



**Form C**

**IMPORTANT**—This form is a notice to the State Engineer that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

**NOTE:** In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.  
Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

Application No. G-5800

RECEIVED  
WATER RESOURCES DEPARTMENT  
OCTOBER 20 1976  
MAILING STAMP

**NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE**

I, JOHN E. GUY, BERRY PACKING CO., the holder of Permit No. G-5692,  
to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in  
accordance with the terms of said permit, on the 20 day of OCTOBER, 1974.

Remarks: .....

IN WITNESS WHEREOF, I have hereunto set my hand this 27 day of OCTOBER, 1976.

Oregon Berry Packing Co. by Louis Melnyk - Partner RT4 Box 197A HILLSIDE OREG 97113  
(Signature of Applicant) (Address)

270K

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

In the Matter of Transfer Application )      FINAL ORDER APPROVING A  
T-9998, Washington County      )      SUBSTITUTION OF A  
    )      SUPPLEMENTAL GROUND WATER  
    )      RIGHT FOR A PRIMARY SURFACE  
    )      WATER RIGHT

ORS 540.524 establishes the process in which a water right holder may submit a request to substitute a supplemental water right from a ground water source for a primary water right from a surface water source. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating an application to substitute applications.

**Applicant**

Malensky Land Holding Co.  
11335 SW Hillsboro Hwy  
Hillsboro, OR 97123

**Findings of Fact**

1. On August 29, 2005, Malensky Land Holding Co. filed a transfer application to substitute a supplemental right to use ground water under Certificate 81412 for a primary right to use surface water under Certificate 81414. The Department assigned the application number T-9998.
2. The entirety of the supplemental ground water right to be substituted for the primary surface water right is as follows:

**Certificate:** 81412 in the name of Malensky Land Holding Co. (perfected under Permit G-5692)

**Use:** Supplemental Irrigation of 69.9 acres

**Priority Date:** May 7, 1973

**Quantity:** 0.77 CUBIC FOOT PER SECOND (CFS)

**Rate/Duty:** 1/80 cfs per acre, not to exceed 2.5 acre feet per acre per year

**Source:** A well in the Christensen Creek Basin

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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.

**Authorized Point of Appropriation:**

Township		Range		Meridian	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Survey Coordinates	
1	S	2	W	W.M.	31	SE SW	980 FEET SOUTH AND 980 FEET WEST FROM THE SW CORNER OF LANDERS DLC 52	

**Authorized Place of Use:**

Township		Range		Meridian	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Lot	Acres
1	S	2	W	W.M.	31	SW NE	4	4.9
1	S	2	W	W.M.	31	SE NW	3	11.8
1	S	2	W	W.M.	31	NE SW		35.0
1	S	2	W	W.M.	31	NW SW		0.8
1	S	2	W	W.M.	31	NW SE	6	17.4

3. The portion of the surface water right to change from primary use to supplemental use under the substitution is as follows:

**Certificate:** 81414 in the name of Oregon Berry Packing Company (perfected under Permit S-38077)

**Use:** Irrigation of 69.9 acres

**Priority Date:** May 7, 1973

**Quantity:** 0.014 cubic foot per second

**Rate/Duty:** 1/80 cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** Drainage ditch and Reservoir 1, tributary to Christensen Creek.

**Authorized Point of Appropriation:**

Township		Range		Meridian	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Lot	Survey Coordinates
1	S	2	W	W.M.	31	NW SE	6	200 FEET SOUTH AND 670 FEET EAST FROM CENTER OF SECTION 31

**Authorized Place of Use:**

Township		Range		Meridian	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Lot	Acres
1	S	2	W	W.M.	31	SW NE	4	4.9
1	S	2	W	W.M.	31	SE NW	3	11.8
1	S	2	W	W.M.	31	NE SW		35.0
1	S	2	W	W.M.	31	NW SW		0.8
1	S	2	W	W.M.	31	NE* SE	6	17.4

4. There is an apparent scrivener's error in the description of the place of use in Certificate 81414 indicated by the asterisk in the above table. The listing of 29.3 acres (including the 17.4 acres affected by the substitution) in the NE SE, Lot 6, Section 31, Township 1 South, Range 2 West is in error. Based on the accompanying map and final proof survey of the original right, the location of the place of use should be listed as NWSE, Section 31, Township 1 South, Range 2 West.
5. Notice of the application for transfer was published September 20, 2005, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
8. The water rights are located within the Chehalem Mountain Ground Water Limited Area but predate the area being classified as such. The applicant's well is in the basalt aquifer.
9. To monitor the effects of water use from other wells in the area, the Department requires the water users to make and report annual static water level measurements. The static water level shall be measured in the month of March and reports must be submitted to the Department within 30 days of measurement.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights if conditioned to require annual static water level measurements and to establish the conditions under which the substitution would be terminated as a result of the effects of the use on other ground water rights.
12. On May 17, 2006, the Department issued a preliminary determination proposing to approve substitution T-9998 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on May 23, 2006, and in The Hillsborough Argus newspaper on May 26 and June 2 and 9, 2006 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

#### **Conclusions of Law**

The substitution proposed in application T-9998, as conditioned, is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

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

1. The substitution of a supplemental ground water right for a primary surface water right proposed in T-9998 is approved.
2. Upon approval of T-9998, the portion of the primary surface water right under Certificate 81414 listed in Finding #3 shall be treated as a supplemental water right and the listed portion of the supplemental water right evidenced by Certificate 81412 and as described in Finding #2 above shall be treated as a primary water right.
3. The right to use 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 81412 and 81414 and any related decree.
4. The proposed change shall be effective upon issuance of the Final Order.
5. Within 60 days of issuance of the Final Order, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. The water user shall submit an initial water level measurement in March and annually thereafter during the duration of the substitution. All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and shall be submitted to the Department on forms provided by the Department. The individual performing the measurement shall:
  - a) Identify each well with its associated measurement;
  - b) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface;
  - c) Specify the method used to obtain each well measurement; and
  - d) Certify the accuracy of all measurements and calculations submitted to the Department.
7. The substitution of a supplemental ground water right for a primary surface water right may be terminated upon a request by the water right holder. The substitution also may be terminated by an order of the Director if the Director determines the use of the ground water as the primary water right causes injury to other water rights. Upon termination, the substituted primary and supplemental water rights shall revert to their original status.

8. For purposes of determining whether the substitution is causing injury to other water rights, the Department shall consider whether:
  - a) Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years;
  - b) Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years;
  - c) Annual water level measurements reveal a water level decline of 25 or more feet; and
  - d) Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.
9. The reference level against which future measurements shall be compared is 40 feet below land surface as measured on October 31, 1979 as indicated on the well log identified WASH 10447.

Dated at Salem, Oregon this 14<sup>th</sup> day of July, 2006.

Debra Collier  
For Phillip C. Ward, Director

Mailing Date: JUL 21 2006



# Oregon

Theodore R. Kulogoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

Date Mailed: May 12, 2005

## NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that correctly describes the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Steve Brown at 503-986-0809.

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MALENSKY LAND HOLDING COMPANY  
11335 SW HILLSBORO HIGHWAY  
HILLSBORO, OR 97123

confirms the right to use the waters of A WELL in the CHRISTENSEN CREEK BASIN for PRIMARY IRRIGATION OF 1.0 ACRE AND SUPPLEMENTAL IRRIGATION OF 29.3 ACRES.

This right was perfected under Permit G-5692. The date of priority is MAY 7, 1973. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.33 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NW 1/4, AS PROJECTED WITHIN C. LEWIS DLC 51, SECTION 31, TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.; 420 FEET SOUTH AND 2650 FEET EAST FROM THE NW CORNER, SECTION 31.

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 and shall be further limited to a diversion of not to exceed 2  $\frac{1}{2}$  acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.

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

	PRIMARY	SUPPLEMENTAL
LOT 5 (SE 1/4 NE 1/4)	1.0 ACRE	
LOT 4 (SW 1/4 NE 1/4)		11.1 ACRES
LOT 5 (SE 1/4 NE 1/4)		0.1 ACRE
LOT 3 (SE 1/4 NW 1/4)		4.8 ACRES
LOT 5 (NE 1/4 SE 1/4)		1.4 ACRES
LOT 6 (NW 1/4 SE 1/4)		11.9 ACRES

SECTION 31

TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.

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

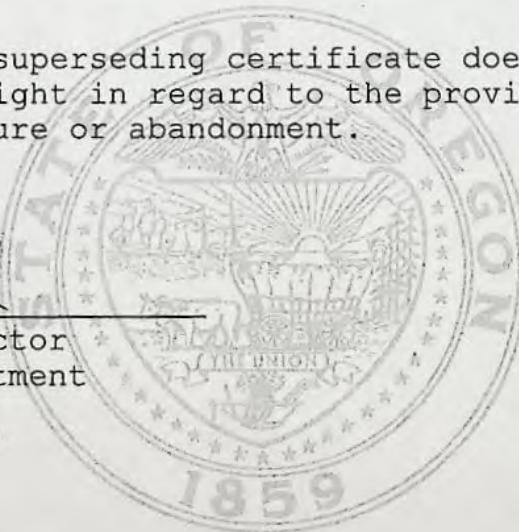
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to correctly describe the quantity of water and describes that portion of the water right confirmed by Certificate 75273, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on May 12, 2005.

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.

Issued May 12, 2005.

  
\_\_\_\_\_  
Phillip C. Ward, Director  
Water Resources Department



Recorded in State Record of Water Right Certificates Number 81413.

