRANNIAN, his wife



for and in consideration of \$10.00 and other good and valuable considerations in hand paid, conveys and warrants to MILTON F. COLE and JANET M. COLE, his wife

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

Lot 29 and the E 1/2 of Lot 28, "Map of Brannian's Lake Shore Plat, Whatcom Co., Wash., part of Lots 2 and 3, Sec. 27, T. 37 N. R. 4 E. W.M.," as per the map thereof, recorded in Book 7 of Plats, pg. 27, in the Auditor's office of said county and state. TOGETHER WITH 2nd. class Shorelands abutting.

Subject to reservations contained in deed from the state of Washington, dated September 16, 1959, recorded October 13, 1959, in Volume 444 of Deeds, pg. 641, under Whatcom County Auditor's File No. 883035, reserving to the grantor all oil, gases, coal, ores, minerals, and fossils, etc., and the right of entry for opening, developing and working the same and providing that such rights shall not be exercised until provision has been made for full payment of all damages sustained by reason of such entry; also subject to all the provisions of Chapter 312 of the Session Laws of 1927, reference to which record is made for further particulars. (Covers Shorelands only.)

This deed is given in fulfillment of that certain real estate contract between the parties hereto, dated \_\_\_\_\_, 19\_\_\_\_, and conditioned for the conveyance of the above described property, and the covenants of warranty herein contained shall not apply to any title, interest or encumbrance arising by, through or under the purchaser in said contract, and shall not apply to any taxes, assessments or other charges levied, assessed or becoming due subsequent to the date of said contract.

Real Estate Sales Tax was paid on this sale on \_\_\_\_\_, Rec. No. \_\_\_\_\_



Dated this 27<sup>th</sup> day of April, 1966



*William F. Brannian* (SEAL)  
*Gertrude Brannian* (SEAL)

STATE OF WASHINGTON, }  
County of Whatcom } ss.

On this day personally appeared before me WILLIAM F. BRANNIAN and GERTRUDE BRANNIAN, his wife

to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 27<sup>th</sup> day of April, 1966

*Ann [Signature]*  
Notary Public in and for the State of Washington,  
residing at Bellingham



