

regular

Name Oregon Berry Packing  
PO Jeff Malensky

Address PO Box 1326  
Hillsboro OR 97123

Change in POA ARDA

Date Filed 7/13/2021

Initial notice date 8/17/2021

DPD issued date

PD issued date 9/5/2025

PD notice date 9/9/2025

Date of FO 11/19/2025 Vol 138 Page 84-95

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Tualahin river, well, Gales Creek, Scogg  
creek  
Trib. of Willamette river, tualahin river

Date

7-13-2021

12-27-2022

FEES PAID

Amount

Receipt #

~~\$6,525.00~~

135827

Sided

\$150.00

137825

Use Irrigation

County Washington

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 519475 Per # 515058 Cert # 94282 PR Date 8/20/41

App# 520203 Per # 520898 Cert # 94550 PR Date

App# 520976 Per # 521899 Cert # 94551 PR Date

App# 538447 Per # 535792 Cert # 88122 PR Date

App# 67900 Per # 68141 Cert # 62442 PR Date

611597 610711 830664

FEES REFUNDED

Amount

Receipt #

Date

Assignments:

Irrigation District Tualahin valley Irrigation dist

Agent Aspen rural land - eric Urstadt

CWRE

CC's list Washington County Dept of land use

- Oversized map - Location



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

November 19, 2025

Jeff Malensky  
PO BOX 1326  
Hillsboro, OR 97123

REFERENCE: Transfer Application T-13778

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at [Dante.j.luongo@water.oregon.gov](mailto:Dante.j.luongo@water.oregon.gov).

Sincerely,

David V. Jones Jr  
Water Rights Services Support  
Transfers and Conservation Section

cc: Jacob W. Constans, Watermaster Dist. # 18 (via email)  
Eric Urstadt, Agent  
Irrigation District: Tualatin Valley Irrigation District & Ann Reece (if in District)  
Washington County Planning Department, Local Government

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	FIANL ORDER
T-13778, Washington County	)	APPROVING ADDITIONAL POINTS OF
	)	DIVERSION AND A CHANGE IN PLACES OF
	)	USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

OREGON BERRY PACKING, INC.  
C/O JEFF MALENSKY  
PO BOX 1326  
HILLSBORO, OR 97123

**Findings of Fact**

1. On July 13, 2021, OREGON BERRY PACKING, INC. c/o Jeff Malensky filed an application for additional points of diversion and to change the place of use under Certificates 94282, 94550, 94551, 88122, and to change the place of use under Certificates 83064 and 62442. The Department assigned the application number T-13778.
2. Notice of the application for transfer was published on August 17, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. When the application was filed, evidence demonstrating that Land Use approval has been obtained, as required under OAR 690-380-3000(19), was not provided to the Department. Maps for Certificates 94551 and 94550 included acreage that moved as a result of transfer T-12780.
4. On February 16, 2023, the Department notified the applicant's agent, by email, of the deficiencies in the application. The Department gave the applicant until March 16, 2023, to resolve the deficiencies.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. On March 3, 2023, the Department received amended application pages, resolving the deficiencies.
6. On April 18, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13778 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 18, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
7. On April 30, 2024, the applicant's agent requested a new completion date of October 1, 2030, due to the complexities of the project. Pursuant to OAR 690-380-5140(3), the Department has modified the completion date of Transfer Application T-13778 to October 1, 2030.
8. On November 27, 2024, The Department noticed a discrepancy in the rate of water being changed under Certificate 83064, prompting a revised Draft Preliminary Determination.
9. On December 10, 2024, the Department sent a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13778 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 11, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
10. Tualatin Valley Irrigation District manages distribution of water under Certificate 88122. This certificate does not include a description of the point of diversion (POD) at the point of release of water from the storage source (Scoggins Reservoir), nor the PODs at the locations on the Tualatin River where patrons divert stored water directly from the river.
11. The application provides the POD location on the Tualatin River where the patron is diverting the stored water from Scoggins Reservoir directly from the river.
12. The draft Preliminary Determination sent December 10, 2024, did not include the identified layering of Certificates 62442, 83064, and Registration Application GR-478 (Certificate of Registration GR-460).
13. On June 11, 2025, the applicant's agent notified the Department Certificate 62442 is also acting as a supplemental water right under this transfer. Its period of use is during the non-irrigation season, and will be moving the place of use to "like" primary Certificates 94282, 94550, and 94551 pursuant to OAR 690-382-0200(5).
14. On June 17, 2025, the applicant's agent notified the Department that Certificate 83064 is a primary right to make up a deficiency in rate under Registration Application GR-478 (Certificate of Registration GR-460). As stated on January 29, 1987, the points of appropriation for Registration Application GR-478 (Certificate of Registration GR-460) do not produce enough water for the authorized places of use under Certificate 83064's

application (G-11597) Addendum B (Addendum). Certificate 83064 and Registration Application GR-478 (Certificate of Registration GR-460) have places of use that are moving together pursuant to OAR 690-382-0200(1).

15. On July 3, 2025, the Department found further evidence in the physical file of Certificate 83064. An addendum shows that the rate for each well under Registration Application GR-478 (Certificate of Registration GR-460) has been diminished to lessen the amount of sand pumped by each well. The wells were diminished to:

Well Name	Initial Well Rate (GPM)	Diminished Well Rate (GPM)
Well #1	100 GPM	20 GPM
Well #2	60 GPM	20 GPM
Well #3	150 GPM	25 GPM
Well #4	100 GPM	30 GPM

16. In a letter to the applicant of G-11597 dated March 19, 1987 (1987 Letter), the Department stated that the applicant was unable to formally apply for a change in points of appropriation for Registration Application GR-478 (Certificate of Registration GR-460), and to file a new application to protect the applicant's development at that time.
17. Because the applicant for Certificate 83064 was previously instructed by the Department to file a new application to develop new wells and diminish the rate in the authorized points of appropriation in Registration Application GR-478 (Certificate of Registration GR-460) to account for the new wells in Certificate 83064, the Department finds that there is no need to further diminish Certificate 83064 to a supplemental irrigation right under OAR 690-380-5120.
18. Finally, in the 1987 Letter, the Department had concluded that Wells #5, #6, and #7 all developed the same aquifer (source) as Wells #1, #2, #3, and #4, therefore, showing the application was for an additional primary right to make up the new deficiency in rate for GR-478.
19. Because Certificate 83064 was filed to make up for the deficiency in Registration Application GR-478 (Certificate of Registration GR-460), and language in Certificate 83064, states that "The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated...", moving these two primary water rights to the transfers' proposed places of use would not cause enlargement of either right, or claim.
20. On September 5, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13778 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on September 9, 2025, and in the Hillsboro Tribune newspaper on September 19 and 26, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

21. The first right to be transferred is as follows:

**Certificate:** 94282 in the name of C. B. BUCHANAN (perfected under Permit S-15058)  
**Use:** IRRIGATION OF 3.0 ACRES  
**Priority Date:** AUGUST 20, 1941  
**Rate:** 0.04 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.  
**Source:** TUALATIN RIVER, tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot
1 S	3 W	WM	3	SE SE	1

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	3	SW SE	3.0

22. Transfer Application T-13778 proposes an additional point of diversion approximately 8.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	18	NE SE	POD OB - 1435 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 18

23. Transfer Application T-13778 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	18	SE SW	3.0

24. The portion of the second right to be transferred is as follows:

**Certificate:** 94550 in the name of C. B. BUCHANAN, JR. (perfected under Permit S-20595)  
**Use:** IRRIGATION OF 9.7 ACRES  
**Priority Date:** JULY 16, 1951  
**Rate:** 0.13 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to

exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** TUALATIN RIVER, a tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot
1 S	3 W	WM	3	SE SE	1

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	3 W	WM	3	NW SE		49	0.7
1 S	3 W	WM	3	SW SE	2		1.5
1 S	3 W	WM	3	SW SE		49	5.4
1 S	3 W	WM	3	SE SE		49	0.3
1 S	3 W	WM	3	SE SE	1		1.8
TOTAL							9.7

25. Transfer Application T-13778 proposes an additional point of diversion approximately 8.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	18	NE SE	POD OB - 1435 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 18

26. Transfer Application T-13778 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	19	NW NE	9.7

27. The portion of the third right to be transferred is as follows:

**Certificate:** 94551 in the name of C. B. BUCHANAN, JR. (perfected under Permit S-21189)

**Use:** IRRIGATION OF 37.1 ACRES

**Priority Date:** MARCH 18, 1952

**Rate:** 0.46 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** TUALATIN RIVER, a tributary of WILLAMETTE RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC
1 S	3 W	WM	3	NE SW	46

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	3	NE SW	46	7.7
1 S	3 W	WM	3	SE SW	46	21.4
1 S	3 W	WM	3	SW SE	46	8.0
TOTAL						37.1

28. Transfer Application T-13778 proposes an additional point of diversion approximately 8.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	18	NE SE	POD OB - 1435 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 18

29. Transfer Application T-13778 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	2 W	WM	18	SE SW	3		13.8
1 S	2 W	WM	18	SW SE			5.6
1 S	2 W	WM	19	NE NW		63	10.5
1 S	2 W	WM	19	NE NW	1		7.2
TOTAL							37.1

30. The portion of the fourth right to be transferred is as follows:

**Certificate:** 88122 in the name of US BUREAU OF RECLAMATION (perfected under Permit S-35792)

**Use:** SUPPLEMENTAL IRRIGATION OF 8.7 ACRES WITHIN TUALATIN VALLEY IRRIGATION DISTRICT

**Priority Date:** FEBRUARY 20, 1963

**Rate:** 0.108 CUBIC FOOT PER SECOND FROM SCOGGINS CREEK AND RESERVOIR

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-5777 and as evidenced by Certificate 81149; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. The right is further limited to the use of stored water only on the lands described as supplemental irrigation.

**Source:** SCOGGINS CREEK, AND SCOGGINS RESERVOIR/HENRY HAGG LAKE (Constructed under Permit R-5777), tributaries to the TUALATIN RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
<i>Not described in certificate</i>					

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	3	NE SW	0.1
1 S	3 W	WM	3	SE SW	8.6
TOTAL					8.7

31. The application for T-13778 provided a better description of the current point of diversion where the patron is diverting the stored water from Scoggins Reservoir directly from the river for Certificate 88122:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
1 S	3 W	WM	3	NE SW	R-50.1 (POD 2) – 1500 FEET NORTH AND 3080 FEET WEST FROM THE SE CORNER OF SECTION 3

32. Transfer Application T-13778 proposes an additional point of diversion approximately 9.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	18	NE SE	POD OB - 1435 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 18

33. Transfer Application T-13778 also proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	19	NE NW	8.7

34. The portion of the fifth right to be transferred is as follows:

**Certificate:** 83064 in the name of OREGON BERRY PACKING CO. (perfected under Permit G-10711)

**Use:** IRRIGATION OF 41.0 ACRES

**Priority Date:** NOVEMBER 12, 1986

**Rate:** 105.0 GALLONS PER MINUTE (GPM), BEING 20.0 GPM FROM WELL #5, 25.0 GPM FROM WELL #6, AND 60.0 GPM FROM WELL #7, NOT TO EXCEED 105.0 GPM FOR IRRIGATION

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL #5, WELL #6, AND WELL #7 in the WILLAMETTE BASIN

**Authorized Points of Diversion:**

Well	Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5	1 S	2 W	WM	18	SE SW	3	880 FEET SOUTH AND 780 FEET EAST FROM THE NE CORNER OF NC RICHARDSON DLC 63
6	1 S	2 W	WM	19	NW NE	1	1640 FEET SOUTH AND 1350 FEET EAST FROM THE NE CORNER OF NC RICHARDSON DLC 63
7	1 S	2 W	WM	19	NW NE		1710 FEET SOUTH AND 1420 FEET EAST FROM THE NE CORNER OF NNC RICHARDSON DLC 63

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	2 W	WM	18	SE SW	3		3.0
1 S	2 W	WM	18	SW SE			4.4
1 S	2 W	WM	19	NW NE			13.2
1 S	2 W	WM	19	NE NW		63	11.4
1 S	2 W	WM	19	NE NW	1		9.0
TOTAL							41.0

35. Transfer Application T-13778 proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	2 W	WM	18	SW SW	3		0.6
1 S	2 W	WM	18	SW SW		63	3.8
1 S	2 W	WM	19	NW NW		63	25.5
1 S	2 W	WM	19	SW NW		63	11.1
TOTAL							41.0

36. The sixth right to be transferred is as follows:

- Certificate:** 62442 in the name of OREGON BERRY PACKING COMPANY (perfected under Permit G-8141)
- Use:** IRRIGATION OF 43.7 ACRES DURING THE NON-IRRIGATION SEASON
- Priority Date:** MARCH 10, 1977
- Period of Use:** NON-IRRIGATION SEASON
- Rate:** 0.55 CUBIC FOOT PER SECOND (CFS), BEING 0.13 CFS FROM WELL 1, 0.08 CFS FROM WELL 2, 0.20 CFS FROM WELL 3, AND 0.14 CFS FROM WELL 4
- Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.0 acre-feet per acre for each acre irrigated during the period from October 1 to April 30. The right allowed herein, together with the amount secured under any other right existing for the same land shall not exceed 2.5 acre feet for each acre irrigated in any one year. The use of water during the period from October 1 to April 30 as authorized herein shall not establish priority of right against future

appropriations of ground water for beneficial uses other than similar rights for irrigation.

Source: FOUR WELLS, in the TUALATIN RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Glott	Measured Distances
1 S	2 W	WM	18	SE SW	3	WELL 1 - 900 FEET SOUTH AND 760 FEET EAST FROM THE NORTH NORTHLERLY CORNER OF DLC 63
1 S	2 W	WM	18	SE SW	3	WELL 2 - 1010 FEET SOUTH AND 790 FEET EAST FROM THE NORTH NORTHLERLY CORNER OF DLC 63
1 S	2 W	WM	19	NW NE		WELL 4 - 1340 FEET SOUTH AND 2000 FEET EAST FROM THE NORTH NORTHERLY CORNER OF DLC 63
1 S	2 W	WM	19	NE NW	1	WELL 3 - 1580 FEET SOUTH AND 1340 FEET EAST FROM THE NORTH NORTHERLY CORNER OF DLC 63

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Glott	Acres
1 S	2 W	WM	18	SE SW		3	4.6
1 S	2 W	WM	18	SW SE			4.8
1 S	2 W	WM	19	NW NE			13.2
1 S	2 W	WM	19	NE NW	63		12.0
1 S	2 W	WM	19	NE NW		1	9.1
TOTAL							43.7

37. Transfer Application T-13778 proposes to change the place of use of the right to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	DLC	Glott	Tax Lot	Acres
1 S	2 W	WM	18	SE SW		3	200	7.8
1 S	2 W	WM	18	SE SW		3	800	5.3
1 S	2 W	WM	18	SW SE			200	1.5
1 S	2 W	WM	18	SW SE			800	1.7
1 S	2 W	WM	19	NW NE			200	9.7
1 S	2 W	WM	19	NE NW	63		200	10.8
1 S	2 W	WM	19	NE NW		1	200	6.9
TOTAL								43.7

38. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost share funds.

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), and 690-380-2200]**

39. Water has been used within the five-year period prior to submittal of Transfer Application T-13778 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

40. Water delivery systems sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13778.
41. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
42. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
43. Registration Application GR-478 (Certificate of Registration GR-460) does not have language regarding the limit/duty, however, language in layered Certificate 83064, states that, "The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of 2.5 acre feet per acre for each acre irrigated..." Because of this condition, moving these two primary water rights to the transfers' proposed places of use would not cause enlargement of either right.
44. The proposed changes, as conditioned, would not result in enlargement of the rights.
45. The proposed changes, as conditioned, would not result in injury to other existing water rights.
46. All other application requirements are met.

#### **Conclusion of Law**

The additional points of diversion and change in places of use proposed in Transfer Application T-13778 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

#### **Now, therefore, it is ORDERED:**

1. The additional points of diversion and change in places of use proposed in Transfer Application T-13778 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 94451, 94550, 94282, 88122, 83064, and 62442 and any related decree.
3. Water right Certificates 94551, 94550, 94282, 83064, and 62442 are cancelled. New certificates will be issued for Certificates 94550, 94551 and 83064 describing the portions of these rights not affected by this transfer.

13. Water Right Certificate 88122 is modified. After satisfactory proof of completion has been determined by the Department, a superseding right certificate will be issued in the name of U.S. Bureau of Reclamation when the Department determines it is necessary for record keeping.
14. For Water Right Certificates 94551, 94550, 94282, 83064, and 62442, after satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on NOV 19 2025

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

Mailing Date: NOV 20 2025

4. Water right Certificate 88122 is modified. A superseding water right certificate in the name of U.S. Bureau of Reclamation will be issued when the Department determines it is necessary for record keeping.
5. Under Certificate 88122, the quantity of water diverted at the new additional point of diversion (POD OB), together with that diverted at the original point of diversion (R-50.1 (POD 2)), shall not exceed the quantity of water lawfully available at the original point of diversion (R-50.1 (POD 2)).
6. Under Certificate 94282, the quantity of water diverted at the new additional point of diversion (POD OB), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
7. Under Certificate 94550, the quantity of water diverted at the new additional point of diversion (POD OB), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
8. Under Certificate 94551, the quantity of water diverted at the new additional point of diversion (POD OB), together with that diverted at the original point of diversion (POD 2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).
9. Water shall be acquired from the same source of surface water as the original points of diversion.
10. The former place of use of the transferred rights shall no longer receive water under the rights.
11. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

12. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2030**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C. B. BUCHANAN JR  
P.O. BOX 523  
CORNELIUS, OR 97113

confirms the right to use the waters of the TUALATIN RIVER, a tributary of WILLAMETTE RIVER for the purpose of IRRIGATION of 10.1 ACRES.

This right was perfected under Permit S-20595. The date of priority is JULY 16, 1951. The amount of water to which this right is entitled is limited and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.13 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot
1 S	3 W	WM	3	SE SE	1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	3	SW NE	1.4
1 S	3 W	WM	3	SW NE	3.5
1 S	3 W	WM	3	NW SE	5.2
TOTAL					10.1

This certificate describes that portion of water right Certificate 94550, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered NOV 19 2025, approving Transfer Application T-13778.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed NOV 19 2025.

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C. B. BUCHANAN, JR.  
PO BOX 523  
CORNELIUS, OR 97113

confirms the right to use the waters of the TUALATIN RIVER, a tributary of WILLAMETTE RIVER for IRRIGATION of 41.6 ACRES.

This right was perfected under Permit S-21189. The date of priority is MARCH 18, 1952. The amount of water to which this right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.52 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversion from the stream.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	DLC	Q-Q
1 S	3 W	WM	3	46	NW SW
1 S	3 W	WM	3	46	NE SW
1 S	3 W	WM	3	46	SE SW

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

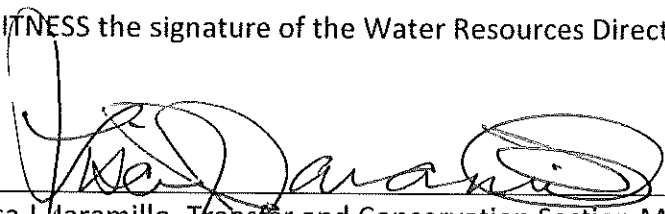
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	3	SW NW	4.9
1 S	3 W	WM	3	SE NW	0.9
1 S	3 W	WM	3	NE SW	7
1 S	3 W	WM	3	NW SW	19.6
1 S	3 W	WM	3	SW SW	6.3
1 S	3 W	WM	3	SE SW	2.9
TOTAL					41.6

This certificate describes that portion of water right Certificate 94551, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered NOV 19 2025, approving Transfer Application T-13778.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed NOV 19 2025.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON BERRY PACKING CO.  
6000 SW MINTER BRIDGE ROAD  
HILLSBORO, OR 97123

confirms the right to use the waters of WELL #5, WELL #6, AND WELL #7 in the Willamette Basin for FOOD PROCESSING OF BERRIES AND FILBERTS.

This right was perfected under Permit G-10711. The date of priority is NOVEMBER 12, 1986. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 90.0 GALLONS PER MINUTE (GPM) FOR FOOD PROCESSING, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	2 W	WM	18	SE SW	3	880 FEET SOUTH AND 780 FEET EAST FROM THE NE CORNER OF NC RICHARDSON DLC 63
1 S	2 W	WM	19	NW NE	1	1640 FEET SOUTH AND 1350 FEET EAST FROM THE NE CORNER OF NC RICHARDSON DLC 63
1 S	2 W	WM	19	NW NE		1710 FEET SOUTH AND 1420 FEET EAST FROM THE NE CORNER OF NNC RICHARDSON DLC 63

A description of the place of use to which this right is appurtenant is as follows:

BERRIES AND FILBERT PROCESSING				
Twp	Rng	Mer	Sec	Q-Q
1 S	2 W	WM	18	SE SW

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.

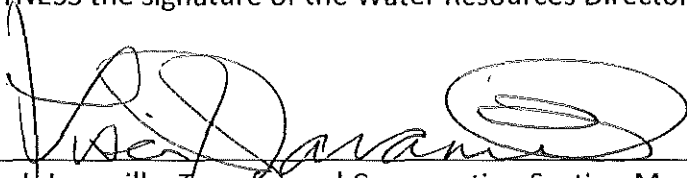
The use of water shall be limited when it interferes with any prior surface or ground water rights.

