

Name Rev J. Malensky
 By _____
 Address Rt. 6, Box 232
Hillsboro, OR., 97123

Date filed May 14, 1981

Priority MAY 14, 1981

Action suspended until 3/1/82 SEP

Return to applicant _____

Date of approval JUL 27 1981

CONSTRUCTION

Date for beginning JUL 27 1982

Date for completion OCT 1 1982

Extended to _____

Date for application of water OCT 1 1983

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed COMPLETED

Form "C" filed November 21, 1983

FINAL PROOF

Blank mailed AUG 21 1989

Proof received _____

Date certificate issued OCT 24 1989

Application No. G G10319

Permit No. G G 9369

Certificate No. 62491

Stream Index, Page No. 2-176

FEES PAID

Date	Amount	Receipt No.
5-14-81	53.70	24100

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
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REMARKS

Card for C SEP 26 1983

See letter received March 10, 1977 in file 55460 relative to
 use at any time.
 Pump Test approved 9/30/81

IMPORTANT—This form is a notice to the Water Resources Director 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 Water Resources Department 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 Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. G-10319

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

ROY J. MALENSKY, the holder of Permit No. G-9369

do hereby 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 1ST day of OCTOBER, 1983.

Remarks: WATER HAS BEEN APPLIED ON ALL PARCELS

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of NOV, 1983.

Roy J. Malensky
(Signature of Applicant)

RT. 6 Box 232 Hillsboro, OR 97123
(Address)

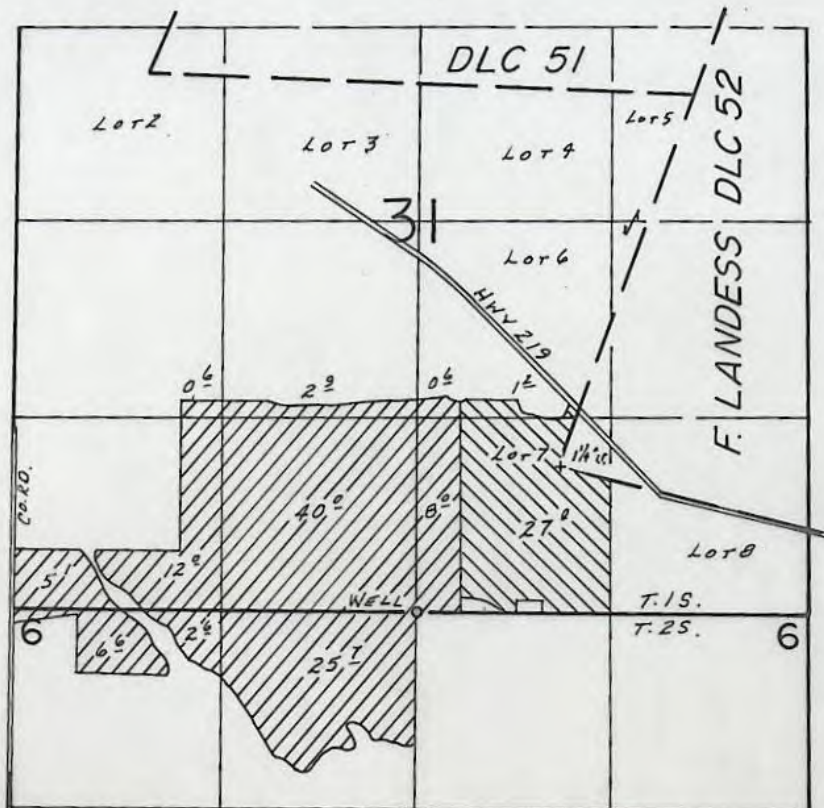
RECEIVED

NOV 21 1983

WATER RESOURCES DEPT.
SALEM, OREGON

OK
SP

T.18&2S.,R.2W.,W.M.



WELL LOC.: 980 S. & 980 W. FROM SW. COR. F. LANDESS DLC 52.

SCALE: 1"=1320'

FINAL PROOF SURVEY

UNDER

G-10319 G-9369
Application No. G-10320. Permit No. G-9370.
IN NAME OF

ROY J. MALENSKY

Surveyed July 23, 1986, by B.W. BISHOP

2-3-87 BUB

41067-178-137A



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 36th 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

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

December 18, 2001

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

LOUIS R. MALENSKY JR.
DONNA R. MALENSKY
29495 SW FARMINGTON RD
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REFERENCE: Transfer File No. T-7050 - Malensky Land Holding Co.;
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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
(62491)

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~~ ¹⁰³¹⁹. 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 _____

Application No. 10319Permit No. G 9369

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

RECEIVED

MAY 14 1981

WATER RESOURCES DEPT
SALEM, OREGONI, ROY J. MALENSKY

(Name of Applicant)

of RT 6 BOX 232

(Mailing Address)

HILLSBORO

(City)

State of OREGON, 97123 Phone No. 628-2649 do hereby

(Zip Code)

make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of 1 WELL

(Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 10 INCHES and an estimated depth of 300 feet.2. The well or other source is to be located 1025 ft. S and 1090 ft. W

(N. or S.)

(E. or W.)

from the SW corner of FELIX LANDESS D.L.C. NO. 52

(Public Land Survey Corner)

(If there is more than one well, each must be described)

being within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ ofSec. 31 Tp. 1S R. 2W, W. M., in the county of WASHINGTON

3. Location of area to be irrigated, or place of use if use other than irrigation.

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
1S	2W	31	NW $\frac{1}{4}$ SW $\frac{1}{4}$.7
1S	2W	31	SW $\frac{1}{4}$ SW $\frac{1}{4}$	17.8
1S	2W	31	NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.6
1S	2W	31	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
1S	2W	31	NW $\frac{1}{4}$ SE $\frac{1}{4}$.9
1S	2W	31	SW $\frac{1}{4}$ SE $\frac{1}{4}$	9.4
2S	2W	6	NW $\frac{1}{4}$ NW $\frac{1}{4}$	7.9
2S	2W	6	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27.8
				<u>108.1</u>

4. It is estimated that 167 feet of the well will require STEEL casing.

(Kind)

5. Depth to water table is estimated 40 Well drilled by P.M. JANNSEN WELL DRILLING INC

(Feet)

6. The amount of water which the applicant intends to apply to beneficial use is cubic feet per second or 60.5 gallons per minute.

