

53060

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

Date filed April 29, 1975

Priority _____ April 29, 1975

Action suspended until OK last

Return to applicant

Date of approval July 16, 1975

CONSTRUCTION

Date for beginning July 16, 1976

Date for beginning October 1, 1977
Date for completion

Extended to

Date for application of water October 1, 1978

Extended to

PROSECUTION OF WORK

Form "A" filed 2-18-77

Form "B" filed 2-19-77

Form "C" filed 6-21-78

FINAL PROOF

Blank mailed **JUL 26 1983**

Proof received

Date certificate issued DEC 8 1983

Application No. 53060

Permit No. 37819

Certificate No. 51795

DVA Notification Stream Index, Page No. 2-62B19
See file No. R-53059

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

3.5 c.f.s. from an unnamed stream and reservoir to be constructed under application
No. R-53059, Permit No. R-6128 for supplemental irrigation of 279.8 acres.

NOTICE OF COMPLETION OF CONSTRUCTION

I, Oregon Berry Packing Co., the holder of Permit No. 37849 to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 25th day of November, 1975.

Remarks: Construction work done by Lyle Meeuwsen of Banks, Oregon.
 If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of February, 1977.
Oregon Berry Packing Co. by Louis R. Melnychuk Jr. - Partner Route 4, Box 197A, Hillsboro, Oregon 97123
 (Signature of Applicant) (Address)

Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when construction work is completed.

NOTICE OF BEGINNING OF CONSTRUCTION

I, Oregon Berry Packing Co., the holder of Permit No. 37849 to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the day of August, 1975.

Remarks: Construction done by Lyle Meeuwsen of Banks, Oregon.
 The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of February, 1977.
Oregon Berry Packing Co. by Louis R. Melnychuk Jr. - Partner Route 4, Box 197A, Hillsboro, Oregon 97123
 (Signature of Applicant) (Address)

Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when construction work is begun.

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. R-53059 53060

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Oregon Berry Packing Co., the holder of Permit No. 37849

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 21 day of June, 1978.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 21 day of June, 1978.

Oregon Berry Packing Co. by Louis R. Melnychuk Jr. - Partner RT 4 BOX 197A HILLSBORO OR 97123
 (Signature of Applicant) (Address)

RECEIVED

FEB 18 1977

WATER RESOURCES DEPT
SALEM, OREGONOK
JL

RECEIVED

FEB 18 1977

WATER RESOURCES DEPT
SALEM, OREGONOK
JL

SP-44006-110

FEB 21/78

RECEIVED

R-6128
37849

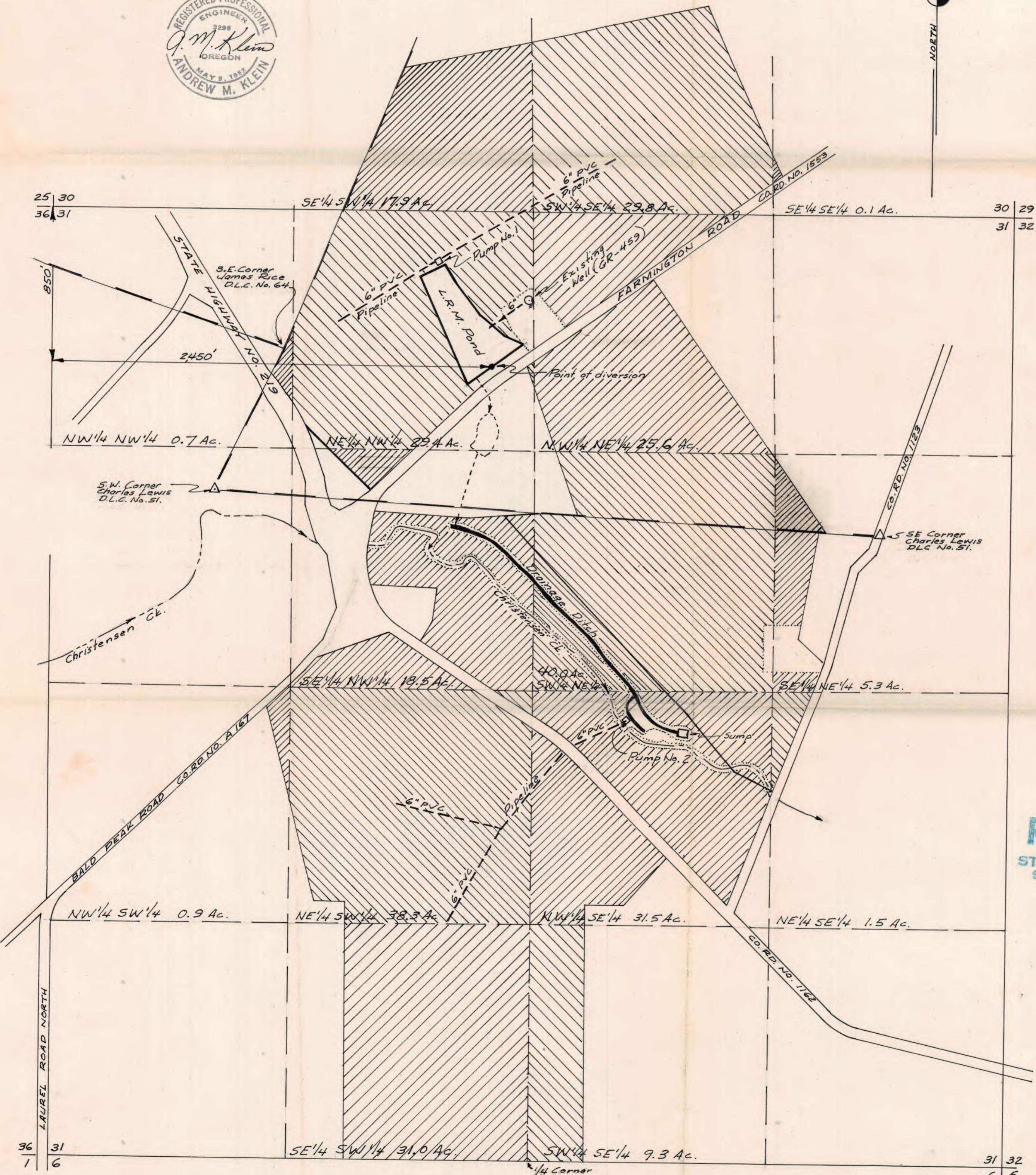
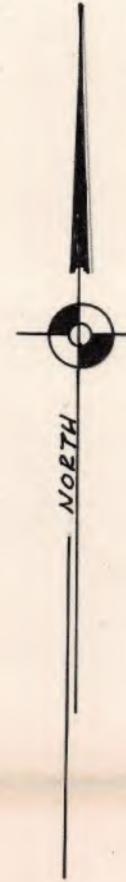
53060

OK
JL

WATER RIGHT MAP

OREGON BERRY PACKING COMPANY
SECTIONS 30 & 31, T15, R2W, W.M.
WASHINGTON COUNTY, ORE.