This certificate describes that portion of water right Certificate 83064, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered NOV 19 2025, approving Transfer Application T-13778.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed NOV 19 2025.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 13778

Transfer Specialist:

Transfer Type: Regular Transfer

*Dante Luongo*

<b>Applicant:</b> OREGON BERRY PACKING COMPANY JEFF MALENSKY PO BOX 1326 HILLSBORO, OR 97123 Email: Phone:	<b>Agent:</b> <input type="checkbox"/> N/A ERIC URSTADT 39290 NW MURTAUGH RD NORTH PLAINS, OR 97133 Email: Phone:
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email:	<b>CWRE:</b> <input type="checkbox"/> N/A Email:
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Washington County Planning & Development Services Email:	<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email:
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email:	<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email:

**Water Rights Affected**

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions:**

Rec'd: July 13, 2021	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 6535.00	WM District: 18	ODFW District:
Initial Public Notice: August 17, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>12-1-21</u> Initials: <u>AL</u>	Date: <u>12-2-21</u> Initials: <u>ISF</u>	Date: _____ Initials: _____	Date: <u>12-1-21</u> Initials: <u>CC</u>	Date: <u>1-6-25</u> Initials: <u>AL</u>	CW Sent: _____	N/A
PD	Date: <u>7-20-25</u> Initials: <u>AL</u>	Date: <u>7-24-25</u> Initials: <u>ISF</u>	Date: _____ Initials: _____	Date: <u>9-3-25</u> Initials: <u>BTJ</u>	Date: <u>9-4-25</u> Initials: <u>AL</u>	Date: <u>9-4-25</u>	Date: _____
FO	Date: <u>9-19-25</u> Initials: <u>AL</u>	Date: <u>9-20-25</u> Initials: <u>AD</u>	Date: _____ Initials: _____	Date: <u>9-22-25</u> Initials: <u>ISF</u>	Date: <u>9-23-25</u> Initials: <u>AL</u>	Date: <u>11-6-25</u>	Date: <u>11/19/2025</u>

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. 138 Pages 84-95

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **145938**

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>Oregon Berry Packing</u>	APPLICATION
BY: <u>TNC</u>	PERMIT
	TRANSFER

CASH:  CHECK:#  12965 OTHER: (IDENTIFY)  \_\_\_\_\_

**TOTAL REC'D \$ 165.37**

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46118 \$ \_\_\_\_\_

0207 OTHER: (IDENTIFY) Newspaper Notice \$ **165.37**

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$

**WATER RIGHTS:**

0201	SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

**WELL CONSTRUCTION**

0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
	LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_

0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **145938** DATED: 8-27-25 BY: m-mills

PO Box 310 Gresham, OR 97030  
Phone: 503-684-0360 Fax: 503-620-3433  
E-mail: legals@commnewspapers.com

**AFFIDAVIT OF PUBLICATION**

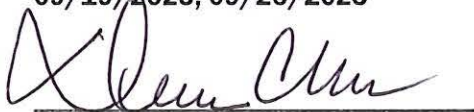
**SEE EXHIBIT A**

State of Oregon, County of Washington, ss  
I, Deseri Cerruti, being first duly sworn, de-  
pose and say that I am the Principal Clerk  
of the News Times, a newspaper of general  
circulation, published in Washington County,  
Oregon, as defined by ORS 193.010 and  
193.020, that

**Ad#: 363836**  
**Owner: Oregon Water Resources Dept**  
**Description: Notice of Preliminary Determi-**  
**nation for**  
**Water Right Transfer T-13778**

A copy of which is hereto annexed, was  
published in the entire issue of said  
newspaper for 2 week(s) in the  
following issue:

**09/19/2025, 09/26/2025**



Deseri Cerruti (Principal Clerk)

Subscribed and sworn to before me this  
09/26/2025.



NOTARY PUBLIC FOR OREGON



Acct #: 150076  
**Attn: DAVID JONES JR**  
OREGON WATER RESOURCES DEPARTMENT  
725 SUMMER ST. NE, SUITE A  
SALEM, OR 97301

**Received**  
**OCT 09 2025**  
**OWRD**

# EXHIBIT A

## Notice of Preliminary Determination for Water Right Transfer T-13778

T-13778 filed by Oregon Berry Packing Co. PO Box 1326 Hillsboro, OR 97123, proposes to change the place of use under Certificates 62442 and 83064, and add an additional point of appropriation and change the place of use under Certificates 94551, 94550, 94282, 88122. Certificate 62442 allows the use of 0.55 cubic foot per second (cfs) from two wells in Sec. 18, T 1S, R 2W, W.M. and from two wells in Sec. 19, T 1S, R 2W, W.M. for irrigation in Sec. 18 and 19. The applicant proposes to change the place of use within Sec. 18 and 19, T 1S, R 2W, W.M. Certificate 83064 allows the use of 0.234 cfs from a well in Sec. 18, T 1S, R 2W, W.M. and two wells in Sec. 19, T 1S, R 2W, W.M. for irrigation in Sec. 18 and 19. The applicant proposes to change the place of use within Sec. 18 and 19, T 1S, R 2W, W.M. Certificate 88122 allows the use of 0.108 cfs from Scoggins Creek, and Scoggins Reservoir/Henry Hagg Lake in Sec. 3, T 1S, R 3W, W.M. for irrigation in Sec. 3. The applicant proposes an additional point of diversion to Sect. 18, T 1S, R 2W, W.M. and change the place of use to Sec. 19, T 1S, R 2W, W.M. Certificate 94282 allows the use of 0.04 cfs from the Tualatin River in Sec. 3, T 1S, R 3W, W.M. for irrigation in Sec. 3. The applicant proposes an additional point of diversion to Sect. 18, T 1S, R 2W, W.M. and change the place of use to Sec. 18, T 1S, R 2W, W.M. Certificate 94550 allows the use of 0.13 cfs from the Tualatin River in Sec. 3, T 1S, R 3W, W.M. for irrigation in Sec. 3. The applicant proposes an additional point of diversion to Sect. 18, T 1S, R 2W, W.M. and change the place of use to Sec. 19, T 1S, R 2W, W.M. Certificate 94551 allows the use of 0.46 cfs from the Tualatin River in Sec. 3, T 1S, R 3W, W.M. for irrigation in Sec. 3. The applicant proposes an additional point of diversion to Sect. 18, T 1S, R 2W, W.M. and change the place of use to Sec. 18 and 19, T 1S, R 2W, W.M. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, September 26, 2025. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published Sept. 19 & 26, 2025.

FGNT363836

Received  
OCT 09 2025  
OWRD



# Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

September 5, 2025

VIA CERTIFIED MAIL AND E-MAIL

OREGON BERRY PACKING, INC.  
C/O JEFF MALENSKY  
PO BOX 1326  
HILLSBORO, OR 97123

SUBJECT: Water Right Transfer Application T-13778

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13778. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

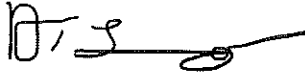
A public notice is being published in the Department's weekly publication and in the Hillsboro Argus newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Luongo', with a long horizontal stroke extending to the right.

Dante Luongo  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13778  
Jacob W. Constans, District 18 Watermaster *(via e-mail)*  
Eric Urstadt, Agent for the applicant *(via e-mail)*  
Adam Frederick, District Transfer Program Advisor *(via e-mail)*

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13778, Washington County	)	PROPOSING APPROVAL OF ADDITIONAL
	)	POINTS OF DIVERSION AND CHANGE IN
	)	PLACES OF USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

OREGON BERRY PACKING, INC.  
C/O JEFF MALENSKY  
PO BOX 1326  
HILLSBORO, OR 97123

**Findings of Fact**

1. On July 13, 2021, OREGON BERRY PACKING, INC. c/o Jeff Malensky filed an application for additional points of diversion and to change the place of use under Certificates 94282, 94550, 94551, 88122, and to change the place of use under Certificates 83064 and 62442. The Department assigned the application number T-13778.
2. Notice of the application for transfer was published on August 17, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. When the application was filed, evidence demonstrating that Land Use approval has been obtained, as required under OAR 690-380-3000(19), was not provided to the Department. Maps for Certificates 94551 and 94550 included acreage that moved as a result of transfer T-12780.
4. On February 16, 2023, the Department notified the applicant's agent, by email, of the deficiencies in the application. The Department gave the applicant until March 16, 2023, to resolve the deficiencies.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

5. On March 3, 2023, the Department received amended application pages, resolving the deficiencies.
6. On April 18, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13778 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 18, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
7. On April 30, 2024, the applicant's agent requested a new completion date of October 1, 2030, due to the complexities of the project. Pursuant to OAR 690-380-5140(3), the Department has modified the completion date of Transfer Application T-13778 to October 1, 2030.
8. On November 27, 2024, The Department noticed a discrepancy in the rate of water being changed under Certificate 83064, prompting a revised Draft Preliminary Determination.
9. On December 10, 2024, the Department sent a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13778 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 11, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
10. Tualatin Valley Irrigation District manages distribution of water under Certificate 88122. This certificate does not include a description of the point of diversion (POD) at the point of release of water from the storage source (Scoggins Reservoir), nor the PODs at the locations on the Tualatin River where patrons divert stored water directly from the river.
11. The application provides the POD location on the Tualatin River where the patron is diverting the stored water from Scoggins Reservoir directly from the river.
12. The draft Preliminary Determination sent December 10, 2024, did not include the identified layering of Certificates 62442, 83064, and Registration Application GR-478 (Certificate of Registration GR-460).
13. On June 11, 2025, the applicant's agent notified the Department Certificate 62442 is also acting as a supplemental water right under this transfer. Its period of use is during the non-irrigation season, and will be moving the place of use to "like" primary Certificates 94282, 94550, and 94551 pursuant to OAR 690-382-0200(5).

14. On June 17, 2025, the applicant's agent notified the Department that Certificate 83064 is a primary right to make up a deficiency in rate under Registration Application GR-478 (Certificate of Registration GR-460). As stated on January 29, 1987, the points of appropriation for Registration Application GR-478 (Certificate of Registration GR-460) do not produce enough water for the authorized places of use under Certificate 83064's application (G-11597) Addendum B (Addendum). Certificate 83064 and Registration Application GR-478 (Certificate of Registration GR-460) have places of use that are moving together pursuant to OAR 690-382-0200(1).

15. On July 3, 2025, the Department found further evidence in the physical file of Certificate 83064. An addendum shows that the rate for each well under Registration Application GR-478 (Certificate of Registration GR-460) has been diminished to lessen the amount of sand pumped by each well. The wells were diminished to:

Well Name	Initial Well Rate (GPM)	Diminished Well Rate (GPM)
Well #1	100 GPM	20 GPM
Well #2	60 GPM	20 GPM
Well #3	150 GPM	25 GPM
Well #4	100 GPM	30 GPM

16. In a letter to the applicant of G-11597 dated March 19, 1987 (1987 Letter), the Department stated that the applicant was unable to formally apply for a change in points of appropriation for Registration Application GR-478 (Certificate of Registration GR-460), and to file a new application to protect the applicant's development at that time.

17. Because the applicant for Certificate 83064 was previously instructed by the Department to file a new application to develop new wells and diminish the rate in the authorized points of appropriation in Registration Application GR-478 (Certificate of Registration GR-460) to account for the new wells in Certificate 83064, the Department finds that there is no need to further diminish Certificate 83064 to a supplemental irrigation right under OAR 690-380-5120.

18. Finally, in the 1987 Letter, the Department had concluded that Wells #5, #6, and #7 all developed the same aquifer (source) as Wells #1, #2, #3, and #4, therefore, showing the application was for an additional primary right to make up the new deficiency in rate for GR-478.

19. Because Certificate 83064 was filed to make up for the deficiency in Registration Application GR-478 (Certificate of Registration GR-460), and language in Certificate 83064, states that "The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated...", moving these two primary water rights to the transfers' proposed places of use would not cause enlargement of either right, or claim.

20. The first right to be transferred is as follows:

**Certificate:** 94282 in the name of C. B. BUCHANAN (perfected under Permit S-15058)  
**Use:** IRRIGATION OF 3.0 ACRES  
**Priority Date:** AUGUST 20, 1941  
**Rate:** 0.04 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.  
**Source:** TUALATIN RIVER, tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot
1 S	3 W	WM	3	SE SE	1

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	3	SW SE	3.0

21. Transfer Application T-13778 proposes an additional point of diversion approximately 8.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	18	NE SE	POD OB - 1435 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 18

22. Transfer Application T-13778 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	18	SE SW	3.0

23. The portion of the second right to be transferred is as follows:

**Certificate:** 94550 in the name of C. B. BUCHANAN, JR. (perfected under Permit S-20595)  
**Use:** IRRIGATION OF 9.7 ACRES  
**Priority Date:** JULY 16, 1951  
**Rate:** 0.13 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to

exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** TUALATIN RIVER, a tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot
1 S	3 W	WM	3	SE SE	1

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	3 W	WM	3	NW SE		49	0.7
1 S	3 W	WM	3	SW SE	2		1.5
1 S	3 W	WM	3	SW SE		49	5.4
1 S	3 W	WM	3	SE SE		49	0.3
1 S	3 W	WM	3	SE SE	1		1.8
TOTAL							9.7

24. Transfer Application T-13778 proposes an additional point of diversion approximately 8.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	18	NE SE	POD OB - 1435 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 18

25. Transfer Application T-13778 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	19	NW NE	9.7

26. The portion of the third right to be transferred is as follows:

**Certificate:** 94551 in the name of C. B. BUCHANAN, JR. (perfected under Permit S-21189)

**Use:** IRRIGATION OF 37.1 ACRES

**Priority Date:** MARCH 18, 1952

**Rate:** 0.46 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** TUALATIN RIVER, a tributary of WILLAMETTE RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC
1 S	3 W	WM	3	NE SW	46

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	3	NE SW	46	7.7
1 S	3 W	WM	3	SE SW	46	21.4
1 S	3 W	WM	3	SW SE	46	8.0
TOTAL						37.1

27. Transfer Application T-13778 proposes an additional point of diversion approximately 8.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	18	NE SE	POD OB - 1435 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 18

28. Transfer Application T-13778 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Glot	DLC	Acres
1 S	2 W	WM	18	SE SW	3		13.8
1 S	2 W	WM	18	SW SE			5.6
1 S	2 W	WM	19	NE NW		63	10.5
1 S	2 W	WM	19	NE NW	1		7.2
TOTAL							37.1

29. The portion of the fourth right to be transferred is as follows:

**Certificate:** 88122 in the name of US BUREAU OF RECLAMATION (perfected under Permit S-35792)

**Use:** SUPPLEMENTAL IRRIGATION OF 8.7 ACRES WITHIN TUALATIN VALLEY IRRIGATION DISTRICT

**Priority Date:** FEBRUARY 20, 1963

**Rate:** 0.108 CUBIC FOOT PER SECOND FROM SCOGGINS CREEK AND RESERVOIR

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-5777 and as evidenced by Certificate 81149; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. The right is further limited to the use of stored water only on the lands described as supplemental irrigation.

**Source:** SCOGGINS CREEK, AND SCOGGINS RESERVOIR/HENRY HAGG LAKE (Constructed under Permit R-5777), tributaries to the TUALATIN RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
<i>Not described in certificate</i>					

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	3	NE SW	0.1
1 S	3 W	WM	3	SE SW	8.6
TOTAL					8.7

30. The application for T-13778 provided a better description of the current point of diversion where the patron is diverting the stored water from Scoggins Reservoir directly from the river for Certificate 88122:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
1 S	3 W	WM	3	NE SW	R-50.1 (POD 2) – 1500 FEET NORTH AND 3080 FEET WEST FROM THE SE CORNER OF SECTION 3

31. Transfer Application T-13778 proposes an additional point of diversion approximately 9.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	18	NE SE	POD OB - 1435 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 18

32. Transfer Application T-13778 also proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	19	NE NW	8.7

33. The portion of the fifth right to be transferred is as follows:

**Certificate:** 83064 in the name of OREGON BERRY PACKING CO. (perfected under Permit G-10711)

**Use:** IRRIGATION OF 41.0 ACRES

**Priority Date:** NOVEMBER 12, 1986

**Rate:** 105.0 GALLONS PER MINUTE (GPM), BEING 20.0 GPM FROM WELL #5, 25.0 GPM FROM WELL #6, AND 60.0 GPM FROM WELL #7, NOT TO EXCEED 105.0 GPM FOR IRRIGATION

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL #5, WELL #6, AND WELL #7 in the WILLAMETTE BASIN

**Authorized Points of Diversion:**

Well	Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5	1 S	2 W	WM	18	SE SW	3	880 FEET SOUTH AND 780 FEET EAST FROM THE NE CORNER OF NC RICHARDSON DLC 63
6	1 S	2 W	WM	19	NW NE	1	1640 FEET SOUTH AND 1350 FEET EAST FROM THE NE CORNER OF NC RICHARDSON DLC 63
7	1 S	2 W	WM	19	NW NE		1710 FEET SOUTH AND 1420 FEET EAST FROM THE NE CORNER OF NNC RICHARDSON DLC 63

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	2 W	WM	18	SE SW	3		3.0
1 S	2 W	WM	18	SW SE			4.4
1 S	2 W	WM	19	NW NE			13.2
1 S	2 W	WM	19	NE NW		63	11.4
1 S	2 W	WM	19	NE NW	1		9.0
TOTAL							41.0

34. Transfer Application T-13778 proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	2 W	WM	18	SW SW	3		0.6
1 S	2 W	WM	18	SW SW		63	3.8
1 S	2 W	WM	19	NW NW		63	25.5
1 S	2 W	WM	19	SW NW		63	11.1
TOTAL							41.0

35. The sixth right to be transferred is as follows:

**Certificate:** 62442 in the name of OREGON BERRY PACKING COMPANY (perfected under Permit G-8141)

**Use:** IRRIGATION OF 43.7 ACRES DURING THE NON-IRRIGATION SEASON

**Priority Date:** MARCH 10, 1977

**Period of Use:** NON-IRRIGATION SEASON

**Rate:** 0.55 CUBIC FOOT PER SECOND (CFS), BEING 0.13 CFS FROM WELL 1, 0.08 CFS FROM WELL 2, 0.20 CFS FROM WELL 3, AND 0.14 CFS FROM WELL 4

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.0 acre-feet per acre for each acre irrigated during the period from October 1 to April 30. The right allowed herein, together with the amount secured under any other right existing for the same land shall not exceed 2.5 acre feet for each acre irrigated in any one year. The use of water during the period from October 1 to April 30 as authorized herein shall not establish priority of right against future

appropriations of ground water for beneficial uses other than similar rights for irrigation.

Source: FOUR WELLS, in the TUALATIN RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Glots	Measured Distances
1 S	2 W	WM	18	SE SW	3	WELL 1 - 900 FEET SOUTH AND 760 FEET EAST FROM THE NORTH NORTHERLY CORNER OF DLC 63
1 S	2 W	WM	18	SE SW	3	WELL 2 - 1010 FEET SOUTH AND 790 FEET EAST FROM THE NORTH NORTHERLY CORNER OF DLC 63
1 S	2 W	WM	19	NW NE		WELL 4 - 1340 FEET SOUTH AND 2000 FEET EAST FROM THE NORTH NORTHERLY CORNER OF DLC 63
1 S	2 W	WM	19	NE NW	1	WELL 3 - 1580 FEET SOUTH AND 1340 FEET EAST FROM THE NORTH NORTHERLY CORNER OF DLC 63

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Glots	Acres
1 S	2 W	WM	18	SE SW		3	4.6
1 S	2 W	WM	18	SW SE			4.8
1 S	2 W	WM	19	NW NE			13.2
1 S	2 W	WM	19	NE NW	63		12.0
1 S	2 W	WM	19	NE NW		1	9.1
TOTAL							43.7

36. Transfer Application T-13778 proposes to change the place of use of the right to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	DLC	Glots	Tax Lot	Acres
1 S	2 W	WM	18	SE SW		3	200	7.8
1 S	2 W	WM	18	SE SW		3	800	5.3
1 S	2 W	WM	18	SW SE			200	1.5
1 S	2 W	WM	18	SW SE			800	1.7
1 S	2 W	WM	19	NW NE			200	9.7
1 S	2 W	WM	19	NE NW	63		200	10.8
1 S	2 W	WM	19	NE NW		1	200	6.9
TOTAL								43.7

37. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost share funds.

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), and 690-380-2200]**

38. Water has been used within the five-year period prior to submittal of Transfer Application T-13778 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

39. Water delivery systems sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13778.
40. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
41. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
42. Registration Application GR-478 (Certificate of Registration GR-460) does not have language regarding the limit/duty, however, language in layered Certificate 83064, states that, "The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of 2.5 acre feet per acre for each acre irrigated..." Because of this condition, moving these two primary water rights to the transfers' proposed places of use would not cause enlargement of either right.
43. The proposed changes, as conditioned, would not result in enlargement of the rights.
44. The proposed changes, as conditioned, would not result in injury to other existing water rights.
45. All other application requirements are met.

#### **Determination and Proposed Action**

The additional points of diversion and change in places of use proposed in Transfer Application T-13778 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-13778 is approved, the final order will include the following:*

1. *The additional points of diversion and change in places of use proposed in Transfer Application T-13778 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 94451, 94550, 94282, 88122, 83064, and 62442 and any related decree.*
3. *Water right Certificates 94551, 94550, 94282, 83064, and 62442 are cancelled. New certificates will be issued for Certificates 94550, 94551 and 83064 describing the portions of these rights not affected by this transfer.*

4. *Water right Certificate 88122 is modified. A superseding water right certificate in the name of U.S. Bureau of Reclamation will be issued when the Department determines it is necessary for record keeping.*
5. *Under Certificate 88122, the quantity of water diverted at the new additional point of diversion (POD OB), together with that diverted at the original point of diversion (R-50.1 (POD 2)), shall not exceed the quantity of water lawfully available at the original point of diversion (R-50.1 (POD 2)).*
6. *Under Certificate 94282, the quantity of water diverted at the new additional point of diversion (POD OB), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
7. *Under Certificate 94550, the quantity of water diverted at the new additional point of diversion (POD OB), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
8. *Under Certificate 94551, the quantity of water diverted at the new additional point of diversion (POD OB), together with that diverted at the original point of diversion (POD 2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).*
9. *Water shall be acquired from the same source of surface water as the original points of diversion.*
10. *The former place of use of the transferred rights shall no longer receive water under the rights.*
11. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*

*The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*

12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2030**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

13. *Water Right Certificate 88122 is modified. After satisfactory proof of completion has been determined by the Department, a superseding right certificate will be issued in the name of U.S. Bureau of Reclamation when the Department determines it is necessary for record keeping.*
14. *For Water Right Certificates 94551, 94550, 94282, 83064, and 62442, after satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **SEP 05 2025**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971 304-5006 or [Dante.J.Luongo@water.oregon.gov](mailto:Dante.J.Luongo@water.oregon.gov).