7. The use to which the water is to be applied is IRRIGATION

8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

N/A

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

N/A

10.

DESCRIPTION OF WORKS

Include length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

A 75HP ELECTRIC TURBINE PUMP IS INSTALLED IN THE WELL. 6" PORTABLE MAINLINE WILL BE UTILIZED IN THE IRRIGATION SYSTEM. APPRX 2600' OF MAINLINE IS REQUIRED (ALREADY OWNED).

11. Construction work will begin on or before.....

12. Construction work will be completed on or before COMPLETED 10/31/79

13. The water will be completely applied to the proposed use on or before SEPT. 30, 1983

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right. NONE

Application No.

A 10319

Permit No.

G 9369

C 8388

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.

It is my intention to be able to use water from the well described in
my application at any time during the year water can be put to beneficial use
by irrigation for immediate crop growth

Ray J. Melnick
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 completion

In order to retain its priority, this application must be returned to the Water Resources Director with
corrections on or before August 24, 1981

WITNESS my hand this 23rd day of June, 1981

James E. Sexson Water Resources Director

By *Wayne J. Overcash*
Wayne J. Overcash

RECEIVED
JUN 26 1981
WATER RESOURCES DEPT
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the
14 day of May, 1981, at 2:12 o'clock
P.M.

Application No. G-10319

Permit No. G 9369

G 0302

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.35 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well

The use to which this water is to be applied is irrigation. The use allowed herein may be made anytime that water can be put to beneficial use by irrigation for immediate crop growth.

If for irrigation, this appropriation shall be limited to 1/80th 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 1 acre feet per acre for each acre irrigated during the ~~irrigation season of each year~~ period from October 1 to April 30, provided further that the right allowed herein shall not exceed 2 1/2 acre-feet per acre for each acre irrigated in any one year.

The use of water during the period from October 1 to April 30 as authorized herein shall not establish priority of right as against future appropriations of ground

water for beneficial uses other than similar rights for irrigation from October 1 to April 30. 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,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

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

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

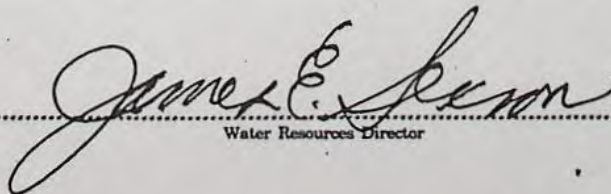
The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is May 14, 1981

Actual construction work shall begin on or before July 27, 1982 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1982

Complete application of the water to the proposed use shall be made on or before October 1, 1983

WITNESS my hand this 27th day of July, 19 81


Water Resources Director

RAY C

STATE OF OREGON
COUNTY OF WASHINGTON
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROY J. MALENSKY
ROUTE 6 BOX 232
HILLSBORO, OREGON 97123

confirms the right to use the waters of A WELL in the TUALATIN RIVER BASIN for the purpose of IRRIGATING 104.1 ACRES.

The right has been perfected under Permit G-9369. The date of priority is MAY 14, 1981. The right is limited to not more than 1.30 CUBIC FEET PER SECOND 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, T 1 S, R 2 W, W.M.; 980 FEET SOUTH AND 980 FEET WEST FROM THE SW CORNER OF DLC 52.

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

The right 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:

NE 1/4 SW 1/4	2.9 ACRES
NW 1/4 SW 1/4	0.6 ACRE
SW 1/4 SW 1/4	17.1 ACRES
SE 1/4 SW 1/4	40.0 ACRES
LOT 6 (NW 1/4 SE 1/4)	0.6 ACRE
LOT 7 (SW 1/4 SE 1/4)	8.0 ACRES
SECTION 31	
TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.	
NE 1/4 NW 1/4	25.7 ACRES
NW 1/4 NW 1/4	9.2 ACRES
SECTION 6	
TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.	

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.

G-10319.JW



Oregon

John A. Kitzhaber, M.D., Governor

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

December 18, 2001

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

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Application No. G-7912, Permit No. G-8145 - Oregon Berry Packing Co.;
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49266, Certificate No. 51979

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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.

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"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.

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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

September 30, 1991

WATER
RESOURCES
DEPARTMENT

Roy Malensky
11335 SW Hillsboro Hwy
Hillsboro OR 97123

USER-ID: 9917

Dear Mr. Malensky,

With regard to the pump test requirements for the following well and its associated water right:

POD-ID	Well	Application	Permit	Certificate	Status
20715	A Well	G-10319	G-9369	62491	Approved
20716	A Well	G-10320	G-9370	62492	"

The Water Resources Department has reviewed and accepted the pump test results you submitted. The Department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement of the well on the ten-year anniversary of the test you conducted.

We appreciate your cooperation in this program. If you have any questions, please contact Sam Allison or Bill Ferber at the address below or by calling 378-8455.

Sincerely,

Sam Allison

For

FRED LISSNER, Manager
Groundwater/Hydrology Section

cc: Water Rights Section



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director 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.

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Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. G 10319

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

ROY J. MALENSKY, the holder of Permit No. G 9369

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 3rd day of NOVEMBER, 1983.

Remarks: WATER HAS BEEN APPLIED TO ALL THE LAND

COVERED BY THIS APPLICATION.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of NOVEMBER, 1983.

Roy J. Malensky
(Signature of Applicant)

RT. 6 Box 232 HILLSBORO, OR.
(Address) 97123

RECEIVED

NOV 4 1983

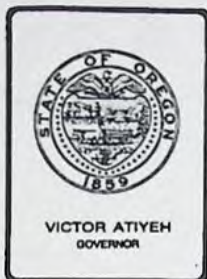
WATER RESOURCES DEPT.
SALEM, OREGON

August 4, 1981

Roy J. Malensky
Route 6, Box 232
Hillsboro, Oregon 97123

G-10319
G-10320

G-9369 and G-9370.