T-7050RRCORRECTION.SB

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
WASHINGTON COUNTY

ORS 540.621 directs the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

### **Findings of Fact**

On February 24, 2005, the Department received an affidavit from Malensky Land Company Limited Partnership, 11335 SW Hillsboro Hwy, Hillsboro, Oregon 97123 stating they are the owners of land, the water right appurtenant to the said lands and have abandoned any and all interest in the rights described as follows:

Water right Certificate Number 51797 issued to Oregon Berry Packing Company, with a date of priority of May 7, 1973, for use of water from Drainage Ditch and Reservoir 1, constructed under Permit R-6159, for irrigation of 29.0 acres erroneously described within the SE 1/4 NW 1/4 Section 31, and 10.4 acres within the Lot 7 (SW 1/4 SE 1/4), Section 31, Township 1 South, Range 2 West, of the Willamette Meridian; and

Water right Certificate Number 75273 issued to Oregon Berry Packing Company, with a date of priority of May 7, 1973, for use of water from A Well for supplemental irrigation of 29.0 acres within the SE 1/4 SW 1/4 and 10.4 acres within the Lot 7 (SW 1/4 SE 1/4), Section 31, Township 1 South, Range 2 West, of the Willamette Meridian.

## Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the rights, described above, have been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

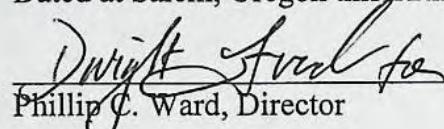
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial 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.

Now, therefore, it is ORDERED:

Portions of Certificates of water right described herein are canceled; and

Certificates of Water Rights be issued describing the portions of the rights not abandoned and canceled by the provisions of this order.

Dated at Salem, Oregon this 12th day of May, 2005.

  
\_\_\_\_\_  
Phillip C. Ward, Director

## Water Right Cancellations

ORS 540.621 authorizes the Director to issue an order canceling a perfected and developed water right whenever the owner certifies under oath that the right has been abandoned and requests a cancellation of the right.

The Department has received affidavits from owners of land to which a water right is appurtenant stating the owner has abandoned the water right and request the Department to cancel portions of the right appurtenant to the land.

The Department proposes to issue orders canceling all or a portion of the following water right(s):

County: Washington  
Water Right Certificate: 51797 in the name of Oregon Berry Packing Company  
Landowner: Malensky Land Company Limited Partnership  
Address: 11335 SW Hillsboro Hwy, Hillsboro, OR 97123  
Use: irrigation  
Quantity: 0.0 cfs  
Source: Drainage Ditch and Reservoir 1, constructed under  
perm R-6159  
Priority : tributary of Christensen Creek  
May 7, 1973  
Acreage: 39.4 acres  
Location: Tax Lots 1900, 1904 and 1905, Section 31, Township 1  
South,  
Range 2 West, WM

County: Washington  
Water Right Certificate: 75273 in the name of Oregon Berry Packing Company  
Landowner: Malensky Land Company Limited Partnership  
Address: 11335 SW Hillsboro Hwy, Hillsboro, OR 97123  
Use: supplemental irrigation  
Quantity: 0.0 cfs  
Source: A Well in the Christensen Creek Basin  
Priority : May 7, 1973  
Acreage: 39.4 acres  
Location: Tax Lots 1900, 1904 and 1905, Section 31, Township 1  
South,  
Range 2 West, WM



# Oregon

Theodore R. Kulongoski, Governor

December 15, 2004

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

ROY MALENSKY  
MALENSKY LAND HOLDING COMPANY  
11335 SW HILLSBORO HIGHWAY  
HILLSBORO, OR 97123

REFERENCE: Certificate No. 75273; and Application No. 49266,  
Certificate No. 51797

Dear Mr. Malensky:

I have again reviewed the status of several water right permits and transfer pending issuance of certificates. I plan to request issuance of certificates for your permits, except for the water rights involved with the affidavit you signed.

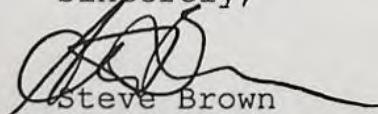
The Department revised administrative rules for the cancellation of perfected water rights effective November 5, 2004. In as much, the affidavit I prepared for your signature does not meet the requirement of our current rules. The affidavit was prepared pursuant to the standards in effect at the time it was drafted, however, new rules require additional information describing if the land is within the boundaries of a district or federal reclamation project.

A District" means an irrigation district formed under ORS chapter 545, a drainage district formed under ORS chapter 547, a water improvement district formed under ORS chapter 552, a water control district formed under ORS chapter 553 or a corporation organized under ORS chapter 554.

With the thought the property involved in the water rights described in the affidavit are not within the boundaries of a district or federal reclamation project, I have prepared a new affidavit for your consideration.

Please review the enclosed affidavit, and if you are in agreement sign the affidavit before a notary public and return it to this office. If you have any questions, feel free to give me a call. My telephone number is 503.986.0809.

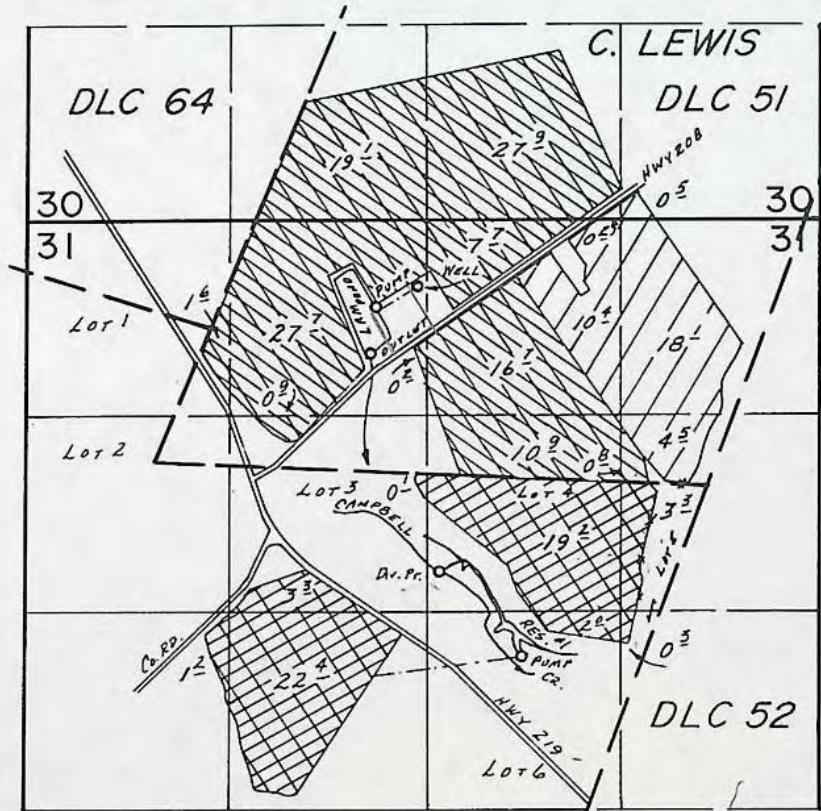
Sincerely,

  
Steve Brown  
Certificates

c: Mr. Verboort, CWRE

enclosure

T.I.S., R.2W., W.M.



WELL LOC: 450'S. & 2850'E., DIV. PTS LOC: LRM POND - 900'S. & 2340'E,  
RES. #1 - 2370'S & 2790'E., ALL FROM NW COR SEC. 31.

SCALE: 1" = 1320'

## FINAL PROOF SURVEY UNDER

55461  
55462  
G-7908  
G-7912  
G-9234

43172  
43174  
G-8144  
G-8145  
G-8585

Application No. G-9234. Permit No. G-8585  
IN NAME OF

.....  
Surveyed July 24 1986, by B.W.BISHOP.....  
Feb. 4 1987

2/4/87  
BWB

41067-178-137A

RECEIVED

AUG 3 1983

SP#35674-690

X5800.

STATE OF OREGON  
WATER RESOURCES DEPT.  
SALEM, OREGON

COUNTY OF

WASHINGTON

## Proof of Appropriation of Water

OREGON BERRY PACKING COMPANY

of Route 6, Box 224, Hillsboro  
has applied beneficially the waters of  
a well

, State of Oregon 97123 ,

a tributary of Christensen Creek for the purpose of  
 irrigation of 1.0 acre and supplemental irrigation of 138.6 acres  
 under Permit No. G-5692 and that the use of said waters has been completed under the  
 terms of said permit; that the priority of the right dates from  
 May 7, 1973  
 that the amount of water for the purposes aforesaid, has been actually beneficially used in the  
 amount of  
 1.1 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well.  
 The well is located in the NE 1/4 NW 1/4 as projected  
 within C. Lewis DLC 51, Section 31, T1S, R2W, WM; 420 feet South and 2650  
 feet East from NW Corner, Section 31.

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 1/2 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, and to which such right is appurtenant, is  
 as follows:

## PRIMARY

1.0 acre Lot 5 (SE 1/4 NE 1/4)

## SUPPLEMENTAL

16.0 acres Lot 4 (SW 1/4 NE 1/4)  
 0.1 acre Lot 5 (SE 1/4 NE 1/4)  
 16.6 acres Lot 3 (SE 1/4 NW 1/4)  
 35.0 acres NE 1/4 SW 1/4  
 0.8 acre NW 1/4 SW 1/4  
 29.0 acres SE 1/4 SW 1/4  
 1.4 acres Lot 5 (NE 1/4 SE 1/4)  
 -29.3 acres Lot 6 (NW 1/4 SE 1/4)  
 10.4 acres Lot 7 (SW 1/4 SE 1/4)

## Section 31

Township 1 South, Range 2 West, WM

I have read the above and foregoing proof of appropriation of water; I know the contents  
 thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of Aug.,

1983.

OREGON BERRY PACKING CO.

Roy G. Malenky - Partner

Lucas R. Malenky Jr. - Secretary

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON BERRY PACKING COMPANY  
ROUTE 6, BOX 224  
HILLSBORO, OREGON 97123.

confirms the right to use the waters of A WELL in the CHRISTENSEN CREEK BASIN for PRIMARY IRRIGATION OF 1.0 ACRE AND SUPPLEMENTAL IRRIGATION OF 68.7 ACRES.