### **Protests**

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$720 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$1425 required by ORS 536.050 and proof of service of the protest upon the applicant.

### **Requests for Standing**

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and

- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Servicemembers:** Active duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 1-800-452-8260, the Oregon Military Department at 971-355-4420, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



# Oregon

Kate Brown, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

August 12, 2021

OREGON BERRY PACKING COMPANY  
JEFF MALENSKY  
PO BOX 1326  
HILLSBORO, OR 97123

Reference: Application T-13778

On July 13, 2021, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$6535.00. Our receipt number 135827 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use or from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #18, Jacob W. Constans (*via email*)  
Tualatin Valley Irrigation District  
Eric Urstadt, Agent  
Washington County Department of Land Use

Enclosure

**LUONGO Dante J \* WRD**

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**From:** LUONGO Dante J \* WRD  
**Sent:** Thursday, February 16, 2023 1:31 PM  
**To:** jeff@oregonberry.com; Eric Urstadt  
**Subject:** T-13778 Deficiency Letter  
**Attachments:** Transfer Deficiency Letter Formal\_13778.docx

Hello Jeff and Eric,

I have been reviewing the transfer file T-13778 this week, and it appears the Evidence of use for several of the certificates in the transfer do not meet statutory requirements. Please see the attached Deficiency Letter detailing what the Department needs to move forward. If you have any questions, feel free to contact me via this email thread, or call at 971-304-5006.

Best Regards,

[Dante Luongo](#)

Transfer Specialist- Transfers and Conservation Section

725 Summer Street NE Ste A

Salem, Oregon 97301

(971)-304-5006



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

**NOTE:** The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. The Salem office of OWRD is closed for customer service drop-ins from Noon – 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.



# Oregon

Tina Kotek, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503)-986-0900  
Fax: (503)-986-0904

February 14, 2023

Oregon Berry Packing  
ATTN: Jeff Malensky  
PO Box 1326  
Hillsboro, OR 97123

REFERENCE: Transfer Application T-13778

During the initial review of transfer application T-13778, there

are some deficiencies that will need to be resolved before the processing of the application can proceed. The deficiencies are listed below:

1. The Evidence of Use affidavits submitted for Certificate 62442, 83064, 94282, 94550, and 94551 do not have supporting documentation that meet the Oregon Water Resources Department's requirements to show water usage. Pursuant to OAR- 690-380-3000(12) evidence of use must be provided for water that has been used on the lands to be affected by the transfer from the sources authorized by the certificates during the five years prior to July 13, 2021, when the transfer application was filed. The supplemental documentation for each Water Right Certificate is as follows:
  - a. 62442- Evidence provided is not a receipt of sales or fertilizer/seed bill for irrigated crops.
  - b. 83064- Evidence provided is not a receipt of sales or fertilizer/seed bill for irrigated crops:
  - c. 94282- Evidence provided is not a *confirming right* for a water right, but a *remaining right*, which does not confirm usage of water (status of a water right)
  - d. 94550- Evidence provided is not a *confirming right* for a water right, but a *remaining right*, which does not confirm usage of water (status of a water right)
  - e. 94551- Evidence provided is not a *confirming right* for a water right, but a *remaining right*, which does not confirm usage of water (status of a water right)
2. Transfer Application T-13778 will result in layering of water rights. Portions of the proposed "TO" lands will receive a primary water right (94551) a supplemental water right (88122) and an additional primary water right (62442). The two primary water rights are in conflict, and one of these rights will be diminished to supplemental irrigation (unless otherwise indicated 62442 will be supplemental) pursuant to OAR 690-380-5120. You may send in revised maps to correct this outcome.

If the Department does not receive the above requested materials by March 20, 2023, a draft Preliminary Determination may be issued denying the application as incomplete.

Please submit the requested information to Dante Luongo, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301.

If you have any questions, please email [dante.j.luongo@water.oregon.gov](mailto:dante.j.luongo@water.oregon.gov) or call 971-304-5006.

Best Regards,

Dante Luongo  
Transfer Specialist  
Transfer and Conservation Section

cc. Transfer File T-13778  
Jake Constans, District 18 Watermaster  
Eric Urstadt, Stutzner Engineering & Forestry, LLC., agent for Applicant

# Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department  
725 Summer St NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

Transfer Application: T-13778

Review Due Date:

Applicant Name: Jeff Malensky

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Jake Constans

Date of Review: 11/22/2021

- Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable?  Yes  No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
- Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights?  Yes  No Generally characterize the frequency of any regulation or explain why regulation has not occurred:  
  

The Tualatin River is regulated each year for senior water rights.
- Have headgate notices been issued for the source that serves the transferred right(s)?  
 Yes  No  Records not available.
- In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?  Yes  No If "Yes", explain:
- In your estimation, if the proposed change is approved, are there upstream water rights that would be affected?  Yes  No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here  if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)?  Yes  No

9. For POU changes:  N/A Is it likely the original place of use would continue to receive water from the same source?  Yes  No If "Yes", explain:

10. For POU or USE changes:  N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

Yes  No If "Yes", explain:

11. For POU changes that involve micro-irrigation:  N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes  No If "Yes", explain:

b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes  No If "Yes", answer the following:

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer?  Yes  No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry?  Yes  No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer?  Yes  No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer?

Yes  No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer?  Yes  No If "No", explain:

c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source?

Yes  No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?

Yes  No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes  No If "Yes", explain:

Cert 83064 – no from acres listed in application (page 29)  
Cert 83064 on transfer map is listed on map in error as 80364 – 41 acres

13. What alternatives may be available for addressing any issues identified above:

- list transferred acres associated with certificate 83064 in application by QQ/Section
- correct the 83064 certificate on transfer map which is incorrectly labeled as 80364

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights?  No  Yes, as checked and provided below:

For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter\***, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

*b. The water user shall maintain the meters or measuring devices in good working order.*

*c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages\***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

*b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

\* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

- Weir
- Submerged Orifice
- Parshall Flume
- Flow Restrictor
- Other: \_\_\_\_\_

# Groundwater Transfer Review Summary Form

Transfer/PA # T- 13778

GW Reviewer Jen Woody Date Review Completed: 1/12/2022

## Summary of Same Source Review:

The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

## Summary of Injury Review:

The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

## Summary of GW-SW Transfer Similarity Review:

The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

*This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.*



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

## Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-13778

Applicant Name: Oregon Berry Packing

Proposed Changes:  POA     APOA     SW→GW     RA  
 USE     POU     OTHER

Reviewer(s): Jen Woody

Date of Review: 1/12/2022

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 2/1/22

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other \_\_\_\_\_

1. Basic description of the changes proposed in this transfer: T13778 proposes several changes to surface water rights, which are outside the scope of a groundwater review. Certificates 62442 (WASH 9985/Well 1, WASH 9986/Well 2, WASH 10022/Well 3, WASH 10017/Well 4) and 83064 (WASH 9988/Well 5, WASH 9990 /Well 6, WASH 9939/Well 7 are included in this transfer for a place of use change. There are no proposed changes to POAs, so a technical groundwater review is not applicable.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
 Yes     No    Comments: \_\_\_\_\_
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
 Yes     No \_\_\_\_\_  
 b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): \_\_\_\_\_
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?  
 Yes     No    Comments: \_\_\_\_\_  
 b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

- Yes    No   If yes, explain: \_\_\_\_\_
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?  
 Yes    No   Comments: \_\_\_\_\_
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?  
Stream: \_\_\_\_\_    Minimal    Significant  
Stream: \_\_\_\_\_    Minimal    Significant  
Provide context for minimal/significant impact: \_\_\_\_\_
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?  
 Yes    No   Comments: \_\_\_\_\_
7. What conditions or other changes in the application are necessary to address any potential issues identified above: \_\_\_\_\_
8. Any additional comments: \_\_\_\_\_

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **139825**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Oregon Curry Packing, Inc  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-13778

CASH:  CHECK:# 33426 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 250.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407	COPIES		\$
	OTHER: (IDENTIFY)		\$
0243	I/S Lease		
0244	Muni Water Mgmt. Plan		
0245	Cons. Water		

**4270 WRD OPERATING ACCT**

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	\$
0205	TRANSFER	\$	\$
		\$250.00	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	\$
	OTHER (IDENTIFY)		\$

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD#
0210	MONITORING WELLS	\$	CARD#
	OTHER (IDENTIFY)		

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HYDRO APPLICATION		\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **139825** DATED: 12-27-2022 BY: [Signature]

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172  
 (503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135827**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Dragon Berry Packing, Inc APPLICATION \_\_\_\_\_  
 BY: \_\_\_\_\_ PERMIT T-13846  
 TRANSFER T-13778

CASH:  CHECK:# 30809 OTHER: (IDENTIFY) \_\_\_\_\_  
 TOTAL REC'D \$ 6,535.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
 OTHER: (IDENTIFY) \$ \_\_\_\_\_  
 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS 40110

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
 0410 RESEARCH FEES \$ \_\_\_\_\_  
 0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
 TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
 0240 EXTENSION OF TIME \$ \_\_\_\_\_

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$ _____	0202 \$ _____
0203	GROUND WATER	\$ _____	0204 \$ _____
0205	TRANSFER	\$ <u>6,535.00</u>	

WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____	0219 \$ _____
	LANDOWNER'S PERMIT		0220 \$ _____

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
 0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
 OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
 0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
 HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **135827** DATED: 7-13-2021 BY: [Signature]

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**

For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED

JUL 13 2021

OWRD

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 6 List them here: 94282, 94550, 94551, 88122, 62442, 83064**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)

**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) See Attachment "A" - Quitclaim pertaining to water rights.
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- 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.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

**(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
- Evidence of Use Form not enclosed or incomplete
- Additional signature(s) required
- Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_  
 Staff: \_\_\_\_\_ 503-986-0\_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

- Prior to Department approval of the transfer application, 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 water right 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 newspaper: Hillsboro Argus.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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)

9/21/2021  
Date

RECEIVED

JUL 13 2021

OWRD

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer 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 water right(s) were conveyed.*

See Attachment "A" - Quitclaim pertaining to "Speer" water rights and signature below:

\_\_\_\_\_  
Signature

**Patrick Speer, right holder**  
Patrick Speer, Holder of Speer rights

\_\_\_\_\_  
Date

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: [https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

RECEIVING LANDOWNER NAME <b>N/A</b>			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

13778

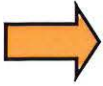
- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Hillsboro Argus.
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- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

RECEIVED

JUL 13 2021

OWRD

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

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer 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 water right(s) were conveyed.*

See Attachment "A" - Quitclaim pertaining to "Speer" water rights and signature below:

  
 Signature

**Patrick Speer, right holder**  
 Patrick Speer, Holder of Speer rights

  
 Date

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

RECEIVING LANDOWNER NAME <b>N/A</b>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL

13778

## Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

OWRD

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- 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 Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), 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 diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, 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 water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, 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 diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), 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°).

**Part 3 of 5 – Fee Worksheet**

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
2	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>2 (2a)</u> Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	\$930
3	Number of water rights included in transfer <u>6 (3a)</u> Subtract 1 from the number in 3a above: <u>(3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	\$3120
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>1.4 (5a)</u> Subtract 1.0 from the number in 5a above: <u>0.4 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>1 (5c)</u> and multiply 5c by \$350, then enter on line 5 »	5	\$350
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$5560
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » <b>Transfer Fee:</b>	8	<b>\$5560</b>

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\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

- For irrigation calculate cfs for each water right involved as follows:
  - Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac = 0.56 cfs). (1.4 = .04(94282) + .12(94550) + .46(94551) + .55(62442) + .23(83064)) (88122=0)
  - If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)
- Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	N/A

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# Part 4 of 5 – Applicant Information and Signature

## Applicant Information

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

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

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

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Explain in your own words what you propose to accomplish with this transfer application, and why:  
**The application proposes to move water rights from one location to another. The initial part of the application moves the remainder of water rights on lands previously owned by the Speer family to lands owned by Oregon Berry. The Speer rights are for live (surface) flow and are being moved downstream with a new Point of Diversion being required. The Speer water rights are on land no longer owned by the Speers, but the rights have been quitclaimed to Speers and therefore, they remain in Speer’s control. Oregon Berry has water rights currently on their land, and they are moving some of those rights to an adjoining property and moving parts of their current rights around mainly to avoid layering of the water rights as much as possible, but also to best utilize the various rights. Tualatin Valley Irrigation District (TVID) is a small portion of this transfer, and TVID is been coordinated with. A Groundwater Registration (GR) Modification is also being done concurrently with this transfer because the GR is layered with certain current Oregon Berry rights.**

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

### Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I 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 affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

**By my signature below, I confirm that I understand:**

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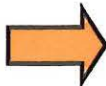
- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Hillsboro Argus.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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

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\_\_\_\_\_  
Applicant signature                      Jeff Malensky, President  
Print Name (and Title if applicable)                      \_\_\_\_\_  
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer 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 water right(s) were conveyed.*

See Attachment "A" - Quitclaim pertaining to "Speer" water rights and signature below:

\_\_\_\_\_  
Signature                      Patrick Speer, right holder  
Patrick Speer, Holder of Speer rights                      \_\_\_\_\_  
Date

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

RECEIVING LANDOWNER NAME N/A		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL

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Describe any special ownership circumstances here: **See Attachment "A" - Quitclaim pertaining to water rights. The "Speer" water rights have been quitclaimed to the Speer family. This happened as a condition of the land being sold to a developer and pursuant to a multi-phase subdivision was planned. Because of this, the current landowners of the prior Speer are not needed to sign this transfer.**

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME <b>Tualatin Valley Irrigation District</b>	ADDRESS <b>2330 Elm Street</b>	
CITY <b>Forest Grove</b>	STATE <b>OR</b>	ZIP <b>97116</b>

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME <b>none known</b>	ADDRESS	
CITY	STATE	ZIP

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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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**Part 5a of 5 – Water Right Information**

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

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CERTIFICATE # **94282**

JUL 13 2021

**Description of Water Delivery System**

System capacity: **0.04\*** cubic feet per second (cfs) OR (\* per remaining right certificate 94282)  
**N/A** gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **The system had been a pump in the river being pumped via pipelines to a variety of Big Guns and sprinkler sets depending on the crops being grown.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, 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)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	1	S	3	W	3	SE	SE	1	Not Specified
POD OB	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	1	S	2	W	18	NE	SE	2700	1435' N AND 1260' W FROM THE SE S18.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

**Will all of the proposed changes affect the entire water right?**

- Yes Complete only the Proposed ("to" or "on" 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 water right to be changed.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 94282**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right 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	POD(s) or 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	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
1	S	3	W 3	SW SW	500	49	3.0	Irrig	POD 1	1941	POU/APOD	1	S	2	W 18	SE SW	800	3	3.0	Irrig	POD 1, POD OB	1941	
TOTAL ACRES:						3.0						TOTAL ACRES:						3.0					

Additional remarks: \_\_\_\_\_.

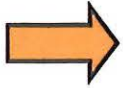
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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: **GR-478**



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;  
Surface water primary Certificate # N/A.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # N/A

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

- Well log(s) are attached for each authorized and proposed well(s) 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/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**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 the information will delay the processing of your transfer 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										

**Part 5b of 5 – Water Right Information**

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

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**CERTIFICATE # 94550**

**Description of Water Delivery System**

System capacity: **0.26** cubic feet per second (cfs) **OR** (\*per remaining right certificate 94550)  
**N/A** gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **The system had been a pump in the river being pumped via pipelines to a variety of Big Guns and sprinkler sets depending on the crops being grown.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, 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)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	1	S	3	W	3	SE	SE	1	NOT SPECIFIED
POD OB	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	1	S	2	W	18	NE	SE	2700	1435' N AND 1260' W FROM THE SE S18.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

**Will all of the proposed changes affect the entire water right?**

- Yes Complete only the Proposed ("to" or "on" 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 water right to be changed.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 94550**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right 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	POD(s) or 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	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
1	S	3	W 3	NW SE	500	49	0.7	Irrig	POD 1	1951	POU/APOD	1	S	2	W S10	NW NE	200	-	9.7	Irrig	POD 1, POD OB	1951		
1	S	3	W 3	SW SE	500	49	5.4	Irrig	POD 1	1951	POU/APOD													
1	S	3	W 3	SW SE	500	2	1.5	Irrig	POD 1	1951	POU/APOD													
1	S	3	W 3	SE SE	500	1	1.8	Irrig	POD 1	1951	POU/APOD													
1	S	3	W 3	SE SE	500	49	0.3	Irrig	POD 1	1951	POU/APOD													
TOTAL ACRES:						9.7						TOTAL ACRES:						9.7						

Additional remarks: \_\_\_\_\_

1  
8  
7  
7  
8

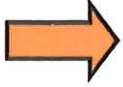
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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: **Certs. 62442, 83064, & GR-478.**



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # **N/A**;  
Surface water primary Certificate # **N/A**.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # **N/A**

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) 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/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**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 the information will delay the processing of your transfer 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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**Part 5c of 5 – Water Right Information**

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

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**CERTIFICATE # 94551**

**Description of Water Delivery System**

System capacity: **0.98** cubic feet per second (cfs) **OR (per remaining right certificate 94551)**

**N/A** gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **The system had been a pump in the river being pumped via pipelines to a variety of Big Guns and sprinkler sets depending on the crops being grown.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, 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)
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	1	S	3	W	3	NE	SW	46	1500' N & 3080' W of SE of S3
POD OB	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	1	S	2	W	18	NE	SE	2700	1435' N AND 1260' W FROM THE SE S18.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

**Will all of the proposed changes affect the entire water right?**

- Yes Complete only the Proposed ("to" or "on" 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 water right to be changed.

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 94551**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right 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	POD(s) or 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	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
1	S	3	W 3	NE SW	102	46	7.7	Irrig	POD 2	1952	POU/APOD	1	S	2	W 18	SE SW	800	3	1.8	Irrig	POD 1, POD OB	1952		
1	S	3	W 3	SE SW	102	46	21.4	Irrig	POD 2	1952	POU/APOD	1	S	2	W 18	SE SW	800	3	4.2	Irrig	POD 1, POD OB	1952		
1	S	3	W 3	SW SW	102	46	8.0	Irrig	POD 2	1952	POU/APOD	1	S	2	W 18	SE SW	200	3	7.8	Irrig	POD 1, POD OB	1952		
												1	S	2	W 18	SW SE	800	-	2.6	Irrig	POD 1, POD OB	1952		
												1	S	2	W 18	SW SE	800	-	1.5	Irrig	POD 1, POD OB	1952		
												1	S	2	W 18	SW SE	200	-	1.5	Irrig	POD 1, POD OB	1952		
												1	S	2	W 19	NE NW	200	63	10.5	Irrig	POD 1, POD OB	1952		
												1	S	2	W 19	NE NW	200	1	7.2	Irrig	POD 1, POD OB	1952		
TOTAL ACRES:						37.1						TOTAL ACRES:						37.1						

Additional remarks: \_\_\_\_\_

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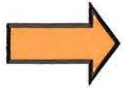
JUL 13 2021

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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: Certs. 88122, 62442, 83064, & GR 478.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;  
Surface water primary Certificate # N/A.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # N/A

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) 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/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**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 the information will delay the processing of your transfer 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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## Part 5d of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # **88122**

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### Description of Water Delivery System

System capacity: N/A cubic feet per second (cfs) OR  
400 gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Note that the source is Hagg Lake administered by Tualatin Valley Irrigation District (TVID). The conveyance from Hagg Lake to the POD is not described. The Points of (Re)-Diversion is in the Tualatin River and it has a 20 HP submersible pump that conveys water to 5" underground mainlines to laterals having sprinklers or using Big Guns; the right is supplemental.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, 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)
R-50.1 (= POD 2)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	1	S	3	W	3	NE	SW	102	1500' N & 3080' W of SE of S3
POD OB	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	1	S	2	W	18	NE	SE	2700	1435' N AND 1260' W FROM THE SE S18.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)            |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                                  |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)                         |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" 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 water right to be changed.

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 88122**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right 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	POD(s) or 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	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
1	S	3	W	3	NE	SW	102	46	0.1	Irrig	R-50.1	1963	POU/APOD	1	S	2	W	19	NE	NW	200	1	6.9	Suppl	R-50.1, POD OB	1963
1	S	3	W	3	SE	SW	102	46	8.6	Irrig	R-50.1	1963	POU/APOD	1	S	2	W	19	NE	NW	200	63	1.8	Suppl	R-50.1, POD OB	1963
TOTAL ACRES:							8.7							TOTAL ACRES:							8.7					

Additional remarks: \_\_\_\_\_.

