

## STATUS OF APPLICATION

Change in Point of Diversion & Use  
 Date filed June 12, 1973  
 Date of hearing Sept 11, 1973  
 Place of hearing McMinnville, Ore.  
 Date of order 9/19/73 Vol. 23, page 338  
 Date for application of water ~~Oct 1, 1974~~ Oct 1, 1981  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued JUL 21 1989 Vol. \_\_\_\_\_, page 61988

## DESCRIPTION OF WATER RIGHT

Name of stream So Yamhill River  
 Trib. of \_\_\_\_\_ County of Yamhill  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 380  
 Name of ditch \_\_\_\_\_  
 Date of priority January 24, 1939  
 In name of Amel & Zelda Funk  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 17767 Per. No. 13455 Cert. No. 15698  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## REMARKS

Card for C NOV 20 1981

See also App # 50474

— finish —

## FEES PAID

Date	Amount	Receipt No.
<u>6-12-73</u>	<u>\$35.00</u>	<u>34579</u>
<u>6-12-73</u>	<u>\$45.00</u>	<u>34580</u>
<b>TOTAL . . .</b>		
<u>8-3-73</u>	<u>\$1.50</u> Cert. Fee	<u>From P.O.N.</u>

## FEES REFUNDED

Date	Amount	Check No.
<u>8-3-73</u>	<u>5.30</u> P.O.N.	<u>5374</u>

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	<u>✓</u>	_____
	Stream	<u>✓</u>	_____
	Pt. of Div.	<u>✓</u>	_____
	Calendar	<u>✓</u>	_____
	CHECKED TO RECORDS:		
	Twp. & Rge.	<u>WAC</u>	_____
	Decree-vault	_____	_____
	Decree-safe	_____	_____
	Cert. of W/R	<u>WAC</u>	_____
	Per. Folder	<u>WAC</u>	_____
	Chainindex	_____	_____
	Cross Ref.	_____	_____
	Power Claim	_____	_____
	Abstracts	_____	_____



## STATE OF OREGON

COUNTY OF YAMHILL

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That AMEL and ZELDA M. FUNK

of Route 1, McMinnville, 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 South Yamhill River a tributary of Yamhill River, a tributary of Willamette River for the purpose of irrigation under Permit No. 13155 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 January 24, 1939

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 0.475 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 SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 5 South, Range 4 West, W. M.

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-eightieth 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 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

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:

5.3 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected on D.L.C. 39  
 12.4 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected on D.L.C. 39  
 12.1 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected on D.L.C. 39  
 8.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected on D.L.C. 39

Section 4,  
 38.0 T. 5 S., R. 4 W., W. M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows: A part of the tract of land situate in Section 4, Township 5 South, Range 4 West of the Willamette Meridian, in the Donation Land Claim of Henry H. Hyde, Claim #39, Notification #1240, in Yamhill County, Oregon, conveyed to the United States by W. E. Robbins and wife by deed recorded October 22, 1936, in Book 111, Page 623, of the Deed Records of Yamhill County, Oregon, said part being more particularly described as follows, to wit: Beginning at a point marked by a 3/4" iron pipe on the East line of the H. H. Hyde Donation Land Claim, from which point the Northeast corner of said claim bears North 18° 37' 49" West 1473.87 feet as measured along the Donation Land Claim line; Thence South 18° 37' 49" East 453.02 feet along the East line of the Donation Land Claim to a point marked by a 2" iron pipe; Thence South 16° 14' 39" East 696.98 feet along the East line of the Donation Land Claim to a point marked by a 3/4" iron pipe; Thence North 88° 57' 03" West 1888.90 feet along the line common with United States Farm Security Administration Farm Unit #74 to a point marked by a 3/4" iron pipe in the center line of the County road; Thence North 78° 02' 52" West 325.96 feet along the center line of the county road to a 3/4" iron pipe; Thence North 8° 25' 52" West 1033.35 feet along the center line of the county road to a 3/4" iron pipe which is a corner common with Farm Units 74, 72, 73; Thence South 89° 16' East 2019.45 feet along the line common with Unit #73 to the point of beginning; This unit contains 52.570 acres, more or less.



STATE OF OREGON  
COUNTY OF CLATSOP  
CERTIFICATE OF WATER RIGHT

This State Engineer, Thomas M. Stricklin, has

to the satisfaction of the STATE ENGINEER of Oregon, a right to the use of the waters of  
for the purpose of

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 herein  
confirmed dates from January 21, 1929

that the amount of water to which such right is entitled and hereby confirmed, for the purpose  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
0.175 cubic feet per second

at its application in case of location, measured at the point of diversion from the stream.  
The point of diversion is located in the

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-half of one cubic foot per second  
for each acre of irrigated land, and no irrigation right shall be perfected  
if the diversion of water to exceed 0.175 cubic feet per second for each acre of irrigated  
land is not made at such time

conforms 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:

0.175 cubic feet per second, as located on D. 1.1. D. 33  
0.175 cubic feet per second, as located on D. 1.1. D. 33  
0.175 cubic feet per second, as located on D. 1.1. D. 33  
0.175 cubic feet per second, as located on D. 1.1. D. 33