This right was perfected under Permit G-5692. The date of priority is MAY 7, 1973. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.55 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE $\frac{1}{4}$  NW $\frac{1}{4}$ , AS PROJECTED WITHIN LEWIS DLC 51, SECTION 31, T 1 S, R 2 W,  
W.M.; 420 FEET SOUTH AND 2650 FEET EAST FROM THE NW CORNER OF SECTION 31.

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 $\frac{1}{2}$  acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use 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:

PRIMARY

LOT 5 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) 1.0 ACRE

SUPPLEMENTAL

LOT 4 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) 11.1 ACRES  
LOT 5 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) 0.1 ACRE  
LOT 3 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) 4.8 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  29.0 ACRES  
LOT 5 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) 1.4 ACRES  
LOT 6 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) 11.9 ACRES  
LOT 7 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) 10.4 ACRES

SECTION 31  
TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.

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

This certificate describes that portion of the water right confirmed by Certificate 51806, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 02 1997, approving Transfer Application 7050

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 DEC 02 1997.

*/s/ MARTHA O. PAGEL*

Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 75273.

T-7050.PKS



# Oregon

Theodore R. Kulongoski, Governor

August 24, 2004

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

W. Richard Verboort, PE, CWRE  
666 SE 36<sup>th</sup> Avenue  
Hillsboro, OR 97123

REFERENCE: Transfer File No. T-7050 - Malensky Land Holding Co.; Application No. G-7908, Permit No. G-8144 - Oregon Berry Packing Co.; Application No. G-7912, Permit No. G-8145 - Oregon Berry Packing Co.; Application No. G-9234, Permit No. G-8585 - Oregon Berry Packing Co.; Application No. 55461, Permit No. 43172 - Oregon Berry Packing Co.; Application No. 55462, Permit No. 43174 - Oregon Berry Packing Co.; Application No. G-10319, Certificate No. 62490; and Application No. G-5800, Remaining Right Certificate No. 75273; and Application No. 49266, Certificate No. 51979

Dear Mr. Verboort:

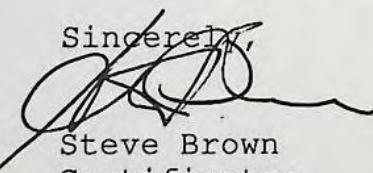
I have received your request to complete the processing of Transfer Application No. T-7050, on behalf of Mr. Malensky.

On December 18, 2001, the Department sent a letter to the Malensky's asking for additional information and the completion of an affidavit to process the above referenced files. As of this date, I do not find that we have received a reply.

Until such time as the concerns described in the letter of December 18, 2001, are adequately addressed, the above referenced files may not be further processed.

If you have any questions, please feel free to give me a call. My telephone number is 503.986.0809.

Sincerely,



Steve Brown  
Certificates

c: MALENSKY LAND HOLDING COMPANY  
11335 SW HILLSBORO HIGHWAY  
HILLSBORO, OR 97123

LOUIS R. MALENSKY JR.  
DONNA R. MALENSKY  
29495 SW FARMINGTON RD  
HILLSBORO, OR 97123

enclosures



# Oregon

John A. Kitzhaber, M.D., Governor

December 18, 2001

Water Resources Department  
Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

MALENSKY LAND HOLDING COMPANY  
11335 SW HILLSBORO HIGHWAY  
HILLSBORO, OR 97123

LOUIS R. MALENSKY JR.  
DONNA R. MALENSKY  
29495 SW FARMINGTON RD  
HILLSBORO, OR 97123

REFERENCE: Transfer File No. T-7050 - Malensky Land Holding Co.;  
Application No. G-7908, Permit No. G-8144 - Oregon Berry Packing Co.;  
Application No. G-7912, Permit No. G-8145 - Oregon Berry Packing Co.;  
Application No. G-9234, Permit No. G-8585 - Oregon Berry Packing Co.;  
Application No. 55461, Permit No. 43172 - Oregon Berry Packing Co.;  
Application No. 55462, Permit No. 43174 - Oregon Berry Packing Co.;  
Application No. G-10319, Certificate No. 62490, and Application No.  
G-5800, Remaining Right Certificate No. 75273; and Application No.  
49266, Certificate No. 51979

(62490)

Dear Ladies and Gentlemen:

Pursuant to a request by Mr. Verboort, I reviewed the Claim of Beneficial Use, Site Report and Map (Report) submitted to determine if the use of water was perfected under the terms and conditions of the Order of the Water Resources Director approving Transfer Application T-7050. A Proposed Certificate of Water Right along with instructions in regards to petitioning the Director to reconsider the contents of the proposed is enclosed.

10319

At the time of issuance of Certificates confirming the original use of water under Applications G-5800 and 49266, Certificates 51806 and 51797 inadvertently described land which was to be deleted in favor of a right issued in approval of Application G-13019. This was authorized by a statement included in the remarks section of Application G-13019. The map attached to Certificates 51806 and 51797 does not illustrate the land in question, however due to an over site by staff, the land was not deleted from the final certificates. Please note the land in question described by Certificate No. 51806, is now described by the remaining right Certificate 75273, the portion of Certificate No. 51806 not modified by the order approving Transfer No. T-7050.

December 18, 2001  
MALENSKY, et. al.

I have prepared an affidavit, when properly completed and returned to this office, will authorize the Director to enter orders canceling the rights as evidenced by Certificates 75273 and 51797, in conflict with Certificate 62491. If requests, authorizing cancellations of the portions of the rights in conflict are not received, you are required to exercise your oldest priority right and all other rights shall be diminished to supplemental (Oregon Administrative Rule 690-015-0045).

The quantity of water associated with the remaining right Certificate No. 75273 issued due to the approval of Transfer No. T-7050 and the order was prorated based upon the number of acres of the original right of 139.6 acres. The Department will entertain a request to correct the quantity of water associated with the order approving Transfer No. 7050 along with the executed, submitted affidavit authorizing the cancellation of the conflicting water right under certificates No.'s 51797 and 75273.

Above, I have referenced the record holders of Permit No.'s G-8144, G-8145, G-8585, 43172 and 43174. Enclosed are assignment forms for use to request the change in ownership of the permits. Please consider which permits belong in which names or variations thereof and submit the requests to this office along with the required fees and our records will reflect the new owners accordingly.

Permit No.'s G-8145, 43172 and 43174 contain the following condition:

**"Provided further, the permittee shall record and submit annually a report of all water used for irrigation during the period of October 1 through April 30 of each year."**

In review of the files, I find no evidence the permittee has complied with this requirement. Enclosed are forms to report when the water was applied for the use of water. If it is not possible to provide the information since use was made, I am requesting a statement, in writing, that beneficial use of water was made during the periods of October 1 through April 30, and you are aware of the requirements of submitting annual reports and will make every effort to comply with the terms and conditions of the permit requiring annual reports of the water use for out of season irrigation use.

With the thought you will address the issues described in this letter, I am enclosing proposed certificates of water right, in addition to Transfer No. T-7050, for Permits No. G-8144, G-8145, G-8585, 43172 and 43174. If you comply with the requirements of this letter I will consider making a recommendation to the Director to issue Certificates as proposed or as modified by approved petitions for reconsideration.

December 18, 2001  
MALENSKY, et. al.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

Steve Brown  
Certificates

c: Mr. Verboort

enclosures: assignment forms;  
Temperature control forms;  
Statement from Application G-10319;  
Proposed Certificate Instructions;  
Proposed Certificates for T-7050, G-9234, G-7912, G-  
7908, 55461 and 55462;  
Copies of Certificates 51797, 51806, 75273, and 62491;  
and maps

## AFFIDAVIT

State of Oregon )  
 )ss  
County of Washington )

I, \_\_\_\_\_, as duly authorized and acting on behalf of  
Malensky Land Company Limited Partnership, 11335 SW Hillsboro Hwy, Hillsboro, Oregon  
97123, being first duly sworn say:

1. We are the legal property owner of property described as tax lots 1900, 1904 and 1905, on the attached map, the property of which is located within the SE 1/4 SW 1/4 and SW 1/4 SE 1/4, Section 31, Township 1 South, Range 2 West, of the Willamette Meridian, in Washington County, Oregon;
2. Water right Certificate Number 51797 issued to Oregon Berry Packing Company, with a date of priority of May 7, 1973, for use of water from Drainage Ditch and Reservoir 1, constructed under Permit R-6159, for irrigation of 29.0 acres erroneously described within the SE 1/4 NW 1/4 Section 31, and 10.4 acres within the Lot 7 (SW 1/4 SE 1/4), Section 31, Township 1 South, Range 2 West, of the Willamette Meridian is appurtenant to our property;
3. Water right Certificate Number 75273 issued to Oregon Berry Packing Company, with a date of priority of May 7, 1973, for use of water from A Well for supplemental irrigation of 29.0 acres within the SE 1/4 SW 1/4 and 10.4 acres within the Lot 7 (SW 1/4 SE 1/4), Section 31, Township 1 South, Range 2 West, of the Willamette Meridian is appurtenant to our property;
4. We have abandoned any and all interest in the rights described by Certificates 51797 and 75273, and request the rights be canceled which are appurtenant to our land; and
5. Request the Director to correct the quantity of water associated with the order approving Transfer No. 7050 and Water right under Certificates No. 75273.

Signature

Date

Title

Subscribed and Sworn to Before Me this \_\_\_\_ day of \_\_\_\_\_, 2001.

