State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for Groundwater Registration Modification

Part 1 of 5 – Minimum Requirements Checklist

This Groundwater Registration Modification application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all included with this application (N/A = Not Applicable)

☒ Part 1 – Completed Minimum Requirements Checklist.

☒ Part 2 – Completed Application Map Checklist.

☒ Part 3 – Completed Applicant Information and Signature.

☒ Part 4 – Completed Groundwater Registration Modification Application – Groundwater Registration Information. (Only one Groundwater registration per application, unless the Groundwater registrations to be modified are layered).

☒ Completed Groundwater Registration Modification Application Map (Does not have to be prepared by a Certified Water Right Examiner).

☒ Groundwater registration modification fees – Amount enclosed: $ **875.00**.
($875.00 for a place of use change only; $1,250.00 for any other change or combination).

Attachments:

☒ ☐ N/A Request for Assignment Form and statutory fee. This form needs to be completed if the applicant owns the land to which the registration is appurtenant and is **not** the registration certificate holder of record. The Request for Assignment Form is available at https://www.oregon.gov/OWRD/Forms/Pages/default.aspx.

Assignment is not needed for any person or entity who can demonstrate authorization to request recognition of a modification (e.g. legal representative, power of attorney, agent, etc.) **or** the applicant is named on the certificate of registration, or has been assigned to the certificate of registration.

☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.

☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient
___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete
___ Assignment Form and fee not enclosed/insufficient
___ Additional signature(s) required
___ Part _____ is incomplete

Other/Explanation _____

Staff: 503-986-0 Date: / /

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Your Groundwater Registration Modification application <u>will be returned</u> if any of the map requirements listed below are not met.

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does <u>not</u> have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

☒ Permanent quality printed with dark ink on good quality paper.

☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.

☒ A north arrow, a legend, and scale.

☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.

☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.

☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.

☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads and railroads.

☒ Major water delivery system features from the point(s) of appropriation such as main pipelines, canals, and ditches.

☒ Existing place of use that includes hachuring, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the registration is being changed, a separate hachuring is needed for the portion of the registration left unchanged.

☒ ☐ N/A If you are proposing a modification in place of use, show the proposed place of use with hachuring including priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

☒ Existing point(s) of appropriation with distance and bearing or coordinates from a recognized survey corner.

☐ ☒ N/A If you are proposing a modification in point(s) of appropriation, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Oregon Berry Packing, Inc. c/o Jeff Malensky			**503.640.2313**	**503.913.4713**
ADDRESS **PO Box 1326**				FAX NO. **503.640.0874**
CITY **Hillsboro**	STATE **OR**	ZIP **97123**	E-MAIL **See note below**	

BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Aspen Rural Land Consulting c/o Eric Urstadt, PE, PLS			**971.250.1520**	**N/A**
ADDRESS **39290 NW Murtaugh Road**				FAX NO. **N/A**
CITY **North Plains**	STATE **OR**	ZIP **97133**	E-MAIL **See note below**	

BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.
Because of both email and US mail have proven to be unreliable, the applicant and agent both with copies of correspondence go out in both the US mail and email to: **jeff@oregonberry.com** and **ericurstadt@hotmail.com.**

Explain in your own words what you propose to accomplish with this modification; and why:
This application is being done in conjunction with another transfer that involves 6 water rights. Because this right is layered on top of one of the rights in said transfer and the Place of Use (POU) of that layered right is moving, this application is being done in order to move the POU of this right together with the layered right that is moving.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

(Check one box)

☒ By signing this application, I (we) understand that, upon receipt of the draft preliminary determination and prior to Department approval of the Groundwater modification, I (we) will be required to provide landownership information and evidence that I am authorized to pursue the modification as identified in OAR 690-382-0400(16)(a); **OR**

☐ I (we) affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the Groundwater registration proposed for modification is appurtenant by condemnation and have attached supporting documentation.

I understand that prior to Department approval of the groundwater registration modification, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the groundwater registration is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: _____.

I (we) affirm that the information contained in this application is true and accurate.

Jeff Malensky
Applicant Signature

Jeff Malensky, President
Print Name (and Title if applicable)

5/19/2021
Date

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Oregon Berry Packing, Inc. c/o Jeff Malensky			503.640.2313	503.913.4713
ADDRESS				FAX NO.
PO Box 1326				503.640.0874
CITY	STATE	ZIP	E-MAIL	
Hillsboro	OR	97123	See note below	

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ADDRESS				FAX NO.
39290 NW Murtaugh Road				N/A
CITY	STATE	ZIP	E-MAIL	
North Plains	OR	97133	See note below	

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I (we) affirm that the information contained in this application is true and accurate.

Applicant Signature	Jeff Malensky, President Print Name (and Title if applicable)	Date

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Is the applicant the sole owner of the land on which the Groundwater registration modification or portion thereof, is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the Groundwater registration has been conveyed.*

Note that Request for Assignment for the portions of GR-478 that is on lands owned by Oregon Berry Packing, Inc.is included in Attachment "I".

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Check the appropriate box, if applicable:

☒ Check here if the Groundwater registration proposed for modification is or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME	ADDRESS	
Tualatin Valley Irrigation District	**2330 Elm Street**	
CITY **Forest Grove**	STATE **OR**	ZIP **97116**

☐ Check here if water for the Groundwater registration is supplied under a water service agreement or other contract with a federal agency or other entity.

