

GR MOD

Name Oregon Berry Packing
Cliff Malensky
Address PO Box 13210
Hillsboro OR 97123

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Tuwalaun river well
Trib. of Tuwalaun river, Davis creek
Use Irrigation County Washington
Quantity of water (CFS) No. of Acres
Name of ditch
App# GR 478 Per # Cert # GR-410 PR Date
App# Per # Cert # PR Date
App# Per # Cert # PR Date
App# Per # Cert # PR Date
App# Per # Cert # PR Date

FEES PAID
Date Amount Receipt #
7/13/2021 8750 135827

Change in POU
Date Filed 7/13/2021 # see note
Initial notice date 10/20/2021
DPD issued date
PD issued date 8/12/2025
PD notice date 8/12/2025
Date of FO 11/19/2025 Vol 138 Page 80-83

FEES REFUNDED
Date Amount Receipt #

C-Date
COBU due date
COBU Received date
Certificate issued

Assignments:

Irrigation District Tuwalaun Valley Irrigation

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
www.oregon.gov/owrd

November 19, 2025

Jeff Malensky
PO BOX 1326
Hillsboro, OR 97123

REFERENCE: Groundwater Registration Modification Application T-13846

Enclosed is a copy of the final order approving recognition of your Groundwater Registration Modification application.

If you have any questions related to the approval of this application, you may contact your caseworker, Arla Davis, by telephone at (503) 979-3129 or by e-mail at Arla.L.Davis@water.oregon.gov.

Sincerely,

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

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

Enclosure

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

In the Matter of Groundwater)	FINAL ORDER
Registration Modification Application)	APPROVING RECOGNITION OF A
T-13846, Washington County)	MODIFICATION IN PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a groundwater certificate of registration.

Oregon Administrative Rules (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating groundwater registration modification applications.

Applicant

OREGON BERRY PACKING CO.
C/O JEFF MALENSKY
PO BOX 1336
HILLSBORO, OR 97123

Findings of Fact

1. On July 13, 2021, OREGON BERRY PACKING CO. filed a Groundwater Registration Modification (GR-Mod) Application to modify the place of use under Registration Application GR-478 (Certificate of Registration GR- 460). The Department assigned the application number T-13846
2. Notice of the application for GR-Mod was published on October 26, 2021, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
3. On April 18, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve GR-Mod Application T-13846 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.

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.

4. The draft Preliminary Determination sent April 18, 2024, did not include the identified layering of Certificates 62442, 83064, and GR-478.
5. On April 1, 2025, the Department contacted the applicant’s agent regarding a deficiency in the Report of Ownership Information provided, specifically, the applicant is not the deeded landowner.
6. On April 28, 2025, the applicant’s agent provided a consent form and the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
7. On June 11, 2025, the applicant’s agent notified the Department Certificate 62442 is acting as a supplemental water right for the sake of this transfer. Its period of use is during the non-irrigation season and will be moving its place of use to “like” primary Certificates 94282, 94550, and 94551 per OAR 690-382-0200(5).
8. On June 17, 2025, the applicant’s agent notified the Department that Certificate 83064 is a primary right to make up a deficiency in GR-478. The points of appropriation for GR-478 do not produce enough water for the authorized places of use as stated on January 29, 1987, in Certificate 83064’s application (G-11597) Addendum B (Addendum). Certificate 83064 and GR-478 have places of use that are moving together per OAR 690-382-0200(1).
9. On July 3, 2025, the Department found further evidence in the physical file of Certificate 83064 Addendum shows that the rate for each well under GR-478 has been diminished to lessen the amount of sand pumped by each well. The wells show to be 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

10. 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 GR-478, and to file a new application to protect the applicant at that time’s current development.
11. 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 GR-478 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.
12. On August 12, 2025, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13846 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the Groundwater Registration Modification application was published on the Department’s weekly notice on August 12, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

13. The portion of the groundwater registration to be modified is as follows:

Registration: Application GR-478 (Certificate of Registration GR-460), in the name of LOUIS R. MALENSKY (*assigned to OREGON BERRY PACKING CO.*)
Use: IRRIGATION of 68.46 ACRES
Tentative
Priority Date: PUMP WELL #1 - SPRING 1949, PUMP WELL #2 - SPRING 1948, PUMP WELL #3 – SUMMER 1953, PUMP WELL #4 – FALL 1949
Quantity: 100 GPM FROM PUMP WELL #1, 60 GPM FROM PUMP WELL #2, 150 GPM FROM PUMP WELL #3 AND 100 GPM FROM PUMP WELL #4.
Source: PUMP WELL #1, PUMP WELL #2, PUMP WELL #3, AND PUMP WELL #4 within the TUALATIN RIVER BASIN

Original Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	18	SE SW	PUMP WELL #1 - SOUTH 37 DEGREES, 42 MINUTES EAST, 1172.49 FEET FROM THE NE CORNER OF DLC 63
1 S	2 W	WM	18	SE SW	PUMP WELL #2 - SOUTH 34 DEGREES, 22 MINUTES EAST, 1304.26 FEET FROM THE NE CORNER OF DLC 63
1 S	2 W	WM	19	NW NE	PUMP WELL #4 - SOUTH 54 DEGREES, 56 MINUTES EAST, 2400.09 FEET FROM THE NE CORNER OF DLC 63
1 S	2 W	WM	19	NE NW	PUMP WELL #3 - SOUTH 38 DEGREES, 22 MINUTES EAST, 2092.72 FEET FROM THE NE CORNER OF DLC 63

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	18	SE SW	22.40
1 S	2 W	WM	18	SW SE	11.60
1 S	2 W	WM	19	NW NE	14.96
1 S	2 W	WM	19	NE NW	19.50
TOTAL					68.46

14. Groundwater Registration Modification Application T-13846 proposes to modify the place of use under the ground water registration to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	DLC	Glott	Tax Lot	Acres
1 S	2 W	WM	18	SW SW	63		300	3.8
1 S	2 W	WM	18	SW SW		3	300	0.6
1 S	2 W	WM	18	SE SW		3	800	0.3
1 S	2 W	WM	18	SE SW		3	200	4.46
1 S	2 W	WM	18	SW SE			200	3.7
1 S	2 W	WM	19	NW NE			200	3.4
1 S	2 W	WM	19	NW NE	63		200	0.1
1 S	2 W	WM	19	NE NW		1	200	3.7
1 S	2 W	WM	19	NW NW	63		300	25.5
1 S	2 W	WM	19	SW NW	63		300	22.9
TOTAL								68.46

Review Criteria for Groundwater Registration Modification Applications [OAR 690-382-0700(2)]

15. The proposed modification would not result in enlargement of the groundwater registration.
16. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
17. The proposed modification would not result in injury to other water rights.

