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Permit No. **40939**

JUL 23 1976

**\*APPLICATION FOR PERMIT**

WATER RESOURCES DEPT.

**To Appropriate the Public Waters of the State of Oregon**

I, Robert M. Irby (Name of applicant)  
of P.O. Box 284 (Mailing address), Olex (City),  
State of OR, 97812 (Zip Code), 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

1. The source of the proposed appropriation is Rock Creek (Name of stream), a tributary of John Day River

2. The amount of water which the applicant intends to apply to beneficial use is 0.75 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 winter irrigation (Irrigation, power, mining, manufacturing, domestic supplies, etc.)  
Oct 1 - March 31 of 30 acres

4. The point of diversion is located 2450 ft. N and 2150 ft. E from the SW corner of Section 3 (Section or subdivision)

(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 NE 1/4 SW 1/4 (Give smallest legal subdivision) of Sec. 3, Tp. 15 (N. or S.)  
R. 21E (E. or W.), W. M., in the county of Gilliam

5. The (Main ditch, canal or pipe line) to be (Miles or feet)  
in length, terminating in the (Smallest legal subdivision) of Sec. (N. or S.)  
R. (E. or W.), W. M., the proposed location being shown throughout on the accompanying map.

**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 25 hp (Size and type of pump)  
electric cent pump (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. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.



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, \$.....
- 12. Construction work will begin on or before .....
- 13. Construction work will be completed on or before .....
- 14. The water will be completely applied to the proposed use on or before *completed*

*Robert M. Juby*  
(Signature of applicant)

Remarks: \* *further limited to 1/2 A.F./acre irrigated*

*Map: 53898*

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 .....

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before ....., 19.....

WITNESS my hand this ..... day of ....., 19.....

STATE ENGINEER

By .....

ASSISTANT

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 0.75 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 Rock Creek

The use to which this water is to be applied is supplemental irrigation. The use allowed herein may be made anytime between October 1 and March 31 that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season.

If for irrigation, this appropriation shall be limited to 1/40th 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 1/2 acre feet per acre for each acre irrigated during the period from October 1 to March 31, provided further that the right allowed herein, together with the amount secured under any other right existing for the same land shall not exceed 4 acre feet for each acre irrigated in any one year. The use of water authorized herein shall not establish priority of right as against future appropriations of surface water for beneficial uses or for storage for such beneficial uses, other than similar rights for irrigation from October 1 to March 31. Sufficient flow shall be left in Rock Creek to provide stockwater throughout its course during the period of use authorized herein.

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 July 23, 1976

Actual construction work shall begin on or before December 21, 1977 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 21st day of December 1976

*James P. Lewis*  
WATER RESOURCES DIRECTOR

Application No. 54559  
Permit No. 40939

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 23rd day of July 1976, at 2:55 o'clock P. M.

Returned to applicant:

Approved:

Recorded in book No. 40939 of

Permits on page

STATE ENGINEER  
Drainage Basin No. 6 page 33A

Fees 5000