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-8508

November 14, 1983

Roy J. Malensky
Route 6, Box 232
Hillsboro, OR 97123

Dear Mr. Malensky:

REFERENCE: Files G-10319 and G-10320

You stated the completion date of the projects described in your Permits G-9369 and G-9370 as being November 3, 1983 and this is the same day the forms were signed. The date for completion, as set out in the permits, is October 1, 1983.

With the thought that the completion date was in error, I am enclosing two Form C's for your use in reporting the correct date.

If complete application of water was not made until the indicated date and you wish to maintain the permits, an application should be submitted requesting additional time for complete application of water.

Sincerely,

Steven P. Applegate
Senior Water Rights Examiner

SPA:jvm

enclosures



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

1-800-452-7813
(message line)

June 2, 1983

Roy J. Malensky
Rt. 6, Box 232,
Hillsboro, Oregon 97123

G-9369

Under the terms of your Permit Numbered G-9370, you were to record and submit annually, all pertinent data regarding use of water for out of season irrigation to the Water Resources Department.

To date, this information has not been received. A form for reporting is enclosed.

Sincerely,

Thomas E. Shook
Senior Water Rights Examiner

TES/jw

Enclosure



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066 or
1-800-452-7813

July 8, 1981

Roy J. Malensky
Route 6, Box 232
Hillsboro, OR 97123

Dear Mr. Malensky:

REFERENCE: File G-10319, G-10320, G-7909, and 55460

We received your Applications G-10319 and G-10320 now indicating that it is your intention to use water any time during the year water can be put to beneficial use by irrigation for immediate crop growth. Your authorization to cancel the two earlier Permits 43173 and G-8143 in the name of Oregon Berry Packing Company was also received.

Your Applications G-10319 and G-10320 are now in satisfactory form and will be placed with the next group to be considered for approval.

Sincerely,

WAYNE J. OVERCASH
Water Rights Engineer

WJO:wpc
5698A

COPY



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066 or
1-800-452-7813

June 23, 1981

Roy J. Malensky
Route 6, Box 232
Hillsboro, OR 97123

REFERENCE: Files G-10319 and 10320

Your Application G-10319 describing the proposed use of 605 gallons per minute of water from one well for the irrigation of 108.1 acres, together with the four prints each of two maps and Exhibit A containing the legal descriptions, has been reviewed.

Your Application G-10320 describing the proposed use of 167.7 gpm from one well for the irrigation of 29.95 acres; together with the legal description, copy of a statement signed by Virginia Billing, and the four prints of a map; has also been reviewed.

As mentioned when you were in this office, it will be necessary for you to sign and submit the enclosed statement to provide for clearing our records of the Permits 43173 and G-8143 before your Application G-10320 can be considered for approval for the irrigation of the same lands.

In reviewing our records relating to your earlier permits, your earlier permits provided for the use of water during the entire year at times when water could be put to beneficial use by irrigation for immediate crop growth. If it was your intention to be able to use water from the wells described in both of your Applications G-10319 and G-10320 at any time during the year water can be put to beneficial use by irrigation for immediate crop growth, a statement to this affect must be entered in the Remarks section of both of your applications.

I am returning both of your applications for completion. The applications are endorsed so that in order to retain their priority dates must be received in this office on or before August 24, 1981.

Sincerely,

WAYNE J. OVERCASH
Water Rights Engineer

WJOwpc
5512A

COPY

RECEIVED

MAY 14 1981

WATER RESOURCES DEPT.

SALEM, OREGON

EXHIBIT A

A portion of those certain tracts of land in Section 31, Township 1 South, Range 2 West of the Willamette Meridian, Washington County, Oregon, conveyed to Oregon Berry Packing Co., by deed recorded in Book 1006, Page 281, Washington County, Oregon, Deed Records, hereinafter referred to as Parcel "A", and a portion of that certain tract of land in said Section 31, conveyed to Oregon Berry Packing Co., by deed recorded in Book 1015, Page 320, said County Deed Records, said portions being more particularly described as follows:

PARCEL I

Beginning at the Quarter Section corner on the South line of said Section 31, Township 1 South, Range 2 West of the Willamette Meridian, Washington County, Oregon, sand running thence; N 89°44' W along said South line 1025.00 feet to the Southwest corner of said Parcel "A"; thence N 00°04' W along the West line thereof 1090.00 feet; thence S 89°44' E 723.15 feet; thence North 1521.06 feet to a point on the Southerly right-of-way of State Highway No. 219, (County Road No. 1162) thence S 56°13' E along said right-of-way 429.33 feet; thence Southeasterly along a 1402.50-foot radius curve concave to the Northeast, (the long chord of which bears S 50°23'30" E 284.68 feet) 285.17 feet; and thence South 440.34 feet East 375.75 feet, thence S 24°54'44" W 540.92 feet, South 1435.49 feet to the South line of said Section 31; thence N 89°44' W along said South line 308.89 feet to the point of beginning.

Containing 53.70 acres, more or less.

PARCEL II

Together with all of that certain tract of land conveyed to Oregon Berry Packing Co., by deed recorded in Book 1015, Page 320, said County Deed Records and described therein as follows:

Beginning at the Southwest corner of the Charles Lewis Donation Land Claim No. 51 of Section 31, Township 1 South, Range 2 West of the Willamette Meridian, Washington County, Oregon, running thence S 86°24' E on the South line of said Claim 13.33 chains to an iron pipe in the County Road; thence S 3°36' W 47.5 feet to the Southwest corner of that tract conveyed to Nathan A. Weston, et ux, by deed Book 280, Page 541, on November 21, 1947; thence S 86°17' E on the South line of said Weston tract 35.2 feet to the true place of beginning; thence S 86°17' E 535.7 feet to an iron pipe at a corner on the South line of said Weston tract; thence N 86°28' E 188.1 feet to the West corner of Tract 2 of that land conveyed to Louis R. Malensky, et ux, by deed Book 360, Page 270, on September 13, 1954; thence S 42°56' E on the Southwesterly line of said Tract 2, 1483.2 feet to an iron bolt in a fence corner at an angle on said Southwesterly line; thence, continuing along said Southwesterly line S 40°20' E 438.7 feet to an iron; thence S 64°31' E 223.2 feet to an iron rod; thence N 62°45' E on the Southerly line of said Malensky tract 60.1 feet to the Easterly Southeast corner of said Malensky tract in the center of County Road No. 1123; thence S 21°21' W on the centerline of said road 736.7 feet to the Northeasterly line of the Hillsboro-Silverton State Highway; thence N 44°38' W on the Northeasterly line of said Highway 1144.4 feet to an iron at the beginning of a curve to the left having a radius of 1462.5 feet; thence on said curve thru a central angle of 11°39' a distance of 297.4 feet to an axle; thence N 56°17' W on said Highway line 977.3 feet to an iron pipe 30 feet Northerly, measured at right angles, from Engineers centerline station 6+66.6; thence on a 447.46-foot radius curve to the right (the long chord bears N 23°15' W 487.85 feet) 515.96 feet to an iron pipe; thence N 9°47' E 116.0 feet to the terminus of said boundary line opposite the beginning point of County Road No. 1162; thence N 9°47' E 91.1 feet to the true place of beginning.

