

STATE OF OREGON
COUNTY OF MALHEUR
CERTIFICATE OF WATER RIGHT

This Is to Certify, That BYBEE FARMS, INC.

of **Route 2, Nyssa**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Nyssa Arcadia Drainage District Drain**

97913

a tributary of **Snake River** for the purpose of **supplemental irrigation of 34.7 acres**

under Permit No. **34959** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **March 25, 1970**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.87 cubic foot 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 **SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, T. 19 S., R. 47 E., W. M., 10 feet South and 20 feet East from NE Corner, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19.**

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-fortieth** 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 **4 acre feet per acre** for each acre irrigated during the irrigation season of each year and shall also be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the continuance of the waste water, and is subject to the terms and conditions of an agreement between the Nyssa Arcadia Drainage District and the applicant recorded at Pages 2187 and 2188, Volume 4, Miscellaneous Records of the State Engineer, and by reference made a part hereof, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

**34.7 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 19
T. 19 S., R. 47 E., W. M.**

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **October 9, 1975**

James E. Sexton

Water Resources Director ~~State Engineer~~

Recorded in State Record of Water Right Certificates, Volume **34**, page **42669**