---

## Notary Public for Oregon

## My Commission Expires \_\_\_\_\_



# Oregon

John A. Kitzhaber, M.D., Governor

December 18, 2001

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

MALENSKY LAND HOLDING COMPANY  
11335 SW HILLSBORO HIGHWAY  
HILLSBORO, OR 97123

LOUIS R. MALENSKY JR.  
DONNA R. MALENSKY  
29495 SW FARMINGTON RD  
HILLSBORO, OR 97123

REFERENCE: Transfer File No. T-7050 - Malensky Land Holding Co.; Application No. G-7908, Permit No. G-8144 - Oregon Berry Packing Co.; Application No. G-7912, Permit No. G-8145 - Oregon Berry Packing Co.; Application No. G-9234, Permit No. G-8585 - Oregon Berry Packing Co.; Application No. 55461, Permit No. 43172 - Oregon Berry Packing Co.; Application No. 55462, Permit No. 43174 - Oregon Berry Packing Co.; Application No. G-10319, Certificate No. 62490; and Application No. G-5800, Remaining Right Certificate No. 75273; and Application No. 49266, Certificate No. 51979

Dear Ladies and Gentlemen:

Pursuant to a request by Mr. Verboort, I reviewed the Claim of Beneficial Use, Site Report and Map (Report) submitted to determine if the use of water was perfected under the terms and conditions of the Order of the Water Resources Director approving Transfer Application T-7050. A Proposed Certificate of Water Right along with instructions in regards to petitioning the Director to reconsider the contents of the proposed is enclosed.

At the time of issuance of Certificates confirming the original use of water under Applications G-5800 and 49266, Certificates 51806 and 51797 inadvertently described land which was to be deleted in favor of a right issued in approval of Application G-13019. This was authorized by a statement included in the remarks section of Application G-13019. The map attached to Certificates 51806 and 51797 does not illustrate the land in question, however due to an over site by staff, the land was not deleted from the final certificates. Please note the land in question described by Certificate No. 51806, is now described by the remaining right Certificate 75273, the portion of Certificate No. 51806 not modified by the order approving Transfer No. T-7050.

December 18, 2001  
MALENSKY, et. al.

I have prepared an affidavit, when properly completed and returned to this office, will authorize the Director to enter orders canceling the rights as evidenced by Certificates 75273 and 51797, in conflict with Certificate 62491. If requests, authorizing cancellations of the portions of the rights in conflict are not received, you are required to exercise your oldest priority right and all other rights shall be diminished to supplemental (Oregon Administrative Rule 690-015-0045).

The quantity of water associated with the remaining right Certificate No. 75273 issued due to the approval of Transfer No. T-7050 and the order was prorated based upon the number of acres of the original right of 139.6 acres. The Department will entertain a request to correct the quantity of water associated with the order approving Transfer No. 7050 along with the executed, submitted affidavit authorizing the cancellation of the conflicting water right under certificates No.'s 51797 and 75273.

Above, I have referenced the record holders of Permit No.'s G-8144, G-8145, G-8585, 43172 and 43174. Enclosed are assignment forms for use to request the change in ownership of the permits. Please consider which permits belong in which names or variations thereof and submit the requests to this office along with the required fees and our records will reflect the new owners accordingly.

Permit No.'s G-8145, 43172 and 43174 contain the following condition:

**"Provided further, the permittee shall record and submit annually a report of all water used for irrigation during the period of October 1 through April 30 of each year."**

In review of the files, I find no evidence the permittee has complied with this requirement. Enclosed are forms to report when the water was applied for the use of water. If it is not possible to provide the information since use was made, I am requesting a statement, in writing, that beneficial use of water was made during the periods of October 1 through April 30, and you are aware of the requirements of submitting annual reports and will make every effort to comply with the terms and conditions of the permit requiring annual reports of the water use for out of season irrigation use.

With the thought you will address the issues described in this letter, I am enclosing proposed certificates of water right, in addition to Transfer No. T-7050, for Permits No. G-8144, G-8145, G-8585, 43172 and 43174. If you comply with the requirements of this letter I will consider making a recommendation to the Director to issue Certificates as proposed or as modified by approved petitions for reconsideration.

December 18, 2001  
MALENSKY, et. al.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

Steve Brown  
Certificates

c: Mr. Verboort

enclosures: assignment forms;  
Temperature control forms;  
Statement from Application G-10319;  
Proposed Certificate Instructions;  
Proposed Certificates for T-7050, G-9234, G-7912, G-  
7908, 55461 and 55462;  
Copies of Certificates 51797, 51806, 75273, and 62491;  
and maps

STATE OF OREGON  
COUNTY OF WASHINGTON  
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MALENSKY LAND HOLDING COMPANY  
11335 SW HILLSBORO HIGHWAY  
HILLSBORO, OR 97123

confirms the right to use the waters of A WELL in the CHRISTENSEN CREEK BASIN for SUPPLEMENTAL IRRIGATION OF 69.9 ACRES.

This right was perfected under Permit G-5692. The date of priority is MAY 7, 1973. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.55 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF APPROPRIATION DESCRIBED AS BEING WITHIN THE NE 1/4 NW 1/4, AS PROJECTED WITHIN C. LEWIS DLC 51, SECTION 31, TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.; 420 FEET SOUTH AND 2650 FEET EAST FROM THE NW CORNER, SECTION 31), or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SW 1/4, SECTION 31, TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.; 980 FEET SOUTH AND 980 FEET WEST FROM THE SW CORNER OF LANDERS DLC 52.

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 and shall be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The use 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:

LOT 4 (SW 1/4 NE 1/4)	4.9 ACRES
LOT 3 (SE 1/4 NW 1/4)	11.8 ACRES
NE 1/4 SW 1/4	35.0 ACRES
NW 1/4 SW 1/4	0.8 ACRE
LOT 6 (NW 1/4 SE 1/4)	17.4 ACRES
SECTION 31	
TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.	

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

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

This certificate is issued to confirm a change in POINT OF APPROPRIATION approved by an order of the Water Resources Director entered DECEMBER 2, 1997, and together with Certificate 75273, supersedes Certificate 51806, State Record of Water Right Certificates.

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.

T-7050.SB

STATE OF OREGON  
COUNTY OF WASHINGTON

**CERTIFICATE OF WATER RIGHT**

**This is to certify, That** OREGON BERRY PACKING COMPANY

of Route 6, Box 224, Hillsboro, State of Oregon 97123, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Christensen Creek for the purpose of irrigation of 1.0 acre and supplemental irrigation of 138.6 acres

under Permit No. G-5692 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 7, 1973 that 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 1.1 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the NE 1/4 NW 1/4 as projected within C. Lewis DLC 51, Section 31, T1S, R2W, WM; 420 feet South and 2650 feet East from NW Corner, Section 31.

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 1/2 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:

**PRIMARY**

1.0 acre Lot 5 (SE 1/4 NE 1/4)

**SUPPLEMENTAL**

16.0 acres Lot 4 (SW 1/4 NE 1/4)

0.1 acre Lot 5 (SE 1/4 NE 1/4)

16.6 acres Lot 3 (SE 1/4 NW 1/4)

35.0 acres NE 1/4 SW 1/4

0.8 acre NW 1/4 SW 1/4

29.0 acres SE 1/4 SW 1/4

1.4 acres Lot 5 (NE 1/4 SE 1/4)

29.3 acres Lot 6 (NW 1/4 SE 1/4)

10.4 acres Lot 7 (SW 1/4 SE 1/4)

Section 31

Township 1 South, Range 2 West, WM

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

this date. December 8, 1983

.....William H. Young.....  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51806

7227B

Superseded by  
Cert. No. 75273

Cancelled Sp.Or.Vol. 51 P. 1318

+ 700

STATE OF OREGON  
 COUNTY OF WASHINGTON  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON BERRY PACKING COMPANY  
 ROUTE 6, BOX 224  
 HILLSBORO, OREGON 97123.

confirms the right to use the waters of A WELL in the CHRISTENSEN CREEK BASIN for PRIMARY IRRIGATION OF 1.0 ACRE AND SUPPLEMENTAL IRRIGATION OF 68.7 ACRES.

This right was perfected under Permit G-5692. The date of priority is MAY 7, 1973. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.55 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE $\frac{1}{4}$  NW $\frac{1}{4}$ , AS PROJECTED WITHIN LEWIS DLC 51, SECTION 31, T 1 S, R 2 W, W.M.; 420 FEET SOUTH AND 2650 FEET EAST FROM THE NW CORNER OF SECTION 31.

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 $\frac{1}{2}$  acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use 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:

PRIMARY

LOT 5 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) 1.0 ACRE

SUPPLEMENTAL

LOT 4 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) 11.1 ACRES  
 LOT 5 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) 0.1 ACRE  
 LOT 3 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) 4.8 ACRES  
 SE $\frac{1}{4}$  SW $\frac{1}{4}$  29.0 ACRES  
 LOT 5 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) 1.4 ACRES  
 LOT 6 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) 11.9 ACRES  
 LOT 7 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) 10.4 ACRES

SECTION 31  
 TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.