Scale: 1" = 400' April 1975

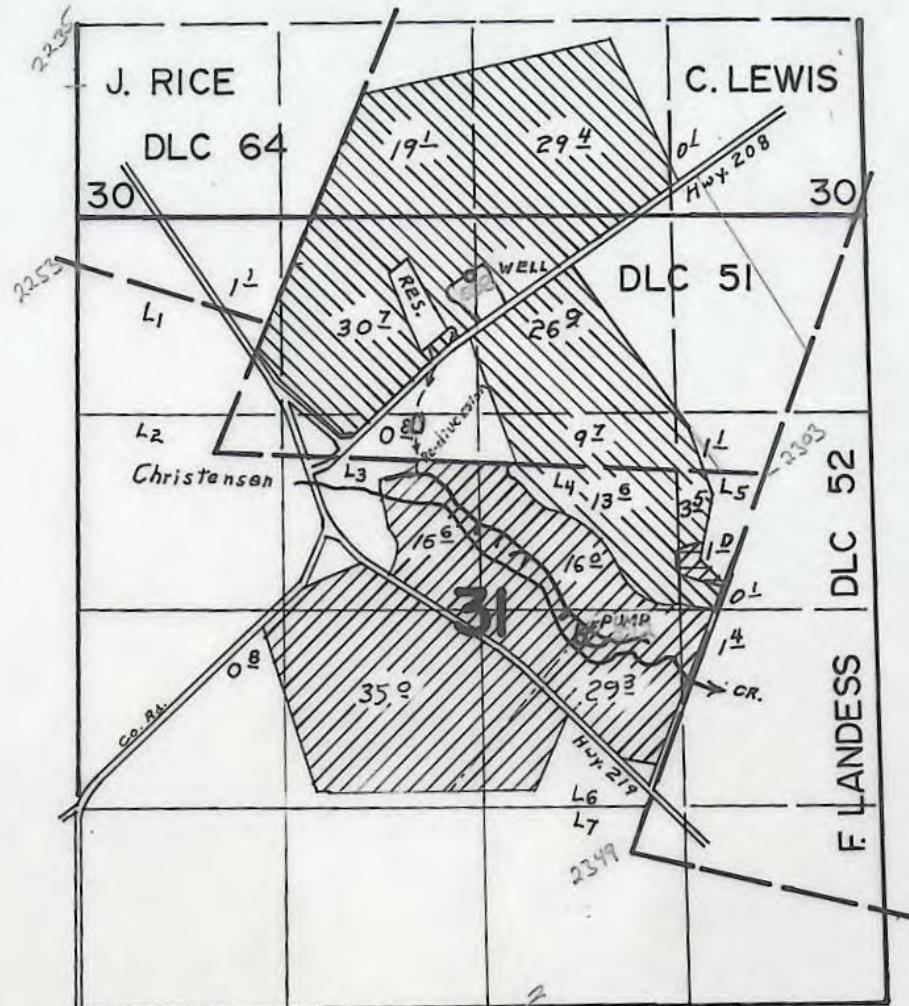


RECEIVED
APR 29 1975
STATE ENGINEER
SALEM, OREGON

RECEIVED
JUN 18 1975
STATE ENGINEER
SALEM, OREGON

Application No. R-53059 + 53060
Permit No. R 6128 + 37849

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



Well: 420' S $\frac{1}{2}$ 2650', Reservoir: 880' S $\frac{1}{2}$ 2350' E, Re-diversion:
1750' S $\frac{1}{2}$ 2290' E, Pump: 2850' S $\frac{1}{2}$ 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 G-5692
R-53059 R-6128

R-53069 R-53069
Application No. 53069 Permit No. 37849
IN NAME OF

OREGON BERRY PACKING CO.

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

RECEIVED
36527-690

AUG 3 1983

STATE OF OREGON

WATER RESOURCES DEPT.

SALEM, OREGON

COUNTY OF

WASHINGTON

53000

Proof of Appropriation of Water

OREGON BERRY PACKING COMPANY

*of Route 6, Box 224, Hillsboro
has applied beneficially the waters of**, State of Oregon 97123 ,*

Unnamed Stream and LRM Pond, constructed under Permit R-6128

*a tributary of Christensen Creek
supplemental irrigation of 236.2 acres**for the purpose of**under Permit No. 37849 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
April 29, 1975
that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
2.5 cubic feet per second**or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NE 1/4 NW 1/4 as projected within C.
Lewis DLC 51, Lot 3 (SE 1/4 NW 1/4), Section 31, T1S, R2W, WM; Reservoir -
880 feet South and 2350 feet East, Rediversion - 1750 feet South and 2290 feet
East, both 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-eighthieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated from direct flow and shall
be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre
for each acre irrigated during the irrigation season of each year from direct
flow and storage from reservoir constructed under Permit R-6128**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:*

SEE NEXT PAGE

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.

Ronald A. Melovsky

James R. Melovsky - Partner

RECEIVED

AUG 5 1983

WATER RESOURCES DEPT. page 2
SALEM, OREGON

SUPPLEMENTAL IRRIGATION

19.1 acres SE 1/4 SW 1/4 as projected within C. Lewis DLC 51
29.4 acres SW 1/4 SE 1/4 as projected within C. Lewis DLC 51
0.1 acre SE 1/4 SE 1/4 as projected within C. Lewis DLC 51
Section 30

26.9 acres NW 1/4 NE 1/4 as projected within C. Lewis DLC 51
9.7 acres SW 1/4 NE 1/4 as projected within C. Lewis DLC 51
1.1 acre SE 1/4 NE 1/4 as projected within C. Lewis DLC 51
30.7 acres NE 1/4 NW 1/4 as projected within C. Lewis DLC 51
1.1 acre NW 1/4 NW 1/4 as projected within C. Lewis DLC 51
0.8 acre SE 1/4 NW 1/4 as projected within C. Lewis DLC 51
29.6 acres Lot 4 (SW 1/4 NE 1/4)
4.6 acres 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
1.4 acres Lot 5 (NE 1/4 SE 1/4)
29.3 acres Lot 6 (NW 1/4 SE 1/4)

Section 31
Township 1 South, Range 2 West, WM

WASHINGTON IWR

NOTICE OF INTEREST IN WATER RIGHT

NOV 08 1985

RECEIVED

To: Director of Water Resources
555 13th Street, N.E.
Salem, Oregon 97310

1985
WATER RESOURCES DEPT
SALEM, OREGON

This is to notify you of an interest in the following described water right:

Loan Number

M-67501

Borrower's Name

Malensky, L. R. Jr.

Mailing Address

Property being served by the water:

Township 15

Township _____

Township _____

Range 2 W

Range _____

Range _____

Section 31

Section _____

Section _____

Tract _____

Tract _____

Tract _____

Water Right Numbers:

6R 477

53060

£ 9234

Permit Number(s) 37849

37849

£ 8585

Certificate Number(s) 6R 459

51795

51795

Survey

Irrigation District

10 Ac

10 Ac

36 Ac

Supp

PKHA

Sept

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon, 97310.

Attention: Butch Gehley, Appraisal Coordinator

11-8-85

DM

Attachments:

Legal Descriptions
 Tax Lot Maps
 Please return copy to ODVA

IS 2

SECTION 31 TIS R2W W.M.

