

RECEIVED
SEP 24 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Form B (690-9-77)

Application No. 6-7907

NOTICE OF COMPLETION OF CONSTRUCTION

OREGON BERRY PACKING CO, the holder of Permit No. 8142
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the June day of 1978.
Remarks: ALL SYSTEMS HAVE BEEN COMPLETED, AND HALF
OF THE 2000 ACREAGE HAS BEEN IRRIGATED IN 1978
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-
ment, you should so state in order that our records may not be unnecessarily encumbered.

OK

IN WITNESS WHEREOF, I have hereunto set my hand this 21 day of SEPT, 1979.

Oregon Berry Packing Co (Signature of Applicant) RT 4 BOX 197A HILLSBORO OREG 97123 (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

RECEIVED
AUG 10 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Form A (690-9-77)

Application No. 6-7907

NOTICE OF BEGINNING OF CONSTRUCTION

I, Oregon Berry Packing Co, the holder of Permit No. G-8142
to appropriate the public waters of the state of Oregon, began the actual construction of the works described
therein on the June day of 1978.
Remarks: ALL WELLS, IRRIGATION EQUIPMENT, AND THE POND WAS
OWNED BY US OR EXISTED AT THE TIME OF APPLICATION IN 1977.
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment
acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as
authorized by your permit.
A PIPE WAS PUT UNDER MINTER BRIDGE ROAD IN JUNE 1978.

OK

IN WITNESS WHEREOF, I have hereunto set my hand this 8 day of August, 1979.

Oregon Berry Packing Co (Signature of Applicant) RT 4 BOX 197A, HILLSBORO OREG. 97123 (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

RECEIVED

DEC 9 1981

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Director
1178 Chemeketa St., N.E.
Salem, Oregon 97310

Dear Sir:

I hereby authorize the cancelation of my application
No. G-7907, permit No. G-8142, which defines
a right to the use of 0.81 cubic feet per second of
water from Wells 1, 2, 3, & 4 for fish culture
9 year around irrigation of 65.11 acres.

Very truly yours,

~~Oregon Berry Packing Co.~~
Signature
Roy J. Madensky Partner

Title

Permit was signed by Louis R. Madensky, Jr.
Partner

12/8/81
Date

~~The above application & permit property belongs to Roy J. Madensky, Partner~~

~~Oregon Berry Packing Co.~~



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 1-800-452-7813
or 378-8508

June 2, 1980

Lewis R. Melensky, Jr., Partner
Oregon Berry Packing Company
Route 4, Box 197A
Hillsboro, OR 97123

Dear Mr. Melensky:

REFERENCE: File Number G-7907

We have received your application for extension of time on the Oregon Berry Packing Company Permit G-8142, along with the statutory fee in the amount of \$10. This permit describes the appropriation of 0.81 cfs of water from four wells for fish culture and irrigation.

The permit presently allows until October 1, 1980 in which to apply water to beneficial use, so an extension would be inappropriate at the present time. The information in your request deals with crop rotation requiring an extension to 1981 and it may be that this will still be necessary come fall.

We will, therefore, hold action on the extension for a few months, at which time I will contact you again to see that the request is still necessary to October 1, 1981, at which point we will be able to act on it. We will undoubtedly require some further information at that time to determine what was accomplished during the 1980 irrigation season.

If you would prefer, however, we would be glad to refund the \$10 upon your request to withdraw this extension and then wait until the fall of 1980 for you to request an extension. If I do not receive correspondence from you in the near future, I will assume that your intent would be to wait till fall and renegotiate this application.

Sincerely,

BRUCE A. ESTES, Supervisor
Survey-Certificate Section

BAE
1072A

COPY

Application for Extension of Time

G-7907
RECEIVED
MAY 13 1980
WATER RESOURCES DEPT
SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I. OREGON BERRY PACKING CO
Name

RT 4 BOX 197 A
Mailing Address

HILLSBORO OREGON 97123
City State Zip

- record owner of water right permit No. G 8142 do hereby request that the time in which to:
- complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19____, be extended to October 1, 19____; and/or the time in which to
 - accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 1977, be extended to October 1, 1981.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

within the past year ALL DESCRIBED WORKS AND EQUIPMENT NECESSARY HAD BEEN COMPLETED AND FINISHED BY JUNE 1, 1979.

prior to this past year (COMMENT - WE THOUGHT WE HAD UNTIL ~~PER~~ OUT, 1980 TO FILE BECAUSE THAT'S WHEN A GROUP OF APPLICATIONS WERE DUE. PLEASE ACCEPT THIS EXTENSION OF TIME APPLICATION.)

and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) 34 ACRES HAVE BEEN IRRIGATED. DUE TO CROP ROTATION, AN ADDITIONAL 2-YEARS IS REQUESTED TO FINISH IRRIGATING THE 65.11 ACRES.