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

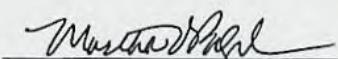
This certificate describes that portion of the water right confirmed by Certificate 51806, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 02 1997approving Transfer Application 7050

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,

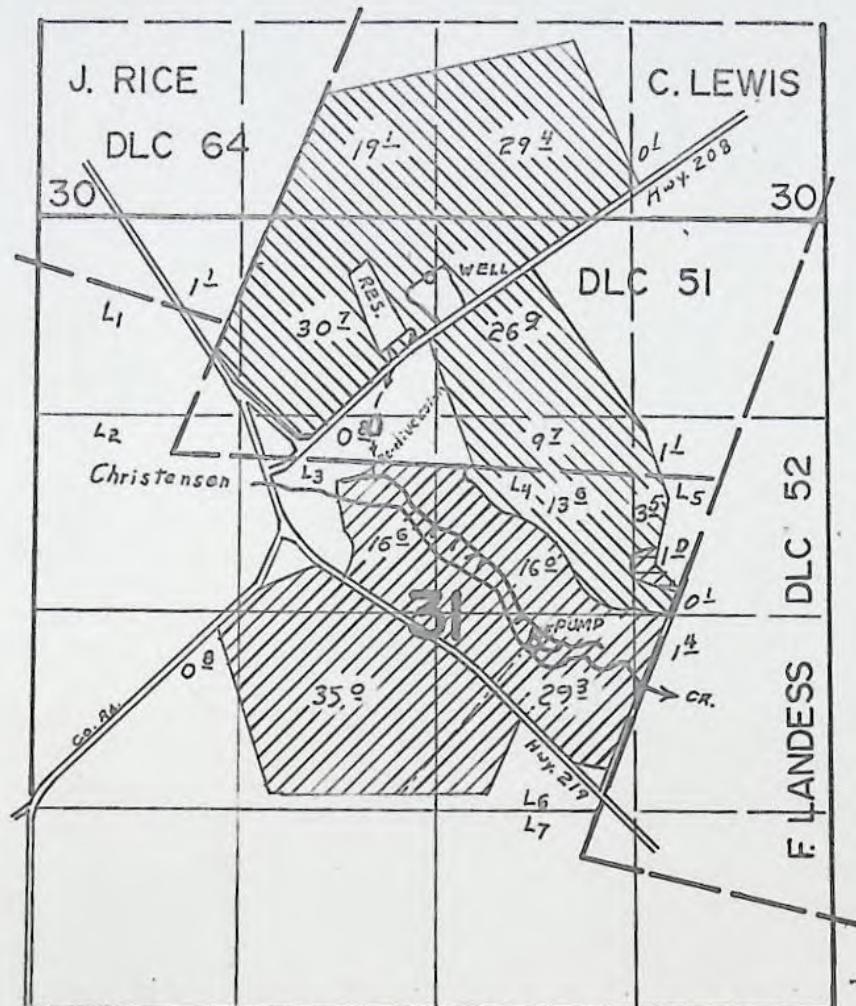
affixed DEC 02 1997

  
\_\_\_\_\_  
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 75273.

T-7050.PKS

T.I.S. R.2W., W.M.



Well: 420' S of 2650', Reservoir: 630' S of 2350' E, Re-diversion: 1750' S of 2290' E, Pump: 2850' S of 23360' E all from NW corner Section 31

Permits R-6128 & 371849 (supplemental) { Permit G-5692 Primary  
Permit - G-5692 Supplemental

**FINAL PROOF SURVEY  
UNDER**

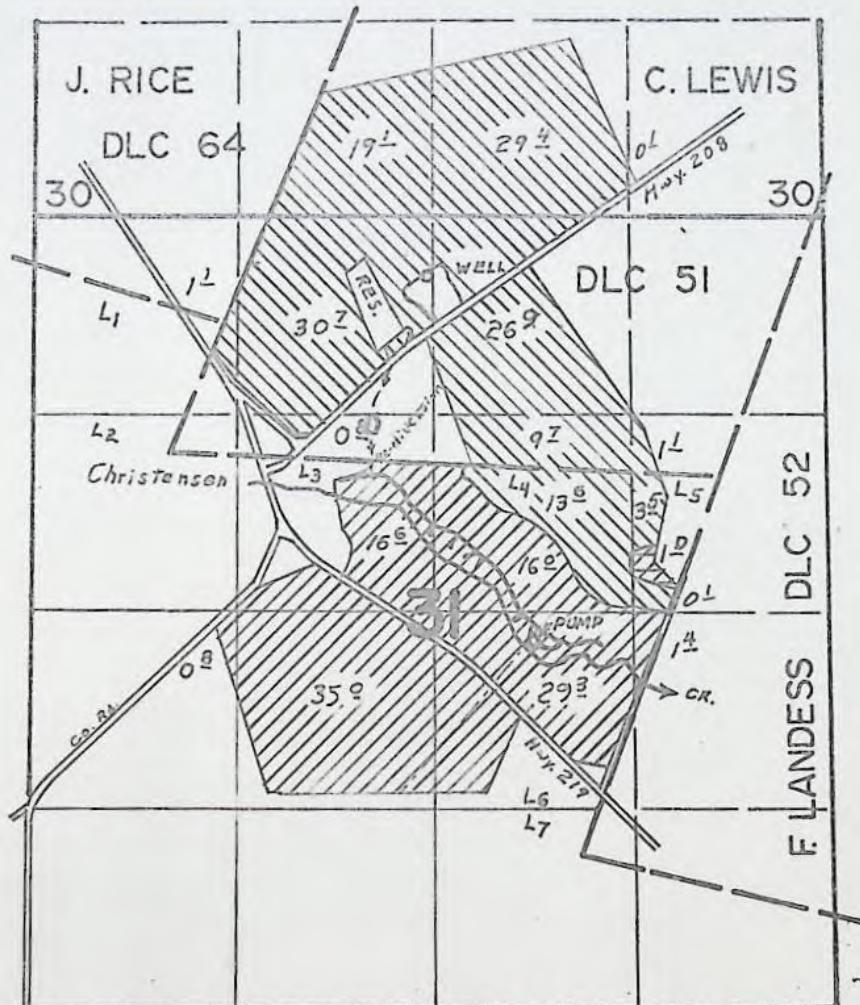
G-5800 G-5692  
R-53059 R-6128

Application No. 53060.... Permit No. 37849....  
IN NAME OF

OREGON BERRY PACKING CO.

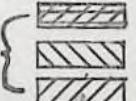
Surveyed JUNE 21, 22, 1978, by S. P. APPLEGATE

# T.I.S. R.2W., W.M.



Well: 420' S of 2650', Reservoir: 680' S of 2350' E, Re-diversion:  
1750' S of 2290' E, Pump: 2850' S of 3360' E all from NW  
corner Section 31

Permits R-6128 & 37849  
(supplemental)


 Permit G-5692 Primary  

 Permit - G-5692 Supplemental

## FINAL PROOF SURVEY UNDER

G-5800  
R-53059

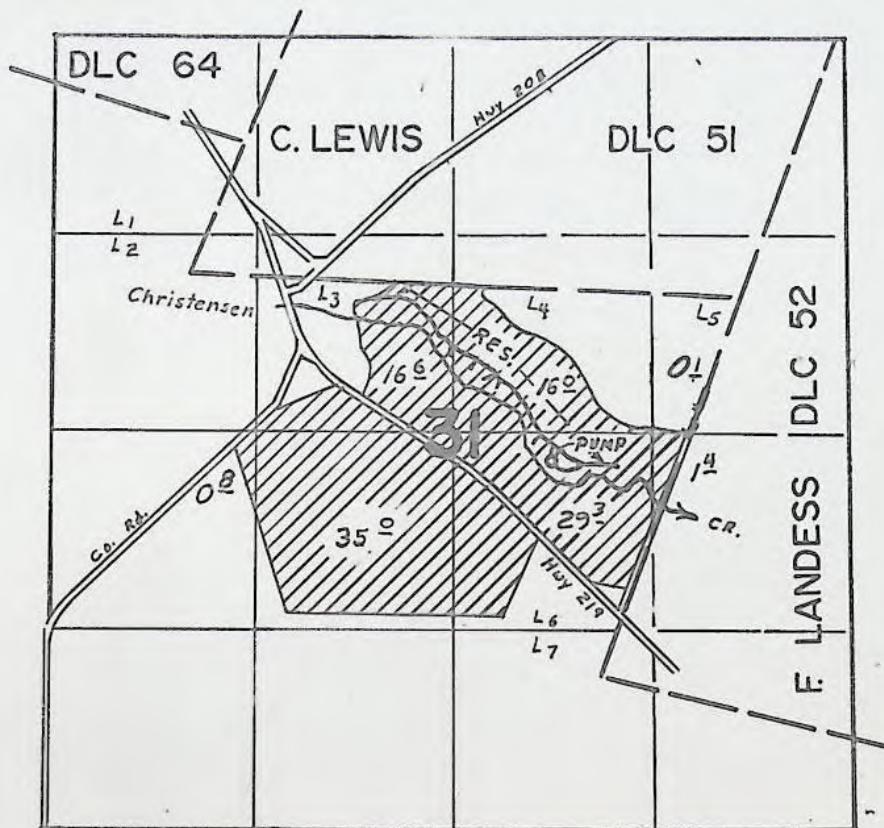
G-5692  
R-6128

Application No. 53060.... Permit No. 37849....  
IN NAME OF

OREGON BERRY PACKING CO.

Surveyed JUNE 21, 22, 1978., by S.R. APPLEGATE

T.1S. R.2W., W.M.



Pump Loc. 200'S. & 670'E. From Center Sec. 31

**FINAL PROOF SURVEY  
UNDER**

R-49265

R-6159

Application No. 49266... Permit No. 38077...  
IN NAME OF

OREGON BERRY PACKING CO.

Surveyed JUNE 22 1978., by S.R. APPLEGATE



## Water Resources Department

### MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

May 24, 1984

OREGON BERRY PACKING COMPANY  
Route 6, Box 224  
Hillsboro, OR 97123

REFERENCE: File G-5800 & 49266

Gentlemen:

It has been brought to my attention that Certificates of water right recorded at pages 51797 and 51806, Volume 46, State Record of Water Right Certificates, which were mailed to you recently, were issued in error.

We received a statement from Roy J. Malensky in 1981 advising us that he was relinquishing use of water from the drainage ditch, reservoir #1 and a well next to the reservoir, in favor of his well for irrigating lands initially included in Lewis Malensky's permits 38077 and G 5692. Although we deleted this area from the maps, copies of which were sent to you, I failed to eliminate these lands from the Proofs of Appropriation of water from said permits.

Enclosed are corrected proofs along with a map print. Please examine the information again. If it meets with your approval, sign both proofs and return them. I will then return the original signed proofs to you and we will issue correction certificates based on the second set of proofs.