Conclusions of Law

The modification in place of use proposed in Groundwater Registration Modification T-13846 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore it is ORDERED:

1. The modification to Registration Application GR-478 (Certificate of Registration GR-460) proposed in Groundwater Registration Modification Application T-13846 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate groundwater under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. 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 Registration Application GR-478 (Certificate of Registration GR-460) and any related decree.
3. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.

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



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

August 12, 2025

OREGON BERRY PACKING CO.
C/O JEFF MALENSKY
PO BOX 1336
HILLSBORO, OR 97123

VIA CERTIFIED MAIL AND E-MAIL

SUBJECT: Groundwater Registration Modification (GR-Mod) T-13846

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13846. **Error! Reference source not found.** This document is an intermediate step in the approval process; water may not be used legally as proposed in the GR-Mod 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 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 Department's notice.

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 do not hesitate to contact me at Please don't hesitate to contact me at 503-871-1889 or Lisa.J.Jaramillo@water.oregon.gov if I may be of assista

Sincerely,

Arla L Davis

Arla L Davis
GR-Mod Specialist
Transfers and Conservation Section

cc: GR-Mod Application file T-13846. **Error! Reference source not found.**
Jacob W. Constans, District 18 Watermaster (via e-mail)
Eric Urstadt, Agent for the applicant (via e-mail)

enc

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ™.	
OFFICIAL USE	
Certified Mail Fee \$ _____ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	Postmark Here
Postage \$ _____ Total Postage and Fees \$ _____	T-13846
Sent To Street and Apt. No., or PO Box No. _____ City, State, ZIP+4® _____	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 6956 0220 0208 3272 58

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

In the Matter of Groundwater)	PRELIMINARY DETERMINATION
Registration Modification Application)	PROPOSING APPROVAL OF RECOGNITION
T-13846, Washington County)	OF A MODIFICATION IN PLACE OF USE.

Authority

Oregon Revised Statutes (ORS) 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a groundwater certificate of registration.

Oregon Administrative Rules (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating groundwater registration modification applications.

Applicant

OREGON BERRY PACKING CO.
C/O JEFF MALENSKY
PO BOX 1336
HILLSBORO, OR 97123

Findings of Fact

1. On July 13, 2021, OREGON BERRY PACKING CO. filed a Groundwater Registration Modification (GR-Mod) Application to modify the place of use under Registration Application GR-478 (Certificate of Registration GR- 460). The Department assigned the application number T-13846
2. Notice of the application for GR-Mod was published on October 26, 2021, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
3. On April 18, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve GR-Mod Application T-13846 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.

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.

4. The draft Preliminary Determination sent April 18, 2024, did not include the identified layering of Certificates 62442, 83064, and GR-478.
5. On April 1, 2025, the Department contacted the applicant's agent regarding a deficiency in the Report of Ownership Information provided, specifically, the applicant is not the deeded landowner.
6. On April 28, 2025, the applicant's agent provided a consent form and the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
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9. On July 3, 2025, the Department found further evidence in the physical file of Certificate 83064 Addendum shows that the rate for each well under GR-478 has been diminished to lessen the amount of sand pumped by each well. The wells show to be diminished to:

Well Name	Initial Well Rate (GPM)	Diminished Well Rate (GPM)
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10. 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 GR-478, and to file a new application to protect the applicant at that time's current development.
11. 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 GR-478 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.

12. The portion of the groundwater registration to be modified is as follows:

Registration: Application GR-478 (Certificate of Registration GR-460), in the name of LOUIS R. MALENSKY (*assigned to* OREGON BERRY PACKING CO.)

Use: IRRIGATION of 68.46 ACRES

Tentative

Priority Date: PUMP WELL #1 - SPRING 1949, PUMP WELL #2 - SPRING 1948, PUMP WELL #3 – SUMMER 1953, PUMP WELL #4 – FALL 1949

Quantity: 100 GPM FROM PUMP WELL #1, 60 GPM FROM PUMP WELL #2, 150 GPM FROM PUMP WELL #3 AND 100 GPM FROM PUMP WELL #4.

Source: PUMP WELL #1, PUMP WELL #2, PUMP WELL #3, AND PUMP WELL #4 within the TUALATIN RIVER BASIN

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TOTAL					68.46

13. Groundwater Registration Modification Application T-13846 proposes to modify the place of use under the ground water registration to:

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TOTAL								68.46

Review Criteria for Groundwater Registration Modification Applications [OAR 690-382-0700(2)]

14. The proposed modification would not result in enlargement of the groundwater registration.
15. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
16. The proposed modification would not result in injury to other water rights.

Determination and Proposed Action

The modification in place of use proposed in Groundwater Registration Modification T-13846 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modification will be approved.