EXCEPTING THEREFROM, that certain tract of land conveyed to Glenn A. Breeding, et ux, by deed recorded in Document No. 79039860, said County Deed Records, and described therein as follows:

Beginning at a point on the Northeasterly line of County Road No. 1162 (now State Highway No. 219) at a point which bears N 33°40' E 30.00 feet from County Road centerline station 6+66.60, and running thence, on a 447.46 foot radius curve to the right (the long chord of which bears N 37°11'40" W 293.41 feet) 298.94 feet; thence S 87°49' E 370.33 feet; thence S 07°35' W 190.00 feet; thence S 26°05' W 120.00 feet to the Northeasterly line of said Highway; thence N 56°20' W, along said Highway line, 138.00 feet to the point of beginning.

ALSO EXCEPTING the following described tract:

Beginning at a point on the centerline of County Road No. 1123 on the Southeasterly line of that certain tract of land conveyed to Oregon Berry Packing Co., by deed recorded in Book 1015, Page 320, said County Deed Records, hereinafter referred to as Tract "B", which point bears N 21°21' E 620.00 feet from the most Southerly corner of said Tract "B" and running thence; N 21°21' E along said centerline 116.70 feet to the most Easterly Northeast corner of said Tract "B"; thence, along the boundary of said Tract "B" S 62°45' W 60.1 feet, N 64°31' W 223.2 feet, N 40°20' W 438.7 feet, N 42°56' W 611.20 feet; thence S 33°43' W 235.55 feet; thence S 24°59'45" E 699.18 feet; thence S 80°10'47" E 759.12 feet to the point of beginning.

ALSO EXCEPTING therefrom that portion conveyed to the State of Oregon, recorded in Book 405, Page 50, said County Deed Records.

SUBJECT TO the rights of the public to any portion hereof lying within the limits of County Road No. 1162, now State Highway No. 219, and County Road No. 1123.

ALSO SUBJECT TO a perpetual drainage easement as described in Document No. 79039860, said County Deed Records.

PARCEL III:

Beginning at the Southwest corner of Section 31, Township 1 South, Range 2 West, Willamette Meridian, being also the Northwest corner of Section 6, Township 2 South, Range 2 West, Willamette Meridian; thence South 6.25 chains, more or less, to the Northwest corner of that tract of land, deeded by Jonas Carlson and wife to Andrew and Ellen Johnson, on May 27, 1893, deed recorded at page 171, Book 39, Deed Records; thence East 21.85 chains, more or less, to the Northeast corner of said Johnson tract; thence South 13.75 chains, more or less, to the Southeast corner of said Johnson tract; thence East 18.15 chains, more or less, to the Southeast corner of the North one half of the Northwest quarter of Section 6, Township 2 South, Range 2 West,

Application No. G-10319
Permit No. G 9369

3

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MAY 14 1981
WATER RESOURCES DEPT.
SALEM, OREGON

Willamette Meridian; thence North 20 chains, more or less, to the quarter section corner of the South line of Section 31, Township 1 South, Range 2 West; thence West along the section line 15.23 chains, more or less, to the Southwest corner of the tract of land deeded by Albert L. Grebe and wife to Julius Christensen on July 15, 1920, by deed recorded at page 509, Book 119, Deed Records; thence North 23.67 chains, more or less, to the Northwest corner of said Christensen tract; thence West 8.12 chains, more or less, to the Northeast corner of that tract of land deeded by Jonas Carlson and wife to Enock S. Crawford, June 21, 1899, by deed recorded in Book 51, page 264; thence South 15 chains, more or less, to the Southeast corner of said Crawford tract; thence West 16.65 chains, more or less, to the West line of Section 31, Township 1 South, Range 2 West; thence South 8.67 chains, more or less, to the place of beginning.

EXCEPTING THEREFROM that tract of land conveyed to Ronald W. Khun, et ux, by Warranty Deed recorded September 20, 1978, fee number 78-41737, Records of Washington County, Oregon, described as follows:

A portion of that certain tract of land in the Northwest quarter of Section 6, Township 2 South, Range 2 West, Willamette Meridian, described in that certain contract to Louis R. Malensky, Jr., et al, recorded in Book 1201, page 554, Deed Records of Washington County, Oregon, said portion being more particularly described as follows:

Beginning at a point on the West line of said Section 6, a point in the center of Laurel Road North, which bears South 00° 17' West 70.74 feet from the Northwest corner of said Section 6; and running thence North 83° 39' 19" East 435.00 feet; thence South 00° 08' 48" East 387.00 feet; thence North 89° 44' 43" West 435.00 feet to a point on the West line of said Section 6, in the center of said Laurel Road North; thence along said section line in the center of said road, North 00° 17' East 337.00 feet to the point of beginning.

STATE OF OREGON
County of Washington

} *cond*
SS
81-5298

I, Roger Thomssen, Director of Records and Elections and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

ROGER THOMSEN, Director of Records & Elections

STATE OF OREGON
County of Washington

} SS *Deed*

I, Roger Thomssen, Director of Records and Elections and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county

ROGER THOMSEN, Director of Records & Elections

RECEIVED

14⁰⁰ Application No. G-10319

Permit No. G-9369

WATER RESOURCES DEPT.
SALEM, OREGON

1981 APR -8 PM 4:04
EXHIBIT A - Page 3

1981 FEB 13 PM 4:04

Application No.