WASHINGTON COUNTY, Oregon

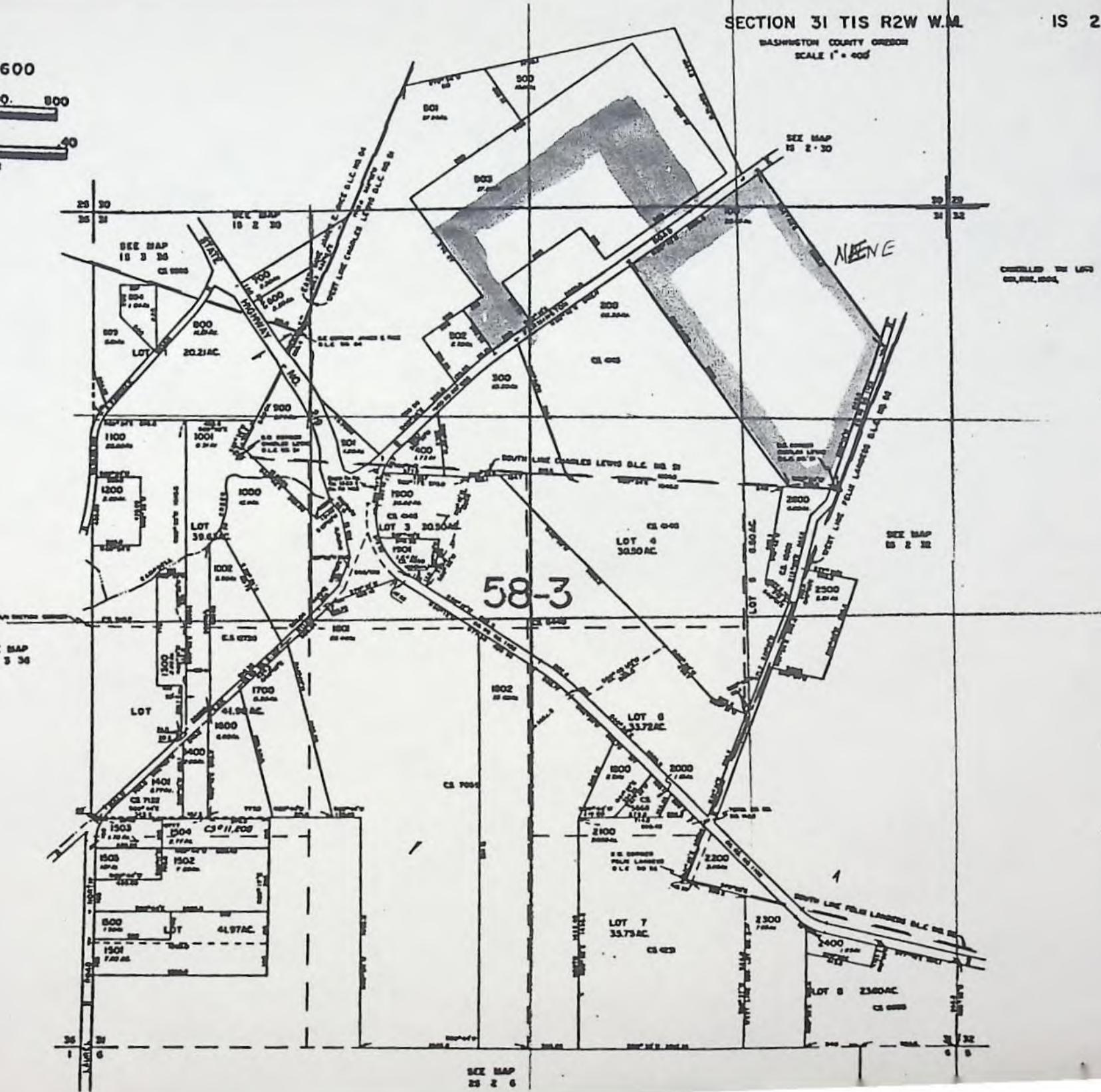
SCALE 1" = 400'

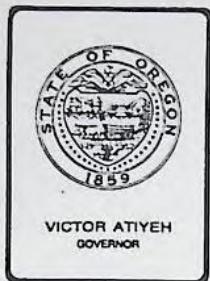
SCALE 1:9600

A scale bar at the bottom of the map, consisting of two horizontal lines with numerical markings. The top line is labeled 'FEET' in the center. The markings are '0', '400', '800' on the left, and '400' on the right. The bottom line is labeled 'METER' in the center. The markings are '0', '20', and '40' on the left, and '40' on the right.

SEE MAP
pg. 32

This map was prepared for assessment purpose only.





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

RECEIVED
APR 29 1975
STATE ENGINEER
SALEM, OREGON

12308

CONTRACT OF SALE

This Contract, made between LOUIS R. MALENSKY, SR., and MARY MALENSKY, husband and wife, hereinafter called "Seller", and OREGON BERRY PACKING CO., A PARTNERSHIP, hereinafter called "Buyer". In consideration of the mutual covenants, and agreements herein contained, the Seller and Buyer agree as follows:

1. The Seller agrees to sell and the Buyer agrees to purchase from the Seller the following described lands and premises, together with all improvements thereon, situated in Washington County, State of Oregon:

Parcel I.

A part of Section 18, T. 1 S.R. 2 W. of the W.M. more particularly described as beginning 10 chains south of the northwest corner of the Littleton Lindsay claim; thence east 9 chains to the southeast corner of a 5 acre tract conveyed to George Williams by deed recorded in Book 75, page 234, Deed Records; thence north 5 chains to the northeast corner of said Williams tract; thence east 30.50 chains; thence south 25.055 chains to the northeast corner of a tract conveyed to G. Lockman by deed recorded in Book 80, page 224, Deed Records; thence west along the north line of said Lockman tract 39.50 chains; thence north 20.055 chains to the place of beginning. Also beginning on the west line of the Littleton Lindsay claim, 660 feet south of the northeast corner of the N.C. Richardson claim; thence east 745 feet to the center of McQuillian road; thence north 6° 37' east 330 feet; thence north 89° 21' west 72.6 feet; thence south 0° 16' west 310 feet; thence south 88° 23' west 709.5 feet to the place of beginning. Except a 2.82 acre tract conveyed to F. Bernard Thiels by deed recorded in Book 92, page 339, Deed Records and except also a 11.32 acre tract conveyed to Frank Hillecke by deed recorded in Book 92, page 338, Deed Records, and except also a 5.81 acre tract of land conveyed to G.C. Blohm by deed recorded in Book 93, page 456, Deed Records, and except also a 63 acre tract conveyed to Edward J. Kressin and wife by deed recorded in Book 171, Page 493, Deed Records.

(Hereinafter referred to as Parcel I.)

BOOK 1006 PAGE 264

Application No. R-53059 + 53060
Permit No.

Parcel II.

12308

Beginning at the southwest corner of that certain 77.0 acre tract of land conveyed to Carl J. and Hannah Sacariasen by deed as recorded on page 528 of Volume 123 of Washington County, Oregon Deed Records, which point of beginning bears S. $0^{\circ} 06'$ E. 2031.7 feet from the Northeast corner of the N.C. Richardson D.L.C. Number 63. Thence from the described point of beginning N. $0^{\circ} 06'$ W. in the County Road a distance of 1216.5 feet to a point which bears S. $0^{\circ} 06'$ E. 815.1 feet from the Northeast corner of said Richardson D.L.C.; thence N. $88^{\circ} 16'$ E. 31.3 feet to an iron pipe on the easterly line of the County Road; thence continuing N. $88^{\circ} 16'$ E. 677.2 feet to an iron pipe; thence S. $89^{\circ} 30'$ E. 1121.1 feet to an iron on the westerly line of County Road No. 373; thence continuing S. $89^{\circ} 30'$ E. 20.0 feet to a point in the center of said Road; thence S. $0^{\circ} 07'$ W. in the center of said road 87.0 feet to a stone; thence S. $84^{\circ} 31'$ E. in the center of said road 332.7 feet to an angle in same; thence S. $37^{\circ} 29'$ E. in the center of said road 187.2 feet to a point; thence S. $0^{\circ} 21'$ W. along the easterly line of said Sacariasen tract 32.6 feet to an iron pipe; thence continuing S. $0^{\circ} 21'$ W. along the easterly line of said tract 912.6 feet to an iron at the southeast corner thereof; thence S. $89^{\circ} 43'$ W. along the south line of said Sacariasen tract 68.0 feet to an iron at the northeast corner of the Lockman land; thence continuing along the southerly line of said Sacariasen tract S. $89^{\circ} 37'$ W. 2218.7 feet to the place of beginning, containing 63.00 acres.