If Groundwater Registration Modification T-13846 is approved, the final order will include the following:

1. *The modification to Registration Application GR-478 (Certificate of Registration GR-460) proposed in Groundwater Registration Modification Application T-13846 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate groundwater under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
2. *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 Registration Application GR-478 (Certificate of Registration GR-460) and any related decree.*
3. *The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.*

Dated in Salem, Oregon on **AUG 12 2025**



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

This Preliminary Determination was prepared by Arla L Davis. If you have questions about the information in this document, you may reach me at 503-979-3129 or arla.l.davis@water.oregon.gov

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-382-0900, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-382-0800, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the groundwater registration application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. 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 690-382-0900, 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 690-382-0900]. and 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 \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-382-0900(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-382-0100(8) 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 690-382-0900, 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 690-382-0900. In accordance with OAR 690-382-1100, 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 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. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 19, 2021

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

Reference: Application T- 13846

On July 13, 2021, OWRD received your water Groundwater Registration Modification application. The application was accompanied by \$875.00. Our receipt number 135827 was previously mailed.

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.

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.

You may not use water from the new point of appropriation until a final order approving recognition of the groundwater registration modification application has been issued by the Department. If the land is sold before the modification is approved, the buyer's consent to the modification will be required unless a recorded deed or other legal document clearly established that the groundwater registration was not conveyed in the sale.

Please 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) 979-9931.

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

Enclosure

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13846

Transfer Specialist:

Transfer Type: GR Modification Transfer

Applicant: JEFF MALENSKY PO BOX 1326 HILLSBORO, OR 97123 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A ERIC URSTADT 39290 NW MURTAUGH RD NORTH PLAINS, OR 97133 Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Washington County Planning Department Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <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"/>	GR-478		GR-460	<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): PLACE OF USE	
Fees Pd: 875.00	WM District: 18	ODFW District:
Initial Public Notice: October 26, 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: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____



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

Application for Groundwater Registration Modification

Part 1 of 5 – Minimum Requirements Checklist

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Completed Applicant Information and Signature.
- Part 4 – Completed Groundwater Registration Modification Application – Groundwater Registration Information. (Only one Groundwater registration per application, unless the Groundwater registrations to be modified are layered).
- Completed Groundwater Registration Modification Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- Groundwater registration modification fees – Amount enclosed: \$ **875.00**. (\$875.00 for a place of use change only; \$1,250.00 for any other change or combination).

Attachments:

- N/A Request for Assignment Form and statutory fee. This form needs to be completed if the applicant owns the land to which the registration is appurtenant and is **not** the registration certificate holder of record. The Request for Assignment Form is available at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>.
 Assignment is not needed for any person or entity who can demonstrate authorization to request recognition of a modification (e.g. legal representative, power of attorney, agent, etc.) **or** the applicant is named on the certificate of registration, or has been assigned to the certificate of registration.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: / /

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Part 2 of 4 – Groundwater Registration Modification Map Checklist

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

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

- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads and railroads.
- Major water delivery system features from the point(s) of appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes hachuring, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the registration is being changed, a separate hachuring is needed for the portion of the registration left unchanged.
- N/A If you are proposing a modification in place of use, show the proposed place of use with hachuring including priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of appropriation with distance and bearing or coordinates from a recognized survey corner.
- N/A If you are proposing a modification in point(s) of appropriation, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Oregon Berry Packing, Inc. c/o Jeff Malensky		PHONE NO. 503.640.2313	ADDITIONAL CONTACT NO. 503.913.4713
ADDRESS PO Box 1326		FAX NO. 503.640.0874	
CITY Hillsboro	STATE OR	ZIP 97123	E-MAIL See note below
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

APPLICANT/BUSINESS NAME Aspen Rural Land Consulting c/o Eric Urstadt, PE, PLS		PHONE NO. 971.250.1520	ADDITIONAL CONTACT NO. N/A
ADDRESS 39290 NW Murtaugh Road		FAX NO. N/A	
CITY North Plains	STATE OR	ZIP 97133	E-MAIL See note below
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			
Because of both email and US mail have proven to be unreliable, the applicant and agent both with copies of correspondence go out in both the US mail and email to: jeff@oregonberry.com and ericurstadt@hotmail.com .			

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

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

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

(Check one box)

- By signing this application, I (we) understand that, upon receipt of the draft preliminary determination and prior to Department approval of the Groundwater modification, I (we) will be required to provide landownership information and evidence that I am authorized to pursue the modification as identified in OAR 690-382-0400(16)(a); **OR**
- I (we) affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the Groundwater registration proposed for modification is appurtenant by condemnation and have attached supporting documentation.

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

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



Jeff Malensky
Applicant Signature

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

5/19/2021
Date

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Oregon Berry Packing, Inc. c/o Jeff Malensky		PHONE NO. 503.640.2313	ADDITIONAL CONTACT NO. 503.913.4713
ADDRESS PO Box 1326		FAX NO. 503.640.0874	
CITY Hillsboro	STATE OR	ZIP 97123	E-MAIL See note below
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APPLICANT/BUSINESS NAME Aspen Rural Land Consulting c/o Eric Urstadt, PE, PLS		PHONE NO. 971.250.1520	ADDITIONAL CONTACT NO. N/A
ADDRESS 39290 NW Murtaugh Road		FAX NO. N/A	
CITY North Plains	STATE OR	ZIP 97133	E-MAIL See note below
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If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

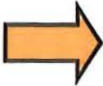
Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

(Check one box)

- By signing this application, I (we) understand that, upon receipt of the draft preliminary determination and prior to Department approval of the Groundwater modification, I (we) will be required to provide landownership information and evidence that I am authorized to pursue the modification as identified in OAR 690-382-0400(16)(a); **OR**
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I understand that prior to Department approval of the groundwater registration modification, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the groundwater registration is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: _____.

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



Applicant Signature

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

Date

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

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

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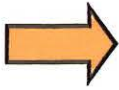
Check the appropriate box, if applicable:

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

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

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 4 of 4 – Groundwater Registration Information

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

Table 1. Location of Authorized and Proposed Point(s) of Appropriation (POA)

(Note: If the POA name is not specified in the registration, assign it a name or number here.)

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

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation (well) (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |

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

- Yes Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the registration to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 5 for instructions.