A 10319

WASHINGTON

Permit No.

G 9369

NCC

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

RECEIVED

MAY 14 1981

WATER RESOURCES DEPT.
SALEM, OREGON

I, ROY J. MALENSKY

(Name of Applicant)

of RT 6 BOX 232

(Mailing Address)

HILLSBORO

(City)

State of OREGON

97123

(Zip Code)

Phone No. 628-2649

do hereby

make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of 1 WELL

(Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 10 INCHES and an estimated depth of 300 feet.

2. The well or other source is to be located 1025 ft. S and 1090 ft. W

(N. or S.)

(E. or W.)

from the SW corner of FELIX LANDESS D.L.C. NO. 52

(Public Land Survey Corner)

(If there is more than one well, each must be described)

being within the S.E. 1/4 of the S.W. 1/4 of

W. M., in the county of WASHINGTON

2.9 ac. NE⁴SW⁴0.6 ac. NW⁴SW⁴17.1 ac. SW⁴SW⁴40.0 ac. SE⁴SW⁴0.6 ac. Lot 6 (NW⁴SE⁴)8.0 ac. Lot 7 (SW⁴SE⁴)

SEC. 31

T. 15, R. 2W, WM.

25.7 ac. NE⁴NW⁴9.2 ac. NW⁴NW⁴109¹ ac. SEC. 6

T. 25, R. 2W, WM.

4. It is estimated that 16.7 feet of the well will require STEEL casing.

(Kind)

5. Depth to water table is estimated 40 Well drilled by J. M. JANSSEN WELL DRILLING INC

(Feet)

Application No.

10319

WASHINGTON

Permit No.

G 9369

NCE

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

RECEIVED

MAY 14 1981

WATER RESOURCES DEPT.

SALEM, OREGON

I, ROY J. MALENSKY

(Name of Applicant)

of RT 6 BOX 232

(Mailing Address)

HILLSBORO

(City)

State of OREGON

97123

Phone No.

628-2649

do hereby

make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of 1 WELL

(Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 10 INCHES and an estimated depth of 300 feet.

2. The well or other source is to be located 1025 980 ft. S.

(N. or S.)

and 1090 980 ft. W.

(E. or W.)

from the SW corner of FELIX LANDESS D.L.C. NO. 52

(Public Land Survey Corner)

(If there is more than one well, each must be described)

being within the SE 1/4 of the SW 1/4 of

Sec. 31 Tp. 1S R. 2W, W. M., in the county of WASHINGTON

3. Location of area to be irrigated, or place of use if use other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
1S	2W	31	NW 1/4 SW 1/4	.7
1S	2W	31	SW 1/4 SW 1/4	17.8
1S	2W	31	NE 1/4 SW 1/4	3.6
1S	2W	31	SE 1/4 SW 1/4	40.0
1S	2W	31	NW 1/4 SE 1/4	.9
1S	2W	31	SW 1/4 SE 1/4	9.4
2S	2W	6	NW 1/4 NW 1/4	7.9
2S	2W	6	NE 1/4 NW 1/4	27.8
				108.1

4. It is estimated that 16.7 feet of the well will require STEEL casing.

(Kind)

5. Depth to water table is estimated 40 Well drilled by A.M. JANNSEN WELL DRILLING INC

(Feet)

Application No. D 10319Permit No. G 9369**Permit to Appropriate the Public Waters of the State of Oregon**

This is to certify that I have examined the foregoing application and do hereby grant the same, **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.35 1.30 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well TR 15.

BURRIS CREEK

The use to which this water is to be applied is of 104.0 ac. irrigation. The use allowed herein may be made anytime that water can be put to beneficial use by irrigation for immediate crop growth.

If for irrigation, this appropriation shall be limited to 1/80th 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 1/2 acre feet per acre for each acre irrigated during the IRRIGATION SEASON OF EACH YEAR ~~IRRIGATION SEASON OF EACH YEAR~~

period from October 1 to April 30, provided further that the right allowed herein shall not exceed 2 1/2 acre-feet per acre for each acre irrigated in any one year. The use of water during the period from October 1 to April 30 as authorized herein shall not establish priority of right as against future appropriations of ground

water for beneficial uses other than similar rights for irrigation from October 1 to April 30. 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,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

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

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

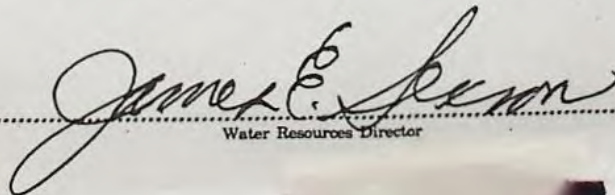
The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is May 14, 1981

Actual construction work shall begin on or before July 27, 1982 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1982

Complete application of the water to the proposed use shall be made on or before October 1, 1983

WITNESS my hand this 27th day of July, 1981


Water Resources Director

RAY C

INFO: ROY MALENSKY. THIS LAND OWNED BY MALENSKY WHEN APP. MADE.

SOURCE: A WELL, 300' DEEP, 10" CASING, ACCESS PORT & CASING SEALED BY PUMP BASE. DRILLED FOR MALENSKY BY JANNSEN

PUMP: GOULDS DDT. 6" DISCHARGE

MOTOR: NEWMAN 75 HP @ 1780 RPM. MOD. 51280103

OPERATING @ 105 PSI.

SAID OUTPUT 600 - 650 GPM.

$$\frac{75(6.6)}{266 + 40 + 110} = 1.19 \text{ cfs @ } 105 \text{ PSI}$$

PIPE: 4,000' + 6" ALUM. MAIN

SEVERAL THOUSAND FEET 3" ALUM. LAT.

$$1.51 \text{ cfs @ } 70 \text{ PSI}$$

$$1.65 \text{ cfs @ } 60 \text{ PSI}$$

HEADS: 5 NELSON 100 FA. 89 RING & 7/32 SPREADER

4 MAX.

$$\frac{4(197)}{945.6} = 1.76 \text{ cfs @ } 70 \text{ PSI}$$

$$1.62 \text{ cfs @ } 260 \text{ PSI}$$

USE: IRRIGATION OF CANE BERRIES.