I apologize for the inconvenience, but do thank you for your cooperation.

Sincerely,

Thomas E. Shook  
Senior Water Rights Examiner

TES:cle

Aug 30, 1983

**RECEIVED**  
AUG 31 1983  
WATER RESOURCES DEPT.  
SALEM, OREGON

Louis R Malensky Jr  
RT 6 Box 324  
Hillsboro Oregon 97123

Ref. FILE R-53059, 53060

G-5800 and 49266

Dear Sirs:

Enclosed are the "Proof of Appropriation of Water" for permits numbered R-6128, 37849, G-5692, and 38077.

They are currently under the name of Oregon Berry Packing Co. This name was used by a partnership when the permits were filed. The partnership was dissolved 1/1/81, but the name was retained by one of the partners.

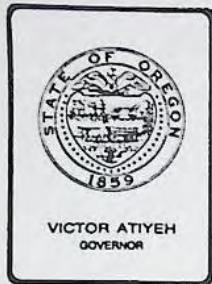
All of the permits are still being used as shown on the Proof maps, but land owned by both Louis Malensky Jr and Roy J Malensky (Oregon Berry Packing Co), both ex partners, is contained in each permit.

Please tell us how to get the paperwork in proper order, or, have us both come to your office if that would simplify the procedure.

Sincerely yours,

Louis R Malensky Jr

OREGON BERRY PACKING CO.  
Roy J Malensky - Partner



## Water Resources Department

### MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

September 15, 1983

Oregon Berry Packing Company  
Route 4, Box 197  
Hillsboro, Oregon 97123

REFERENCE: Files Numbered G-5800, 49266, R-53059, and 53060

Gentlemen:

The proofs for your Permits Numbered G-5692, 38077, R-6128, and 37849 have been received along with your letter.

We are prepared to issue certificates of water right confirming use of water under the above mentioned permits. Perfected water rights, as evidenced by water right certificates, are appurtenances to the specific places of use upon which the rights were established and belong to the legal owner of the real property. The law does not provide for making the change of ownership of such rights a matter of record in this office; therefore, an assignment or name change is not required.

Unless we hear from you to the contrary within thirty days from the date of this letter, we will issue the certificates under the name of Oregon Berry Packing Company.

Sincerely,

Thomas E. Shook  
Senior Water Rights Examiner

TES/jw



GR- 477  
G-5800  
R-53059  
· 53060  
R-49265  
49266

Memo to File:

While drafting final proof maps for Oregon Berry Packing Co. it was found that the application map for GR- 477 was in error. A new map was drafted using the legal description from GR- 477 and photos DFR- 20-104 § DBS-4LL-26. The two major problems were incorrect placement of 40 lines (running east-west) and the entire South East Area below the DLC Line. While drafting the "new" map, the land south of the DLC line was slid eastward about 100'; keeping the DLC lines aligned.

These changes were approved by Larry Toll, Tom Shook, and David Jarrett.

David Jarrett  
7/9/79

The completed assignment must be submitted to the State Engineer, 1178 Chemeketa St., N.E., Salem, Oregon 97310, together with a recording fee of \$1.00.

2.00

\$2.00 FEE PAID  
4-18-75  
Rec. 46358



Water Resources Department

MILL CREEK OFFICE PARK  
555 13th STREET NE.  
SALEM, OREGON 97310

RECEIVED  
WATER RESOURCES  
SEP 15 1983

CONSERVE WATER  
FOR  
OREGON'S FUTURE



POSTAGED  
FIRST CLASS



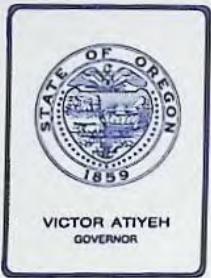
September 15, 1983

Oregon Berry Packing Company  
Route 4, Box 197  
Hillsboro, Oregon 97123

REFERENCE: File Numbered C 5000

RECEIVED  
UNDELIVERED  
NO FORWARDING  
RECORDED  
FILE  
DRESSED

W



## Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

September 15, 1983

Oregon Berry Packing Company  
Route 4, Box 197  
Hillsboro, Oregon 97123

REFERENCE: Files Numbered G-5800, 49266, R-53059, and 53060

Gentlemen:

The proofs for your Permits Numbered G-5692, 38077, R-6128, and 37849 have been received along with your letter.

We are prepared to issue certificates of water right confirming use of water under the above mentioned permits. Perfected water rights, as evidenced by water right certificates, are appurtenances to the specific places of use upon which the rights were established and belong to the legal owner of the real property. The law does not provide for making the change of ownership of such rights a matter of record in this office; therefore, an assignment or name change is not required.

Unless we hear from you to the contrary within thirty days from the date of this letter, we will issue the certificates under the name of Oregon Berry Packing Company.

Sincerely,

Thomas E. Shook  
Senior Water Rights Examiner

TES/jw

65800

15 <sup>00</sup>	\$	37.45
154 <sup>12</sup>	18 <sup>00</sup>	<hr/>
<hr/>		53.20
33 <sup>22</sup>		<hr/>
		4.25

refund \$ 4.25

see R 53059

53060

65800

49266

R 49265

September 18, 1975

Oregon Berry Packing Co.  
Rt. 4, Box 198 A  
Hillsboro, OR 97123

G-5800

Gentlemen:

G-5692 with a map print and refund check  
No. 41 in the amount of \$2.40.

June 20, 1975

R-53059  
53060  
R-49265  
49266  
G-5800  
ER-477

Klein and Stucky  
Consulting Engineers  
1928 Council St.  
Forest Grove, OR 97116

ATTENTION: Andrew M. Klein

Dear Sir:

This will acknowledge return of the ground water application No. G-5800 now describing the proposed irrigation of 5.7 acres and the supplemental irrigation of 148.3 acres, return of the surface water application No. 49266 now describing the proposed irrigation of 148.3 acres and the supplemental irrigation of 32.9 acres, and the return of the application No. 53060 you submitted for Oregon Berry Packing Company now describing the proposed supplemental irrigation of 279.8 acres. The additional fees of \$4.50 were also received for which our receipts No. 47784 and No. 47785 are enclosed.

The applications No. G-5800, No. R-53059, No. 53060, No. R-49265, and No. 49266 are now in satisfactory form for approval by the issuance of permits.

Very truly yours,

Wayne J. Overcash  
Assistant

W0:db

Encl: Receipts No. 47784 and No. 47785

cc: Oregon Berry Packing Company

ATTENTION: Roy J. Malenky



# STATE ENGINEER

## WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

ROBERT W. STRAUB  
~~STATE OF OREGON~~  
GOVERNOR

CHRIS L. WHEELER  
State Engineer

June 9, 1975

File No. R-53059  
53060  
R-49265  
49266  
G-5800  
GR-477

Klein and Stuckey  
Consulting Engineers  
1928 Council St.  
Forest Grove, OR 97116

ATTENTION: Andrew M. Klein

The application you submitted for Oregon Berry Packing Company for a permit to construct the L.R.M. pond and to store therein 19.8 acre feet of water from an unnamed stream for irrigation and supplemental irrigation was received along with the reproducible set and print of the plans and two sets of specifications. The fees in the amount of \$25.00 were also received for which our receipt No. 46566 is enclosed. This reservoir application has been filed as No. R-53059.

The application you submitted for Oregon Berry Packing Company for a secondary permit to appropriate 3.5 cubic feet of water per second from the unnamed stream and L.R.M. pond for irrigation and supplemental irrigation of 279.8 acres was also received along with the map prepared on tracing paper, the print of the tracing, legal descriptions, and the fees of \$87.50. Our receipt No. 46567 is enclosed. This secondary application has been filed as No. 53060.

It will be necessary for you to further complete the map by showing the acreage to receive a primary supply of water in a different manner than the acreage to receive the supplemental supply. This may be accomplished by cross-hatching the areas to receive the primary supply of water.

According to the map you submitted with the application, it appears that the Oregon Berry Packing Company intends to irrigate, among other lands, the same acreage as illustrated on the map supporting the earlier applications No. G-5800 and No. 49266. If so, and you feel that the map correctly represents the acreage to be irrigated from the well described in the application No. G-5800 and from the Campbell Creek drainage ditch and reservoirs No. 1, No. 2, and No. 3 described in the application No. 49266, you may amend the application No. G-5800 and No. 49266 and correct the supporting map to be in agreement with the acreages listed on the map you submitted to support the application No. 53060. If the earlier filings and map are corrected, it will be necessary for you to amend Item No. 8 of the application No. 53060 by changing the present acreage listed as primary to supplemental with the exception of the first three

Klein and Stuckey

June 9, 1975

primary listings.

I am returning the application No. 53060 and supporting map, the ground water application No. G-5800, and the surface water application No. 49266 and supporting map for correction and completion. The applications are all endorsed so that in order to retain their priority dates, they must be received in this office on or before August 8, 1975.

Very truly yours,



Wayne J. Overcash  
Assistant

W0:db

Encl: Receipt No. 46566  
46567

cc: Oregon Berry Packing Company  
ATTENTION: Roy J. Malenky

R-49265  
49266  
G-5800  
GR-477  
GR-478

May 8, 1975

Oregon Berry Packing Co.  
Rt. 4, Box 198 A  
Hillsboro, OR 97123

Gentlemen:

The assignment of applications numbered R-49265, 49266 and G-5800 and Registration numbered GR-478, GR-477, Certificate of Registration number GR-460 and GR-459, from Louis Malensky to you has been recorded in the records of the State Engineer. Our records have been changed accordingly, and the originals are enclosed.