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

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

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

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

Additional remarks: _____

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Groundwater Registration # GR-478 (Certificate # GR-460)

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

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

If YES, list the other certificate, water use permit, or other Groundwater registration numbers:

CERT. 83064



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

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

- Well log(s) are attached for each well that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

(Tip: You may search for well logs on the Department’s web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/)

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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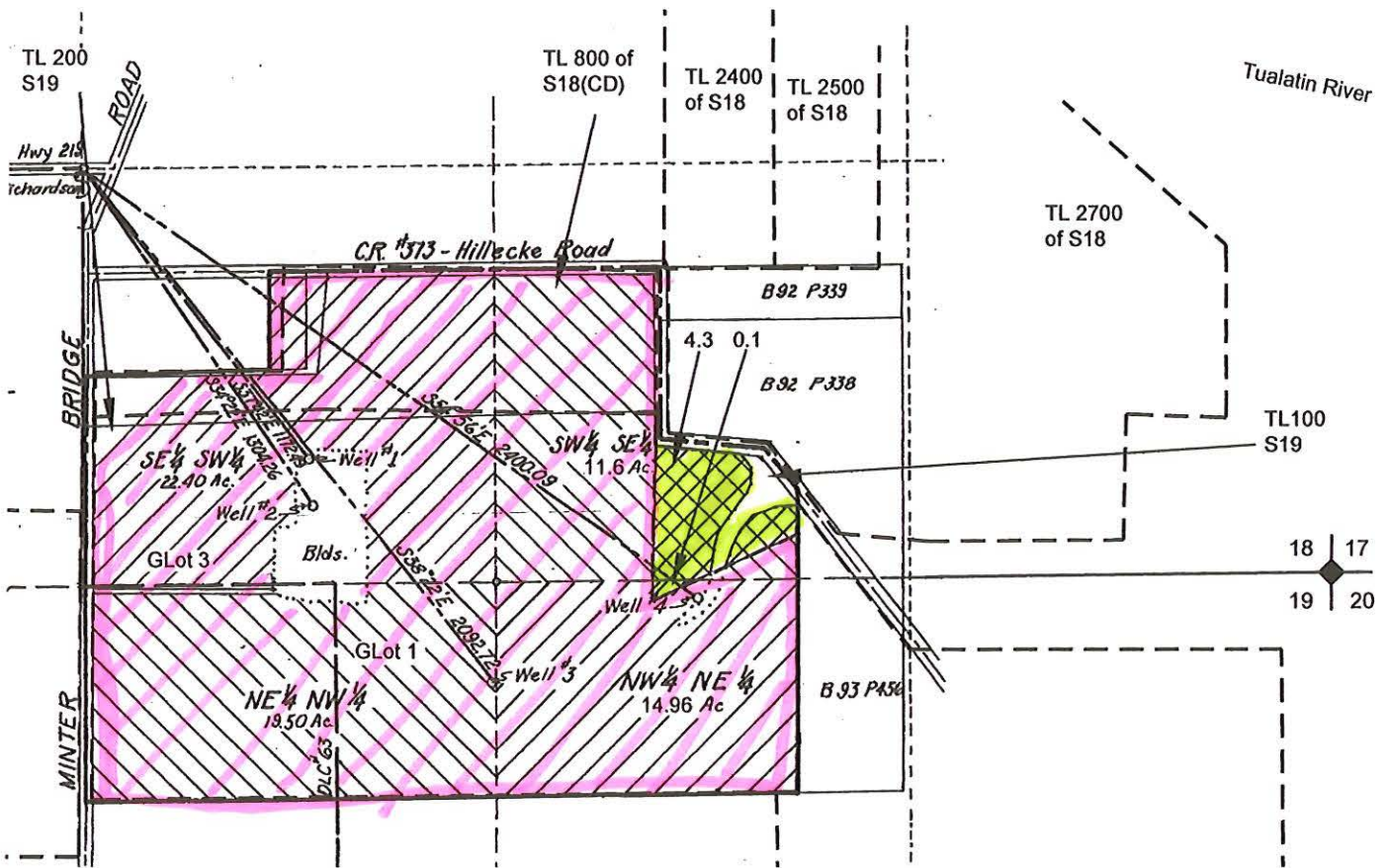
OWRD

Groundwater Registration Modification

FROM Map ASSIGNMENT MAP



Sections 18 & 19, T1S, R2W, Washington County GR 478

1 IN = 600 FT
0 300 600



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 MAP FOR GR-478.
 - **SINGLE HATCHED AREAS** ARE THE EXISTING PLACE OF USE FOR IRRIGATION FOR GR-478. **DOUBLED HATCHED AREAS** ARE GR-478 AREAS NOT AFFECTED BY THIS APPLICATION. ACRE LABELS HAVE BEEN ADJUSTED TO CLARIFY ACRES AFFECTED BY THIS APPLICATION.
 - PROPERTY LINES ARE PER TAX ASSESSOR MAPS.
 - WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.