ENTITY NAME	ADDRESS	
N/A		
CITY	STATE	ZIP

To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
Washington County Dept. of Land Use and Transportation	**155 N. First Ave.**	
CITY **Hillsboro**	STATE **OR**	ZIP **97124**

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Please use a separate Part 4 for each registration being modified. See instructions on page 5, to copy and paste additional Part 4s, or to add additional rows to tables within the form.

Table 1. Location of Authorized and Proposed Point(s) of Appropriation (POA)
(Note: If the POA name is not specified in the registration, assign it a name or number here.)

POA Name or Number (Well Number)	Is this POA Authorized by the registration or is it Proposed?	OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POA 1	☒ Authorized ☐ Proposed	**NOT KNOWN**	**1**	**S**	**2**	**W**	**18**	**SE**	**SW**	**3**	**S37°42'E 1172.49' from NE DLC 63**
POA 2	☒ Authorized ☐ Proposed	**NOT KNOWN**	**1**	**S**	**2**	**W**	**18**	**SE**	**SW**	**3**	**S34°22'E 1304.26' from NE DLC 63**
POA 3	☒ Authorized ☐ Proposed	**NOT KNOWN**	**1**	**S**	**2**	**W**	**19**	**NW**	**NW**	**1**	**S38°22'E 2092.72' from NE DLC 63**
POA 4	☒ Authorized ☐ Proposed	**NOT KNOWN**	**1**	**S**	**2**	**W**	**18**	**NW**	**NE**	**200**	**S54°56'E 2400.09' from NE DLC 63**

Check all type(s) of modifications(s) proposed below (modification "CODES" are provided in parentheses):

☒ Place of Use (POU)
☐ Point of Appropriation (well) (POA)
☐ Character of Use (USE)
☐ Additional Point of Appropriation (APOA)

Will all of the proposed changes affect the entire Groundwater registration?

☐ Yes Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the registration to be changed.

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Please use and attach additional pages of Table 2 as needed. See page 5 for instructions.	Do you have questions about how to fill-out the tables? Contact the Department at 503-986-0900 and ask for Transfer

Table 2. Description of Modifications to Registration GR-478 (Certificate # GR-460)

List only the part of the registration that will be modified. For the acreage in each ¼ ¼, list the modification proposed. If more than one modification, specify the acreage associated with each modification. If more than one POA, specify the acreage associated with each POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears in the registration BEFORE PROPOSED CHANGES List only that part or portion of the groundwater registration that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POA(s) to be used (from Table 1)	Priority Date
1	S	2	W	18	SE	SW	200 & 800	3	22.4	Irrig	1,2,3,4	1949	POU	1	S	2	W	18	SW	SW	300	3	0.6	Irrig	POA's 1,2,3,4	1949
1	S	2	W	18	SW	SE	200 & 800	-	11.6	Irrig	1,2,3,4	1949	POU	1	S	2	W	18	SW	SW	300	63	3.8	Irrig	POA's 1,2,3,4	1949
1	S	2	W	19	NW	NE	200	-	14.96	Irrig	1,2,3,4	1949	POU	1	S	2	W	18	SE	SW	800	3	0.3	Irrig	POA's 1,2,3,4	1949
1	S	2	W	19	NE	NW	200	1	7.8	Irrig	1,2,3,4	1949	POU	1	S	2	W	18	SE	SW	200	3	4.46	Irrig	POA's 1,2,3,4	1949
1	S	2	W	19	NE	NW	200	63	11.7	Irrig	1,2,3,4	1949	POU	1	S	2	W	18	SW	SE	200	-	3.7	Irrig	POA's 1,2,3,4	1949
													POU	1	S	2	W	19	NE	NE	200	-	3.4	Irrig	POA's 1,2,3,4	1949
													POU	1	S	2	W	19	NW	NE	200	1	3.7	Irrig	POA's 1,2,3,4	1949
													POU	1	S	2	W	19	NW	NE	200	63	0.1	Irrig	POA's 1,2,3,4	1949
													POU	1	S	2	W	19	NW	NW	800	63	25.5	Irrig	POA's 1,2,3,4	1949
													POU	1	S	2	W	19	SW	NW	800	63	22.9	Irrig	POA's 1,2,3,4	1949
TOTAL ACRES									68.46					TOTAL ACRES									68.46			

Additional remarks: _____

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For a modification in place of use or character of use:

Are there other water right certificates, water use permits, or Groundwater registrations associated with the "from" or "to" lands? ☒ Yes ☐ No

If YES, list the other certificate, water use permit, or other Groundwater registration numbers: **CERT. 83064**

Pursuant to OAR 690-382-0200, any "layered" water use, such as an irrigation right that is supplemental to a primary irrigation right proposed for transfer, must be concurrently transferred with the registration or be cancelled. Any change to a water right must be filed separately in a transfer application. Any change to a water use permit must be filed separately with a permit amendment. Any modification to a Groundwater registration on the "to" lands must be filed separately with a Groundwater registration modification.

For modifications in point(s) of appropriation (well(s) or additional point(s) of appropriation:

☐ Well log(s) are attached for each well that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (**Tip**: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/)

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your modification application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
N/A										

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