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 1st day of March, 1949

CHAS. E. STRICKLIN  
State Engineer



BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION  
OF AMEL AND ZELDA M. FUNK FOR THE  
APPROVAL OF A CHANGE IN POINT OF  
DIVERSION AND USE OF WATER FROM  
SOUTH YAMHILL RIVER

ORDER APPROVING  
TRANSFER NO. 2832

On June 12, 1973, Amel and Zelda M. Funk filed an application in the office of the State Engineer for the approval of a change in point of diversion and use of water from South Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Amel and Zelda M. Funk and recorded at page 15698, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.475 cubic foot per second of water from South Yamhill River, for the irrigation of, 5.3 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 12.4 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 12.1 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 8.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 5 South, Range 4 West, W.M., with a date of priority of January 24, 1939. These lands are irrigated by means of a pump located at a point of diversion 2550 feet South and 100 feet East from the NW corner of Hyde DIC No. 39, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 5 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water from the irrigation of the above described lands, to municipal use for the City of Amity, within Sections 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, Township 5 South, Range 4 West and Sections 24 and 25, Township 5 South, Range 5 West, W.M., and to change the point of diversion to a point to be located 500 feet South and 250 feet West from the NE corner of Section 26,



being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 5 South, Range 5 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on September 11, 1973 at 9:30 a.m. The notice was published in McMinnville News Register, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of July 13, 20, and 27, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in use is approved and the water right hereinbefore described as appurtenant to the irrigation of 5.3 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 12.4 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 12.1 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 8.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 5 South, Range 4 West, W.M., with a date of priority of January 24, 1939, be severed therefrom and simultaneously and without loss of priority transferred to Municipal purposes for the City of Amity, within S $\frac{1}{2}$  S $\frac{1}{2}$ , Section 19, S $\frac{1}{2}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , S $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 20, SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 21, SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 23, NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, N $\frac{1}{2}$ , Section 27, N $\frac{1}{2}$ , Section 28, NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Section 29, N $\frac{1}{2}$  N $\frac{1}{2}$ , Section 30, Township 5 South, Range 4 West, W.M., SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, and E $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 25, Township 5 South, Range 5 West, W.M.



It is FURTHER ORDERED that the proposed change in point of diversion of water from South Yamhill River, to-wit:

From a point located 2550 feet South and 100 feet East from the NW corner of Hyde DIC No. 39, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 5 South, Range 4 West, W.M.

To a point to be located 500 feet South and 250 feet West from the NE corner of Section 26, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, Township 5 South, Range 5 West, W.M.

for the municipal use for the City of Amity, with a date of priority of January 24, 1939, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion of water made on or before October 1, 1976.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.475 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Amel and Zelda M. Funk and recorded at page 15698, Volume 13, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in use and point of diversion, a certificate of water right shall be issued to City of Amity, confirming the extent to which the water has been applied beneficially and the change in point of diversion.



Dated at Salem, Oregon, this 18th day of September, 1973.

/s/ CHRIS L. WHEELER  
State Engineer



"EXHIBIT A"

AFFIDAVIT OF PUBLICATION

NOTICE OF FILING  
APPLICATION FOR CHANGE  
IN USE AND  
POINT OF DIVERSION

Notice is given hereby that Amel and Zelda M. Funk have filed an application for the approval of a change in use, and point of diversion of water from South Yamhill River.

Certificate of water right issued to Amel and Zelda Funk and recorded at page 15698, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.475 cubic foot per second of water for the irrigation of, 5.3 acres in NE 1/4 NE 1/4, 12.4 acres in NW 1/4 NE 1/4, 12.1 acres in SW 1/4 NE 1/4, and 8.2 acres in SE 1/4 NE 1/4, Section 4, Township 5 South, Range 4 West, W.M., with a date of priority of January 24, 1939.

The water is conveyed to these lands by means of a pump located at a point of diversion of 2550 feet South and 100 feet East from the NW corner of HYDE DLC No. 39, being within the SE 1/4 NW 1/4 of Section 4, Township 5 South, Range 4 West, W.M.

The applicants herein, owners of the lands above described, propose to change the use from the irrigation of the above described lands to municipal purposes within the City of Amity and to change the point of diversion to a point to be located 500 feet South and 250 feet West from the NE corner of Section 26, being within the NE 1/4 NE 1/4 of Section 26, Township 5 South, Range 5 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon, on September 11, 1973, at 9:30 a.m. All objections to the proposed changes, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Amel and Zelda M. Funk, Route 1, Box 169, McMinnville, Oregon, 97128, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 9th day of July, 1973.

CHRIS L. WHEELER  
State Engineer

STATE OF OREGON

County of Yamhill

ss.

I, Homer Rohse, being first duly sworn, depose and say that I am the Advertising Manager of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020, published twice each week at McMinnville, County of Yamhill, State of Oregon, and that the Application for change in use and point of diversion of water from So. Yamhill River, a printed copy of which is hereto annexed and marked Exhibit "A", was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues:

7/13, 7/20, 7/27/73

Subscribed and sworn before me this 31 day of July,

1973

Homer Rohse

Shirley W. Hedlin

Notary Public for Oregon.

My Commission Expires January 2, 1974

**RECEIVED**  
AUG 1 1973  
STATE ENGINEER  
SALEM OREGON