 = NOT BEING ASSIGNED
 = BEING ASSIGNED BY PROOF

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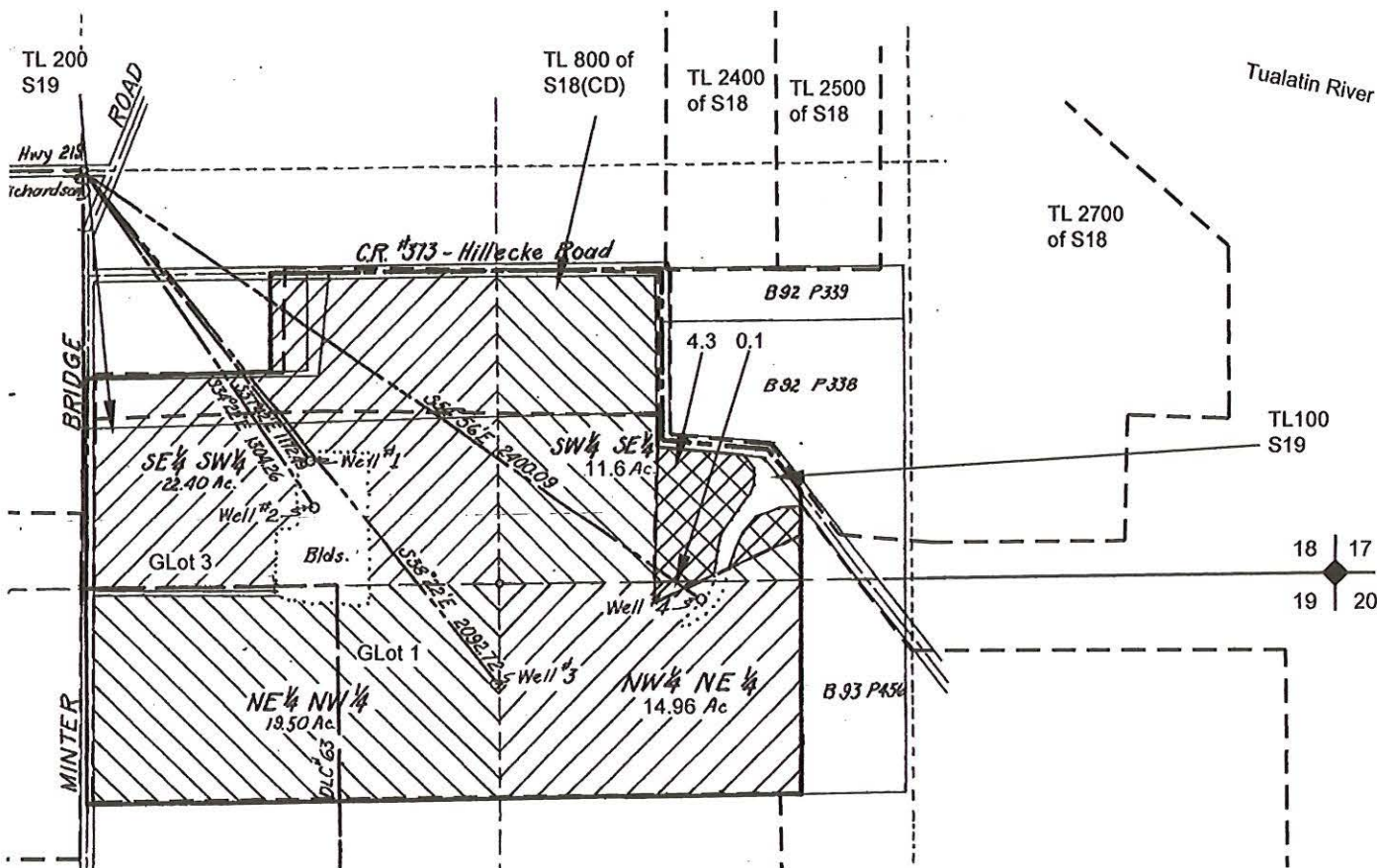
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MAP BY:
ASPEN RURAL LAND CONSULTING
 ERIC URSTADT, PE, PLS
 971-250-1520
 Apr 2021
 OB-SpeerTO-4L

Groundwater Registration Modification FROM Map

Sections 18 & 19, T1S, R2W, Washington County GR 478

1 IN = 600 FT
0 300 600



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:

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RECEIVED

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OWRD



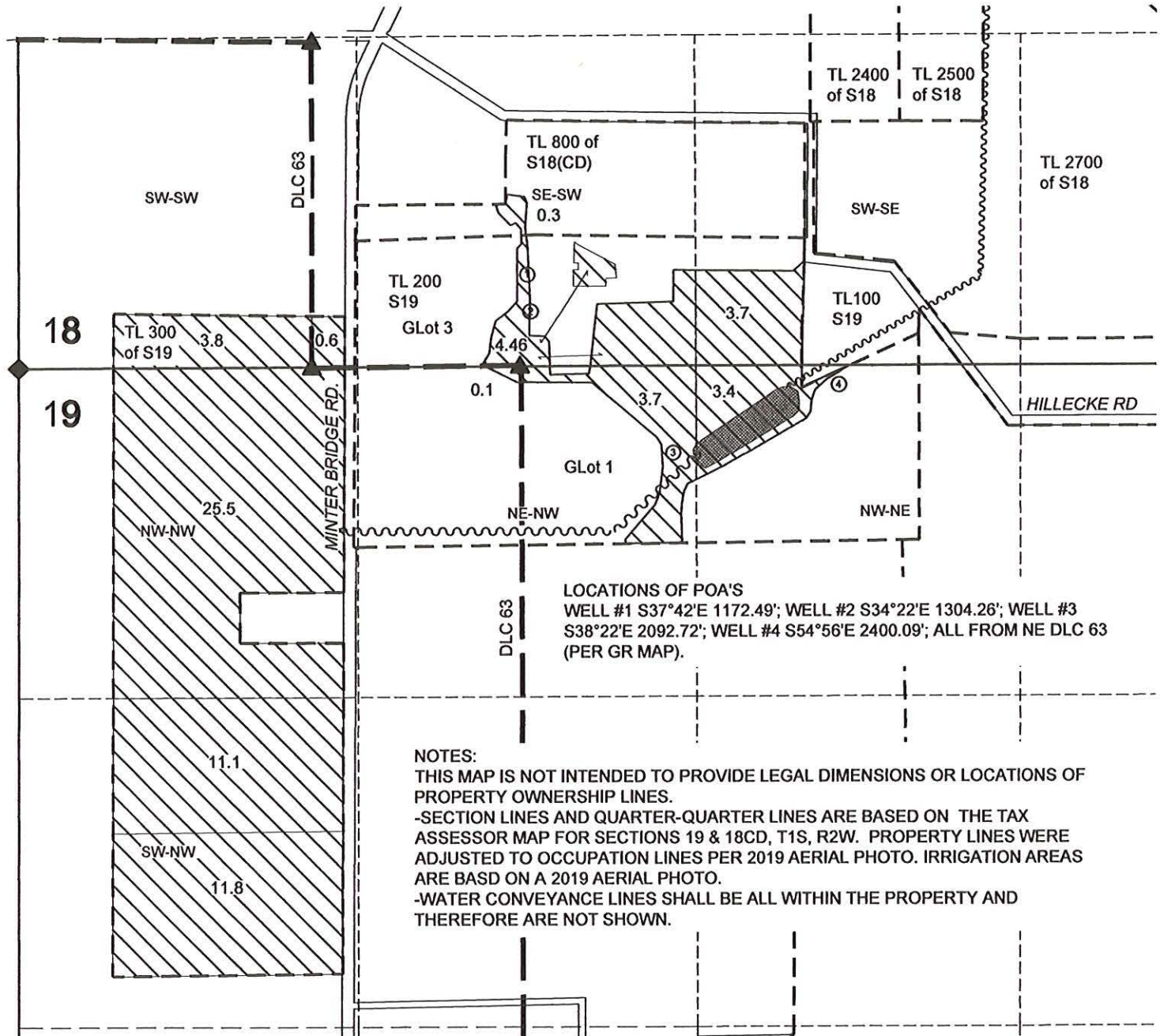
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MAP BY:
ASPEN RURAL LAND CONSULTING
 ERIC URSTADT, PE, PLS
 971-250-1520
 Apr 2021
 OB-SpeerTO-4L