(If additional space is required, attach separate sheet)

Oregon Berry Packing Co. by James R. Maloney, Jr. Partner
(If signing for a corporation please identify your title)

5/16/80
\$10.00
#17662

Dated May 15, 1980

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$10.00 TO:

Water Resources Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

C-1ast
10-1-81
PAE



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

September 4, 1980

File No. G-7907

Oregon Berry Packing Company
Route 4, Box 197-A
Hillsboro, OR 97123

Gentlemen:

Your application for an extension of time limit in which to make complete application of water under the terms of your permit numbered G-8142 has been received. We also have your check in the amount of \$10.

The application indicates reasonable diligence has been exercised toward completion of the proposed project; therefore, the time limit to make complete application of water is being extended to October 1, 1981.

You should make every attempt to complete your project on or before that date because it is doubtful if any further extensions can be granted.

Sincerely,

Bruce A. Estes, Supervisor
Survey-Certificates Section

BAE:lrs

Enclosure: Receipt No. 17662

RECEIVED

MAR 10 1977

WATER RESOURCES DEPT.
PORTLAND, OREGON

PROPERTY DESCRIPTION
TO ACCOMPANY
WATER RIGHT APPLICATION
FOR
OREGON BERRY PACKING CO.
IN
SECTIONS 18 & 19, T1S, R2W, W. M.
WASHINGTON COUNTY, OREGON

Parcel 1.

A part of Section 18, T1S, R2W 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 23, Deed Records; thence north 5 chains to the northeast corner of said Williams tract; thence east 30.50 chains; thence south 25.055 chains to the northeast corner of a tract conveyed to G. Lockman by deed recorded in Book 80, page 224, Deed Records; thence west along the north line of said Lockman tract 39.50 chains; thence north 20.055 chains to the place of beginning. Also beginning on the west line of the Littleton Lindsay claim, 660 feet south of the northeast corner of the N. C. Richardson claim; thence east 745 feet to the center of McQuillan road; thence N 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.

Application No. G-7907
Permit No.

Parcel II.

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

Application No. G-7907
Permit No.

Parcel III.

Beginning at the northwest corner of that tract of land conveyed to Florence Withycombe by Deed recorded April 27, 1932, in Book 149, Page 226, Deed Records, Washington County, Oregon, said point being in Section 18, Township 1 South, Range 2 West, thence south $00^{\circ} 05' 45''$ east 2964.04 feet to the northwest corner of that tract of land conveyed to Richard J. Landon, et ux, by Warranty Deed recorded August 28, 1974 in Book 990, Page 457, Records of Washington County, Oregon; said northwest corner being in Section 19, Township 1 South, Range 2 West, Willamette Meridian, thence north $89^{\circ} 33' 30''$ east 265.0 feet to a point in the center of a creek; thence following center of said creek through a pond south $35^{\circ} 29'$ east 95.82 feet; thence south $13^{\circ} 30'$ east 209.96 feet; thence south $38^{\circ} 00'$ east to the most westerly corner of that tract of land conveyed to David B. Radmacher, et al, by Warranty Deed recorded August 28, 1972, in Book 884, Page 918, Records of Washington County; thence along the north line of said Radmacher tract north $58^{\circ} 26' 30''$ east 167.71 feet to an iron rod; thence south $89^{\circ} 33' 30''$ east 313.84 feet to a point in the center of Minter Bridge Road; thence following said center line north $00^{\circ} 12'$ west 1882.18 feet to the southeast corner of that tract of land conveyed to Jessie R. Tucker, et ux, by Warranty Deed recorded November 22, 1971 in Book 844, Page 255, Records of Washington County, Oregon; thence along the south line of said Tucker tract south $89^{\circ} 48'$ west 440 feet to the southwest corner of said Tucker tract; thence along the west line of said Tucker tract north $00^{\circ} 12'$ west 190.0 feet to a point 10 feet north of the northwest corner of said Tucker tract; thence parallel to, and 10 feet north of the north line of said Tucker tract north $89^{\circ} 48'$ east 440 feet to a point 10 feet north of the northeast corner of said Tucker tract; said point being in the center of Minter Bridge Road; thence north $00^{\circ} 22'$ east along the east line of the said Withycombe tract 1212.58 feet to the northeast corner of said tract; thence north $89^{\circ} 19'$ west 954.12 feet along the north line of said Withycombe tract to the point of beginning. Excepting that portion of said lands lying south of the creek in T. L. 302.