LIFT: 0' TO - 3'

$$Q_{\text{allow}} = 140.1/80 = 1.30 \text{ cfs}$$

$Q_{\text{pump}} =$

WELL LOG STATIC 40'

TIE: 41067-1

N. 1/4 COR. SEC.

Q_{static}

$$\frac{(7.04)(75)}{40 + 150 - 127} = 1.67 \text{ cfs}$$

625 gpm D.O. 110'
620 gpm D.O. 160'
1200 gpm D.O. 260'

NOTE: SAME WELL

12' W. OF 1/4

Q_{system}

$$\frac{4(165)}{450} = 1.50 \text{ cfs}$$

$$Q_{\text{LAND}} = \frac{104}{80} = 1.30$$

Benjamin W. Besley
W. R. E.

INFO: ROY MALENSKY. THIS LAND OWNED BY
MALENSKY WHEN APP. MADE.

SOURCE: A WELL, 300' DEEP, 10" CASING, ACCESS PORT & CASING
SEALED BY PUMP BASE. DRILLED FOR MALENSKY BY JANNSEN

PUMP: GOULDS DDT. 6" DISCHARGE

MOTOR: NEWMAN 75 HP @ 1780 RPM. MOD. 51280103

OPERATING @ 105 PSI.

SAID OUTPUT 600 - 650 GPM.

$$\frac{75(6.6)}{266 + 40 + 110} = 1.19 \text{ cfs @}$$

1.51 cfs @

70 PSI.

PIPE: 4,000' + 6" ALUM. MAIN

SEVERAL THOUSAND FEET 3" ALUM. LAT.

1.65 @ 60

HEADS: 5 NELSON 100 FA. 89 RING X 7/32 SPREADER

4 MAX.

$$\frac{4(197)}{946.6} = 1.76 \text{ cfs @ 70}$$

1.62 cfs @ 60 PSI

USE: IRRIGATION OF CANE BERRIES.

LIFT: 0' TO - 30'

TIE: 41067-178-137A. ED. SW COR. D1C 52 &

N. 1/4 COR. SEC. 6 (WASH. CO. MON).

NOTE: SAME WELL AS G-10320

12' W. OF 1/4 COR.

$$Q_{LAND} = \frac{104}{80} = 1.3 \text{ cfs.}$$

7/23/86

Benjamin W. Besley
W. R. E.

WASHINGTON COUNTY OREGON

SCALE 1" = 400'

