



April 22, 2024

Mary Bjork  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Application for Limited Water Use License

Dear Mary,

The enclosed application for a Limited Water Use License, and supporting documentation, is submitted on behalf of Jeld-Wen, Inc. (Jeld-Wen). Also enclosed is the \$280 application fee. Jeld-Wen is proposing to use groundwater at a rate not to exceed 224 gpm (0.5 cfs) for industrial use from an existing well at the Jeld-Wen manufacturing site in Klamath Falls.

Jeld-Wen has been operating this well under a limited license (LL-1784) that expires this summer. This application is designed to continue the authorization to operate the well while Jeld-Wen and the Department finalize the mitigation package associated with Jeld-Wen's permanent groundwater permit application (Application G-17983).

We understand that mitigation is required for water use under the enclosed Limited License application and propose using the same mitigation that was approved for LL-1784; Jeld-Wen's Claim KA-107. Claim KA 107 has been leased instream in its entirety (1.0 cfs), and the application for the enclosed Limited License application proposes to continue the use of IL-1550 for mitigation going forward. The final order for IL-1550 is included as an attachment to this Limited License Application. Jeld-Wen anticipates that use of water under the enclosed Limited License application will cease once Application No. G-17983 is approved and a permanent groundwater permit is issued by the Department.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,  
GSI Water Solutions, Inc.

A handwritten signature in blue ink that reads "Bruce Brody-Heine".

Bruce Brody-Heine  
Principal Hydrogeologist

Enclosures: Limited License Application  
\$280 Application Fee

Cc: Jeld-Wen, Inc./Larry Maurer  
Stoel Rives LLP/David Filippi

Received  
APR 26 2024  
OWRD



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for Limited Water Use License

License No.: \_\_\_\_\_

### Applicant Information

NAME Jeld-Wen, Inc Attn: Larry Maurer		PHONE (HM)	
PHONE (WK) 541-883-3373	CELL	FAX	
ADDRESS 407 Harbor Isles Blvd.			
CITY Klamath Falls	STATE OR	ZIP 97702	E-MAIL * Lmaurer@jeldwen.com

### Agent Information

NAME GSI Water Solutions, Inc. Attn: Bruce Brody-Heine		PHONE 971-200-8519	FAX
ADDRESS 147 SW Shevlin Hixon Drive, Suite 201			CELL
CITY Bend	STATE OR	ZIP 97702	E-MAIL * BBheine@gsws.com

I (We) make application for a Limited License to use or store the following described surface waters or groundwater – not otherwise exempt, or to use stored water of for a use of a short-term or fixed-duration:

- SOURCE(S) OF WATER:** 1 well (groundwater) a tributary of Klamath River
- AMOUNT OF WATER** to be diverted;  
 Maximum and instantaneous rate (cubic feet or gallons per minute): 0.5 cfs (224 gpm)  
 Total volume (gallons or acre-feet): N/A. If water is to be used from more than one source, give the quantity from each: N/A

**3. INTENDED USE(S) OF WATER:** (check all that apply)

- Road construction or maintenance
- General construction
- Forestland and rangeland management; or
- Other: Industrial/manufacturing

**4. DESCRIPTION OF PROPOSED PROJECT:** Include a description of the place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:

Water is proposed to be appropriated from a well (KLAM 11674) with a 50 hp pump and conveyed approximately 1875 feet via an 8-inch pipe to a 750,000 gallon water storage tank that supplies water to the Jeld-Wen manufacturing plants.

**5. PROJECT SCHEDULE:** (List day, month, and year)

Date water use will begin: August 4, 2024  
 Date water use will be completed: 5 years from Final Order issuance  
 Months of the year water would be diverted and used: year-round

If for other than irrigation from stored water, how and where will water be discharged after use:

Applicant Signature

LARRY MAURER  
 Print Name and Title if applicable  
 DIRECTOR - JELD-WEN ENGINEERING

4/22/24  
 Date

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APR 26 2024

OWRD

**PLEASE READ CAREFULLY**

**NOTE:** A completed water availability statement from the local watermaster, Land Use Information Form completed by the local Planning Department, fees and site map meeting the requirements of OAR 690-340-030 must accompany this request. The fee for this request is **\$280** for the first point of diversion plus **\$30** for each additional point of diversion. Please review the Department's fee schedule to view fees required to request a limited license for Aquifer Storage and Recovery testing purposes or for Artificial Groundwater Recharge testing purposes.