Excepting and reserving that portion of the hereinabove described real property described as follows, to-wit:

Beginning at the northwest corner of that certain tract of land conveyed to Jessie Tucker by Warranty Deed recorded November 22, 1971, in Book 844, Page 255, Records of Washington County, said tract of land lying in Section 19, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon; thence north $00^{\circ} 12'$ west 10 feet to a point; thence parallel to and 10 feet north of, the north line of said Tucker tract north $89^{\circ} 48'$ east 440 feet to a point in the center of Minter Bridge Road; thence south $00^{\circ} 12'$ west along the center of said road 10.0 feet to the northeast corner of said Tucker tract; thence south $89^{\circ} 48'$ west 440 feet along the north line of said Tucker tract to the point of beginning.

Application No. G-1907
Permit No.

County of Marion

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS 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 0.81 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 4 wells, being 0.20 c.f.s. from Well #1, 0.12 c.f.s. from Well #2, 0.30 c.f.s. from Well #3, and 0.19 c.f.s. from Well #4.

The use to which this water is to be applied is Fish Culture from Well #4 and irrigation from all wells; the use allowed herein may be made anytime between October 1 and April 30 when 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, period from May 1 to September 30, and shall be further limited to a diversion of not to exceed 1 acre foot per acre for each acre irrigated during the period from October 1 to April 30, provided further that the right allowed herein shall not exceed 2 1/2 acre feet for each acre irrigated in any one year. The use of water during the period from October 1 to March 31 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 March 31. 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 cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

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 March 10, 1977

Actual construction work shall begin on or before July 25, 1979 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1979

Complete application of the water to the proposed use shall be made on or before October 1, 1980

WITNESS my hand this 25th day of July, 1978

James E. Sesson STATE ENGINEER

Application No. G-7907 Permit No. G-C 8112

PERMIT

TO APPROPRIATE THE GROUND WATERS OF THE STATE OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 10th day of March 1977, at 2:36 o'clock P. M.

Returned to applicant:

Approved:

Recorded in book No. of Ground Water Permits on page

STATE ENGINEER

Drainage Basin No. 2 page 156 55 80

July 27, 1978

Oregon Berry Packing Co.
Route 4, Box 197 A
Hillsboro, Oregon 97123

G-7906 thru
G-7909, G-791

G-8141 thru G-8145



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

55460, 55461, 55462
G-7906, G-7907, G-7908,
G-7909, G-7912

June 30, 1978

Oregon Berry Packing Company
Route 4, Box 197 A
Hillsboro, OR. 97123

Dear Sirs:

On March 10, 1977, we received your various maps, total fees of \$424.40, and eight applications requesting permits.

Applications numbered 55460 and G-7909 request a permit to use 0.37 cubic foot of water per second from Campbell Creek, an unnamed drain ditch, and a reservoir for primary irrigation and a well for supplemental irrigation of 29.77 acres throughout the entire year. Application numbered 55641 requests a permit to use 1.46 cubic feet of water per second from an unnamed stream and a reservoir for supplemental irrigation of 116.6 acres outside of the normal irrigation season.

Application numbered 55642 is requesting a permit to use 1.37 cubic feet of water per second from Campbell Creek and a reservoir and 0.67 cubic foot of water per second from an unnamed stream and reservoir for supplemental irrigation outside of the normal irrigation season for 163.2 acres. Application numbered G-7912 is requesting a permit to use 780 gallons of water per minute from a well for supplemental irrigation outside of the normal irrigation season for 279.8 acres.

Application numbered G-7906 requests a permit to use 0.88 cubic foot of water per second from four wells for irrigation of 70.15 acres throughout the entire year. Application numbered G-7907 requests the use of 0.88 cubic foot of water per second from four wells for irrigation of 65.11 acres throughout the entire year, and 0.22 cubic foot of water per second from well number 4 for fish culture. Application numbered G-7908 requests the use of 600 gallons of water per minute from a well for fish culture in LRM Pond.

You may recall that there has been some delay in issuing permits in approval of these applications because of the request for irrigation outside of the normal irrigation season. I am sure you are aware that the normal irrigation season in your vicinity begins May 1 and concludes September 30. It has been substantiated that on many years it may be necessary to begin irrigation in the Tualatin Basin as early

Page Two
Oregon Berry Packing Co.

as mid-March and often times through April. This is especially true for shallow seeded or shallow rooted plants.

Much of the data which we collected to substantiate beneficial use outside of the irrigation season indicated a need to apply water for chemical distribution. The use of water for chemical distribution is not classed as irrigation and if water is needed for chemical distribution, a permit should be requested specifically for this purpose.