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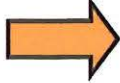
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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: **Certs. 94551, 83064, 62442, & GR-478.**

 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # **N/A**;  
Surface water primary Certificate # **N/A**.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # **N/A**

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) 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/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**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 the information will delay the processing of your transfer 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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**Part 5e of 5 – Water Right Information**

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # **62442**

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**Description of Water Delivery System**

JUL 13 2021

System capacity: **0.55\*** cubic feet per second (cfs) OR (\* per remaining certificate 62442)

**N/A** gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **The system has multiple pumps in the wells which pump to a bulge in the system, a certified reservoir, and the water is repumped from the bulge out to the fields via pipelines to a variety of Big Guns and sprinkler sets depending on the crops being grown.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number (Well Number)	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, 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	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT KNOWN	1	S	2	W	18	SE	SW	3	900' S & 760' E of N-Nly DLC 63
POA 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT KNOWN	1	S	2	W	18	SE	SW	3	1010' S & 790' E of N-Nly DLC 63
POA 3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT KNOWN	1	S	2	W	19	NW	NW	1	1580' S & 1340' E of N-Nly DLC 63
POA 4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT KNOWN	1	S	2	W	18	NW	NE	200	1340' S & 2000' E of N-Nly DLC 63

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

- Place of Use (POU)  Supplemental Use to Primary Use (S to P)
- Character of Use (USE)  Point of Appropriation/Well (POA)
- Point of Diversion (POD)  Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)  Substitution (SUB)
- Surface Water POD to Ground Water POA (SW/GW)  Government Action POD (GOV)

**Will all of the proposed changes affect the entire water right?**

Yes Complete only the Proposed ("to" or "on" 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 water right to be changed.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 62442**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right 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	POD(s) or 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	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										POU	1	S	2	W	18	SE	SW	800	3	5.3	Irrig	POA's 1,2,3,4	1977
										POU	1	S	2	W	18	SE	SW	200	3	7.8	Irrig	POA's 1,2,3,4	1977
										POU	1	S	2	W	18	SW	SE	800	-	1.7	Irrig	POA's 1,2,3,4	1977
										POU	1	S	2	W	18	SW	SE	200	-	1.5	Irrig	POA's 1,2,3,4	1977
										POU	1	S	2	W	19	NW	NE	200	-	9.7	Irrig	POA's 1,2,3,4	1977
										POU	1	S	2	W	19	NE	NW	200	1	6.9	Irrig	POA's 1,2,3,4	1977
										POU	1	S	2	W	19	NE	NW	200	63	10.8	Irrig	POA's 1,2,3,4	1977
TOTAL ACRES:						43.7						TOTAL ACRES:						43.7					

Additional remarks: \_\_\_\_\_.

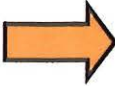
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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: **GR-478 & 83064.**



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application. **Note: 62442 & 83064 are not the same season, so they were not necessarily moved together.**

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # **N/A**;  
Surface water primary Certificate # **N/A**.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # **N/A**

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) 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/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**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 the information will delay the processing of your transfer 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										

**Part 5 of 5 – Water Right Information**

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # **83064**

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**Description of Water Delivery System**

JUL 13 2021

System capacity: **0.23\*** cubic feet per second (cfs) OR (\* per certificate 83064)

**N/A** gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **The system has multiple pumps in the wells which pump to a bulge in the system, a certified reservoir, and the water is repumped from the bulge out to the fields via pipelines to a variety of Big Guns and sprinkler sets depending on the crops being grown.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number (Well Number)	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, 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 5	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT KNOWN	1	S	2	W	18	SE	SW	3	880' S & 780' E of NE DLC 63
POA 6	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT KNOWN	1	S	2	W	19	NW	NE	1	1640' S & 1350' E of NE DLC 63
POA 7	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT KNOWN	1	S	2	W	19	NW	NE	200	1710' S & 1420' E of NE DLC 63

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" 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 water right to be changed.

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 83064**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right 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	POD(s) or 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	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										POU	1	S	2	W	18	SW	SW	300	3	0.6	Irrig	POA's 5,6,7	1986
										POU	1	S	2	W	18	SW	SW	300	63	3.8	Irrig	POA's 5,6,7	1986
										POU	1	S	2	W	19	NW	NW	300	63	25.5	Irrig	POA's 5,6,7	1986
										POU	1	S	2	W	19	SW	NW	300	63	11.1	Irrig	POA's 5,6,7	1986
TOTAL ACRES:						41.0					TOTAL ACRES:						41.0						

Additional remarks: \_\_\_\_\_.

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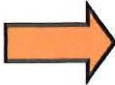
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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: **GR-478 & 62442**

 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application. Note: 62442 & 83064 are not the same season, so they were not necessarily moved together.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;  
Surface water primary Certificate # N/A.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # N/A

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) 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/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**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 the information will delay the processing of your transfer 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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ATTACH A - 1/9

Washington County, Oregon  
03/04/2020 02:04:18 PM 2020-018859

D-DQ Cnt=1 Stn=31 RECORDS1  
\$45.00 \$5.00 \$11.00 \$60.00 - Total = \$121.00



02573317202000188590090092

I, Margaret Garza, Interim Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.



Margaret Garza, Interim Director of Assessment and Taxation, Ex-Officio County Clerk

**Grantor:**

Laurelwood Development, LLC  
PO Box 61426  
Vancouver, WA 986663

**Grantee:**

Patrick Speer  
1657 NE 13th Street  
Bend, OR 97701

**After recording return to:**

Eric Urstadt  
39290 NW Murtaugh Road,  
North Plains, OR 97133

**Until a change is requested, all tax statements shall be sent to:**

No change

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**QUITCLAIM DEED**

Laurelwood Development, LLC, Grantor, releases and quitclaims to Patrick Speer, Grantee, all right, title and interest in all portions of Oregon water right certificates 15472, 23038, 23065, and 88122 that are appurtenant to the described real property in Exhibits A and B.

- Exhibit A contains legal descriptions of tax lot 102 of Section 3(C) and tax lots 501 and 201 of Section 3(D), Township 1 South Range 3 West, Washington County, OR.
- Exhibit B contains legal descriptions of tax lots 103 of Section 3(C) and tax lot 500 of Section 3(D), Township 1 South Range 3 West, Washington County, OR.

The true consideration for this conveyance is the sale of real property in which Speer reserved said water rights.

Dated 28 FEB 2020

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336, SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010 TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHT OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND



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EXHIBIT A

PARCEL I

A portion of the S. Emerick Donation Land Claim Number 46 and a portion of the plat of "Riverside Acres" located in the Southwest One Quarter and in the Southeast One- Quarter of Section 3. Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

Beginning at the northeast corner of the S. Emerick Donation Land Claim Number 46 and the northwest corner of the J Lingenfelter Donation Land Claim Number 49 thence along the east line of said S. Emerick Donation Land Claim, South 03°56'32" West 1631.90 feet to the Urban Growth Boundary and the True Point of Beginning; thence along said Urban Growth Boundary along the following courses: North 41°49' 10" East 3.94 feet to a 5/8 inch Iron rod with a yellow plastic cap inscribed "AKS ENGR" North 52°27'52" East 51.22 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 70°35'53" East 63.54 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 83°59'26" East 6124 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 85°59'46" East 82.15 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR". South 77°02'28" East 40.48 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR". South 55°54'16" East 59.70 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 41°15'25" East 131.28 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 30°00'17" East 65.92 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 02°47'22" East 48.22 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 13°23'56" West 183.94 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 07°28'37" West 49.81 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 17°37'43" East 53.72 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 32°26'16" East 45.09 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 44°58'45" East 262.13 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 63°04'13" East 108.35 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 19°50'54" East 78.66 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR". South 27°38'57" East 6999 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 47°16'00" East 51.88 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 70°38'14" East 163.00 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.". South 82°09'08" East 233.74 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 01°14'48" West 68.56 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 33°49'07" East 66.04 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 21°32'57" East 54.14 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 01°36'01" West 254.07 feet to the south line of Section 3, Township 1 South, Range 3 West; thence along said south line, North 88°02'22" West 142.82 feet, more or less, to the centerline of the Tualatin River; thence up the river along said centerline, along a chord of North 11°19'14" East 271.27 feet, more or less, to the west line of said Lot 5; thence along said west line North 00°00'00" East 108.66 feet, more or less, to the south line of the J. Lingenfelter Donation Land Claim No. 49; thence along said south line North 88°31'44" West 879.55 feet, more or less, to the centerline of the Tualatin River; thence up the river along said centerline,

along a chord of North 37°38'15" West 545.11 feet, more or less, to the east line of the S. Emerick Donation Land Claim No. 46; thence continuing along said centerline of the Tualatin River, along a chord of South 30°40'30" West 479.87 feet, more or less, to the south line of said 8. Emerick Donation Land Claim; thence along said south line, North 87°26' 20" West 1640.15 feet more or less, to the centerline of the Tualatin River; thence up the river along said centerline also being the easterly line of Parcel 1 of Document Number 2005-142513, along a chord of North 18°63'45" East 1476.21 feet, more or less; thence leaving said centerline and continuing along said easterly line, North 47°32'36" West 239.13 feet, more or less, to a 5/8 inch iron rod; thence continuing along said easterly line North 21°39'34" East 272.90 feet to a 5/8 inch iron rod; thence North 05°10'11" East 144.35 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." on the Urban Growth Boundary; thence along said Urban Growth Boundary on the following courses: South 41°59'26" East 367.64 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR". South 32°23'21" East 202.10 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 43°00'53" East 91.05 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 34°01'40" East 105.49 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 38°42'35" East 130.15 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 42°48'02" East 149.86 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 21°45'50" East 66.75 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 00°03'11" West 58.50 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR". South 31°54'49" West 48.87 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 67°19'59" East 30.38 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 66°14'17" East 67.28 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 32°03'45" East 92.34 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 50°08'45" East 230.29 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 58°06'28" East 128.49 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 72°30'22" East 51.17 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 87°40'1 1" East 52.86 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 33°06'06" East 26.19 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 24°13'48" West 35.44 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 16°26'21" West 116.21 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 54°23'03" West 48.84 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 32°14'07" West 36.51 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 03°14'40" East 13.73 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 45°48'52" East 52.62 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 09°55'04" East 50.08 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 03°29'11" West 143.94 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 07°28'24" East 6816 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 12°17'30" East 233.11 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 29°47'05" East 88.17 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 47°54'57" East 82.12 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 69°16'25" East 75.61 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 81°21'28" East 133.77 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.". South 08°25'29" East 36.10 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 61°53'09" West 105.54 feet

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to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 48°03'33" West 66.21 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR". South 04°53'56" West 88.04 to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 15°21'30" East 94.45 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 12°44'18" West 112.59 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 01°17'17" West 267.10 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", South 26°34'54" East 32.07 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 56°43'46" East 76.75 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR", North 41°49'10" East 127.31 feet to the east line of the S. Emerick Donation Land Claim No. 46 and the True Point of Beginning.

## PARCEL II

A portion of the plat of "Riverside Acres", located in the Southeast One-Quarter and the Northeast One-Quarter of Section 3, Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

Beginning at the northeast corner of the S. Emerick Donation Land Claim Number 46 and the northwest

corner of the J. Lingenfelter Donation Land Claim Number 49; thence along the east line of said S. Emerick Donation Land Claim, South 03°56'32" West 944.39 feet to the southwest corner of Parcel 1 of Document Number 97—077534, from which a 5/8 inch iron rod with a yellow plastic cap inscribed "CASWELL PLS 737" bears South 87°54'24" East 0.15 feet; thence along the south line of said deed, South 87°54'24" East 441.32 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." and the True Point of Beginning; thence continuing along said south line. South 87°54'24" East 327.43 feet to a 5/8 inch iron rod; thence North 47°25'33" East 100.65 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "CASWELL PLS 737" on the east line of Parcel 2 of said deed; thence North 02°47'27" East 213.03 feet to the south line of Parcel 2 of Partition Plat Number 1997-039, from which a

5/8 inch iron rod bears North 02°47'27" East 0.36 feet; thence along said south line, South 87°53'22" East 401.26 feet to the southwest corner of Lot 15 of the plat of "Riverside Acres", from which a 3/4 inch iron pipe bears South 80°42'43" West 1.25 feet; thence along the west line of said Lot 15 and the west line of Lot 14 of said plat, North 02°49'41" East 567.84 feet to a 5/8 inch iron rod at the southwest corner of Deed Book 964 Page 900; thence along the south line of said Deed, South 87°53'22" East 639.90 feet to the westerly right-of-way line of SW 345th Avenue (20.00 feet from centerline), from which a 5/8 inch iron rod bears South 87°53'22" East 0.27 feet; thence along said westerly right-of-way line, South 02°49'41" West 2324.45 feet to the south line of Lot 6 of said plat; thence along said south line, North 88°22'02" West 504.11 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 02°49'41" East 105.31 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 39°35'04" West 62.35 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 08°00'33" West 100.76 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 79°48'41" West 119.56 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along a non-tangential curve to the right with a Radius of 271.00 feet. Delta of 14°23'46", Length of 68.09 feet, and a Chord of North 04°22'12" West 67.91 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North

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02°49'41" East 680.55 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 87°54'04" West 58.22 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 87°10'19" West 328.08 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along a curve to the left with a Radius of 50.80 feet, Delta of 36°50'28", Length of 32.66 feet, and a Chord of South 74°24'27" West 32.10 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 55°59'13" West 5.98 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 50°35'45" West 50.35 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 32°40'17" West 55.38 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along a curve to the right with a Radius of 125.00 feet, Delta of 35°29'59", Length of 77.45 feet, and a Chord of North 14°55'18" West 76.22 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 02°49'41" East 990 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 87°10'19" West 235.00 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 02°49'41" East 418.89 feet to the True Point of Beginning.

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**EXHIBIT B**

A portion of the Solomon Emerick Donation Land Claim Number 46 and portion of the plat of "Riverside Acres" located in the Southeast One-Quarter, the Northeast One-Quarter, the Northwest One-Quarter and the Southwest One-Quarter of Section 3, Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

Beginning at the northeast corner of the S. Emerick Donation Land Claim Number 46 and the northwest corner of the J. Lingenfelter Donation Land Claim Number 49; thence along the east line of said S. Emerick Donation Land Claim, South 03°56'32" West 944.39 feet to the southwest corner of Parcel 1 of Document Number 97-077534, from which a 5/8 inch iron rod with a yellow plastic cap inscribed "CASWELL PLS 737" bears South 87°54'24" East 0.15 feet; thence along the south line of said deed, South 87°54'24" East 441.32 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 02°49'41" West 418.89 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 87°10' 1 9" East 235.00 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 02°49'41" West 9.90 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along a curve to the left with a Radius of 125.00 feet. Delta of 35°29'59", Length of 77.45 feet, and a Chord of South 14°55' 1 8" East 76.22 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 32°40'17" East 55.38 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 50°35'45" East 50.35 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 55°59'13" East 5.98 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along a curve to the right with a Radius of 50.80 feet, Delta of 36°50'28", Length of 32.66 feet, and a Chord of North 74°24'27" East 32.10 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 87°10'19" East 328.08 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 87°54'04" East 58.22 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 02°49'41" West 680.55 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along a curve to the left with a Radius of 271 .00 feet, Delta Of 14°23'46", Length of 68.09 feet, and a Chord of South 04°22'12" East 67.91 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 79°48'41" East 119.56 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 08°00'33" East 100.76 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 39°35'04" East 62.35 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 02°49'41" West 105.31 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." on the south line of Lot 6 of said plat; thence along said south line, North 88°22'02" West 71.22 feet to a wagon spindle on the southerly west line of said Lot 6; thence along said southerly west line, South 01°43'06" West 21 1.26 feet to a wagon spindle at the northeast corner of Lot 5 of said plat; thence along the east line of said Lot 5, South

02°56' 15" East 380.16 feet to the south line of Section 3, Township 1 South, Range 3 West;

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thence along said south line, North 88°02'22" West 31.12 feet to the Urban Growth Boundary; thence along said Urban Growth Boundary on the following courses: North 01°36'01" East 254.07 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 21°32'57" West 54.14 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 33°49'07" West 66.04 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 01°14'48" East 68.56 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 82°09'08" West 233.74 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 70°38'14" West 163.00 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 47°16'00" West 51.88 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 27°38'57" West 69.99 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 19°50'54" West 78.66 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 63°04'13" West 108.35 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 44°58'45" West 262.13 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 32°26'16" West 45.09 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 17°37'43" West 53.72 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 07°28'37" East 49.81 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 13°23'56" East 183.94 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 02°47'22" West 48.22 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 30°00'17" West 65.92 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 41°15'25" West 131.28 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 55°54'16" West 59.70 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 77°02'28" West 40.48 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; North 85°59'46" West 82.15 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 83°59'26" West 61.24 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 70°35'53" West 63.54 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 52°27'52" West 51.22 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 41°49'10" West 131.25 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 56°43'46" West 76.75 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 26°34'54" West 32.07 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 01°17'17" East 267.10 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 12°44'18" East 112.59 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 15°21'30" West 94.45 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 04°53'56" East 88.04 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 48°03'33" East 66.21 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 61°53'09" East 105.54 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 08°25'29" West 36.10 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 81°21'28" West 133.77 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 69°16'25" West 75.61 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 47°54'57" West 82.12 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South

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29°47'05" West 88.17 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 12°17'30" West 233.11 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 07°28'24" West 68.16 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 03°29'11" East 143.94 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 09°55'04" West 50.08 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 45°48'52" West 52.62 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 03°14'40" West 13.73 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 32°14'07" East 36.51 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 54°23'03" East 48.84 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 16°26'21" East 116.21 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 24°13'48" East 35.44 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 33°06'06" West 26.19 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 87°40'11" West 52.86 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 72°30'22" West 51.17 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 58°06'28" West 128.49 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 50°08'45" West 230.29 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 32°03'45" West 92.34 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 66°14'17" West 67.28 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", South 67°19'59" West 30.38 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 31°54'49" East 48.87 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 00°03'11" East 58.50 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.". North 21°45'50" West 66.75 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 42°48'02" West 149.86 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.". North 38°42'35" West 130.15 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 34°01'40" West 105.49 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 43°00'53" West 91.05 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 32°23'21" West 202.10 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.", North 41°59'26" West 367.64 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." on the east line of Parcel 1 of Document Number 2005-142513; thence along said east line, North 05°10'11" East 619.64 feet to a 5/8 inch iron rod at the easterly northeast corner of said Parcel 1; thence along the easterly north line of said Parcel 1, North 87°23'35" West 190.06 feet to the east line of Parcel 12 of said deed, from which a 5/8 inch iron rod bears South 87°23'35" East 0.18 feet; thence along said east line, North 02°31'10" East 61.36 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." On the north line of the S. Emerick Donation Land Claim No. 46; thence along said north line, South 87°20'33" East 1754.26 feet to the Point of Beginning.

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Washington County Parcel Information



**Parcel Information**

Parcel #: R383169  
 Tax Lot: 1S2190000200  
 Site Address: 6000 SW Minter Bridge Rd  
 Hillsboro OR 97123 - 9252  
 Owner: Malensky Land Company Lp  
 Owner2:  
 Owner Address: PO Box 1326  
 Hillsboro OR 97123  
 TwN/Range/Section: 01S / 02W / 19 / NW  
 Parcel Size: 58.35 Acres (2,541,726 SqFt)  
 Plat/Subdivision:  
 Lot:  
 Block:  
 Map Page/Grid: 623-C4  
 Census Tract/Block: 033000 / 3003

**Assessment Information**

Market Value Land: \$295,880.00  
 Market Value Impr: \$3,362,910.00  
 Market Value Special: \$527,160.00  
 Market Value Total: \$4,185,950.00  
 Assessment Year: 2020  
 Assessed Value: \$3,217,110.00

**Tax Information**

Levy Code: 58.03  
 Levy Rate: 13.2012  
 Tax Year: 2020  
 Annual Tax: \$42,826.17  
 Exemption: \$0.00

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**Legal**

ACRES 58.18, POTENTIAL ADD'L TAX LIABILITY

**Land**

Cnty Land Use: 5413 - Specially Assessed - Unzoned  
 Farmland - Improved - Industrial  
 Land Use Std: AFAR - Farms And Crops  
 Neighborhood: Cpo 10 Laurel/Blooming/Scholls/River Road  
 Watershed: Rock Creek-Tualatin River  
 Primary School: Farmington View Elementary School  
 High School: Hillsboro High School

Cnty Bldg Use: I1 - Warehouse  
 Zoning: Washington Co.-EFU - Exclusive Farm Use District  
 Recreation:  
 School District: 1J - Hillsboro  
 Middle School: South Meadows Middle School

**Improvement**

Year Built: 1948	Bedrooms: 4	Bathrooms: 2
1st Floor: 31,390 SqFt	2nd Floor: 0 SqFt	Building Total: 31,390 SqFt
Garage: Garage - 462 SqFt	Attic Fin/Unfin: 720 SqFt / 0 SqFt	Building Fin: 32,110 SqFt
A/C:	Basement Fin. SqFt: 0 SqFt	Basement Unfin:
Heat: Forced Air	Exterior Walls: Wood	Roof Covering: Shake

**Transfer Information**

Loan Date: 11/27/2017	Loan Amt: \$2,900,000.00	Doc Num: 0000092704	Doc Type: Deed Of Trust
Loan Type: U	Finance Type:	Lender: COLUMBIA ST BK	
Rec. Date: 02/01/1981	Sale Price:	Doc Num:	Doc Type: Deed
Owner:		Grantor:	
Orig. Loan Amt:		Title Co:	
Finance Type:	Loan Type:	Lender:	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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Washington County

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**BARGAIN AND SALE DEED  
AND ASSIGNMENT OF VENDEE'S INTEREST**

Roy J. Malensky, Grantor, conveys to Malensky Land Company Limited Partnership, Grantee, all of Grantor's interest in the following described real property located in Washington County, Oregon:

Legal Description Attached as Exhibit "A."

and assigns unto Grantee all of Grantor's right, title and interest in a partial vendee's interest assigned to Grantor by that certain Partial Assignment of Real Estate Contract by Vendee-Buyer, recorded May 12, 1981 at Reception No. 8101937, Washington County Deed Records. Grantee assumes no liability by this assignment.

The true and actual consideration for this conveyance is other than money.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 5<sup>th</sup> day of May, 1992.

Roy J. Malensky  
Roy J. Malensky

STATE OF OREGON )  
COUNTY OF MARION ) ss.

