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MAR 25 1976
STATE ENGINEER
SALEM, OREGON

*APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, Bybee Farms, Inc., an Oregon corporation
(Name of applicant)
of Route 2, Nyssa
(Mailing address)
State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation
State of Oregon

1. The source of the proposed appropriation is Nyssa Arcadia Drainage District
(Name of stream)
drain, a tributary of Snake River

2. The amount of water which the applicant intends to apply to beneficial use is 0.95
cubic feet per second.
(If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located ft. 222 ft. 222 ft.
(N. or S.) (E. or W.)
~~located at~~ N 2° 03' W 1295 feet from the South 1/4 corner of Section 19,
(Section or subdivision)
Township 19 South, Range 47 E.W.M.
(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)
being within the SE 1/4 SW 1/4 of Sec. 19, Tp. 19S
(Give smallest legal subdivision) (N. or S.)
R. 47 E, W. M., in the county of Malheur
(E. or W.)

5. The pipeline to be 1300 feet
(Main ditch, canal or pipe line) (Miles or feet)
in length, terminating in the SE 1/4 SW 1/4 of Sec. 19, Tp. 19S
(Smallest legal subdivision) (N. or S.)
R. 47 E, W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam _____ feet, length on top _____ feet, length at bottom _____ feet; material to be used and character of construction _____
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate _____
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description Parma Water Lifter 12" pump
(Size and type of pump)
10 HP 3 phase G. E. motor
(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.
**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

10. (a) To supply the city of

..... County, having a present population of

(Name of)

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$2,500.....

12. Construction work will begin on or before

13. Construction work will be completed on or before completed

14. The water will be completely applied to the proposed use on or before June 1971

BYBEE FARMS, INC.

By *[Signature]* President
(signature of applicant)

Remarks: The Nyssa Arcadia Drainage District has heretofore granted temporary permission to applicant to pump water from the drain indicated herein and on applicant's accompanying map and the water has been completely applied to the proposed use. The consent of the District to the granting of a permit under this application is subject to the terms of a written agreement to be entered into between applicant and said district, a duplicate original of which shall be filed with the State Engineer and incorporated with this application.

STATE OF OREGON, }
County of Marion, } ss.

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 State Engineer, with corrections on or before June 15th 1970..

WITNESS my hand this 13th day of X April, 1970..

CHRIS L. WHEELER STATE ENGINEER

By *[Signature]* ASSISTANT
Wayne J. Overcash

RECEIVED
JUN 11 1970
STATE ENGINEER
SALEM, OREGON

PERMIT

STATE OF OREGON,

County of Marion,

ss.

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 0.98 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Nyssa Arcadia Drainage District Drain.

The use to which this water is to be applied is irrigation.

If for irrigation, this appropriation shall be limited to 1/40 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 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 in Miscellaneous Records of the State Engineer Volume 4, Pages 2187 and 2188 and by reference made a part hereof,

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

The priority date of this permit is March 25, 1970.

Actual construction work shall begin on or before January 11, 1972 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1972.

Complete application of the water to the proposed use shall be made on or before October 1, 1973.

WITNESS my hand this 11th day of January, 1971.

[Signature]

STATE ENGINEER

Application No. 46840
Permit No. 34959

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 25th day of March, 1970, at 8:00 o'clock A. M.

Returned to applicant:

Approved:

January 11, 1971

Recorded in book No. 34959 of Permits on page

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 10 page 16
Fees 2120