Very truly yours,

Vestal R. Garner  
Assistant

VRG:mm  
enc:



# STATE ENGINEER

## WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL  
GOVERNOR

CHRIS L. WHEELER  
State Engineer

June 19, 1974

File No. G-5800  
R-49265  
49266

Louis R. Malensky  
Route 4, Box 175  
Hillsboro, OR 97123

Dear Mr. Malensky:

Thank you for your check in the amount of \$7.55 for recording fees.

Your applications numbered G-5800, R-49265, and 49266 are now in satisfactory form for approval by the issuance of permits.

Very truly yours,

THOMAS E. SHOOK  
Assistant

TES:cdp  
Encl. Receipt No. 40821



STATE  
ENGINEER

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL  
GOVERNOR

CHRIS L. WHEELER  
State Engineer

May 23, 1974

File No. G-5800  
R-49265  
49266

Louis R. Malensky  
Route 4, Box 175  
Hillsboro, OR 97123

Dear Mr. Malensky:

We have been holding action on your application numbered 49266 pending receipt of the additional irrigation recording fees.

Due to a change in the number of acres that you intend to irrigate from the well as described under application numbered G-5800 we have been able to apply \$1.85 from the ground water application to your file number 49266. If you will now send us the irrigation recording fees in the amount of \$7.55, we will be able to continue processing your applications for permits.

Very truly yours,

THOMAS E. SHOOK  
Assistant

TES: cdp



STATE  
ENGINEER

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL  
GOVERNOR

CHRIS L. WHEELER  
State Engineer

File No. R-49265  
49266  
G-5800

October 18, 1973

Louis Malensky  
Rt. 4, Box 175  
Hillsboro, OR 97123

Dear Sir:

This will acknowledge your applications numbered R-49265, 49266, and G-5800 and the supporting reproducible map.

I apologize for not bringing this to your attention earlier, but your application for a permit to appropriate water from Campbell Creek, the drainage ditch, and the three reservoirs requires an examination fee of \$15.00 in addition to an irrigation recording fee for 177.9 acres of \$19.40. Although \$25.00 has been applied to this application, an additional \$9.40 is required to complete the fees.

Also, a date for the completion of your reservoir project must be given in item 13 of the orginal application numbered R-49265. If you will give us a completion date and your authorization to add it to your application, it will not be necessary to return your application for this correction.

Further action will be held on your applications for a reasonable length of time pending your reply.

Very truly yours,

THOMAS E. SHOOK  
Assistant

TES:cdp

R-49265  
49266  
G-5800

April 16, 1973

Mr. Louis R. Malensky  
Route 4, Box 175  
Hillsboro, OK 97123

Dear Sir:

Early last February, I advised you that your three applications were not found in our office. I also mentioned that on receipt of the applications, they would be reinstated.

In the event the original applications have been lost, I have enclosed new forms to be used as superseding applications. Also enclosed is an aerial photo along with an earthwork computation sheet and a print of a map.

We will hold action on your applications for a reasonable length of time pending your reply.

Very truly yours,

THOMAS E. SHOOK  
Assistant

30  
T.E.S.:bjr  
Enclosures

R-49265  
49266  
G-5800

February 8, 1973

Mr. Louis Kalensky  
Route 4, Box 175  
Hillsboro, OR 97123

Dear Sir:

Thank you for your letter of January 30, 1973 regarding applications numbered R-49265, 49266, and G-5800.

We have searched our records for your applications, but they were not found. Although I do not know the date your applications were received in this office last fall, it was before November 10, 1972 because I returned the three applications and the two reproducible maps to you on that date. A copy of my letter is enclosed.

We will be happy to reinstate your applications just as soon as they are received in this office. If you have any questions, do not hesitate to call on us.

Very truly yours,

THOMAS D. SHOOK  
Assistant

TDS:bjs  
Enclosure

H-49265  
49266  
G-5800

January 18, 1973

Mr. Louis A. Malensky  
Route 4, Box 175  
Hillsboro, OR 97123

Dear Sir:

Your applications numbered H-49265, 49266, and G-5800, which were returned to you for correction and completion, have not been received. They were endorsed so that in order to have retained their priority dates they should have been received on or before January 16, 1973.

They have, therefore, lost their priority, but may be reinstated and given new priority dates as of the day they are again received.

Very truly yours,

THOMAS E. SHOOK  
Assistant

TBS:bjs

I-49265  
49266  
G-5800

November 16, 1972

Mr. Louis A. Kalensky  
Route 4, Box 175  
Hillsboro, OR 97123

Dear Sir:

This will acknowledge your reservoir application numbered I-49265, the secondary application numbered 49266, and the ground water application numbered G-5800 as well as the reproducible water right map.

You were right, the original reproducible map was not returned to you with your applications on September 21, 1972. We have recently found this map in the office; therefore, let's work with the original rather than the second map which was prepared by the PGN Company.

The designation of the reservoirs should be given in item 1 of the reservoir application numbered I-49265. Perhaps Pumping Reservoir, Creek Reservoir Number 2 and Creek Reservoir Number 3 would be appropriate.

Item 3 must be amended by listing the amount of water to be stored in each of the creek reservoirs and item 5(a) should be amended by listing Creek Reservoirs 2 and 3 as being in the channel of a running stream.

You have mentioned that a concrete dam with flash boards will be built in Campbell Creek; therefore, it will be necessary to complete item 6 by giving a general description of each dam. This information could be included under the remarks section of the application or on a separate sheet of paper.

November 16, 1972

2

Re-49265  
49266  
G-5800

It will also be necessary to amend item 10 by listing the area submerged, in acres, by each of the reservoirs as well as listing the approximate mean depth of water for each reservoir. The product of these figures for each reservoir will have to correspond with the acre foot figures that are given in item 3 of this application.

The drainage ditch must be included as a source of water in item 1 of application numbered 49266 and it is also necessary to specify, in item 2, a specific amount of water to be appropriated from Campbell Creek as well as from the drainage ditch for irrigation.

Based on the information shown on the map prepared by the P&L Company, the government survey corner should be designated as the northwest corner of the NW 1/4 of Section 31 rather than the southeast corner of the NE 1/4, as given in item 4. If true, please change the application accordingly. It is also necessary to further describe the location of each diversion point as being within a quarter-quarter section of Section 31. Again, based on your map, the diversion points numbered 1 and 2 are located within the NW 1/4 of Section 31 and diversion point numbered 3 is located within the SW 1/4 NW 1/4 of Section 31 and if you agree, line 7 of this item should show this.

I have enclosed a print of your original reproducible map to assist you in correcting your original map. The location description of each diversion point, including the well, must be shown on the map as it is given in item 4. Please note that the area to be irrigated is to be shown hatched and the number of acres to be irrigated within each quarter-quarter section will have to be inserted within the hatched area. This information must correspond with the data given in item 8.

Also enclosed are two partially completed applications for your inspection and completion. If you agree with them, please sign the applications in the spaces provided and return them along with the original applications.

I am returning both reproducible maps and the applications for correction and completion. The applications are endorsed so that in order to retain their priority dates, they must be received in this office on or before January 16, 1973.

Very truly yours,

THOMAS L. SHOCK  
Assistant

Tac:bjs  
Enclosures

G-5800  
GR-477

September 21, 1972

Louis Malensky  
Route 4, Box 175  
Hillsboro, Ok 97123

Dear Sir:

This will acknowledge an application for a permit to appropriate 1.1 cubic feet of water per second from a well for the supplemental irrigation of 179 acres and the fees of \$34.45 for which our receipt numbered 28440 is enclosed.

The application has been filed and numbered G-5800.

It will be necessary to complete item 4 of the application by listing the description of the location of the well as it is given on certificate of registration recorded at Page GR-459, Ground Water Registration Records.

Also, item 12 must be amended by deleting those lands described in the earlier ground water claim, GR-459.

For clarification, please show the pipeline from the well to the drainage ditch on the map. The description of the location of the well must be shown on the map as it is given in item 4 of the application.

I am returning the application for correction and completion. The application is endorsed so that in order to retain its priority date, it must be received in this office on or before November 21, 1972.

Very truly yours,

Thomas E. Shook  
Assistant

TLS:bjs  
Enclosures

**Abstract of Permit No. G-5692**

0326 Application No. G-5800

Certificate No. 3477

88 Name Louis Malensky  
22-6 Address Route 4, Box 175  
22 Hillsboro, OR 97123

Oregon Berry Packing Company  
RT #6 BOX ~~122~~ 224

Source of water supply A-well, trib., Campbell Creek Hillsboro, OR  
Use Irrigation Supp' l Irrigation TRIBUTARY TO CAMPBELL R., HILLSBORO, OR 97123  
Point of diversion 420'5 E 2850'E From NW of Sec 31 C.R.  
Number of acres 148.3 Supp 1 N58°41' E, 1954.38' from the SW corner, Charles Lewis D.L.C. #51,  
County being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  sec. 31, T.1 S., R.2 W., W.M.; Washington  
W.H.W. C. Lewis D.L.C. #51

**DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE**

*Priority date*

May 7, 1973

### Amount of water

1-1 *C, F, S*

Q requested

### Time limit to begin construction

800  
7-16576

Time limit to complete construction: 10:36 extended to

extended to

Time limit to completely apply water 10-2-22 - extended to

extended to

Remarks: ~~14000~~ 12000 ft. a.s.l. 2h 20m 50s

INFO: Louis Malensky, PART OWNER

LAND IS, IRR. ALMOST EXACTLY AS FILED. DISALLOWED  
3 SMALL AREAS TOTALING A FEW AC. AS SHOWN  
ON APL. MAY. ~~ON HILL TO HOLLOW~~

THE PRIMARY SOURCE ~~OBSC-0~~ ~~OPEN~~ ~~DISCHARGE~~ USED.

RES. UNDER APL. 49266 E' R-49266 ~~OPEN~~ USED.

WATER IS PUMPED FROM L.R.M. POND JUST ~~OPEN~~ ~~DISCHARGE~~ VIA ~~OPEN~~ ~~DISCHARGE~~ RD. ~~OPEN~~ ~~DISCHARGE~~ RD. ~~OPEN~~ ~~DISCHARGE~~ RD.