(Hereinafter referred to as Parcel II.)

Parcel III.

Tract 1:

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

Applicable Portion

BOOK 1006 PAGE 265

- 2 -
Application No. R-53059 - 53060
Permit No.

64; thence S. $24^{\circ} 51'$ W. along the west line of the Lewis D.L.C. a distance of 203.4 feet to the place of beginning,
Tract 2:

Beginning at an iron pipe in the fence corner S. $86^{\circ} 24'$ E. 243 feet from the northwest corner of Lot 5, Section 31, T1S, R2W, W.M., said beginning point being on the south line of the Charles Lewis D.L.C. No. 51 at the northeast corner of that certain tract of land conveyed by Sam Stowell to Julius Christensen by deed recorded on page 693 in Book 191 of Washington County, Oregon, Deed Records, Running thence S. $10^{\circ} 43'$ W. 605.3 feet to an iron at the reentrant corner on the easterly line of the Christensen tract; thence continuing along said easterly line S. $49^{\circ} 01'$ E. 187.5 feet to an iron; thence continuing S. $49^{\circ} 01'$ E. 27.8 feet to a point in the centerline of County Road Number 1123; thence S. $15^{\circ} 06'$ W. 42.2 feet to angle point No. 5 of said road; thence S. $21^{\circ} 21'$ W. in the center of said road 671.7 feet to a point; thence S. $62^{\circ} 45'$ W. 60.1 feet to an iron; thence N. $64^{\circ} 31'$ W. 223.2 feet to an iron; thence N. $40^{\circ} 20'$ W. 438.7 feet to an iron; thence N. $42^{\circ} 56'$ W. 1483.2 feet to an iron on the southerly line of that certain 12.77 acre tract conveyed to Nathan A. Weston by deed recorded on page 541 of Book 280 of said Deed Records; thence N. $86^{\circ} 28'$ E. along the southerly line of the said Weston tract 194.7 feet to an iron on the south line of the said Lewis Claim; thence S. $86^{\circ} 24'$ E. along the Claim line 1563.3 feet to the place of beginning.

Also:

Beginning at an iron pipe on the south line of the Charles Lewis D.L.C. #51, T1S, R2W, W.M., Washington County, Oregon, S. $86^{\circ} 24'$ E. 2048.2 feet from the southwest corner of said Claim. Running thence S. $86^{\circ} 24'$ E. along said Claim line 1384.8 feet to an iron pipe; thence N. $34^{\circ} 48'$ W. 1742.0 feet to a point in the center of the County Road; thence S. $55^{\circ} 12'$ W. in the center of the road 842.4 feet to a point from which an iron pipe bears S. $19^{\circ} 24'$ E. 31.5 feet; thence S. $19^{\circ} 24'$ E. 914.7 feet to the place of beginning.

(Hereinafter referred to as Parcel III.)

Subject to easements, restrictions, and encumbrances of record on January 1, 1974; and subject to the terms and conditions set forth in paragraph 2 below. For the sum of TWO HUNDRED SIX THOUSAND, THREE HUNDRED EIGHTY and no/100 DOLLARS (\$206,380.00) to be paid as set forth below; and for

BOOK 1006 PAGE 266

WARRANTY DEED

RECEIVED
APR 29 1976
STATE ENGINEER
STATE OF OREGON

LOUIS R. MALENSKY, JR., ROY J. MALENSKY, and JOEL T. MALENSKY, hereinafter called "Grantors", each of the above named Grantors having an undivided one-third (1/3) interest as Tenants in Common, Grantors for the consideration hereinafter stated, to grantor paid by OREGON BERRY PACKING CO., a general partnership consisting of Louis R. Malensky, Jr., Roy J. Malensky, and Joel T. Malensky, hereinafter called "Grantee", do hereby grant, bargain, sell and convey unto said Grantee and Grantee's successors and assigns, that certain real property, together with all improvements thereon, situated in Washington County, State of Oregon, described as follows:

Beginning at the southwest corner of the Charles Lewis donation land claim Number 51 of Section 31, Township 1 South, Range 2 West of the Willamette Meridian, in Washington County, Oregon, running thence south $86^{\circ} 24'$ east on the south line of said claim 13.33 chains to an iron pipe in the county road; thence south $3^{\circ} 36'$ west 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 south $86^{\circ} 17'$ east on the south line of said Weston tract 35.2 feet to the true place of beginning; thence south $86^{\circ} 17'$ east 535.7 feet to an iron pipe at a corner on the south line of said Weston tract; thence north $86^{\circ} 28'$ east 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 south $42^{\circ} 56'$ east 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 south $40^{\circ} 20'$ east 438.7 feet to an iron; thence south $64^{\circ} 31'$ east 223.2 feet to an iron rod; thence north $62^{\circ} 45'$ east 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 #1123; thence south $21^{\circ} 21'$ west on the center line of said road 736.7 feet to the northeasterly line of the Hillsboro-Silverton State Highway; thence north $44^{\circ} 38'$ west 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 $11^{\circ} 39'$ a distance of 297.4 feet to an axle; thence north $56^{\circ} 17'$ west on said highway line 977.3 feet to an iron pipe 30 feet northerly, measured at right angles, from Engineers center line station 6-66.6; thence on a 447.46 foot radius curve to the right (the long chord bears north $23^{\circ} 15'$ west 487.85 feet) 515.96 feet to an iron pipe; thence north $9^{\circ} 47'$ east 116.0 feet to the terminus of said boundary line opposite the beginning point of county road #1162; thence north $9^{\circ} 47'$ east 91.1 feet to the true place of beginning. Except therefrom that part conveyed to the State of Oregon, deed book 405, page 50, recorded May 23, 1958.

Application No. R-53059-53060
Permit No.

and covenants that Grantors are the owners of the above described property free of all encumbrances except those of record as of January 1, 1975; and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is
\$ NONE----The intent of this deed is to convey Grantors interest in the above-described property to their partnership, the Grantee.

The foregoing recital of consideration is true as we verily believe.

DATED: This _____ day of _____, 1975.

Louis R. Malensky Jr.
LOUIS R. MALENSKY, JR.