On this 5<sup>th</sup> day of May, 1992, personally appeared the above-named Roy J. Malensky and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:



Shirley A. Davis  
Notary Public for Oregon  
My commission expires: 11-27-92

AFTER RECORDING,  
RETURN TO:

Gordon R. Hanna  
P.O. Box 968  
Salem, OR 97308  
grh@hanna7.com

UNTIL A CHANGE IS REQUESTED, ALL  
TAX STATEMENTS SHALL BE SENT TO:

NO CHANGE REQUESTED

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**PARCEL I:**

A part of Section 18, Township 1 South, Range 2 West of the Willamette Meridian, more particularly described as beginning 13 chains South of the Northwest corner of the Littleton Lindsay Claim; thence East 9 chains to the Southeast corner of a 5 acre tract conveyed to George Williams by deed recorded in Book 75, Page 234, Deed Records; thence North 5 chains to the Northeast corner of said Williams tract; thence East 30.50 chains; thence South 25.055 chains to the Northeast corner of a tract conveyed to G. Lockerman by deed recorded in Book 80, Page 224, Deed Records; thence West along the North line of said Lockerman tract 39.50 chains; thence North 20.055 chains to the place of beginning. Also beginning on the West line of the Littleton Lindsay Claim, 660 feet South of the Northeast corner of the N.C. Richardson claim; thence East 745 feet to the center of McQuillan Road; thence North 6°37' East 330 feet; thence North 89°21' West 72.6 feet; thence South 0°16' West 310 feet; thence South 88°23' West 709.5 feet to the place of beginning. Except a 2.82 acre tract conveyed to F. Bernard Thiels by deed recorded in Book 92, Page 339, Deed Records and except also a 11.32 acre tract conveyed to Frank Hillecke by deed recorded in Book 92, Page 338, Deed Records, and except also a 5.81 acre tract of land conveyed to G.C. Blohm by deed recorded in Book 93, Page 456, Deed Records, and except also a 63 acre tract conveyed to Edward J. Kressin and wife by deed recorded in Book 171, Page 493, Deed Records.

EXHIBIT "A", Page 1 of 2

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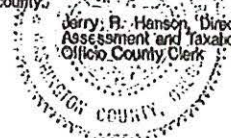
**PARCEL II:**

Beginning at the Southwest corner of that certain 77.0 acre tract of land conveyed to Carl J. and Hannah Sacariassen by deed as recorded on Page 528 of Volume 123 of Washington County, Oregon, Deed Records, which point of beginning bears South 0°06' East 2031.7 feet from the Northeast corner of the N.C. Richardson D.L.C. No. 63. Thence from the described point of beginning North 0°06' West in the County Road a distance of 1216.5 feet to a point which bears South 0°06' East 815.1 feet from the Northeast corner of said Richardson D.L.C.; thence North 88°16' East 31.3 feet to an iron pipe on the Easterly line of the County Road; thence, continuing North 88°16' East 677.2 feet to an iron pipe; thence South 89°30' East 1121.1 feet to an iron on the Westerly line of County Road No. 373; thence, continuing South 89°30' East 20.0 feet to a point in the center of said Road; thence South 0°07' West in the center of said Road 87.0 feet to a stone; thence South 84°31' East in the center of said Road 332.7 feet to an angle in same; thence South 37°29' East in the center of said Road 187.2 feet to a point; thence South 0°21' West along the Easterly line of said Sacariassen tract 32.6 feet to an iron pipe; thence, continuing South 0°21' West along the Easterly line of said tract 912.6 feet to an iron at the Southeast corner thereof; thence South 89°43' West along the South line of said Sacariassen tract 68.0 feet to an iron at the Northeast corner of the Lockman land; thence continuing along the Southerly line of said Sacariassen tract South 89°37' West 2218.7 feet to the place of beginning. Excepting therefrom that certain tract conveyed to Joel T. Malensky, et ux, by deed recorded as Document No. 79-14749, Washington County, Oregon, Deed Records.

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STATE OF OREGON }  
 County of Washington } SS

I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument by which was received and recorded in book of records of said county.



Doc : 92082594.1  
 Rect: 89157 48.00  
 11/18/1992 11:44:44AM

EXHIBIT "A", Page 2 of 2

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ATTACH D2 - 1/4

Washington County Parcel Information



**Parcel Information**

Parcel #: R383098  
 Tax Lot: 1S218CD00800  
 Site Address:  
     Hillsboro OR 97123  
 Owner: Malensky Land Company Lp  
 Owner2:  
 Owner Address: PO Box 1326  
     Hillsboro OR 97123  
 Twn/Range/Section: 01S / 02W / 18 / SW  
 Parcel Size: 13.88 Acres (604,613 SqFt)  
 Plat/Subdivision:  
     Lot:  
     Block:  
 Map Page/Grid: 623-C4  
 Census Tract/Block: 033000 / 3003

**Assessment Information**

Market Value Land: \$0.00  
 Market Value Impr: \$0.00  
 Market Value Special: \$71,950.00  
 Market Value Total: \$71,950.00  
 Assessment Year: 2020  
 Assessed Value: \$23,640.00

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**Tax Information**

Levy Code: 58.03  
 Levy Rate: 13.2012  
 Tax Year: 2020  
 Annual Tax: \$314.72  
 Exemption: \$0.00

**Legal**

ACRES 14.39, POTENTIAL ADD'L TAX LIABILITY

**Land**

Cnty Land Use: 5505 - Specially Assessed - Zoned Farmland - Vacant  
 Land Use Std: AFAR - Farms And Crops  
 Neighborhood: Cpo 10 Laurel/Blooming/Scholls/River Road  
 Watershed: Rock Creek-Tualatin River  
 Primary School: Farmington View Elementary School  
 High School: Hillsboro High School

Cnty Bldg Use:  
 Zoning: Washington Co.-EFU - Exclusive Farm Use District  
 Recreation:  
 School District: 1J - Hillsboro  
 Middle School: South Meadows Middle School

**Improvement**

Year Built: 0	Bedrooms: 0	Bathrooms: 0
1st Floor: 0 SqFt	2nd Floor: 0 SqFt	Building Total: 0 SqFt
Garage: 0 SqFt	Attic Fin/Unfin: 0 SqFt / 0 SqFt	Building Fin: 0 SqFt
A/C:	Basement Fin. SqFt: 0 SqFt	Basement Unfin:
Heat:	Exterior Walls: Wood	Roof Covering:

**Transfer Information**

Loan Date: 04/21/2017	Loan Amt: \$895,000.00	Doc Num: 32280	Doc Type: Deed Of Trust
Loan Type:	Finance Type: Conventional	Lender: COLUMBIA ST BK	
Rec. Date: 05/01/2003	Sale Price: \$206,380.00	Doc Num: 69204	Doc Type: Deed
Owner: Oregon Berry Packing Co		Grantor:	
Orig. Loan Amt:		Title Co:	
Finance Type:	Loan Type:	Lender:	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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# Application for Water Right Transfer Evidence of Use Affidavit



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon )  
County of WASHINGTON) ss

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I, JEFF MALENKY, in my capacity as PRESIDENT,  
mailing address PO BOX 1326, HILLSBORO, OR 97123  
telephone number (503)640-2313, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):  
 Personal observation       Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 62442 & 83064; **OR**  
 My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

- OR**
- Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**  
 Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**  
 The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.  
 Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): CROP

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

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[Signature]  
Signature of Affiant

5/21/2021  
Date

Signed and sworn to (or affirmed) before me this 21<sup>th</sup> day of May, 2021.



[Signature]  
Notary Public for Oregon

My Commission Expires: 9-25-2021

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

OREGON BERRY  
FERTILIZER  
EXPENDITURES

Date	Comple Farm	Field	Input	Active Ingre	Application F	Pre Harvest I	Epa Number	Product Category
3/22/21	Blueberry	31U	Last Call Structure 7-2 Nitrogen	7 gal/acre				Fertilizer
3/22/21	Blueberry	31U	Last Call Structure 7-2 Organic acid	7 gal/acre				Fertilizer
3/22/21	Blueberry	31U	Last Call Structure 7-2 Phosphate	7 gal/acre				Fertilizer
3/22/21	Blueberry	31U	Last Call Structure 7-2 Zinc	7 gal/acre				Fertilizer
4/9/21	Blueberry	31U	Last Call 2nd Berm Sp Boron	25 gal/acre				Fertilizer
4/9/21	Blueberry	31U	Last Call 2nd Berm Sp Nitrogen	25 gal/acre				Fertilizer
4/9/21	Blueberry	31U	Last Call 2nd Berm Sp Phosphate	25 gal/acre				Fertilizer
4/9/21	Blueberry	31U	Last Call 2nd Berm Sp Potash	25 gal/acre				Fertilizer
4/9/21	Blueberry	31U	Last Call 2nd Berm Sp Sulfur	25 gal/acre				Fertilizer
4/9/21	Blueberry	31U	Last Call 2nd Berm Sp Zinc	25 gal/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2nd Berm Sp Boron	12.5 gal/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2nd Berm Sp Nitrogen	12.5 gal/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2nd Berm Sp Phosphate	12.5 gal/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2nd Berm Sp Potash	12.5 gal/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2nd Berm Sp Sulfur	12.5 gal/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2nd Berm Sp Zinc	12.5 gal/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2018 Rabbitc Boron	220 lbs/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2018 Rabbitc Magnesium	220 lbs/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2018 Rabbitc Nitrogen	220 lbs/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2018 Rabbitc Phosphate	220 lbs/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2018 Rabbitc Potash	220 lbs/acre				Fertilizer
4/15/21	Blueberry	31U	Last Call 2018 Rabbitc Sulfur	220 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox diKap Phosphate	2 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox diKap Phosphate	2 lbs/acre				Micronutrient
4/29/21	Blueberry	31U	Last Call Redox diKap Phosphate	2 lbs/acre				Surfactant
4/29/21	Blueberry	31U	Last Call Redox diKap Potash	2 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox diKap Potash	2 lbs/acre				Micronutrient
4/29/21	Blueberry	31U	Last Call Redox diKap Potash	2 lbs/acre				Surfactant
4/29/21	Blueberry	31U	Last Call Redox Supre Boron	1 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox Supre Copper	1 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox Supre Iron	1 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox Supre Manganese	1 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox Supre Molybdenum	1 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox Supre Nitrogen	1 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox Supre Phosphate	1 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox Supre Potash	1 lbs/acre				Fertilizer
4/29/21	Blueberry	31U	Last Call Redox Supre Zinc	1 lbs/acre				Fertilizer
5/1/21	Blueberry	31U	Last Call 3rd Berm Sp Boron	15 gal/acre				Fertilizer
5/1/21	Blueberry	31U	Last Call 3rd Berm Sp Nitrogen	15 gal/acre				Fertilizer
5/1/21	Blueberry	31U	Last Call 3rd Berm Sp Phosphate	15 gal/acre				Fertilizer
5/1/21	Blueberry	31U	Last Call 3rd Berm Sp Potash	15 gal/acre				Fertilizer
5/1/21	Blueberry	31U	Last Call 3rd Berm Sp Sulfur	15 gal/acre				Fertilizer
5/1/21	Blueberry	31U	Last Call 3rd Berm Sp Zinc	15 gal/acre				Fertilizer
5/17/21	Blueberry	31U	Last Call 3rd Berm Sp Boron	15 gal/acre				Fertilizer
5/17/21	Blueberry	31U	Last Call 3rd Berm Sp Nitrogen	15 gal/acre				Fertilizer
5/17/21	Blueberry	31U	Last Call 3rd Berm Sp Phosphate	15 gal/acre				Fertilizer
5/17/21	Blueberry	31U	Last Call 3rd Berm Sp Potash	15 gal/acre				Fertilizer
5/17/21	Blueberry	31U	Last Call 3rd Berm Sp Sulfur	15 gal/acre				Fertilizer
5/17/21	Blueberry	31U	Last Call 3rd Berm Sp Zinc	15 gal/acre				Fertilizer

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Rural Land Consulting

Water Resources, Water Rights, Land  
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM  
971-250-1520 (MOBILE)

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Water Resources Department  
Attn: Transfer Section  
725 Summer Street NE, Ste. A  
Salem, OR, 97301

24 June 2021

**Subject: Application for Permanent Transfer in conjunction with a Groundwater Registration Modification.**

To Whom It May Concern,

Enclosed is an application for a Permanent Transfer involving 6 rights and a Groundwater Registration Modification of one right that are being submitted together because they are interrelated. The following items are enclosed.

A Permanent Transfer application together with the following attachments:

- A. Recorded Quitclaim deed pertaining to control of "Speer" water rights
- B. Land Use Compatibility Statement
- C. Transfer Maps
- D. Deeds showing ownership and pipeline easement
- E. General Land Office Maps
- F. Evidence of Use
- G. Supplemental Form "D"

A Groundwater Registration Modification (GRMod) application together with the following attachments:

- H. An Assignment by Proof and associated map (deeds are in D above)
- I. Groundwater Registration Modification Maps

A check made out to "Oregon Water Resources Department" for the Permanent Transfer (\$5560.00), GRMod (\$875.00), and GRMod Assignment (\$100.00) that totals: \$6535.00.

Please let me know if there are any concerns or you need any more information.

Respectfully,  
***Aspen Rural Land Consulting***

Eric Urstadt, PE, PLS

Oregon Water Resources Department  
Transfer Fee Calculation for Permanent (Non-District) Transfer

- [Main](#)
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Today's Date: Tuesday, July 20, 2021 Fee Calculation

Base Fee (includes one type of change to one water right for up to 1 cfs) \$1,360.00

Fill in information below-- Check each box that applies.

Types of Change Proposed:

Place of Use

Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD

Character of Use \$1,090.00

Enter total number of water rights included in transfer.  \$3,050.00

Check this box if you propose to add or change a well, or change from a surface water POD to a well. \$480.00

Enter total number of groundwater wells (POAs) included in transfer.  \$0.00

Check this box if you propose to change the place of use or character of use for a NON-irrigation right.

Check this box if you propose to change the place of use or character of use for an irrigation right.

Enter the following for the primary certificates on the land included in the transfer.  
(If a supplemental certificate also covers the same land as an included primary right, only list the primary.)

Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the water right certificate	OR	If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
94282	3	3	0.04			0.04
94550	9.7	19.8	0.26			0.530722
94551	37.1	78.7	0.98			2.078868
88122	17078.8	8.7	90.0			0.045846
62442	43.7	43.7	0.55			0.55
83064	41	41	0.233			0.233

Total Transfer CFS(rounded up to the next whole cfs): 4.00 \$1,230.00

Subtotal: \$7,210.00

Check each box that applies.

The transfer is necessary to complete a (OWEB) under ORS 541.932.

The transfer is endorsed in writing by O habitat.

Discount:

Transfer Fee: \$7,210.00

94282 - 3.0 - 0.04 cfs All  
ApoA/POA

94550 - 9.7 -  
ApoA/POA (9.8) - 0.26

94551 - 37.1  
ApoA-POA (10.7) - 0.98

88122 - TWD  
ApoD/POA

62442 - 43.7 - 0.55 ALL  
POA

83064 - 41.0 - ALL  
POA 48 105. GPM

See Joan

**Oregon Water Resources Department**  
**Transfer Fee Calculation for Permanent (Non-District) Transfer**

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Today's Date: Thursday, July 15, 2021		<b>Fee Calculation</b>			
Base Fee (includes one type of change to one water right for up to 1 cfs)		\$1,160.00			
Fill in information below-- Check each box that applies.					
Types of Change Proposed:					
<input checked="" type="checkbox"/> Place of Use					
<input checked="" type="checkbox"/> Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD					
<input type="checkbox"/> Character of Use		\$930.00			
Enter total number of water rights included in transfer. <input type="text" value="6"/>		\$2,600.00			
<input checked="" type="checkbox"/> Check this box if you propose to add or change a well, or change from a surface water POD to a well.		\$410.00			
<input type="checkbox"/> Check this box if you propose to change the place of use or character of use for a NON-irrigation right.					
<input checked="" type="checkbox"/> Check this box if you propose to change the place of use or character of use for an irrigation right.					
Enter the following for the primary certificates on the land included in the transfer. (If a supplemental certificate also covers the same land as an included primary right, only list the primary.)					
Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the water right certificate	OR If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
<input type="text" value="94282"/>	<input type="text" value="3"/>	<input type="text" value="3"/>	<input type="text" value="0.04"/>	<input type="text"/>	<input type="text" value="0.04"/>
<input type="text" value="94550"/>	<input type="text" value="9.7"/>	<input type="text" value="19.8"/>	<input type="text" value="0.26"/>	<input type="text"/>	<input type="text" value="0.530722"/>
<input type="text" value="94551"/>	<input type="text" value="37.1"/>	<input type="text" value="78.7"/>	<input type="text" value="0.98"/>	<input type="text"/>	<input type="text" value="2.078868"/>
<input type="text" value="88122"/>	<input type="text" value="17078.8"/>	<input type="text" value="8.7"/>	<input type="text" value="90.0"/>	<input type="text"/>	<input type="text" value="0.045846"/>
<input type="text" value="62442"/>	<input type="text" value="43.7"/>	<input type="text" value="43.7"/>	<input type="text" value="0.55"/>	<input type="text"/>	<input type="text" value="0.55"/>
<input type="text" value="83064"/>	<input type="text" value="41.0"/>	<input type="text" value="41.0"/>	<input type="text" value="0.233"/>	<input type="text"/>	<input type="text" value="0.233"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Total Transfer CFS(rounded up to the next whole cfs): 4.00				\$1,050.00	
Subtotal:				\$6,150.00	
Check each box that applies.					
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.					
<input type="checkbox"/> The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.					
Discount:				<input type="text"/>	
Transfer Fee:				<b>\$6,150.00</b>	
<input type="button" value="Return to Edit"/>		<input type="button" value="Clear"/>			

STATE OF OREGON  
COUNTY OF WASHINGTON  
CERTIFICATE OF WATER RIGHT

RECEIVED  
JUL 13 2021  
OWRD

THIS CERTIFICATE ISSUED TO

C. B. BUCHANAN, JR.  
P.O. BOX 523  
CORNELIUS, OR 97113

confirms the right to use the waters of TUALATIN RIVER, a tributary of WILLAMETTE RIVER for IRRIGATION of 78.7 ACRES.

This right was perfected under Permit S-21189. The date of priority is MARCH 18, 1952. The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.98 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 S	3 W	WM	3	NE SW	46
1 S	3 W	WM	3	NW SW	46
1 S	3 W	WM	3	SE SW	46

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	3	SW NW	46	4.9
1 S	3 W	WM	3	SE NW	46	0.9
1 S	3 W	WM	3	NE SW	46	14.7
1 S	3 W	WM	3	NW SW	46	19.6
1 S	3 W	WM	3	SW SW	46	6.3
1 S	3 W	WM	3	SE SW	46	24.3
1 S	3 W	WM	3	SW SE	46	8.0
					Total	78.7

13778

This certificate describes that portion of water right Certificate 23065, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered NOV 26 2019, approving Transfer Application T-12780.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed NOV 26 2019.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

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JUL 13 2021

OWRD

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STATE OF OREGON  
COUNTY OF WASHINGTON  
CERTIFICATE OF WATER RIGHT

RECEIVED  
JUL 13 2021  
OWRD

THIS CERTIFICATE ISSUED TO

C. B. BUCHANAN  
CORNELIUS, OR 97113

confirms the right to use the waters of the TUALATIN RIVER, a tributary WILLAMETTE RIVER for the purpose of IRRIGATION of 3.0 ACRES.

This right was perfected under Permit S-15058. The date of priority is AUGUST 20, 1941. The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.04 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot
1 S	3 W	WM	3	SE SE	1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	3	SW SE	49	3.0

This certificate describes that portion of water right Certificate 15472, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 12 2019, approving Transfer Application T-12693.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

13778  
Certificate 94282

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed MAR 12 2019.

Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

C. B. BUCHANAN, JR.  
P.O. BOX 523  
CORNELIUS, OR 97113

confirms the right to use the waters of TUALATIN RIVER, a tributary of WILLAMETTE RIVER for IRRIGATION of 19.8 ACRES.

This right was perfected under Permit S-20595. The date of priority is JULY 16, 1951. The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.26 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot
1 S	3 W	WM	3	SE SE	1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	3 W	WM	3	SW NE		40	1.4
1 S	3 W	WM	3	SW NE		49	3.5
1 S	3 W	WM	3	NW SE		49	5.9
1 S	3 W	WM	3	SW SE		49	5.4
1 S	3 W	WM	3	SW SE	2		1.5
1 S	3 W	WM	3	SE SE	1		1.8
1 S	3 W	WM	3	SE SE		49	0.3
						Total	19.8

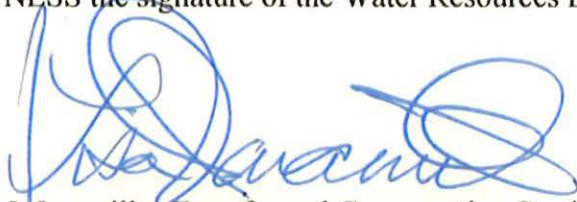
This certificate describes that portion of water right Certificate 23038, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered NOV 26 2019, approving Transfer Application T-12780.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

NOV 26 2019

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

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# Application for Water Right Transfer

## Evidence of Use Affidavit



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon )  
 ) ss  
County of WASHINGTON)

I, PAT SPEER, in my capacity as CONTROLLER OF WATER RIGHT,

mailing address 1657 NE 13<sup>TH</sup> STREET, BEND, OR 97701

telephone number (503)708-0303, being first duly sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
88122	1	S	3	W	WM	3	NE	SW	46	0.1
88112	1	S	3	W	WM	3	SE	SW	46	8.6

OR

- Confirming Certificate # \_\_\_\_ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

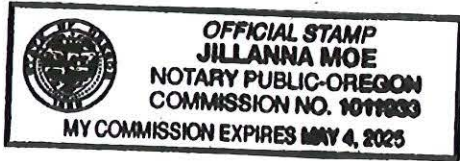
13778

3. The water right was used for: (e.g., crops, pasture, etc.): CROP
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Patrick Speer  
Signature of Affiant

6/12/21  
Date

Signed and sworn to (or affirmed) before me this 12<sup>th</sup> day of June, 2021.