RE-PUMPS FROM L.R.M. POND, LAND, ~~OPEN~~ ~~DISCHARGE~~ RD. ~~OPEN~~ ~~DISCHARGE~~ RD. ~~OPEN~~ ~~DISCHARGE~~ RD. ~~OPEN~~ ~~DISCHARGE~~ RD. ~~OPEN~~ ~~DISCHARGE~~ RD.

WATER IS RELEASED FROM L.R.M. POND INTO A DRAINAGE DITCH

RES. S. OF FARMINGTON RD. ALL ~~REST~~ ~~OF~~ LAND ~~OPEN~~ ~~DISCHARGE~~ RD. ~~OPEN~~ ~~DISCHARGE~~ RD. ~~OPEN~~ ~~DISCHARGE~~ RD. ~~OPEN~~ ~~DISCHARGE~~ RD. ~~OPEN~~ ~~DISCHARGE~~ RD.

WELL #20 TO DRAIN TO L.R.M. POND TO FARMING RD.

WATER ~~OPEN~~ ~~DISCHARGE~~ RD.  
WATER = 5.2  
LSDT = 0.321

ITEM	DESCRIPTION	QTY	SIZE	HEAD	QWT
NEPUMP - MOTOR -	OUTPUT SAID 600 G.P.M., OPEN DISCHARGE JOHNSON SOHIP 50HP 3600 RPM 115V 3PH 60HZ	1	1.0	0.0	
L.R.M. SPUMP POND { MOTOR - MARATHON	BERKELEY O.D. CENTR 3"X5" RATED 620 G.P.M. @ 290' HD. 60 HP @ 3530 R.P.M. 110 PSZ. Q PUMP	1	1.0	0.0	
UNN. DRAIN PUMP DITCH RES. { MOTOR	SAME AS L.R.M. POND 120 - 130 PSZ. Q PUMP 1 ft per ac. about 150'	1	1.0	0.0	
PIPE -	BURIED 6" PVC. 25' FROM WELL TO L.R.M. POND S 3 I	1	6.0	0.01	
	BURIED 6" PVC. 25' FROM WELL TO L.R.M. POND S 3 I	1	6.0	0.01	
	ADEQUATE 3", 4", 5" & 6" ALUM. TO REACH ALL AREAS	1	6.0	0.01	
HEADS - RUNS	NELSON P-150'S @ 150 G.P.M. EACH FROM L.R.M. POND	1	1.0	0.0	
RUNS	NELSON 100's OR R.B. 95's @ 125 G.P.M. EACH FROM	1	1.0	0.0	
CROP -	BERRIES, PASTURE, FILBERTS, L.F. 6'	1	1.0	0.0	

LIFT - 0 FROM WELL TO L.R.M. POND

Priority date

TIE - OBS-426-26 MATCH OLD RTS.

Amount of water

$$\frac{600}{450} = 1.33 \text{ cfs}$$

STEVE APPLEGATE

No Dig



INFO: Louis Malensky, PART OWNER

LAND IS IRR. ALMOST EXACTLY AS FILED. DISALLOWED  
3 SMALL AREAS TOTALING A FEW AC. AS SHOWN  
ON APPL. MAP.

THE PRIMARY SOURCE IS AN UNNAME DITCH,  
RES. UNDER APPL. 49266 & R-49265 IS USED.

WATER IS PUMPED FROM WELL, OPEN DISCHARGE VIA SOUTHERN  
MAIN TO L.R.M. POND JUST N. of FARMINGTON RD.

RE-PUMPS FROM L.R.M. POND FOR LAND NO. 49265 FARMINGTON RD.  
& SOUTH OF FARMING RD. TO CHRISTENSEN CR.

WATER IS RELEASED FROM L.R.M. POND INTO A DRAINAGE DITCH  
RES. S. of FARMINGTON RD. ALL REST OF LAND ~~BEING~~ SOUTH  
OF FARMINGTON RD. CAN BE IRR. FROM A PUMP ON THE DRAIN DITCH RES.

WELL - 12" CASING

PUMP - OUTPUT SAID 600 G.P.M., OPEN DISCHARGE  
MOTOR - JOHNSON 50HP. 50BM @ 3600 R.P.M.

LRM. PUMP - BERKELEY O.D. CENTR 3"X5" RATED 620 G.P.M. @ 290' HD.  
POND MOTOR - MARATHON 60 HP @ 3530 R.P.M. 110 PSI @ PUMP

UNN. DRAIN PUMP  
DITCH RES. { MOTOR SAME AS LRM. POND 120-130 PSI @ PUMP  
ft per gal  
about 150'

PIPE - BURIED 5" PVC. FROM WELL TO LRM. POND

BURIED 6" PVC. AS ON PHOTO FROM BOTH. RES.

ADEQUATE 3, 4, 5 & 6" ALUM. TO REACH ALL AREAS

HEADS - RUNS 4 NELSON P-150'S @ 150 G.P.M. EACH FROM LRM. POND  
RUNS 5 NELSON 100's OR R.B. 95's @ 125 G.P.M. EACH FROM  
DRAIN DITCH RES.

CROP - BERRIES, PASTURE, FILBERTS, L. & G.

LIFT - 0 FROM WELL TO L.R.M. POND

TIKE - DBS - 426-26 MATCH OLD RTS.

$$\frac{600}{450} = 1.33 \text{ cfs}$$

STEVE APPLEGATE

No Log

Remarks: I do not intend to make proof on the use of water allowed under permits # 38077, G-5692, 37849, 43174, and G-8145 and for any lands described in this application.

RECEIVED

JUN 1 1981

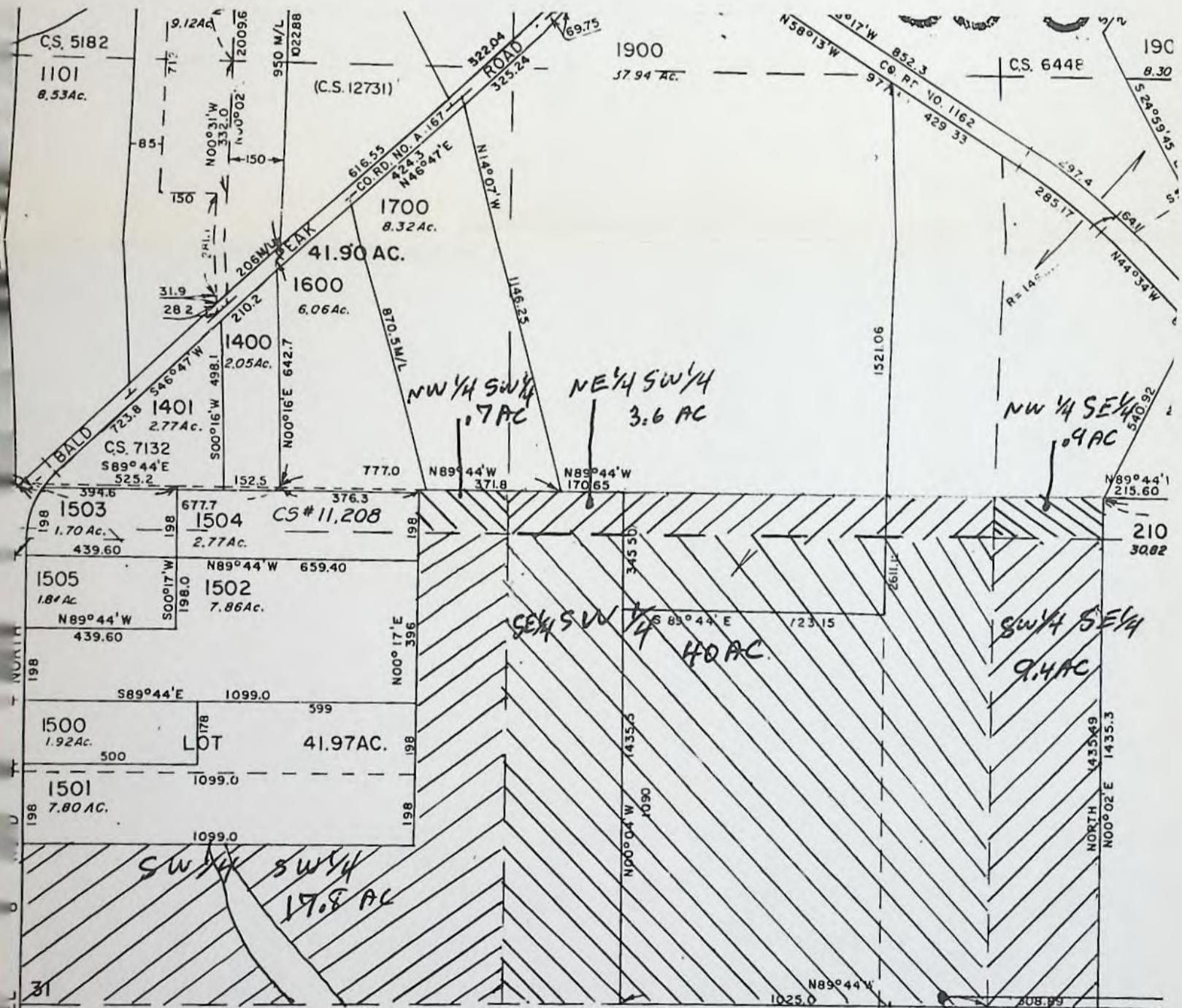
WATER RESOURCES DEPT.  
SALEM, OREGON

Raymond J. Skalski  
Signature of Applicant

.....  
Signature of Applicant

*This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....*

*In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before....., 19.....*



Application No. 910317  
Permit No.

SEE MAP WELL - 1025  
2S 2 6 S.W. CORNER FG