ROY J. MALENSKY

JOEL T. MALENSKY

STATE OF OREGON)
) ss.
County of)

Personally appeared the above named LOUIS R. MALENSKY, JR., ROY J. MALENSKY, and JOEL T. MALENSKY and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Notary Public for Oregon
My commission expires:

UNTIL A CHANGE IS REQUESTED ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

OREGON BERRY PACKING CO., a partnership
Rt. 4, Box 198 A
Hillsboro, Oregon 97123

WARRANTY DEED

LOUIS R. MALENSKY, JR., ROY J. MALENSKY, and JOEL T. MALENSKY, hereinafter called "Grantors", each of the above named Grantors having an undivided one-third (1/3) interest as Tenants in Common, Grantors for the consideration hereinafter stated, to grantor paid by OREGON BERRY PACKING CO., a general partnership consisting of Louis R. Malensky, Jr., Roy J. Malensky, and Joel T. Malensky, hereinafter called "Grantee", do hereby grant, bargain, sell and convey unto said Grantee and Grantee's successors and assigns, that certain real property, together with all improvements thereon, situated in Washington County, State of Oregon, described as follows:

Beginning at the one-quarter section corner on the south line of Section 31, Township 1 South, Range 2 West of the Willamette Meridian, in Washington County, Oregon, running thence north 89° 44' west 1025 feet on the south line of said section to the southwest corner of that tract conveyed to Julius Christensen by deed book 119 page 509 recorded November 16, 1920; thence north 00° 04' west 1435.5 feet; thence north 89° 44' west 170.65 feet to the southeast corner of that tract of land conveyed to James Forster et ux by deed book 258 page 631; thence north 14° 07' west on the easterly line of said Forster tract 1146.25 feet to the southeasterly line of that tract conveyed to Joseph W. Twigg et ux in deed book 180 page 569 and the center line of county road No. A-167; thence north 44° 59' east on said southeasterly line and said center line 325.24 feet to a point from which an iron pipe bears north 70° 10' east 69.75 feet; thence north 70° 10' east 478.85 feet on the southerly line of a tract of land conveyed to the State of Oregon by deed recorded in deed book 286 page 355 to the most easterly corner thereof on the southerly right of way line of Hillsboro-Silverton Highway; thence on said southerly right-of-way line on a 507.46 foot radius curve to the left (the long chord of which bears south 53° 33' east 47.20 feet) 47.22 feet; thence south 56° 13' east 977.30 feet continuing on said right-of-way line; thence on a 1402.50 foot radius curve right (the long chord of which bears south 50° 23' 30" east 284.52 feet) 285.17 feet; thence south 44° 34' east 692.75 feet to the northwest corner of that tract of land conveyed to C.R. Brunson, et ux by deed book 384 page 287; thence south 41° 27' west 354.55 feet on the westerly line of said Brunson tract to the southwest corner thereof on the northerly line of that tract of land conveyed to August Billings, et ux in deed book 175 page 7; thence north 89° 44' west 215.60 feet on the north line of said Billings tract to the northwest corner thereof; thence south 1435.49 feet on the west line of said Billings tract to the southwest corner thereof on the south line of Section 31, thence north 89° 44' west 308.89 feet on said south line of Section 31 to the place of beginning. excluding the property described in Exhibit "A" which is attached hereto and incorporated herein by this reference.

Application No. R-53059 * 53060
Parcel No.

and covenants that Grantors are the owners of the above described property free of all encumbrances except those of record as of January 1, 1974; and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$ NONE----The intent of this deed is to convey Grantors interest in the above-described property to their partnership, the Grantee.

The foregoing recital of consideration is true as we verily believe.

DATED: This _____ day of _____, 1974.

LOUIS R. MALENSKY, JR.

ROY J. MALENSKY

JOEL T. MALENSKY

STATE OF OREGON)
) ss.
County of)

Personally appeared the above named LOUIS R. MALENSKY, JR., ROY J. MALENSKY, and JOEL T. MALENSKY and acknowledged the foregoing instrument to be their voluntary act and deed.

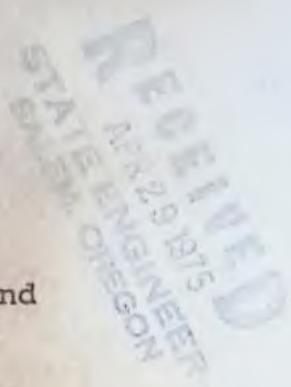
Before me:

Notary Public for Oregon
My commission expires:

UNTIL A CHANGE IS REQUESTED ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

OREGON BERRY PACKING CO., a partnership
Rt. 4, Box 198 A
Hillsboro, Oregon 97123

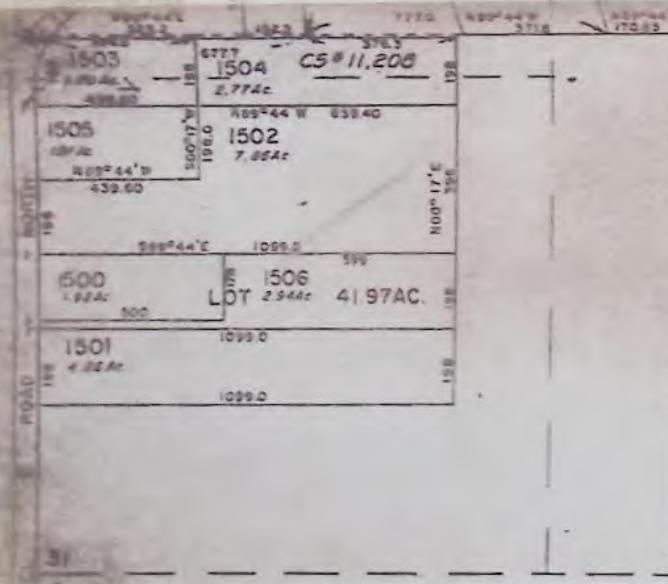
The two and one-half (2.5) acre tract of land
bordering Highway 219 at the Northeast corner of
the property.



R-53059 + 53060

R.53059 + 53060

58-3



TOWNSHIP 15 RANGE 2W W. M.				Card #1				SECTION E1					
NE		NW		SW		SE							
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	APPLICANT NUMBER	PERMIT NUMBER
DLC52	DLC51	DLC52	DLC51	DLC64	DLC51			DLC52	DLC52	DLC52	DLC52		
LOT4	LOTS	LOT1	LOT2	LOT3				LOT5	LOT6	LOT7	LOT8		
TOTAL ACREAGE IN SUBDIVISION				AS SHOWN ON GOVERNMENT PLAT									
41 ⁷⁶	41 ⁸³			41 ⁹⁰	41 ⁹⁷								
2	6	2										18324	13958 CORRECT
14	34	2		1	13	35	4			23		23587	18607
												25558	20760
25 ¹	29 ⁴	1 ⁵	33 ⁵	1 ⁵	2 ²			0 ⁴	1 ⁵			G-4777	G-4777
2 ²	2 ¹							12 ⁰				31653	25027 E-5616
												34001	216923 E-5777
								6 ²	6 ⁰			G-4753	G-4777
												R483178-5752	
												48578	35691
												R4726	
10 ²				2 ¹	37 ²	1 ²						49266	
21 ²	4 ²							12					

Robert Straub

R-53059
53060

August 22, 1975

Mr. Andrew Klein
1928 Council St.
Forest Grove, OR 97116

Dear Sir:

The plans and specifications for the Oregon Berry Packing Company Dam and Reservoir have been reviewed and approved, and State Engineer's permits issued. An approved set of the plans and specifications have been forwarded to the applicant. Because this dam exceeds the size limits for exempt structures, construction must be supervised by an engineer licensed to practice in Oregon, or by a qualified representative of the Federal Government. Because your office prepared the plans and specifications, I will assume that you will provide the required supervision and inspection. If this assumption is incorrect, please advise me immediately.

Your attention is directed to page 1 of the specifications under the heading "State Engineer", which requires prior approval from the State Engineer for any deviation from the plans and specifications. In the event that any deviations become necessary during construction due to unforeseen circumstances, engineers are available from this office to work with you and are authorized to grant immediate approval in the field.

Please advise me when construction starts so that I may schedule periodic field inspections.

Very truly yours,

G.L. Oberholtzer, Engineer

GLO:brb

cc: Oregon Berry Packing Co.
Mr. Clayton Gardner, Watermaster

AUG 22 1975

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

R-53059
53060

R-6128 and 37849 with a map print.