Jillanna Moe  
Notary Public for Oregon  
My Commission Expires: May 4, 2025

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.  Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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JUL 13 2021



2330 Elm Street  
Forest Grove, OR 97116-1564  
Phone: (503) 357-3118  
Fax: (503) 359-9510  
WWW.TVID.ORG

F3 - 3/3

PATRICK SPEER  
23586 N.W. ST. HELENS ROAD, VIEW 34  
PORTLAND, OR 97231

Customer#	2346	Previous Bal.	\$135.67
		Year Assessment	\$302.65
		Other Charge	\$0.00
		Interest	\$48.70
		Interest Paid	\$0.00
		Amount Paid	\$0.00
		<b>Balance Due:</b>	<b>\$487.02</b>

Legal Desc	Acres	Rate Type	Rate	Charge
		Interest on Past Due Balance of \$481.18	\$0.00	\$5.84
		Interest on Past Due Balance of \$475.34	\$0.00	\$5.84
		Interest on Past Due Balance of \$469.5	\$0.00	\$5.84
		Interest on Past Due Balance of \$463.66	\$0.00	\$5.84
		Interest on Past Due Balance of \$135.67	\$0.00	\$1.81
		Interest on Past Due Balance of \$135.67	\$0.00	\$1.81
		Interest on Past Due Balance of \$135.67	\$0.00	\$1.81
		Interest on Past Due Balance of \$135.67	\$0.00	\$1.81
		Interest on Past Due Balance of \$135.67	\$0.00	\$1.81
	0.00	Under 10.01 Acres Fixed Charge	\$150.00	\$150.00
		Interest Carried Over on Past Due Balan	\$0.00	\$16.29
1S-3W-03D--00201	8.60	Interrupt Only	\$17.75	\$152.65
Totals	<u>8.60</u>			<u>\$351.35</u>

PD By CHECK  
6/22/21

If paid on or after March 1st interest will be charges at 1.333% per month.

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# Supplemental Form D

## Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
 www.oregon.gov/OWRD

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

### 1. APPLICANT INFORMATION

NAME <b>Oregon Berry Packing, Inc. c/o Jeff Malensky</b>			PHONE (HM) <b>N/A</b>
PHONE (WK) <b>503.640.2313</b>	CELL <b>503.913.4713</b>	FAX <b>503.640.0874</b>	
ADDRESS <b>PO Box 1326</b>			
CITY <b>Hillsboro</b>	STATE <b>OR</b>	ZIP <b>97123</b>	E-MAIL** <b>jeff@oregonberry.com</b>

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### 2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME <b>Tualatin Valley Irrigation District</b>			PHONE (HM) <b>N/A</b>
PHONE (WK) <b>503.357.3118</b>	CELL <b>N/A</b>	FAX <b>N/A</b>	
ADDRESS <b>2330 Elm St.</b>			
CITY <b>Forest Grove</b>	STATE <b>OR</b>	ZIP <b>97133</b>	E-MAIL** <b>RICK.PETERON@TVID.ORG</b>

OWRD

\*\* By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

### 3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.	S-19475	S-15058	94282	YES <input type="checkbox"/>
2.	S-26203	S-20595	94550	YES <input type="checkbox"/>
3.	S-26976	S-21189	94551	YES <input type="checkbox"/>
4.	S-38447	S-35792	88122	YES <input checked="" type="checkbox"/>
5.	G-7906	G-8141	62442	YES <input type="checkbox"/>

6.	G-11597	G-10711	83064	YES <input type="checkbox"/>
----	---------	---------	-------	------------------------------

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

**CURRENT ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES  NO  All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

**PROPOSED ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES  NO  All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION

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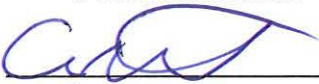
**4. APPLICANT'S SIGNATURE**

OWRD

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email,  phone,  postal mail,  in person, or  other (please specify) \_\_\_\_\_

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.



ERIC URSTADT (AGENT)

9 JUL 2021

Applicant Signature

Name (print)

Date

**5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER**

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

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YES  NO  After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES  NO  The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

N/A [Signature]  
Signature of District Manager /Water Supplier

N/A BOBBY NUVOLINI  
Name (print), Title

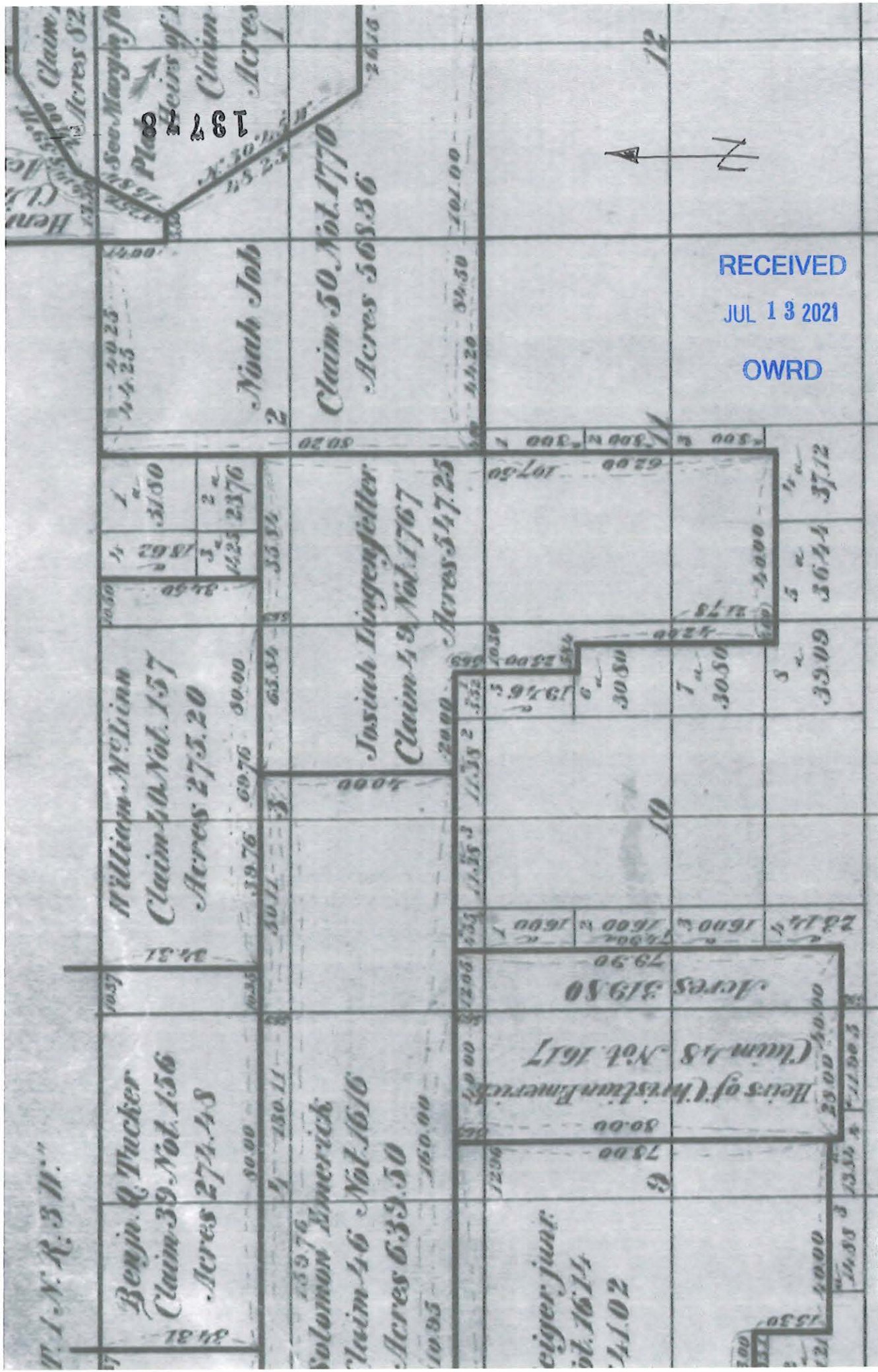
N/A 5/27/2021  
Date

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T. 1. N. R. 3. W.

Benjn. Q. Tucker  
Claim 39, Vol. 156  
Acres 274.48

William McElinn  
Claim 40, Vol. 157  
Acres 275.20

Solomon Emerick  
Claim 46, Vol. 1616  
Acres 639.50

Josiah Lingenfeller  
Claim 49, Vol. 1767  
Acres 547.25

Claim 50, Vol. 1770  
Acres 568.36

eiger junr.  
Vol. 1614  
41.02

Heirs of Christian Emerick  
Claim 48, Vol. 1617  
Acres 319.80

North Job  
2



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ATTACH  
E-1/2  
G.L.O.  
SPEER

# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

Applicant(s): Oregon Berry Packing, Inc. c/o Jeff Malensky

Mailing Address: PO Box 1326

City: Hillsboro

State: OR

Zip Code: 97123

Daytime Phone: 503.640.2313

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>1S</u>	<u>2W</u>	<u>18</u>	<u>N/A</u>	<u>2700</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>farming</u>
<u>1S</u>	<u>2W</u>	<u>18</u>	<u>SE-SW</u>	<u>800</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>farming</u>
<u>1S</u>	<u>2W</u>	<u>19</u>	<u>N/A</u>	<u>200</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>farming</u>
<u>1S</u>	<u>2W</u>	<u>19</u>	<u>N/A</u>	<u>300</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>farming</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

<u>Washington</u>	<b>RECEIVED</b> <b>JUL 13 2021</b>
-------------------	---------------------------------------

## B. Description of Proposed Use

**OWRD**

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
 Water Right Transfer   
 Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
 Allocation of Conserved Water   
 Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) Tualatin River

Estimated quantity of water needed: 2.0  cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

<u>The applicant wants to water farm crop on his property that is zoned Exclusive Farm Use. Various rights are b around for various water rights reasons. A number of both ground water and surface water rights are affected; for this reason, the quantity of water is an estimate.</u>
---

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

# For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

### Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): CDC SECTION 201-2.4

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: Genny Bond Title: SR Planner  
 Signature: [Signature] Phone: 503 846 3846 Date: 4.8.21  
 Government Entity: WASHINGTON COUNTY

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

# Application for Water Right Transfer Evidence of Use Affidavit



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon )  
County of WASHINGTON ) ss

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I, PAT SPEER, in my capacity as CONTROLLER OF WATER RIGHT,  
mailing address 1657 NE 13<sup>TH</sup> STREET, BEND, OR 97701  
telephone number (503)708-0303, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

**OR**

- Confirming Certificate # 94282, 94550, 94551 has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

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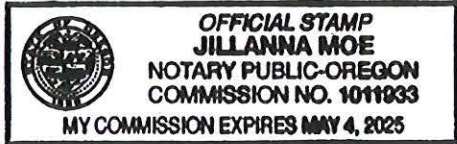
JUL 13 2021

Patrick Greer  
Signature of Affiant

6/12/21  
Date

OWRD

Signed and sworn to (or affirmed) before me this 12<sup>th</sup> day of June, 2021.



Jillanna Moe  
Notary Public for Oregon  
My Commission Expires: May 4, 2025

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.  Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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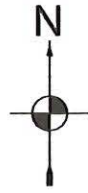


MAP FOR

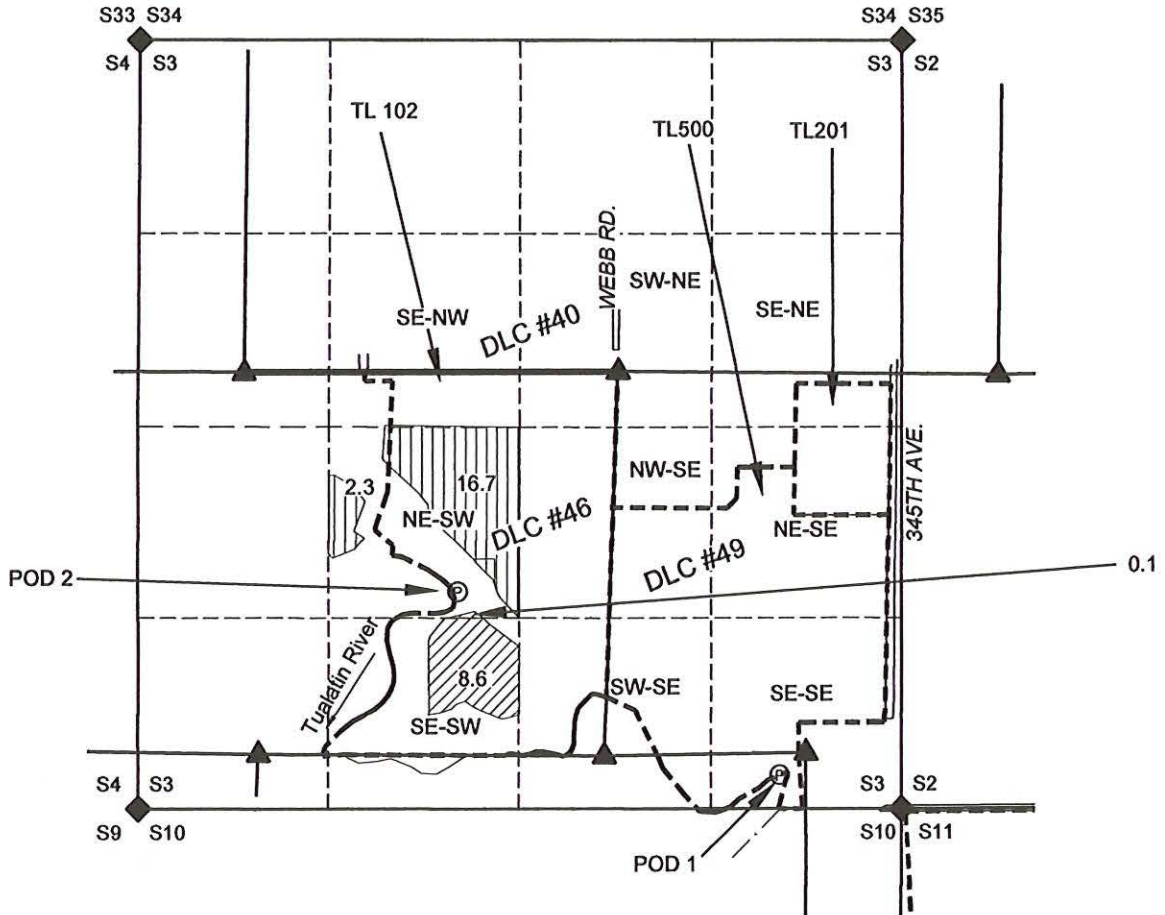
# Water Right Transfer - FROM Map

## Section 3, T1S, R3W, Washington County

### Cert. 88122



1 IN = 1320 FT  
0 660 1320



POD 2 IS 1500 FEET NORTH AND 3080 FEET WEST FROM THE SE CORNER SECTION 3.

**NOTES:**

THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

-Q-Q LINES ARE BASED ON TAX ASSESSOR MAP FOR SECTION 3 (CD), T1S, R3W, PROPERTY LINES ARE BASED ON SAID ASSESSOR MAP AND CERTIFICATE MAP FOR THE RIVER.

-WATER CONVEYANCE LINES ARE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.

**LEGEND**

- ▲ DONATION LAND CLAIM (DLC) CORNER
- STREAM OR SURFACE DRAINAGE
- ◆ SECTION CORNER
- Ⓟ POINT OF DIVERSION
- TAX LOT LINE
- SECTION LINE
- QUARTER-QUARTER LINE
- DLC LINES
- Q-Q QUARTER-QUARTER OF A SECTION

	Moving	Not moving
Cert 88122		

13778

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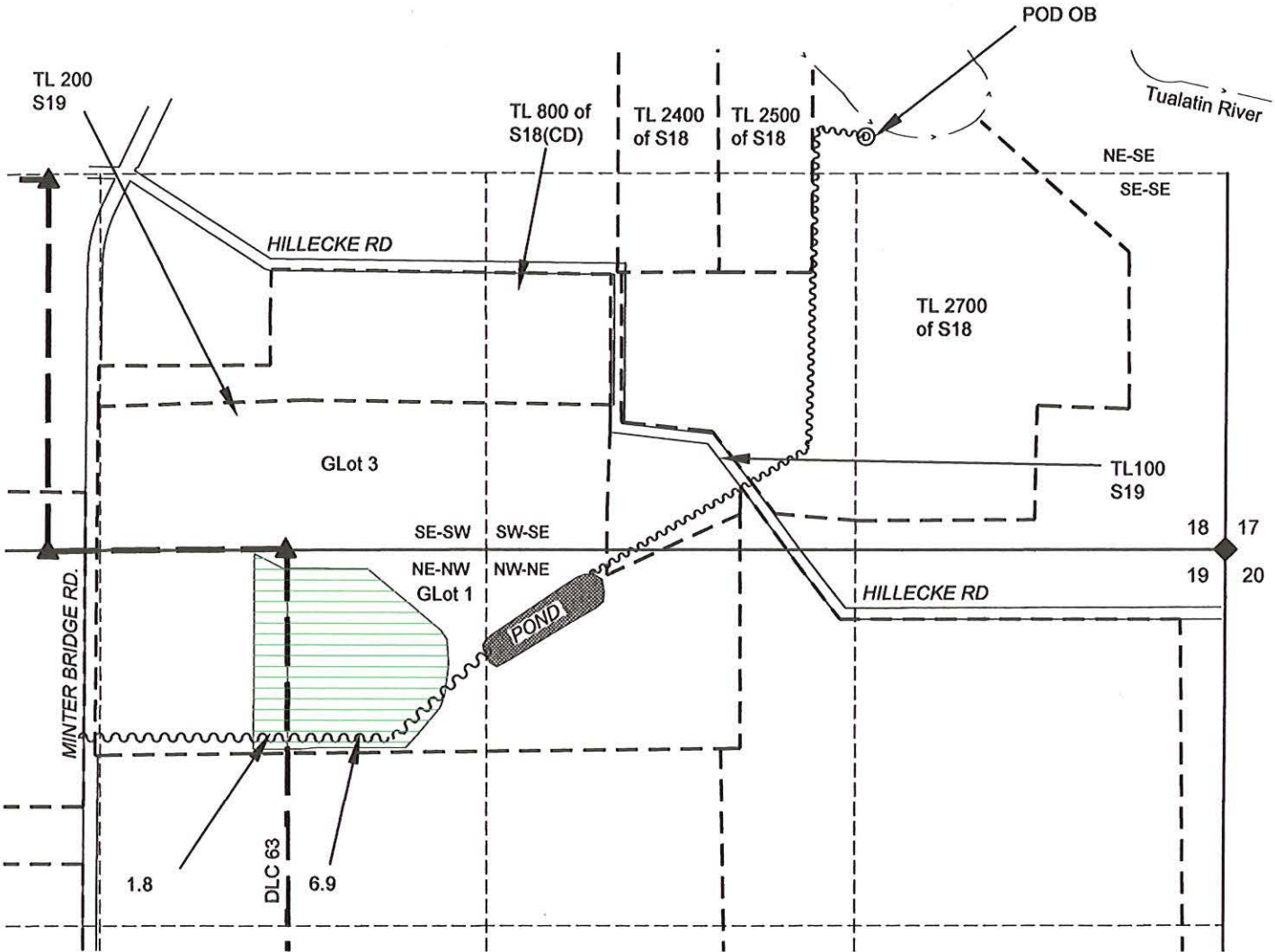
MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 Jan2021  
 Speer6D

C-2/12

# Transfer TO Map

## Sections 18 & 19, T1S, R2W, Washington County Certificates 88122

1 IN = 600 FT  
0 300 600



POD OB IS THE POD USED BY OREGON BERRY AND IS 1435' N & 1260' W OF SE S18.

### NOTES:

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
- SECTION LINES AND QUARTER-QUARTER LINES ARE BASED ON THE TAX ASSESSOR MAP FOR SECTIONS 19 & 18CD, T1S, R2W. PROPERTY LINES WERE ADJUSTED TO OCCUPATION LINES PER 2019 AERIAL PHOTO. IRRIGATION AREAS ARE BASED ON A 2019 AERIAL PHOTO. THE ACRES IN THE NE-NW ARE SPECIFIED BY CERTIFICATE AND GLOT.
- WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.

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MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 Apr 2021  
 OB-SpeerTO-4N



- LEGEND**
- ◆ DONATION LAND CLAIM (DLC) CORNER
  - ◆ SECTION CORNER
  - ⊙ ⊙ POINT OF DIVERSION (POD) OR APPROPRIATION (PO/)
  - ~ STREAM OR SURFACE DRAINAGE
  - - - TAX LOT LINE
  - - - SECTION LINE
  - - - QUARTER-QUARTER LINE
  - - - DLC LINES
  - ~ CONVEYANCE LINES.