Another use which was requested as irrigation was storing water in the soil for future use. It has been determined that permits for irrigation to build the soil moisture profile within the Willamette Valley would not be issued. Fall rains normally begin in mid-September and end by mid-November. Soil is often at its maximum storage capacity. Additional water placed on the soil either runs off or percolates into a ground water body.

Of the data collected, irrigation for immediate crop growth outside of the normal irrigation season has been determined to be the only beneficial use of water as irrigation. Therefore, your applications which have requested out-of-season use or year-round use, together with your existing rights, would allow for use of water from the various sources for beneficial use or immediate crop growth at any time that such use is beneficial.

Since the irrigation season has been set by certain Court Decree, it has been determined that out-of-season irrigation rights shall not have priority against other rights for beneficial use but shall establish priority only against similar rights for irrigation. However, since many Court Decrees throughout the Willamette Valley begin the irrigation season on April 1, beneficial use of water for irrigation during the month of April will establish priority as against all other rights from the same source.

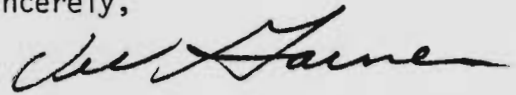
We have further concluded that it would be very difficult to prove beneficial use of water in order for a Certificate to be issued. Therefore as a condition of your out-of-season permits and year-round permits, it will be necessary that you submit a report annually of all beneficial use of water for irrigation outside of the normal irrigation season. If annual reports are not made, the right for out-of-season use will not be confirmed.

All of your applications as referred to herein are satisfactory and

Page Three
Oregon Berry Packing Co.

will now be considered for approval by issuance of permits. Should you have questions regarding your applications, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vestal Garner".

VESTAL GARNER
Water Rights Engineer

VG:tld

RECEIVED

MAR 10 1977

RESOURCES DEPT.

OREGON

Oregon Berry Packing Co.
Rt. 4, Box 197A
Hillsboro, Oregon 97123

Phone 503-628-1630

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

Dear Sir:

- A. We request that we be allowed to irrigate our crops, between Sept. 30th. and May 1st. of each year, as well as the rest of the year.

Currently our major crops are black raspberries, 120 acres, strawberries, 60 acres and grain crops. Our row crops are routinely rotated over all our property, so this request is for all of our irrigable property included under various water rights.

The needs are as follows:

1. Black Raspberries:

It is recommended that potassium fertilizer be put on in the months of February or March. The purpose of this is to avoid winter leaching of the fertilizer. Substantial water is required to leach the fertilizer into the root zone by the first part of April. Some years that are not near as dry as the winter of 1976-1977 would require irrigation as a supplement to rainfall to leach the fertilizer.

Black raspberries begin to grow in March of each year. The most critical period for production is between March 15th. and April 20th. During this period of time the fruit spurs are formed, and the vigor of the plant determines the number of fruit spurs, the number of blossoms and the size of the fruit. We also put on about 100 pounds of actual nitrogen between March 15th. and April 20th. The fertilizer is ammonium nitrate, which is very fast acting. This cultural practice helps give the plants a strong boost during this period of time.

Water is an absolute NEED prior to May 1st. The moisture content of the soil must be high during March and April, and water, either rain or irrigation - has to leach the ammonium nitrate into the root zone at this critical period.

Lack of adequate moisture as required during March and April - in a year like 1977 - could reduce our crop potential by as much as 40%. It is not unusual for our fields to yield 2 tons per acre. A 40% loss would be a 1600 pound reduction at an expected cannery price of 50¢ a pound. It is very possible that not being able to irrigate our black raspberries prior to May 1st. in some years could cost us \$800. an acre! We absolutely need the right to irrigate this crop prior to May 1st. of each year.

2. Strawberries:

This crop has a critical need for moisture from March through Sept. We have experienced that strawberries require good moisture at all

Application No. G-7907
Permit No.

times down to a depth of at least 2 feet. If the top 6" gets dry at any time between March and July 1st., the size of the fruit is definitely affected. It is also very possible the number of fruit spurs would be reduced if the plant becomes short of moisture in March and April. We would estimate that lack of moisture between March and May 1st., could reduce our strawberry crop between 20% to 40%. The economics is not only the loss of the potential crop of about (20% x 6 tons x 25¢ lb.) \$600 - \$1200 per acre, but also the problem of keeping pickers to pick the smaller and fewer berries.