KLEIN & STUCKEY CONSULTING ENGINEERS
2607B PACIFIC AVENUE
1928 Council St. With Offices Also in Newberg
PHONE 357-4748

June 16, 1975

RECEIVED

JUN 18 1975

STATE ENGINEER
SALEM, OREGON

Oregon State Engineer
1178 Chemeketa Street N. E.
Salem, Oregon 97310

Attn: Mr. Wayne Overcash

RE: R-53059
53060
R-49265
49266
G-5800
GR-477

Dear Mr. Overcash,

In response to your letter of June 9 we have amended application No's. 53060, 49266, G-5800 and the respective maps.

Enclosed herewith are the amended applications, two maps to accompany the applications and a check in the amount of \$4.50 for additional acreages involved.

Very truly yours,

KLEIN & STUCKEY ENGINEERS

Andrew M. Klein

AMK:bls

Application No. R-53059 & 53060
Permit No.

KLEIN & STUCKEY CONSULTING ENGINEERS
2607B PACIFIC AVENUE
1928 Council St. With Offices Also in Newberg
PHONE 357-4748
FOREST GROVE, OREGON 97116

April 25, 1975

Oregon State Engineer
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Attn: Mr. Wayne Overcash
Mr. Al Petska

Gentlemen,

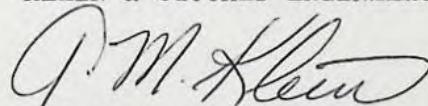
Submitted herewith are plans, specifications and application for a permit for the construction of L.R.M. Pond for Oregon Berry Packing Company of Hillsboro, Oregon. Submitted also is an application and map for the appropriation of water from L.R.M. Pond.

In preparing the application for appropriation there were some discrepancies in acreage at the point of use for primary and supplemental irrigation, as related to this application and previous applications. To assist in clarifying this matter I have prepared and enclosed a tabulation of areas irrigated under this and previous applications.

If there are further questions, please advise.

Very truly yours,

KLEIN & STUCKEY ENGINEERS


Andrew M. Klein

AMK:bls

Application No. R-53059 & 53060
Permit No.

OREGON BERRY PACKING COMPANY

TABULATION OF AREA TO BE IRRIGATED UNDER
 THIS APPLICATION AND AREA IRRIGATED
 UNDER GR-459 AND APPLICATION NO. 49266

April 25, 1975

<u>Location</u>	<u>This Application</u>		<u>App. 49266</u>		<u>GR-459</u>	
	Primary Ac.	Supp. Ac.	Primary Ac.	Supp. Ac.	Primary Ac.	Supp. Ac.
Sect. 30, T1S, R2W, WM.						
SE $\frac{1}{4}$	SW $\frac{1}{4}$	1.4	16.5	--	--	16.5
SW $\frac{1}{4}$	SE $\frac{1}{4}$	4.2	25.6	--	--	25.6
SE $\frac{1}{4}$	SE $\frac{1}{4}$	0.1	--	--	--	--
Sect. 31, T1S, R2W, WM						
NW $\frac{1}{4}$	NW $\frac{1}{4}$	---	0.7	--	--	1.8
NE $\frac{1}{4}$	NW $\frac{1}{4}$	---	29.4	--	--	33.5
NW $\frac{1}{4}$	NE $\frac{1}{4}$	---	25.6	--	--	25.6
SE $\frac{1}{4}$	NW $\frac{1}{4}$	---	18.5	23.3	--	2.7
SW $\frac{1}{4}$	NE $\frac{1}{4}$	---	40.0	10.6	29.4	29.4
SE $\frac{1}{4}$	NE $\frac{1}{4}$	3.7	1.6	--	4.9	1.6
NW $\frac{1}{4}$	SW $\frac{1}{4}$	---	0.9	1.0	--	---
NE $\frac{1}{4}$	SW $\frac{1}{4}$	1.3	37.0	37.0	--	---
NW $\frac{1}{4}$	SE $\frac{1}{4}$	---	31.5	30.0	--	1.5
NE $\frac{1}{4}$	SE $\frac{1}{4}$	1.1	0.4	--	1.7	0.4
SE $\frac{1}{4}$	SW $\frac{1}{4}$	1.0	30.0	30.0	--	---
SW $\frac{1}{4}$	SE $\frac{1}{4}$	---	9.3	10.0	--	---
Total Acreage		12.8	267.0			

Total acreage owned by Oregon Berry Packing Company as shown on Washington County Tax Map is 287.24 Ac.

Application No. R-53059 + 53060
 Permit No.