- TO Lands 88122 (Suppl to 94551)
- TO Lands 94282
- TO Lands 94550
- TO Lands 94551

C-3/12

MAP FOR

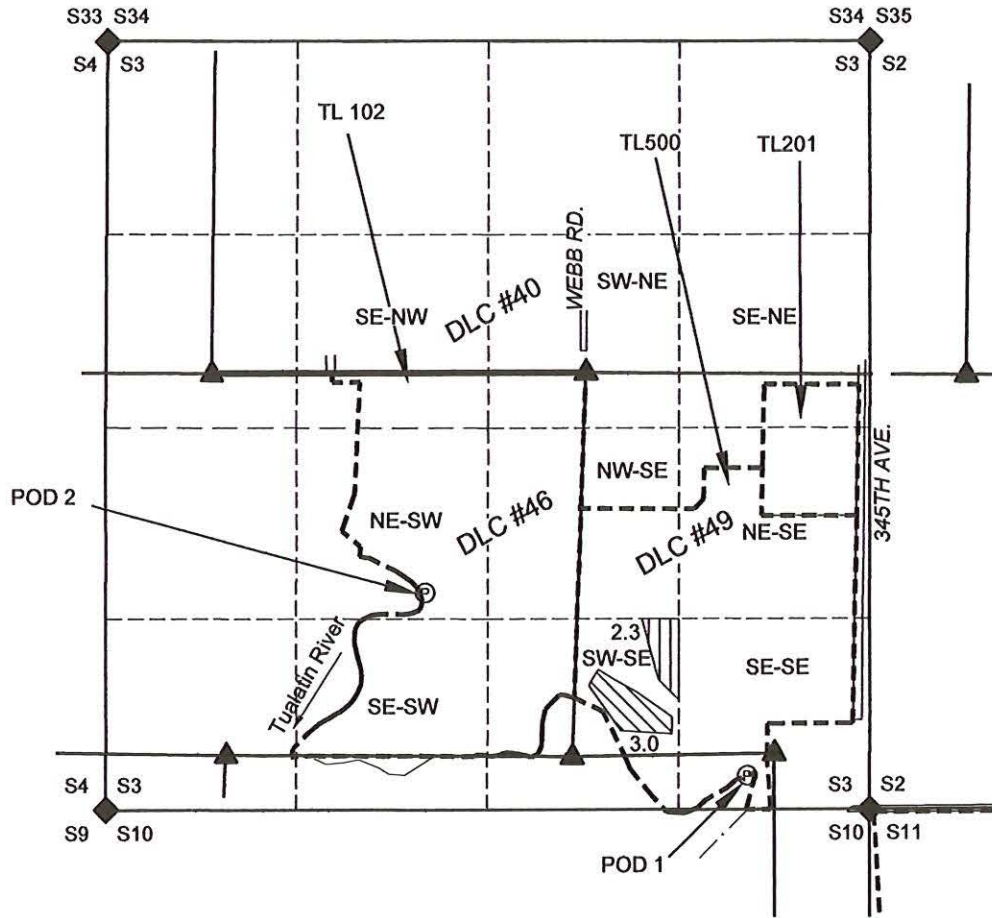
# Water Right Transfer - FROM Map

## Section 3, T1S, R3W, Washington County

### Cert. 94282



1 IN = 1320 FT  
0 660 1320



POD 2 IS 1500 FEET NORTH AND 3080 FEET WEST FROM THE SE CORNER SECTION 3.

#### NOTES:

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
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JUL 13 2021

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- LEGEND**
- ▲ DONATION LAND CLAIM (DLC) CORNER
  - STREAM OR SURFACE DRAINAGE
  - ◆ SECTION CORNER
  - ⊙ POINT OF DIVERSION
  - - - - TAX LOT LINE
  - SECTION LINE
  - - - - QUARTER-QUARTER LINE
  - DLC LINES
  - Q-Q QUARTER-QUARTER OF A SECTION



MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 Jan2021  
 Speer6D

Cert 94282

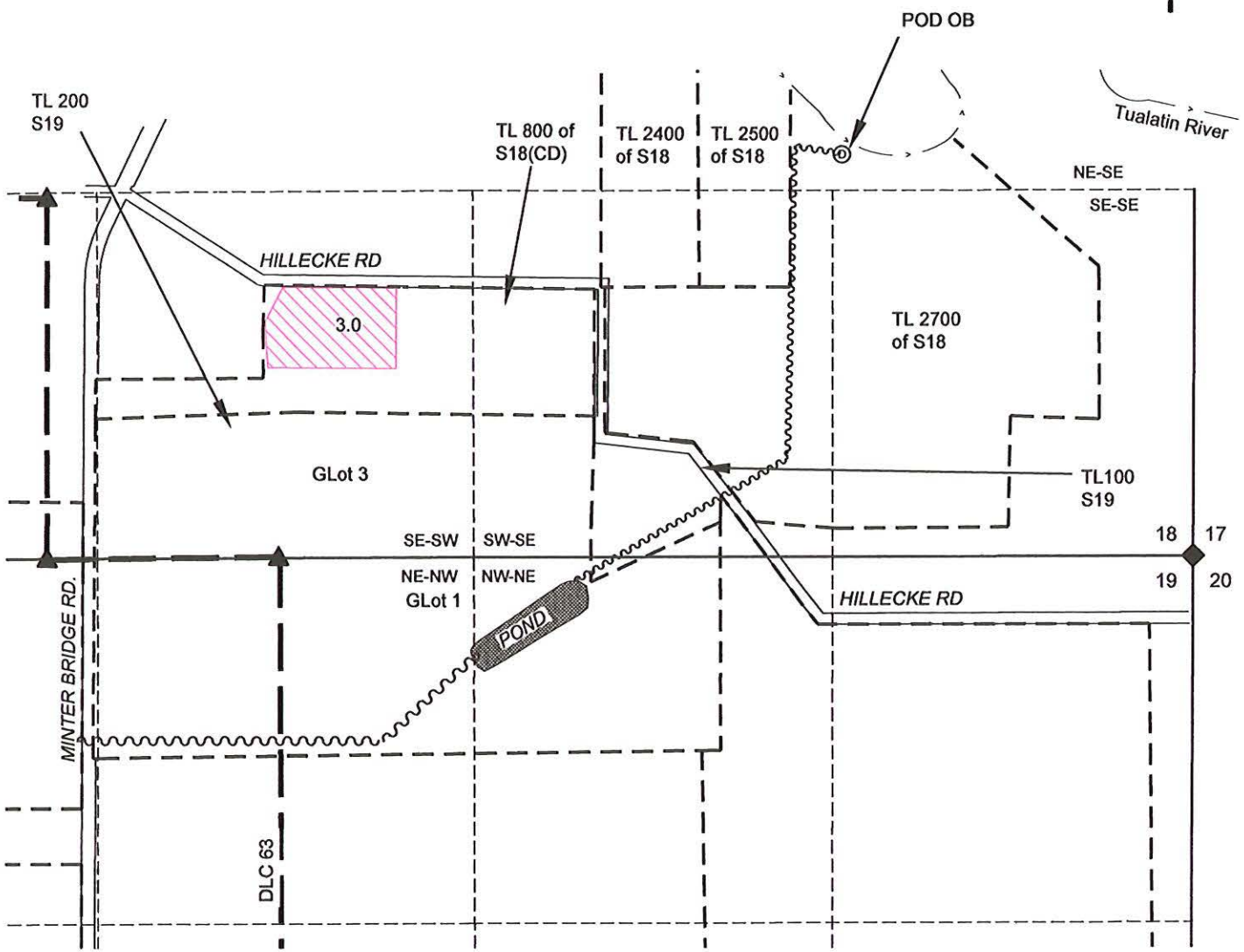
Moving	Not moving

C-4/12

# Transfer TO Map

## Sections 18 & 19, T1S, R2W, Washington County Certificates 94282

1 IN = 600 FT  
0 300 600



POD OB IS THE POD USED BY OREGON BERRY AND IS 1435' N & 1260' W OF SE S18.

### NOTES:

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- LEGEND**
- DONATION LAND CLAIM (DLC) CORNER
  - SECTION CORNER
  - POINT OF DIVERSION (POD) OR APPROPRIATION (PO/)
  - STREAM OR SURFACE DRAINAGE
  - TAX LOT LINE
  - SECTION LINE
  - QUARTER-QUARTER LINE
  - DLC LINES
  - CONVEYANCE LINES.

- TO Lands 88122 (Suppl to 94551)
- TO Lands 94282
- TO Lands 94550
- TO Lands 94551

MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 Apr 2021  
 OB-SpeerTO-4N



C-5/12

MAP FOR

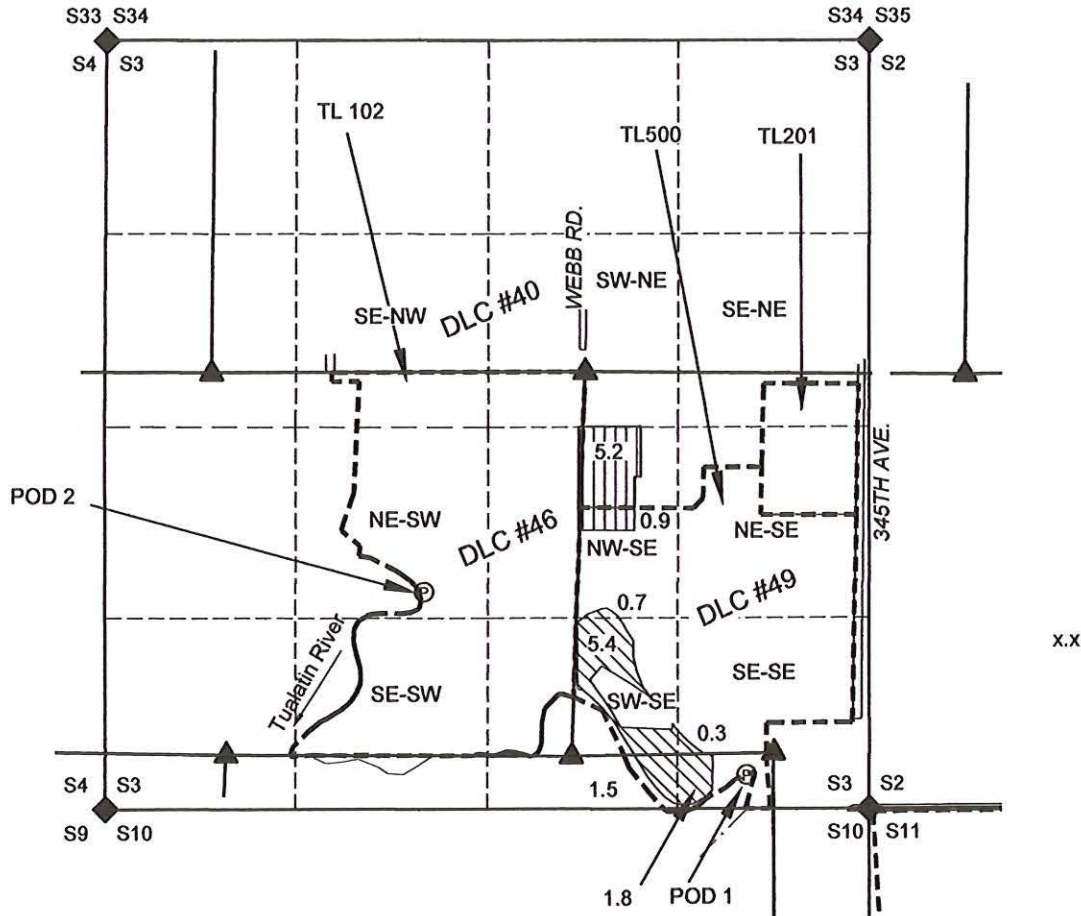
# Water Right Transfer - FROM Map

## Section 3, T1S, R3W, Washington County

### Cert. 94550



1 IN = 1320 FT  
0 660 1320



POD 2 IS 1500 FEET NORTH AND 3080 FEET WEST FROM THE SE CORNER SECTION 3.

#### NOTES:

THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

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JUL 13 2021

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#### LEGEND

- ▲ DONATION LAND CLAIM (DLC) CORNER
- STREAM OR SURFACE DRAINAGE
- ◆ SECTION CORNER
- Ⓟ POINT OF DIVERSION
- TAX LOT LINE
- SECTION LINE
- QUARTER-QUARTER LINE
- DLC LINES
- Q-Q QUARTER-QUARTER OF A SECTION

Moving Not moving  
 Cert 94550



MAP BY:  
**ASPEN RURAL LAND CONSULTING**

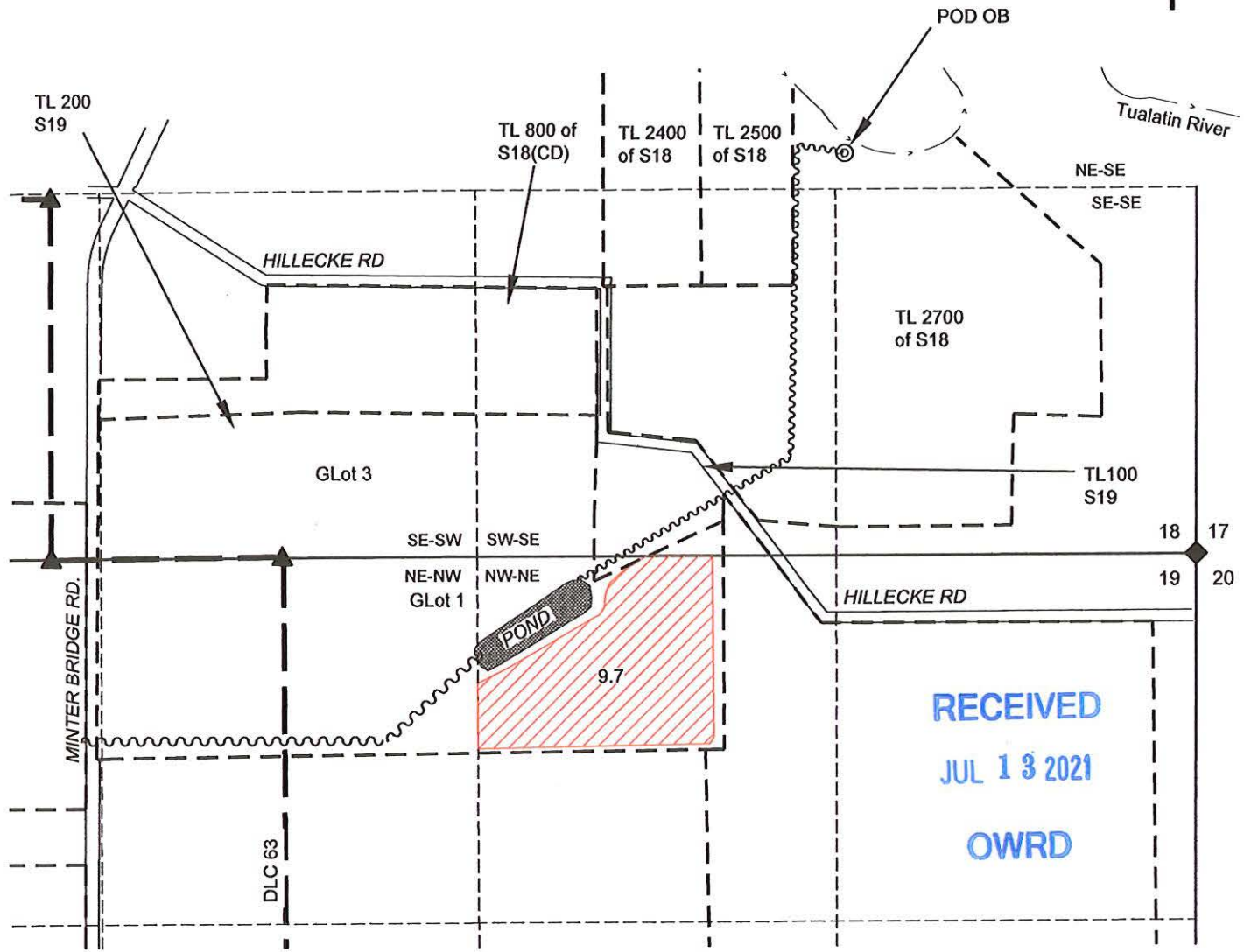
ERIC URSTADT, PE, PLS  
 971-250-1520  
 Jan 2021  
 Speer-OB6E

C-6/12

# Transfer TO Map

## Sections 18 & 19, T1S, R2W, Washington County Certificates 94550

1 IN = 600 FT  
0 300 600



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JUL 13 2021  
OWRD

POD OB IS THE POD USED BY OREGON BERRY AND IS 1435' N & 1260' W OF SE S18.

**NOTES:**

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- LEGEND**
- DONATION LAND CLAIM (DLC) CORNER
  - SECTION CORNER
  - POINT OF DIVERSION (POD) OR APPROPRIATION (PO/)
  - STREAM OR SURFACE DRAINAGE
  - TAX LOT LINE
  - SECTION LINE
  - QUARTER-QUARTER LINE
  - DLC LINES
  - CONVEYANCE LINES.

- TO Lands 88122 (Suppl to 94551)
- TO Lands 94282
- TO Lands 94550
- TO Lands 94551

MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 Apr 2021  
 OB-SpeerTO-4N

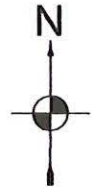


MAP FOR

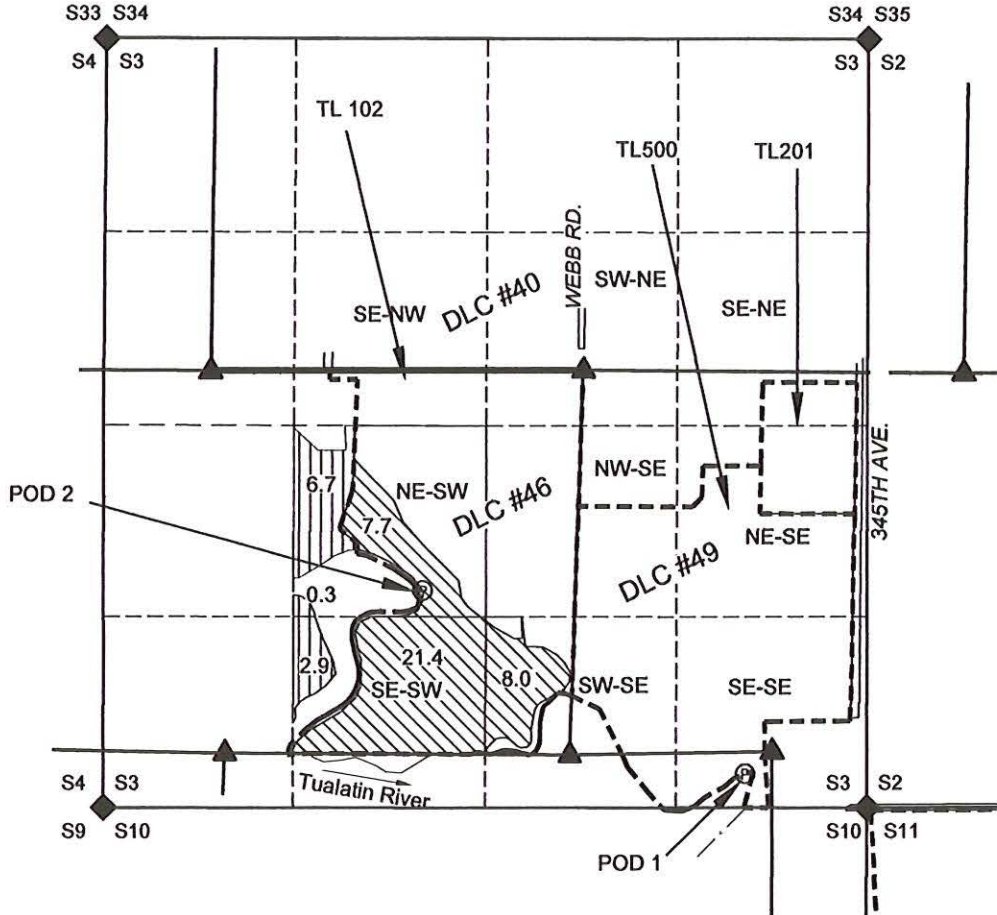
# Water Right Transfer - FROM Map

## Section 3, T1S, R3W, Washington County

### Cert. 94551



1 IN = 1320 FT  
0 660 1320



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POD 2 IS 1500 FEET NORTH AND 3080 FEET WEST FROM THE SE CORNER SECTION 3.

**NOTES:**

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**LEGEND**

- ▲ DONATION LAND CLAIM (DLC) CORNER
- STREAM OR SURFACE DRAINAGE
- ◆ SECTION CORNER
- ⊙ POINT OF DIVERSION
- TAX LOT LINE
- SECTION LINE
- QUARTER-QUARTER LINE
- DLC LINES
- Q-Q QUARTER-QUARTER OF A SECTION

13778

Cert 94551

Moving	Not moving

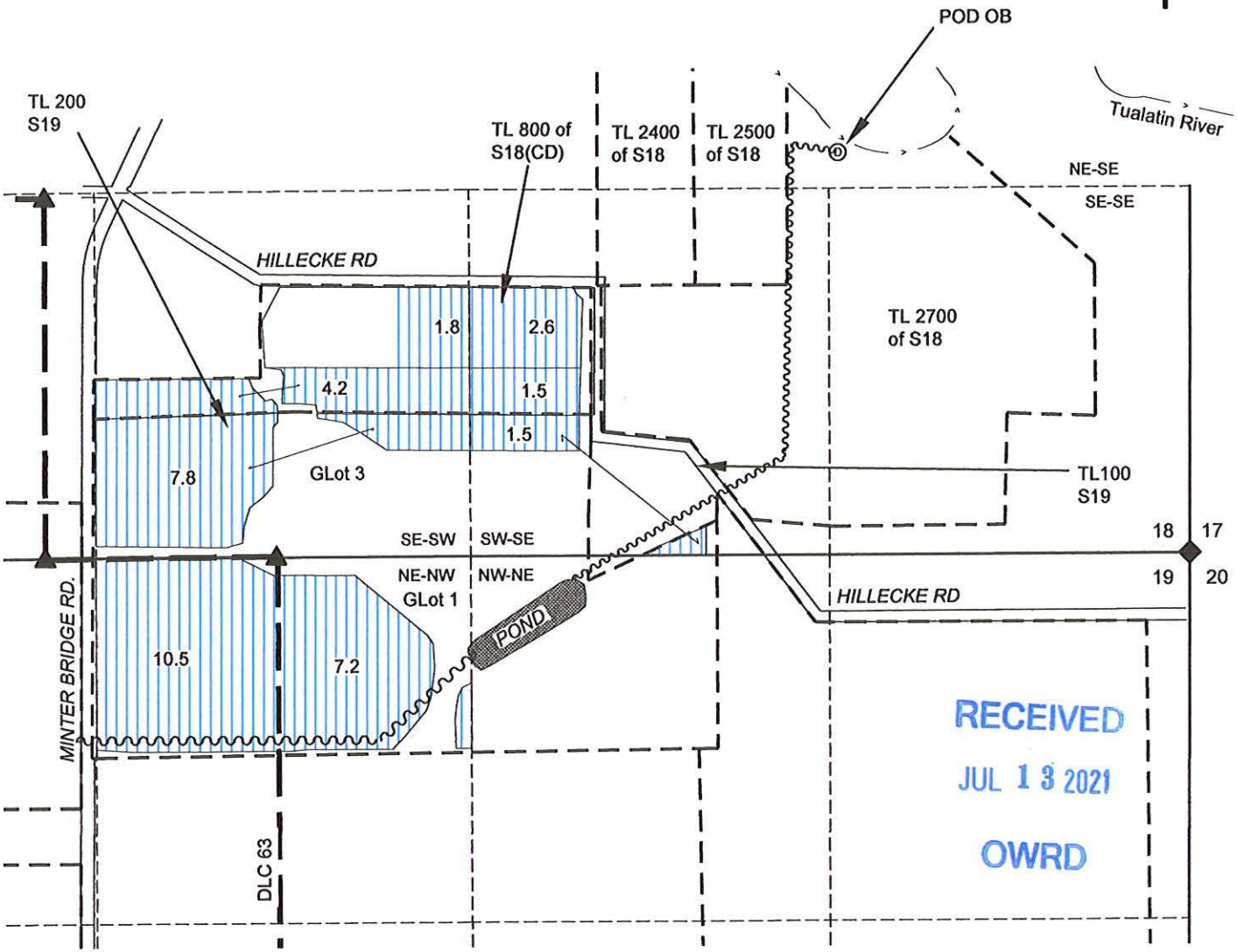


MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 Jan2021  
 Speer6D

# Transfer TO Map

Sections 18 & 19, T1S, R2W, Washington County  
 Certificates 94551

1 IN = 600 FT  
 0 300 600



POD OB IS THE POD USED BY OREGON BERRY AND IS 1435' N & 1260' W OF SE S18.