Groundwater Registration Modification TO Map

Sections 18 & 19, T1S, R2W, Washington County
GR 478

1 IN = 600 FT
0 300 600



LOCATIONS OF POA'S
WELL #1 S37°42'E 1172.49'; WELL #2 S34°22'E 1304.26'; WELL #3
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(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 GR478



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MAP BY:
ASPEN RURAL LAND CONSULTING
ERIC URSTADT, PE, PLS
971-250-1520
Apr 2021
OB-SpeerTO-4N

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ATTACH H-1/3



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

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Oregon Berry Packing, Inc. c/o Jeff Malensky

(Name of Party Requesting Assignment)

PO Box 1326 Hillsboro OR 97123 503.640.2313
(Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request
- assignment of a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/ transfer/limited license/groundwater statement to be assigned.)

Application # N/A; Permit # N/A; Transfer # N/A;

Limited License # N/A; Groundwater Statement # GR-478;

Louis R. Malensky

(Name of Current Holder of Record)

deceased N/A N/A N/A N/A
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

- 1) JM I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) JM I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) JM I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) JM I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 19 day of May, 20 21.
(Day) (Month) (Year)

Signature of Party Requesting Assignment JM Malensky

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

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JUL 13 2021

NOTE: SEE ATTACH "D" FOR CURRENT DEED.

20
6
11
C

AFTER RECORDING RETURN TO:
Steven H. Hughes
Attorney at Law
1060 SE Oak St.
Hillsboro, OR 97123

MAIL ALL TAX STATEMENTS TO:
No Change

SPECIAL WARRANTY DEED
(In Fulfillment of Real Estate Contract)

MARY MALENSKY, surviving spouse of
Louis R. Malensky, deceased, Grantor,
conveys and specially warrant to
OREGON BERRY PACKING CO., Grantee, the following described real property free of
encumbrances created or suffered by the grantor except as specifically set forth herein:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED BY THIS
REFERENCE HEREIN

This deed satisfies and fulfills a land sales contract dated December 30, 1974 and recorded
December 31, 1974, in Book 1006, Page 264, Records of Washington County, Oregon.

The true and actual consideration for the conveyance is \$206,380.

NOTICE REQUIRED BY OREGON LAW:

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST
FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 1st day of May, 2003.

Mary Malensky
Mary Malensky


STATE OF OREGON
County of Washington

This instrument was acknowledged before me on the 1 day of May, 2003 by
MARY MALENSKY.



Steven H. Hughes
NOTARY PUBLIC FOR OREGON
My Commission Expires: 9/27/04


Washington County, Oregon 2003-069204
 05/01/2003 01:55:41 PM
 D-DW Cnt=1 Stn=21 RECORDS1
 \$20.00 \$8.00 \$11.00 - Total = \$37.00



00322332200300892040040041

I, Jerry Hanson, 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.

Jerry Hanson
 Jerry A. Hanson, Director of Assessment and Taxation,
 Ex-Officio County Clerk



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A part of Section 18, T. 1 S.R. 2 W. of the W.M. more particularly described as beginning 10 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. Lockman by deed recorded in Book 80, page 224, Deed Records; thence west along the north line of said Lockman 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 5° 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 53 acre tract conveyed to Edward J. Kressin and wife by deed recorded in Book 171, Page 493, Deed Records.

(Hereinafter referred to as Parcel I.)

BOOK 1006 PAGE 264



2003-89204

Parcel II.

12308

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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 S. 0° 06' E. 2031.7 feet from the Northeast corner of the N.C. Richardson D.L.C. Number 63. Thence from the described point of beginning N. 0° 06' W. in the County Road a distance of 1216.5 feet to a point which bears S. 0° 06' E. 815.1 feet from the Northeast corner of said Richardson D.L.C.; thence N. 88° 16' E. 31.3 feet to an iron pipe on the easterly line of the County Road; thence continuing N. 88° 16' E. 677.2 feet to an iron pipe; thence S. 89° 30' E. 1121.1 feet to an iron on the westerly line of County Road No. 373; thence continuing S. 89° 30' E. 20.0 feet to a point in the center of said Road; thence S. 0° 07' W. in the center of said road 87.0 feet to a stone; thence S. 84° 31' E. in the center of said road 332.7 feet to an angle in same; thence S. 37° 29' E. in the center of said road 187.2 feet to a point; thence S. 0° 21' W. along the easterly line of said Sacariassen tract 32.6 feet to an iron pipe; thence continuing S. 0° 21' W. along the easterly line of said tract 912.6 feet to an iron at the southeast corner thereof; thence S. 89° 43' W. 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 S. 89° 37' W. 2218.7 feet to the place of beginning, containing 63.00 acres.