June 20, 1975

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

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. Malensky



STATE ENGINEER

WATER RESOURCES DEPARTMENT

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

ROBERT W. STRAUB
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

WO:db

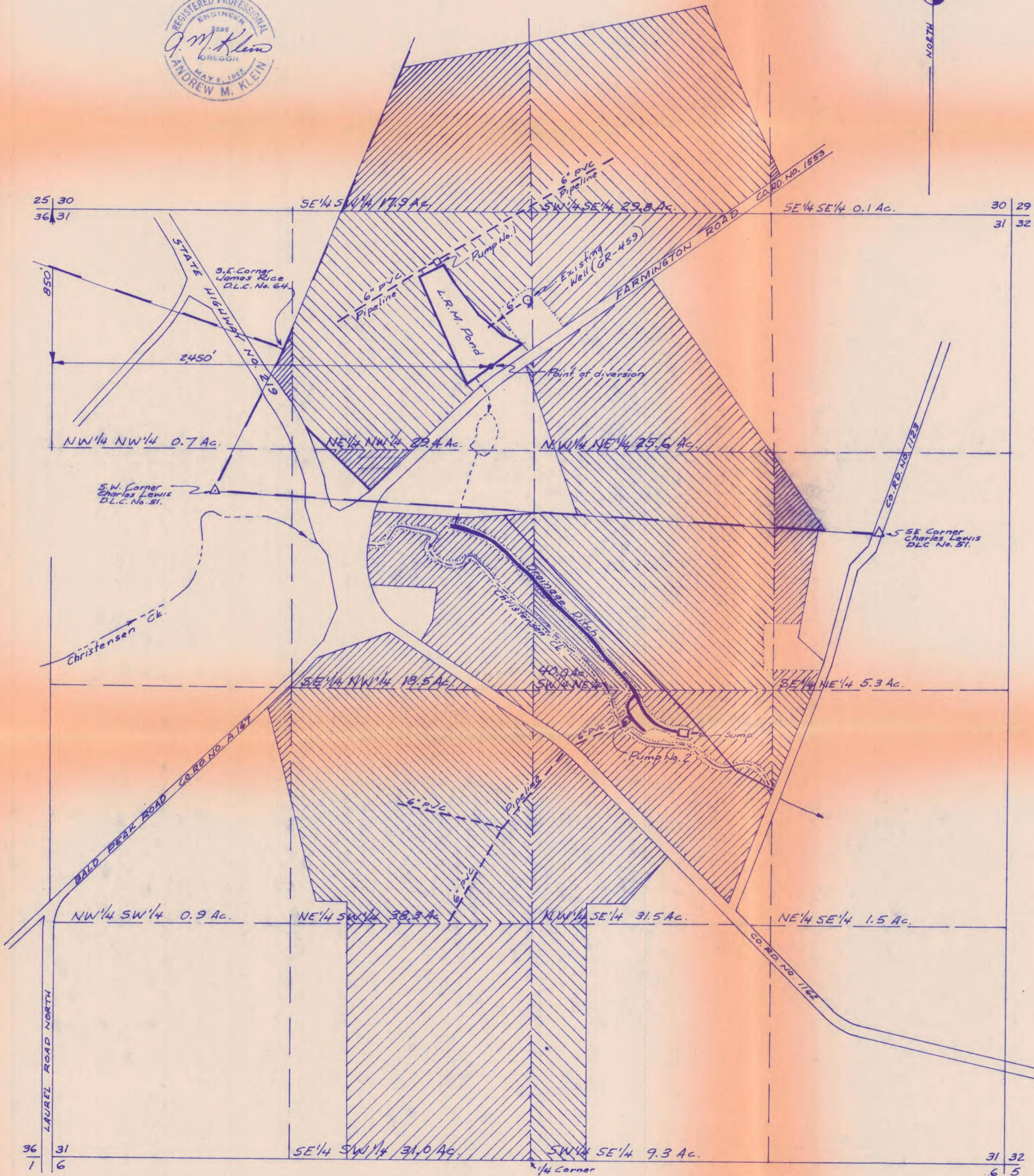
Encl: Receipt No. 46566
46567

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

WATER RIGHT MAP

OREGON BERRY PACKING COMPANY
SECTIONS 30 & 31, T15, R2W, W.M.
WASHINGTON COUNTY, ORE.

Scale: 1" = 400' April 1975



RECEIVED
APR 29 1975
STATE ENGINEER
SALEM, OREGON

Application No. R-53059 + 53060
Permit No. 1

N N N N				NW NW NW				NW NW NW			
DL52	DL51	DL52	DL51	DL64	DL64	DL65	DL65	DL52	DL52	DL52	DL52
Lot 4	Lot 5	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8	Lot 9	Lot 10
41° 26'	41° 23'	41° 20'	41° 19'	41° 19'	41° 19'	41° 18'	41° 17'	41° 16'	41° 15'	41° 14'	41° 13'
2 6 2											
14 34 2		1 13		35 4				23		23587	18607
25° 24' 1"	23° 18'	22°						15°		25558	20100
22	20°		14					12°		31659	25027 31016
										34001	26823 33119
										6-4753	6-4777
										R48517R	5752
										48578	35691
								R23		R49265	
15° 2		23° 38° 1°		31° 1° 30° 9° 3°						49266	
22° 15'								15° 15'		49266	

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 15 RANGE 2W W. M. Card #2 SECTION 31

TOWNSHIP 1 S RANGE 2 W. W.M. SECTION 30

(SEE BACK OF CARD FOR PLAT OF SECTION)

Abstract of Permit No. 37849 ✓

Application No. 53060 ✓

Certificate No.

JES

Name **Oregon Berry Packing Company**
Address **Route 6, Box 1224**
Hillsboro, Oregon 97123

Source of water supply **Unnamed stream, L.R.M. Pond** constructed under Application No. R-53060, Permit No. R-6128, trib., Christensen Creek (Tualatin River)

Use **Supp'l. Irrigation of 2363 ACRES**

Point of diversion **880' 2350' 850' S & 2450' E from NW cor., sec. 31, being within NE 1/4 NW 1/4 sec. 31, Washington County NE NW 1/4 sec. 31, DLC 51**

GR-477 49266 G-5800 53060

T15, R26 Sec. 30			Pri.	Pri.	Pri.	Sec. PP
SE SW	W/M C. Lewis	DLC 51	19 ¹			19 ¹
SW SE	"	"	29 ⁴			29 ⁴
SE SE	"	"	0 ¹		0 ¹	
Sec. 31						
NW NE	W/M C. Lewis	DLC 51	26 ⁹			26 ⁹
SW NE	"	"	9 ⁷			9 ⁷
SE NE	"	"	1 ⁴			1 ⁴
NE NW	"	"	33 ⁰			30 ⁷
NW NW	"	"	1 ¹			1 ¹
SE NW	"	"	0 ⁸			0 ⁸
Lot 4 (SWNE)			13 ⁶	16 ²		29 ⁶
Lot 5 (SENE)			3 ⁵	0 ¹	1 ⁸	4 ⁶
Lot 3 (SE NW)				16 ⁶		16 ⁶
NE SW				37 ⁵		35 ⁰
NW SW				0 ⁸		0 ⁸
Lot 5 (NE SE)				29 ⁰		29 ⁰
Lot 6 (NW SE)				30 ²		29 ³
Lot 7 (SW SE)				10 ⁴		10 ⁴

Abstract of Permit No. 37849

Application No. 53060 ✓

Certificate No.

Name Oregon Berry Packing Company

ROUTE 6, BOX 224

Address **Millsboro, Oregon 97123**

Address: 118 W. Pend

Source of water supply Unnamed stream, ~~Kennewick~~ to be constructed under Application No. R-59059, Permit No. R-6128, trib., Christensen Creek (Tualatin River) Use Supp'l. Irrigation of 2363 ACRES

Point of diversion 850¹ S & 2450¹ E from NW cor., sec. 31, being within NE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 31,

Number of acres - 279.8 Lot 3 (SE^{1/4} NW^{1/4}) Sec 31 T15 R2 W14, Reservoir - 880's & 2350'E, Re diversion - 1750's & 2290'E both from NW cor Sec 31

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Priority date April 29, 1975 ✓

Amount of water 3.5 cfs capacity of system

Time limit to begin construction 7-16-76

Time limit to complete construction 10-1-77 extended to

extended to

Time limit to completely apply water 10-1-78 - extended to

extended to

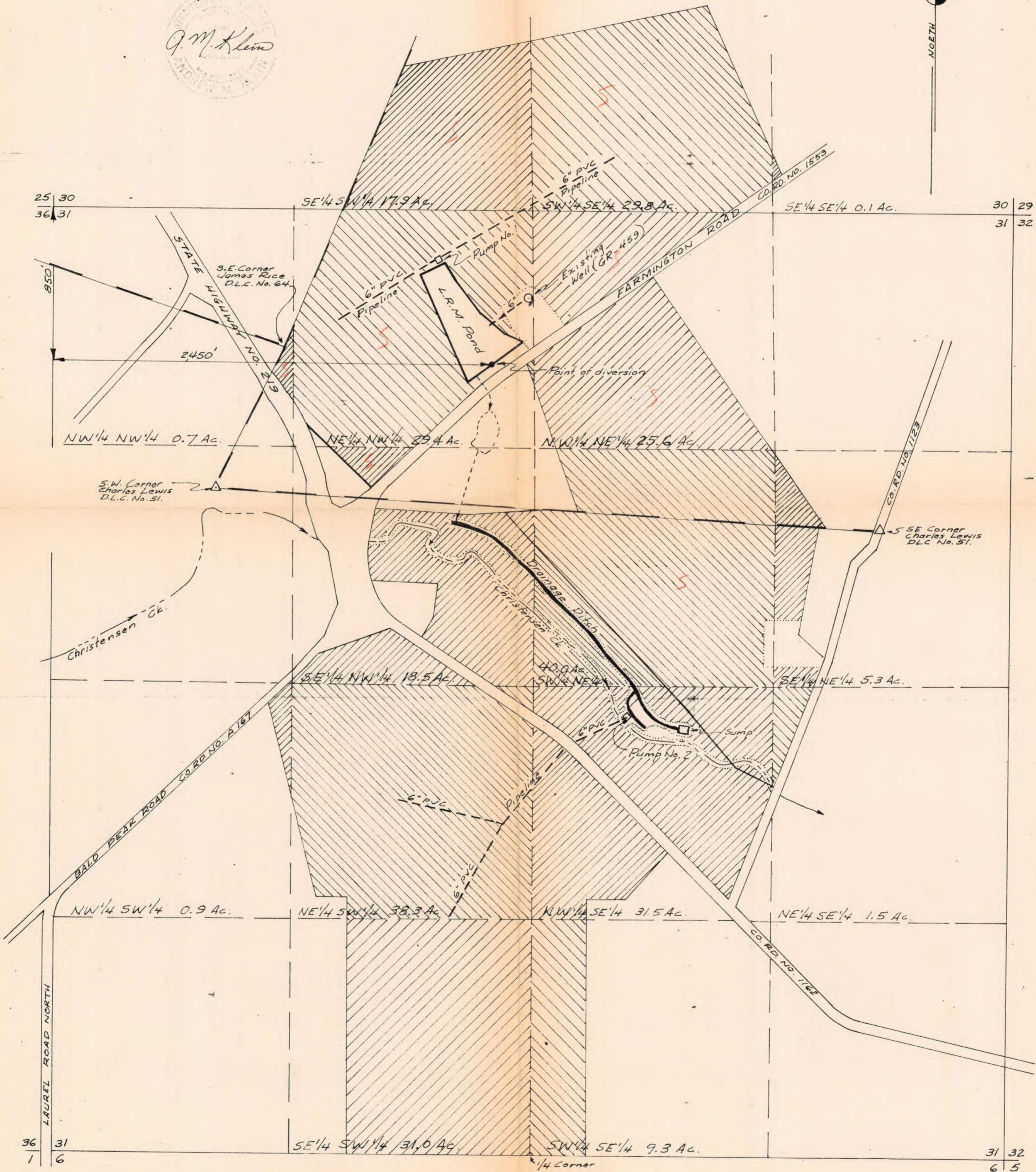
Remarks: Limitations: 1/80th c.f.s.; 2h c.f. 1 ~~cm~~ 1/2.