**NOTES:**

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
- SECTION LINES AND QUARTER-QUARTER LINES ARE BASED ON THE TAX ASSESSOR MAP FOR SECTIONS 19 & 18CD, T1S, R2W. PROPERTY LINES WERE ADJUSTED TO OCCUPATION LINES PER 2019 AERIAL PHOTO. IRRIGATION AREAS ARE BASED ON A 2019 AERIAL PHOTO. THE ACRES IN THE NE-NW ARE SPECIFIED BY CERTIFICATE AND GLOT.
- WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.

- LEGEND**
- DONATION LAND CLAIM (DLC) CORNER
  - SECTION CORNER
  - POINT OF DIVERSION (POD) OR APPROPRIATION (PO/)
  - STREAM OR SURFACE DRAINAGE
  - TAX LOT LINE
  - SECTION LINE
  - QUARTER-QUARTER LINE
  - DLC LINES
  - CONVEYANCE LINES.

- TO Lands 88122 (Suppl to 94551)
- TO Lands 94282
- TO Lands 94550
- TO Lands 94551

MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 Apr 2021  
 OB-SpeerTO-4N

13778

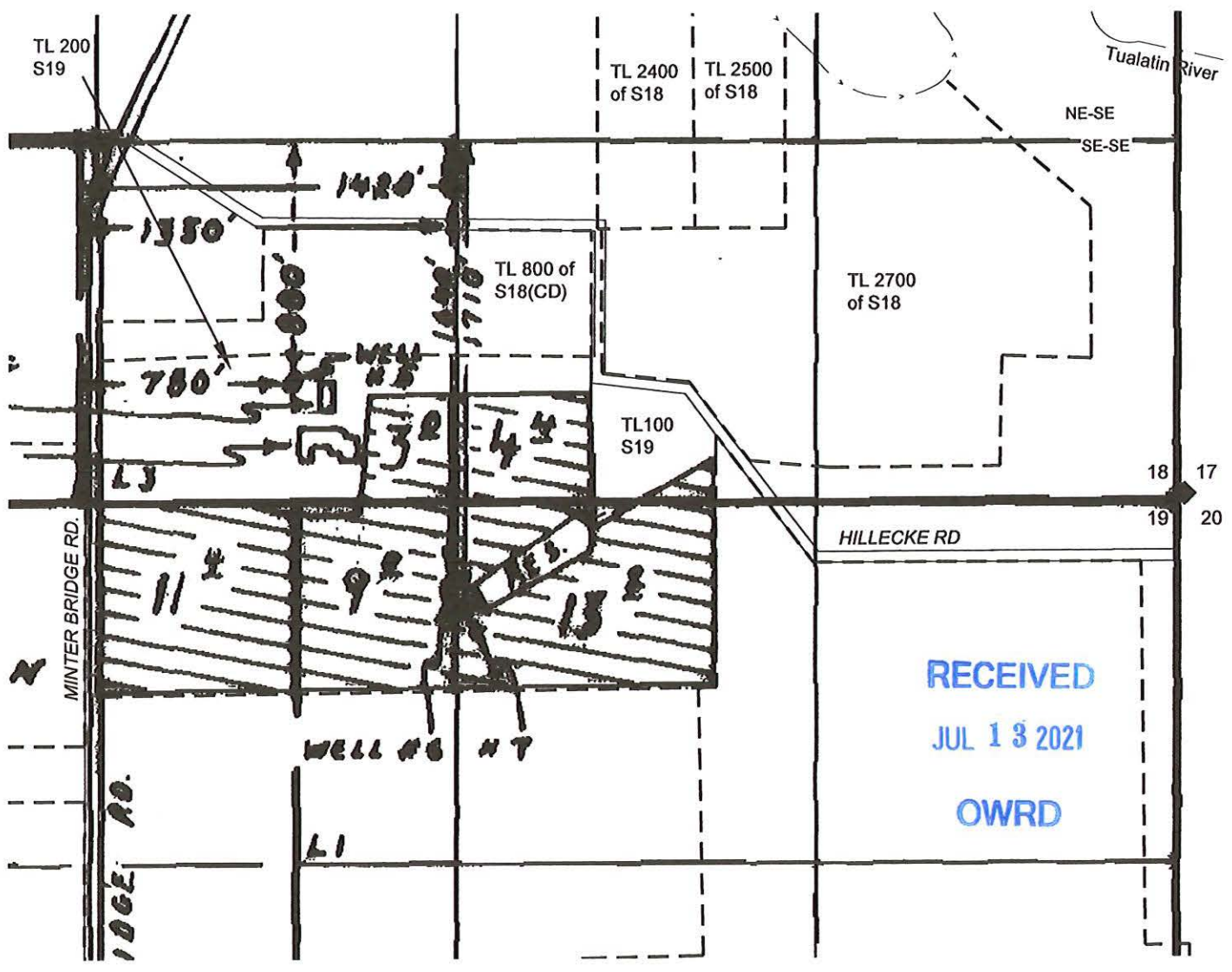


C-9/12

# Transfer FROM Map

## Sections 18 & 19, T1S, R2W, Washington County Certificate 80364

1 IN = 600 FT  
0 300 600



LOCATION OF POAs:  
WELL #5 880' S & 780' E; WELL #6 1640' S & 1350' E; WELL #7 1710' S & 1420' E ALL FROM NE CORNER DLC 63 (PER CERTIFICATE).

- NOTES:
- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
  - SECTION LINES AND QUARTER-QUARTER LINES ARE BASED ON THE CERTIFICATE MAP FOR 83064. THE HATCHED AREAS ARE THE EXISTING PLACE OF USE FOR IRRIGATION FOR 83064.
  - PROPERTY LINES ARE PER TAX ASSESSOR MAPS.
  - WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.

13778



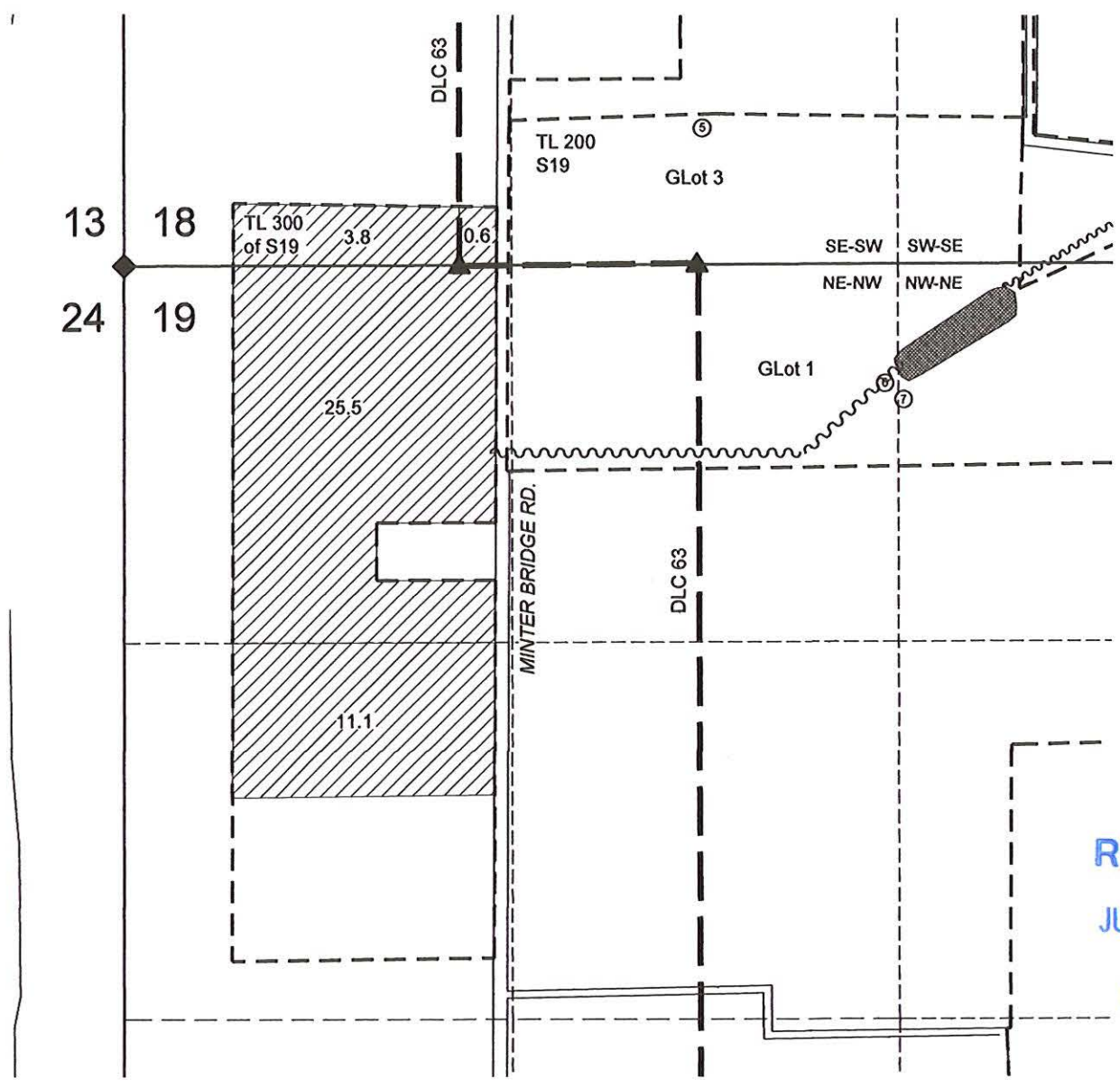
MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 Apr 2021  
 OB-SpeerTO-3G

c-10/12

# Transfer TO Map

## Sections 18 & 19, T1S, R2W, Washington County Certificate 83064

1 IN = 600 FT  
0 300 600



RECEIVED  
JUL 13 2021  
OWRD

LOCATION OF POAs:  
WELL #5 880' S & 780' E; WELL #6 1640' S & 1350' E; WELL #7 1710' S & 1420' E ALL FROM NE CORNER DLC 63 (PER CERTIFICATE).



- LEGEND**
- DONATION LAND CLAIM (DLC) CORNER
  - SECTION CORNER
  - POINT OF DIVERSION (POD) OR APPROPRIATION (POA = well)
  - STREAM OR SURFACE DRAINAGE (None)
  - TAX LOT LINE
  - SECTION LINE
  - QUARTER-QUARTER LINE
  - DLC LINES
  - CONVEYANCE LINES.
  - TO Lands 83064

13778

MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
ERIC URSTADT, PE, PLS  
971-250-1520  
Apr 2021  
OB-SpeerTO-4K

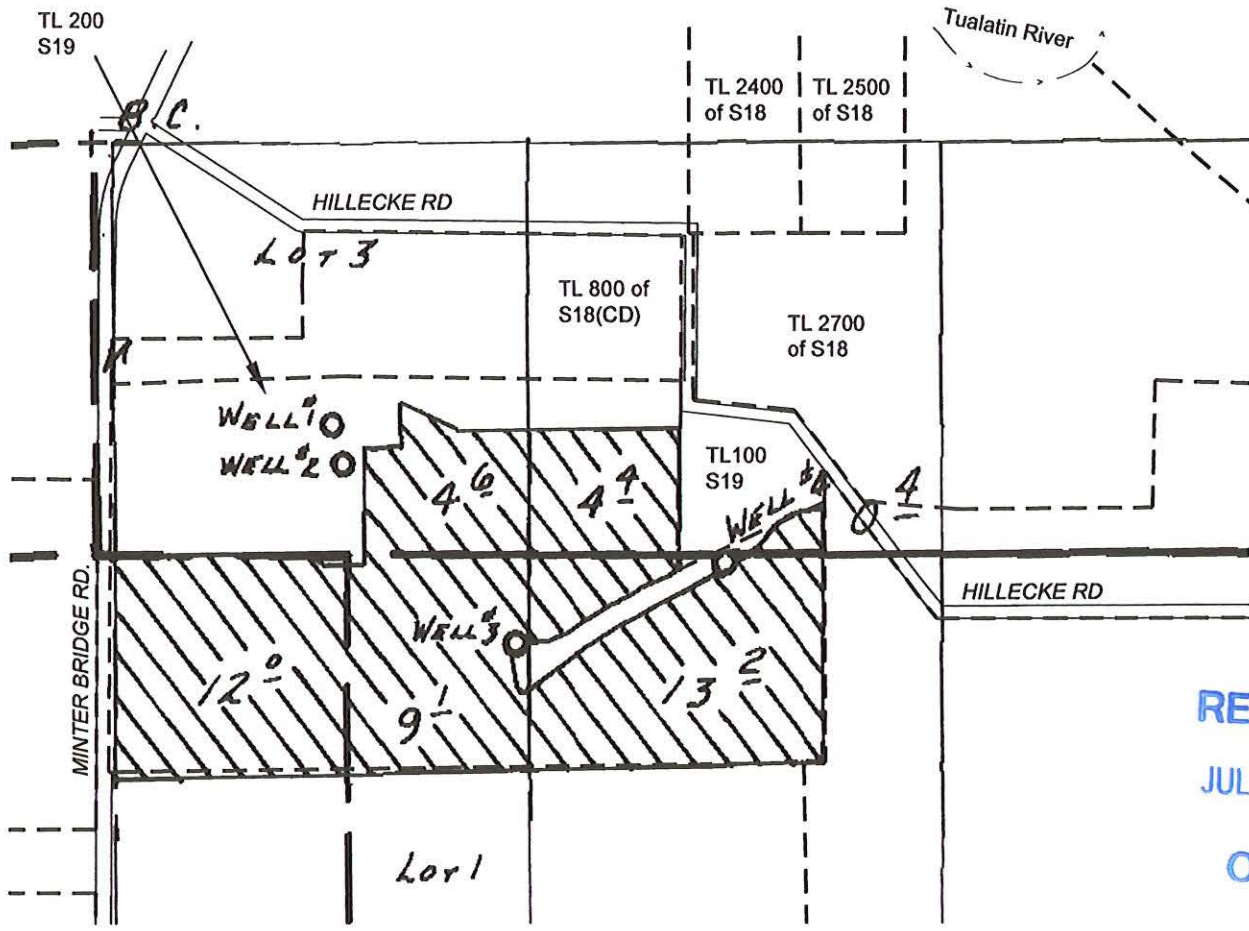
C- 11/12

# Transfer FROM Map

## Sections 18 & 19, T1S, R2W, Washington County Certificate 62442



1 IN = 600 FT  
0 300 600



RECEIVED  
JUL 13 2021  
OWRD

LOCATIONS OF POA'S  
WELL #1 S37°42'E 1172.49'; WELL #2 S34°22'E 1304.26'; WELL #3 S38°22'E 2092.72'; WELL #4 S54°56'E 2400.09'; ALL FROM NE DLC 63 (PER GR MAP).

- NOTES:
- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
  - SECTION LINES AND QUARTER-QUARTER LINES ARE BASED ON THE CERTIFICATE MAP FOR 62442. THE HATCHED AREAS ARE THE EXISTING PLACE OF USE FOR 62442.
  - PROPERTY LINES ARE PER TAX ASSESSOR MAPS.
  - WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.



13778

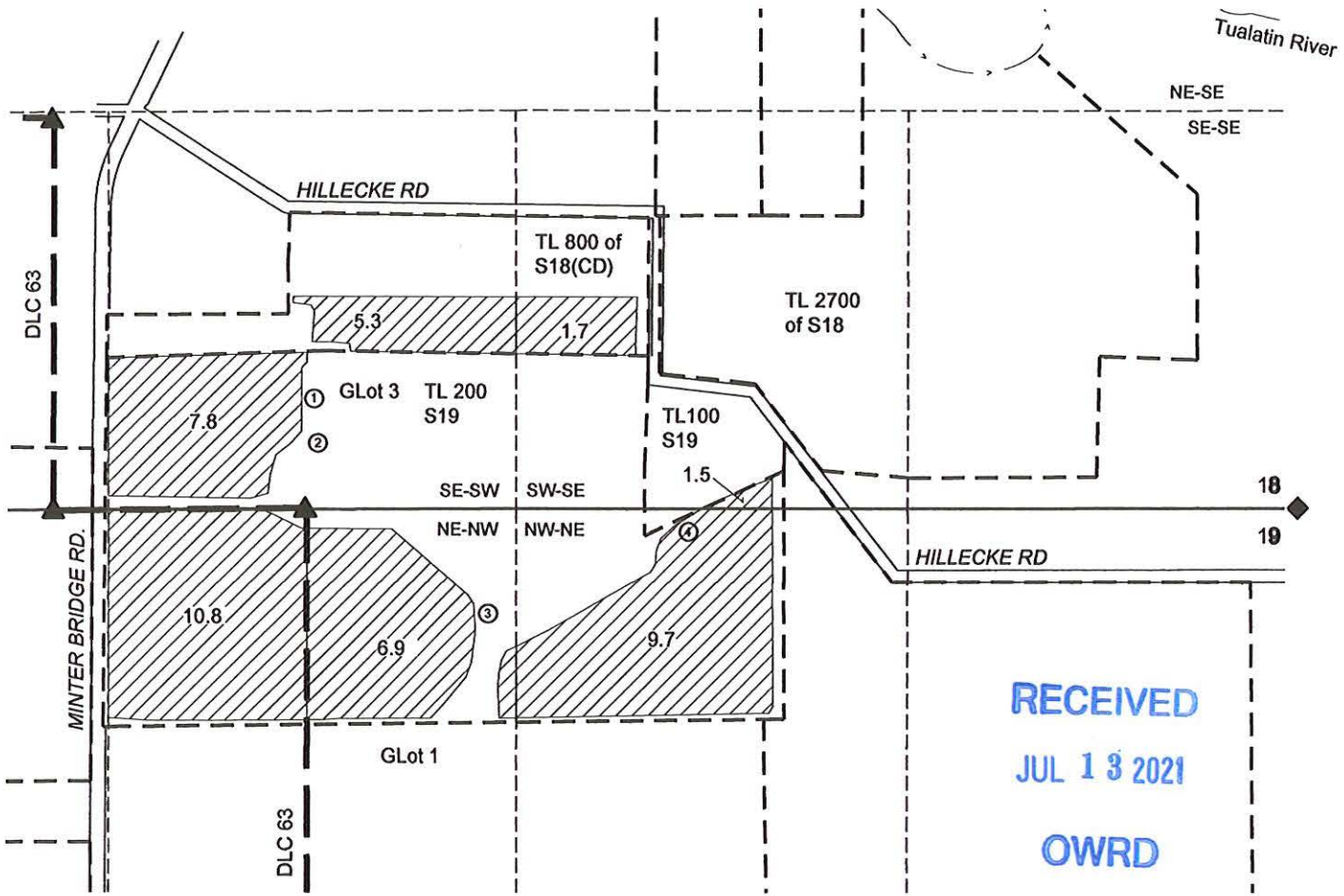
MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 Apr 2021  
 OB-SpeerTO-3F

C-12/12

# Transfer TO Map

## Sections 18 & 19, T1S, R2W, Washington County Certificate 62442

1 IN = 600 FT  
0 300 600



RECEIVED  
JUL 13 2021  
OWRD

LOCATIONS OF POA'S  
WELL #1 S37°42'E 1172.49'; WELL #2 S34°22'E 1304.26'; WELL #3 S38°22'E 2092.72'; WELL #4 S54°56'E 2400.09'; ALL FROM NE DLC 63 (PER GR MAP).

NOTES:  
 THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.  
 -SECTION LINES AND QUARTER-QUARTER LINES ARE BASED ON THE TAX ASSESSOR MAP FOR SECTIONS 19 & 18CD, T1S, R2W. PROPERTY LINES WERE ADJUSTED TO OCCUPATION LINES PER 2019 AERIAL PHOTO. IRRIGATION AREAS ARE BASD ON A 2019 AERIAL PHOTO.  
 -WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.



- LEGEND
- DONATION LAND CLAIM (DLC) CORNER
  - SECTION CORNER
  - POINT OF DIVERSION (POD) OR APPROPRIATION (POA = well)
  - STREAM OR SURFACE DRAINAGE
  - TAX LOT LINE
  - SECTION LINE
  - QUARTER-QUARTER LINE
  - DLC LINES
  - CONVEYANCE LINES.
- TO Lands 62442

13778

MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 Apr 2021  
 OB-SpeerTO-4K