3. Wheat:

Wheat may be short of moisture, and may run out before May 1, 1977. If we could put approximately 4" of water per acre, we could fertilize our wheat one time at a near normal rate. Based on facts stated at the meeting Feb. 16, 1977 at the Hillsboro Junior High School, we could anticipate an additional yield of at least 20 bushels of wheat per acre and up to 28 bushels per acre. This would give us additional income of between \$60 and \$84 per acre on the irrigated wheat. We realize we could not irrigate all of our wheat in any given year but our wells and ponds would allow us to irrigate a substantial acreage.

4. Planting - Strawberries and Black Raspberries:

We always plant strawberries as early in the spring as the weather allows. March or early April is very desirable because the plants respond to the cooler weather. Black Raspberries are normally planted in April. Both transplanted berries require adequate moisture in the top one foot of ground for the first two months to become well established.

Our normal cultural practice is to plant, fertilize and put on weed chemicals which require up to 2" of water immediately after they are applied. The weed chemical and irrigation must be done within one to two weeks of planting, otherwise a very serious and expensive weed problem will occur.

The planting year of both strawberries and black raspberries affect all future production years for the respective crops. If a field gets a bad start, it will never become a good producing field for the life of the crop - 3 to 4 years for strawberries; 5 to 8 years for black raspberries.

5. Plantings:

Wheat, clover and other fall seeded crop:

In some years it may be necessary to water various crops if the fall rains do not come soon enough. It is critical that a crop have vigorous growth soon after planting in the fall. This vigorous growth must continue through November and into December.

6. There are no alternatives for irrigation if needed rains are not forthcoming at critical times. All our row crops are predicated on irrigation, and we have invested between \$75,000 and \$100,000 over the years for irrigation. Wheat is not as critical over the years, but if water is available and needed in any particular year, we feel we should have the right to irrigate it.

Most of our waterings are between 2" and 4" of water per acre. We find that frequent light irrigations produce the best results with minimum water runoff. This maximizes the results we can get with the limited water we have available to us.

Application No. G-7907
Permit No.

7. We cannot at this time foresee what crops we will raise in the future. Therefore we cannot name all the needs for irrigation we may have between September 30th. and May 1st. of any given year. We do know that irrigation during this time may be critical for us.
- B. We request that the 30 day waiting period be waived for both the September 30th to May 1st. water right applications and the regular water right applications being currently submitted. We appear to have adequate moisture at the moment, but it may become dry for certain crops prior to May 1st. of 1977.
- C. We specifically request that the September 30th. to May 1st. portion of our water right applications be given an exemption to the 3 year proving period and the 5 year application of irrigation water rules. We request this exemption only on lands that meet the 3 year and 5 year water application rules for the period between May 1st. and September 30 th. of each year and that we have the right to have water applied between May 1st. and September 30th.

The reasons for requesting this exemption are as follows:

1. Only particular crops require that they get irrigation between Sept. 30 th. and May 1st.
2. There is not a need, due to the changing weather, to irrigate any crops between Sept. 30th. and May 1st. in many years.
3. We rotate our crops. It would not be unusual to have an acreage that would not require water during a 5 year period due to the combination of weather (wet fall, dry spring, or dry fall, wet spring) and the crops being raised on that particular acreage. The loss of the September 30th. to May 1st. water right on that particular acreage would jeopardize our desired crop rotation in future years.
4. Allowing this exemption would save us the cost of reapplying for Sept. 30 th. to May 1st. water rights on specific acreages that would not have had water applied on them when required by your department. Your department would also not have to spend time and effort on needless water applications.
5. Two very important factors are that water would be conserved, and electrical energy would be saved. In some years weather makes it a marginal situation as to whether we should irrigate a particular crop or not between Sept. 30th. and May 1st. The 3 year and 5 year water application requirements would force us to irrigate under marginal conditions to save our water rights. This would be a possible waste of water and energy. We would prefer to evaluate a crop dryness situation and be sure that a total substantial economic gain would be achieved upon application of water. Our evaluation would include all our costs, including conservation, energy use, labor and equipment.
6. We anticipate raising high yield crops in the future, along with other rotation crops. If we have water available to us from our irrigation systems, we feel we should have the right to protect our crops at any time during the year.

We do not request the waivering of the 30 day waiting period on request C. - exemption from the 3 year and 5 year application rules. We realize that you

Application No. G-7907

-3- Permit No.

may or may not have the power to grant this exemption. If you cannot grant this exemption, please include this power in the changes in rules being presented to the legislature from your department.

Sincerely yours,

Oregon Berry Packing Co.

Oregon Berry Packing Co

Louis R. Malensky Jr

Louis R. Malensky Jr.
Partner

Application No. G-7987
Permit No.