78133

WATER RIGHT MAP

OREGON BERRY PACKING COMPANY
SECTIONS 30 & 31, T15, R2W, W.M.
WASHINGTON COUNTY, ORE.

Scale: 1" = 400' April 1975



Oregon Berry Packing Co.

Appl # 53060

INFO: Mr. Malensky: WATER FROM LRM POND IRRIGATES ALL THE LAND ON PLACE
SEE APPL # G-5800 FOR DESC. OF SYSTEM FROM POND.

Source: An un. DRAINAGE.

LIFT: SEE QAD + 25 TO - 20

TIE: PHOTO DB5-411-26 - Res. on PTS 1978-A TIED TO PHOTO.

Stuapp
FORD ENGR.

6-22-78

NOTE: ^{ALL} LANDS NO. OF RES. #1 (APPL #9265) ARE IRR. DIRECT FROM LRM POND.
LANDS SO. OF FARMINGTON RD ^{ARE} ~~ARE~~ IRR. FROM ~~OR~~ LOWER RES. (LAND
BETWEEN FARMINGTON RD. & LOWER RES. ARE IRR. FROM OTHER PUMP).

$$\text{Pump}_{\text{LRM-Pond}} \frac{(60)(6.61)}{280 + 10} @ 110 \text{ psi} = 1.37 \text{ cfs} + \text{Pump}_{\text{demand+pond}} \frac{60(6.6)}{300 + 30 + 150} = 1 \text{ cfs} = 2.4 \text{ cfs}$$

Heads $\frac{(4)(150)}{450} = 1.33 \text{ cfs} + \frac{5(125)}{450} = 1.4 = 2.7 \text{ cfs}$ *2.7 cfs*
1.4 cfs

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

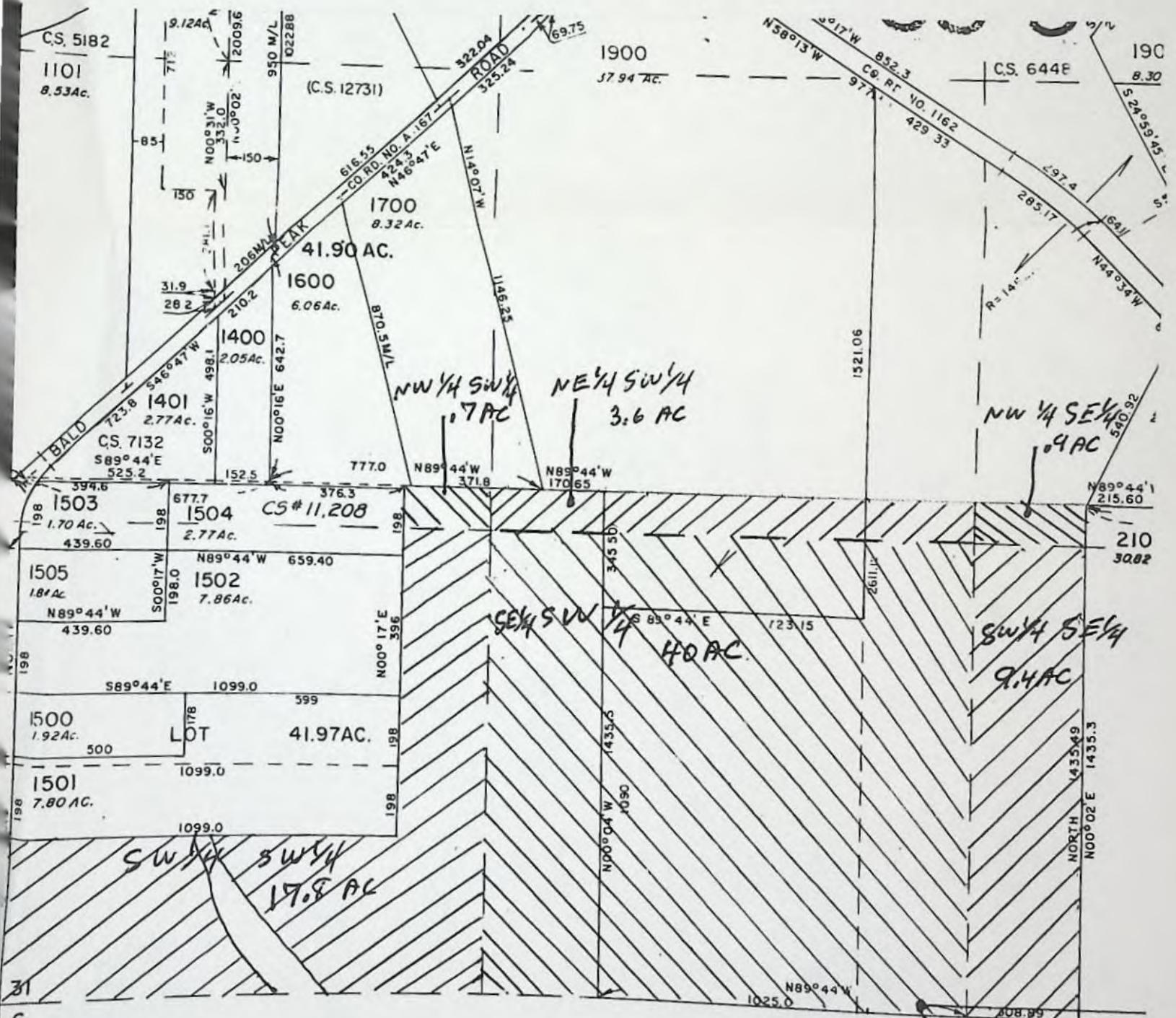
WATER RESOURCES DEPT.
SALEM, OREGON

Ray Jokalski 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. 910319
Permit No.

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