CANCELLED TAX LOTS
801, 802, 1806, 500, 502,
503, 504, 1801, 1802,
1001, 1003, 1200,

SEE MAP
IS 2 30

30 29
31 32

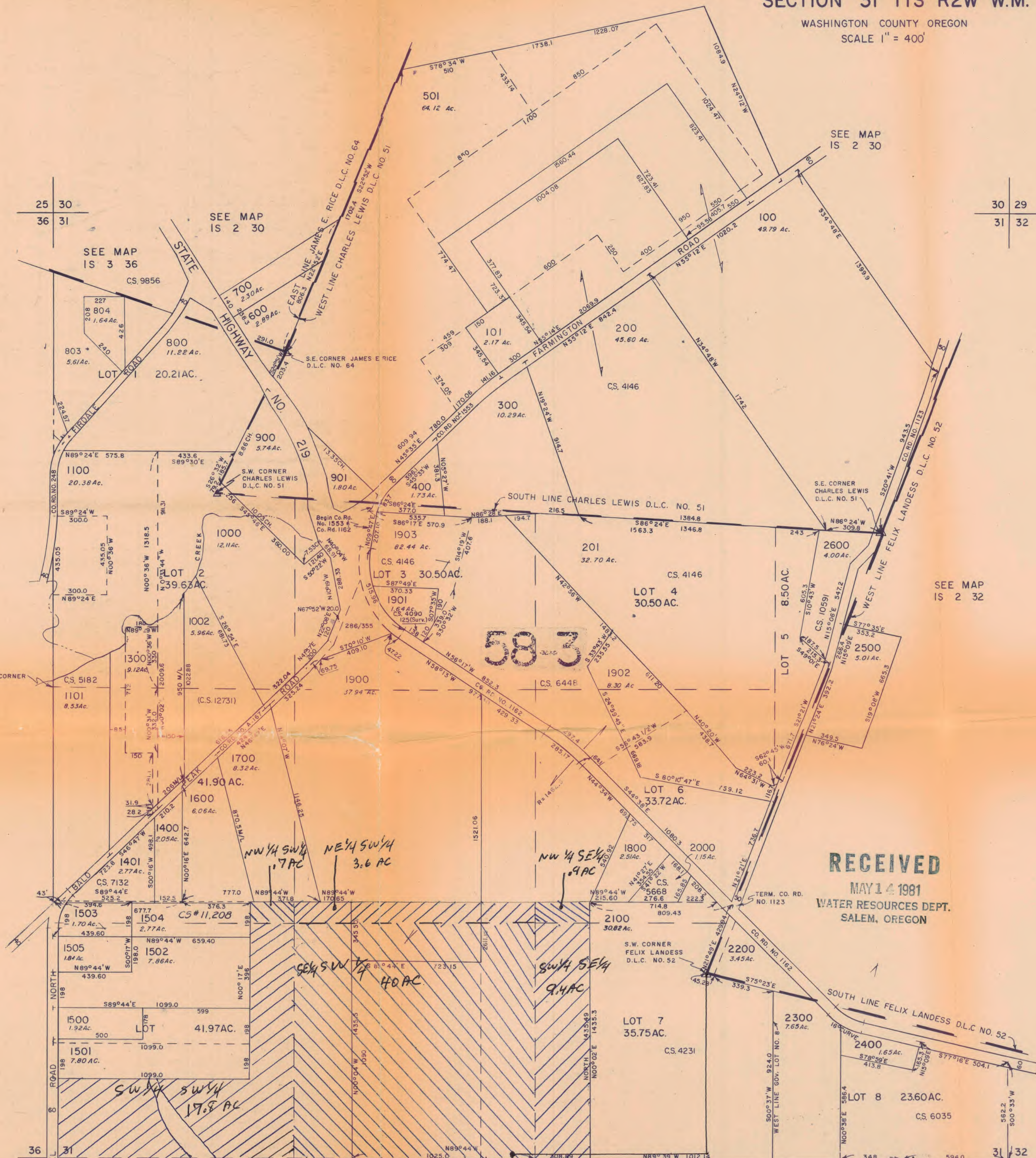
25 30
36 31

SEE MAP
IS 3 36

SEE MAP
IS 2 30

SEE MAP
IS 2 32

SEE MAP
IS 3 36



RECEIVED

MAY 14 1981
WATER RESOURCES DEPT.
SALEM, OREGON

APR 24 1981

Application No. 10317
Permit No. G 9369

SEE MAP 2S 2 6 WELL - 1025'S 1090'W
S.W. CORNER FELIX LANDESS D.L.C. NO. 52

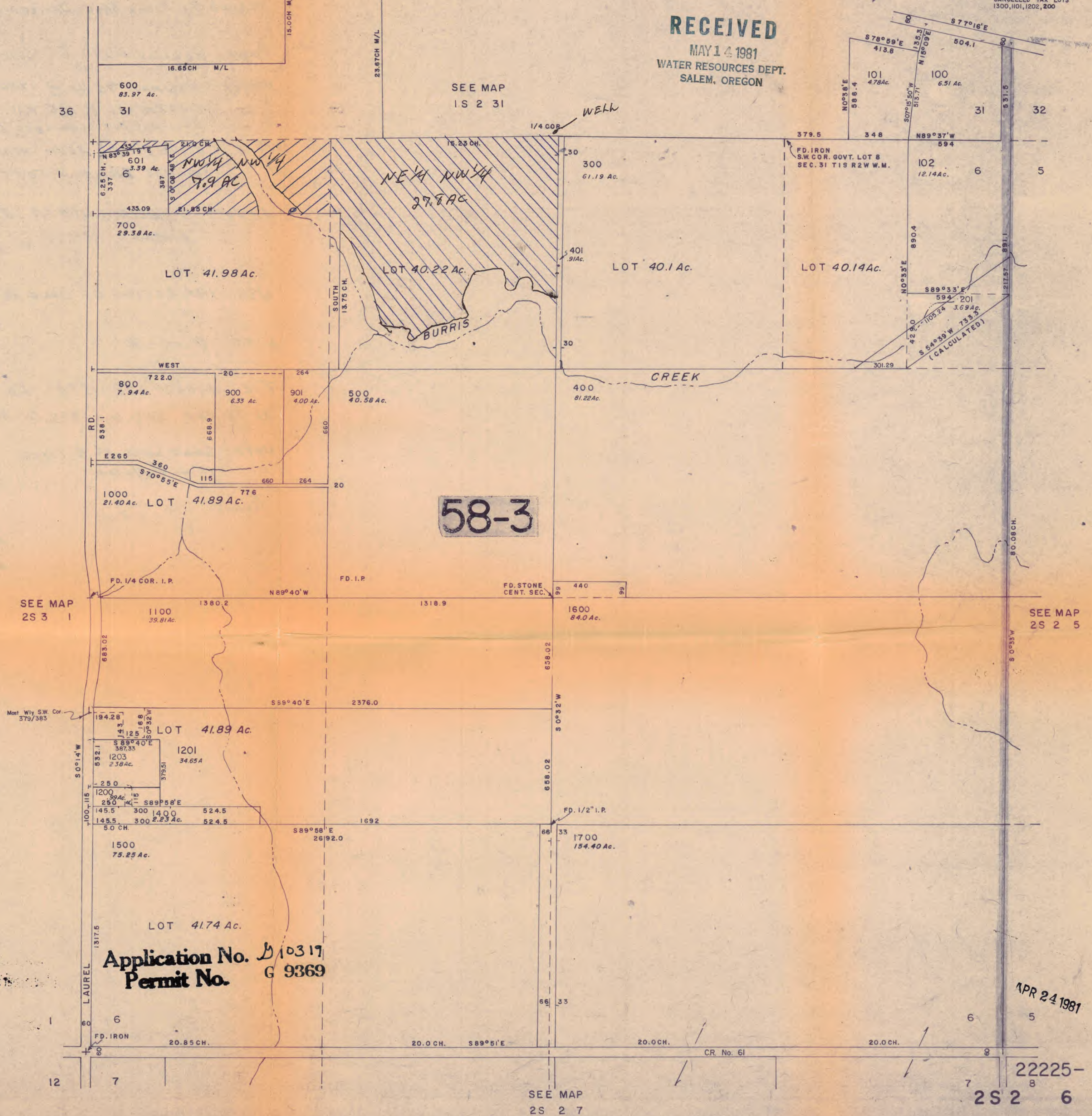
12850-
IS 2 31

SCALE 1"=400'

252 6

MAY 14 1981
WATER RESOURCES DEPT.
SALEM, OREGON

CANCELLED TAX LOTS
1300,1101,1202,200



SCALE 1"=400'