(Hereinafter referred to as Parcel II.)

Parcel III.

Tract 1:

Beginning at a point in the center of county road Number A-134, which point bears N. 24° 51' E. 693.0 feet from the southwest corner of the Charles Lewis D.L.C. No. 51 in T. 1 S., R. 2 W. W.M., thence from said point of beginning S. 36° 30' E. in the center of said road a distance of 161.3 feet to a point; thence S. 45° 46' E. in the center of said road a distance of 843.9 feet to a point; thence S. 53° 27' E. in the center of said road a distance of 196.8 feet to angle point number 1 of County Road Number 597; thence N. 45° 35' E. in the center of County Road Number 597 a distance of 780.0 feet to angle number 2 of said road; thence N. 55° 14' E. in the center line of said road a distance of 2069.9 feet to a point; thence N. 24° 12' W. 1084.9 feet to an iron pipe; thence S. 78° 34' W. 1738.1 feet to an iron pipe on the west line of the Charles Lewis D.L.C. Number 51; thence S. 28° 52' W. on said D.L.C. line 1702.4 feet to the southeast corner of the James E. Rice D.L.C. number

1006 265

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Malensky-Q-41-03

slj-010/94

Information required pursuant to ORS 205.243(1) -

After recording, please return to:

Please place Recorder's File No. below:

BROWNING & HELL - ATTORNEYS PC
3012-B Pacific Avenue
P.O. Box 430
Forest Grove, Oregon 97116-0430

94011688
Washington County

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Name(s) of Transaction(s) per ORS 205.236:

GRANT OF EASEMENTS

Grantor(s):

DONALD HILLECKE
VERNON HILLECKE
ROBERT HILLECKE

Grantee(s):

MALENSKY LAND COMPANY
LIMITED PARTNERSHIP

DONALD HILLECKE, VERNON HILLECKE, and ROBERT HILLECKE ("the Grantor") hereby grant and convey to MALENSKY LAND COMPANY LIMITED PARTNERSHIP ("the Grantee") perpetual, non-exclusive easements over, under, and across the following described tracts of land for the construction, installation, use, and maintenance of an irrigation pump and irrigation line, and for the provision of electrical power or other energy source to the irrigation pump to be installed, used, and maintained by the Grantee on the Tualatin River.

THE EASEMENTS: The easements granted by this Grant are more particularly described as follows:

The Irrigation Line Easement: A 12-foot wide easement for an irrigation line over a portion of the Southeast One-quarter of Section 18, Township 1 South, Range 2 West, W.M., Washington County, Oregon, the centerline of which is more particularly described as follows:

Beginning at a point on the Northeast right of way line of Hillecke Road (County Road #373), which point bears North 86° 08' 41" East 24.02 feet from a stone at the Easterly Northeast corner of Parcel II, Book 1006, Page 264, Deed Records of said County, and running thence North 67° 29' 47" East 255.39 feet to a valve at "Angle Point Number One"; thence continuing North 67° 29' 47" East 30.00 feet; thence returning to "Angle Point Number One" and running North 00° 29' 53" East 633.59 feet to "Angle Point Number Two"; thence North 01° 40' 44" East 498.43 feet to "Angle Point Number Three"; thence South 88° 29' 50" East 196.74 feet to "Angle Point Number Four" and the terminus of the twenty foot wide easement.

The Pump Easement: A tract of land in the Southeast One-quarter of Section 18, Township 1 South, Range 2 West, W.M., Washington County, Oregon, for the location of the irrigation pump, and which is more particularly described as follows:

Beginning at "Angle Point Number Four" of the Irrigation Line Easement described above, and running thence North 01° 30' 10" East 25.00 feet; thence South 88° 29' 50" East 40.00 feet; thence South 01° 30' 10" West 50.00 feet; thence North 88° 29' 50" West 40.00 feet; thence North 01° 30' 10" East 25.00 feet to the point of beginning.

The Access Easement: A 12-foot wide easement for ingress and egress to the Irrigation Line and the Pump Easements, over a portion of the Southeast one-quarter of Section 18, Township 1 North, Range 2 West, W.M., Washington County, Oregon, the centerline of which is more particularly described as follows:

Beginning at an iron rod at the Northwest corner of that certain tract of land conveyed to F. B. Thiele by Deed recorded in Book 92 at Page 339 of the Deed Records of Washington

PAGE 1 - GRANT OF EASEMENTS - Hillecke to Malensky Land Company

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County, Oregon and running thence South 89° 38' 13" East 709.74 feet to the terminus of this easement.

For the basis of bearings and additional information regarding the easements, reference is hereby made to County Survey No. 19489.

THE PROPERTY BENEFITED: The property benefited by the easements is more particularly described as follows:

PARCEL I: A part of Section 18, Township 1 South, Range 2 West of the Willamette Meridian, more particularly described as beginning 10 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 00° 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.

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 00° 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 00° 06' West in the County Road a distance of 1216.5 feet to a point which bears South 00° 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 20.00 feet to a point in the center of said Road; thence South 00° 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 00° 21' West along the Easterly line of said Sacariassen tract 32.6 feet to an iron pipe; thence continuing South 00° 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.

COMPENSATION: As part of the bargained-for consideration for these easements, the Grantee shall pay to the Grantor the sum of \$3,000.00. Further, the Grantee shall be solely responsible for all costs for the operation, maintenance, and repair of the pump, irrigation line, and the service of power to the pump.

INDEMNITY: Each user of the easement tracts agrees to indemnify and defend all other users of the easement tracts from any loss, claim, or liability to each such other user arising out of the first such users' use of the easement tracts, and no such user shall have any liability to any other or the others for any conditions existing thereon.

RUNNING OF THE BENEFITS AND THE BURDENS: All rights of and to the easements as established by this Grant, including the benefits and the burdens thereof, shall run with the affected and de-

PAGE 2 - GRANT OF EASEMENTS - Hillecke to Malensky Land Company

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scribed lands, and are binding upon and shall inure to the benefit heirs, assigns, successors, tenants, and personal representatives of the parties hereto.