RECEIVED

MAY 14 1981
WATER RESOURCES DEPT.
SALEM, OREGON

SEE MAP
1 S 2 31

1/4 COR ✓ WELL

CANCELLED TAX LOT
1300, 1101, 1202, 200

36

SEE MAP
2S 3 1

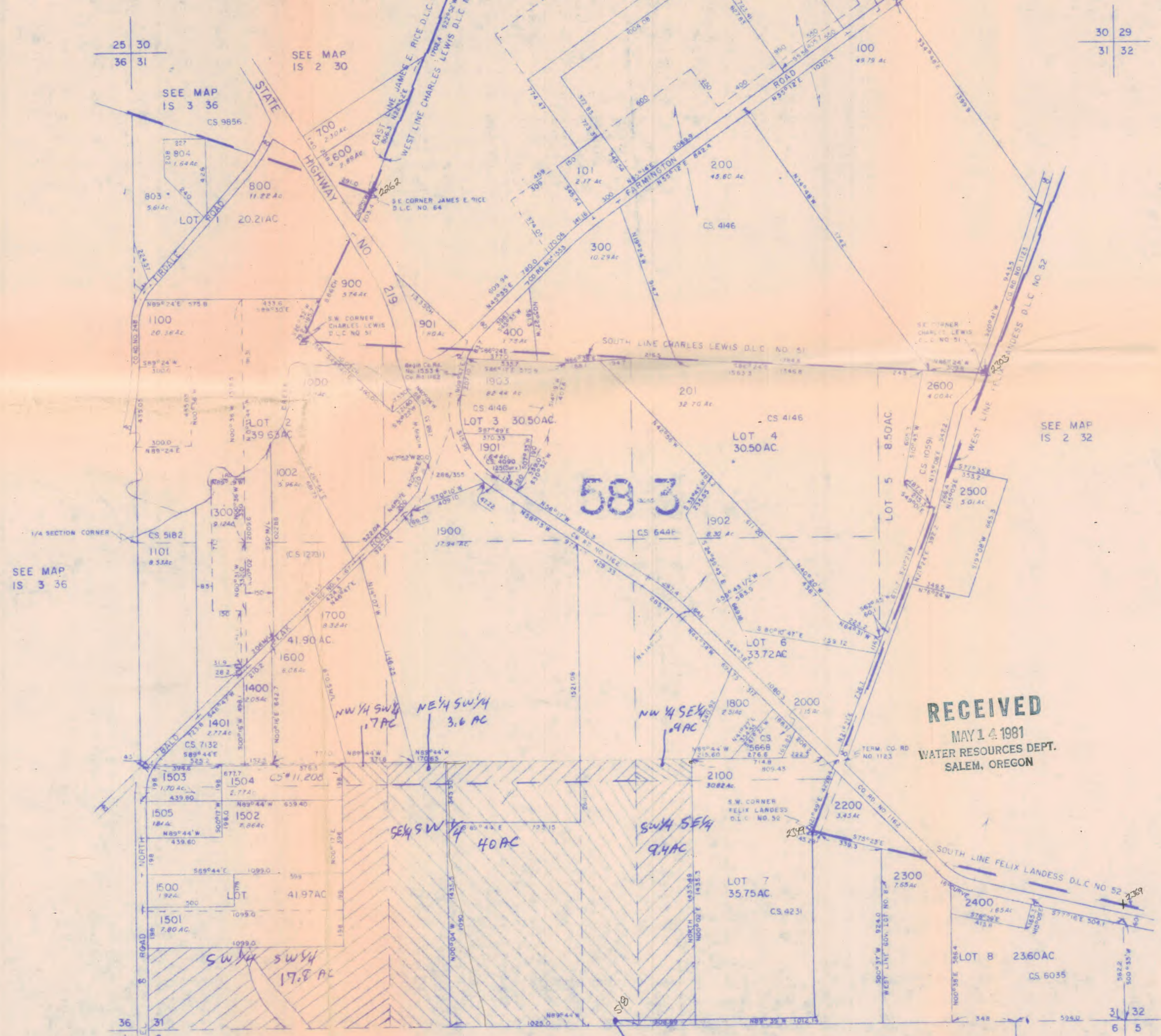
SEE MAP
2S 2 5

APR 24 198

22225-

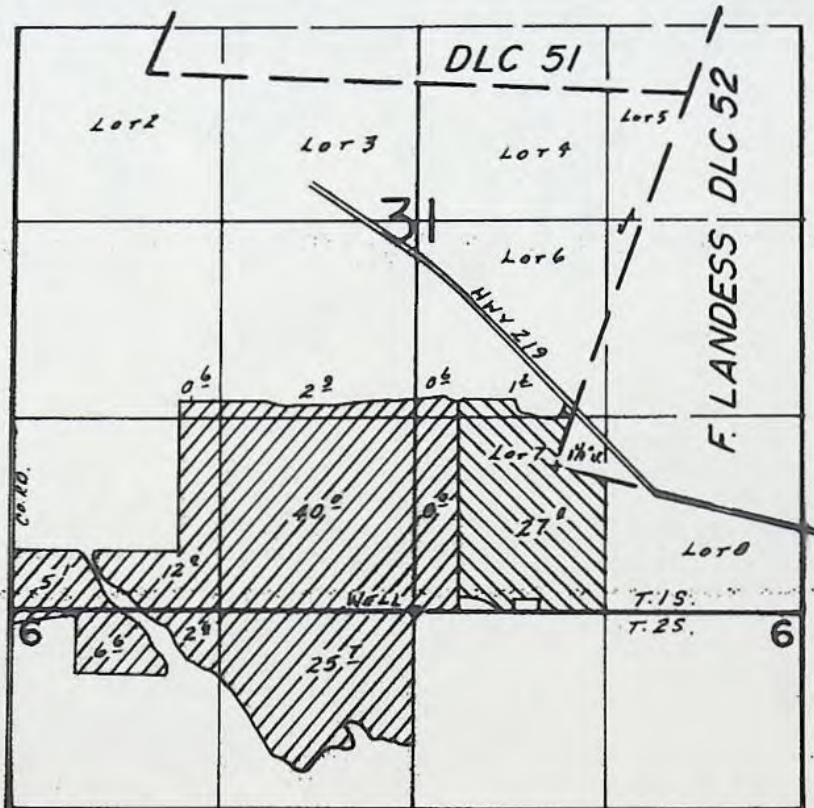
Application No. *M* 10317
Permit No. G 9369

CANCELLED TAX LOTS
801, 802, 803, 804, 805,
806, 807, 808, 809, 810,
811, 812, 813, 814, 815,
816, 817, 818, 819, 820,



Application No. 10317
Permit No. G 9369

T.18&2S.,R.2W.,W.M.



Well Loc.: 980'S. & 900'W. FROM SW. COR. F. LANDESS DLC 52.

SCALE: 1"=1320'

FINAL PROOF SURVEY UNDER

G-10319 G-9369
Application No. G-10320 Permit No. G-9370...
IN NAME OF

ROY J. MALENSKY

Surveyed July 23, 1986, by R.W. BISHOP

2-3-87 BUB

41067-178-137A