ATTORNEY FEES: In the event a civil action is instituted to enforce or interpret any of the provisions of this Grant, the prevailing party shall be entitled to recover from the other party such sums as the court may deem reasonable at the trial of such action, or any appeal thereof. Such sums shall be in addition to all other sums otherwise recoverable by law as costs and disbursements.

GOVERNING LAW AND VENUE: The agreement of the parties as evidenced by this Grant is intended to be performed in the State of Oregon, and the laws of Oregon shall govern its interpretation and effect. Further, for all purposes related to this Grant, venue shall lie in and with the State Courts of Washington County, Oregon.

INTERPRETATION OF PROVISIONS: The provision headings of this Grant are for convenience only and shall not be resorted to for interpretation. Also, whenever the context requires, any gender shall include all other genders, whether masculine, feminine, or neuter, and any number shall include any other number, whether singular or plural.

SIGNED on the dates set forth by each name.

THE GRANTOR:

Donald Hillecke
Donald Hillecke

Date: 1-20-94

Vernon Hillecke
Vernon Hillecke

Date: 1-20-94

Robert Hillecke
Robert Hillecke

Date: 1-28-94

THE GRANTEE:

**MALENSKY LAND COMPANY
LIMITED PARTNERSHIP**

Roy D. Malensky
Roy D. Malensky, General Partner

Date: 1-13-94

Barbara D. Malensky
Barbara D. Malensky, General Partner

Date: 1/13/94

STATE OF OREGON, County of Washington) ss.

This instrument was acknowledged before me on January 20th, 1994 by Donald Hillecke.



Scott A. Deane
Notary Public for Oregon
My commission expires: 1-24-99

GRANT OF EASEMENTS - Hillecke to Malensky Land Company

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STATE OF OREGON, County of Washington) ss.

This instrument was acknowledged before me on January 20th, 1994 by Vernon Hillecke.



Scott A. Laine
Notary Public for Oregon
My commission expires: 1-24-94

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JUL 13 2021

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STATE OF OREGON, County of Union) ss.

This instrument was acknowledged before me on January 19th, 1994 by Robert Hillecke.

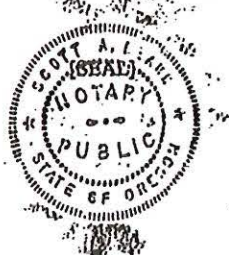
[SEAL]



Carol J. Davis
Notary Public for Oregon
My commission expires: 4-24-97

STATE OF OREGON, County of Washington) ss.

This instrument was acknowledged before me on January 13th, 1994 by Roy J. Malensky on January 13th, 1994 by Barbara D. Malensky, both as the General Partners of Malensky Land Company Limited Partnership, on behalf of the limited partnership.



Scott A. Laine
Notary Public for Oregon
My commission expires: 1-24-94

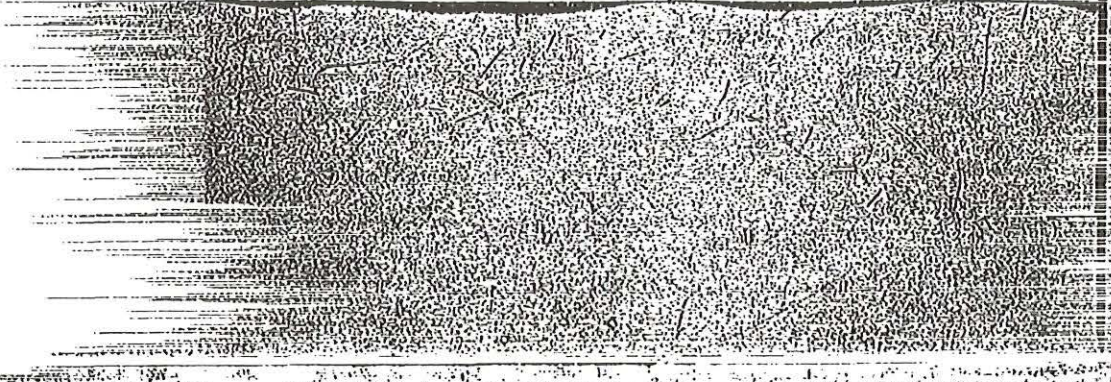
STATE OF OREGON }
County of Washington } ss

I, Jerry R. Henson, Director of Assessment and Taxation and Eschscholtz County Clerk for said county, do hereby certify that the within instrument of writing was received and recorded in book for records of said county.



Doc : 94011688
Rect: 116271 48.00
02/03/1994 03:34:24PM

4



Groundwater Registration Modification (GR Mod) Application Checklist

Checked by Joan Date 10/19/21

(If OK, check box to left; if not, fill in the blank)

1. Is the name of the GR Mod applicant(s) the same as the GR claim holder(s) of record?

If not, one of the following must be included with the application:

- ___ a) A written statement from the GR claim holder, consenting to the proposed GR Mod Application (if the GR claim holder(s) of record is the current property owner), *OR*. *Assigned in 1975*
- ___ b) A concurrent "Request for Assignment" to move the GR claim into the GR Mod applicant's name must be submitted (if the GR Mod applicant(s) is the current property owner), *OR*
- ___ c) A concurrent "Request for Assignment" to move the GR claim into the name of a third party (who now owns the property) must be submitted, *and* the third party will need to provide a written statement consenting to the proposed GR Mod Application.

If not, what is missing? _____

2. Page 1 of application: Are all attachments that have been checked actually included?

If not, what is missing? _____

3. Are fees included and correct?

If not, the correct fee would be: _____, so the amount missing is: _____

- If application proposes ONLY a change in place of use = \$875.00
- If application proposes any other change or combination of changes = \$1,250.00

4. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?

If not, whose signature is missing? _____

5. If all #1-#4 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, or #4 on this checklist is deficient, the application CANNOT be accepted.

It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

T-13846

GR-478

! cont GR-460