**Failure to provide any of the required information will result in return of your application.** The license, if granted, will not be issued or replaced by a new license for a period of more than five consecutive years. The license, if granted, will be subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time it is determined the use causes injury to any other water right or minimum perennial streamflow.

If water source is well, well logs or adequate information for the Department to determine aquifer, well depth, well seal and open interval, etc. are required. The licensee shall indicate the intended aquifer. If for multiple wells, each map location shall be clearly tied to a well log.

If a limited license is approved, the licensee shall give notice to the Department (Watermaster) at least 15 days in advance of using the water under the Limited License and shall maintain a record of use. The record of use shall include, but need not be limited to, an estimate of the amount of water used, the period of use and the categories of beneficial use to which the water is applied. During the period of the Limited License, the record of use shall be available for review by the Department upon request.

*\*A summary of review criteria and procedures that are generally applicable to these applications is available at: <http://www.oregon.gov/owrd/pages/pubs/forms.aspx>*

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**Mapping Requirements (OAR 690-340-0030):**

- (1) A request for a limited license shall be submitted on a form provided by the Water Resources Department, and shall be accompanied by the following:
  - a. A site map of reproducible quality, drawn to a standard, even scale of not less than 2 inches = 1 mile, showing:
    - i. The locations of all proposed points of diversion referenced by coordinates or by bearing and distance to the nearest established or projected public land survey corner;
    - ii. The general course of the source for the proposed use, if applicable;
    - iii. Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.

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**REMARKS:**

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**OWRD**

For WRD Use Only
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## Attachment A

Klam 11674

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Application for Limited Water Use License  
Jeld-Wen, Inc.



3859E-196a RECEIVED  
Klamath NOV 4 1981

WATER RESOURCES DEPT  
SALEM, OREGON



# E.E. STOREY & SON WELL DRILLING, INC.

3847 HOPE STREET - KLAMATH FALLS, OREGON 97601  
503/884-3980 or 503/882-1152  
CONTRACTOR'S LICENSES - ORE. 74 and 691

JELD-WEN, INC.  
3303 LAKEPORT BLVD.  
KLAMATH FALLS, OREGON 97601  
NE 1/4 NW 1/4 S19 T38S R9E  
COLD WATER WELL ON LAKEPORT BLVD, BEHIND PLANT

DAVE  
STARTED 9/21/81  
COMPLETED 10/7/81

## LOG

- 0 - 5 brown clay topsoil
  - 5 - 9 yellow shale
  - 9 - 15 hard black sandstone
  - 15 - 35 sticky blue clay
  - 35 - 42 blue shale
  - 42 - 76 green shale
  - 76 - 97 hard green shale
  - 97 - 156 hard gray shale
  - 156 - 223 sticky brown clay
  - 223 - 239 hard black basalt
  - 239 - 252 black bubbly basalt
  - 252 - 270 black lava
  - 270 - 320 hard black basalt
  - 320 - 365 broken black lava
  - 365 - 376 hard brown sandstone
  - 376 - 440 green sticky clay
  - 440 - 448 hard brown shale
  - 448 - 486 green sticky clay
  - 486 - 500 hard brown shale
  - 500 - 565 green sticky clay
  - 565 - 569 hard broken black chalk rock
  - 569 - 615 broken black basalt
  - 615 - 639 hard black basalt
  - 639 - 674 hard broken black basalt
  - 674 - 785 hard black basalt
  - 785 - 820 hard brown chalk rock
  - 820 - 892 brown clay
  - 892 - 962 gray clay
  - 962 - 994 black shale with streaks of black clay
  - 994 - 1021 hard black basalt
- 1003' taped finished hole depth after test pumping

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APR 26 2024

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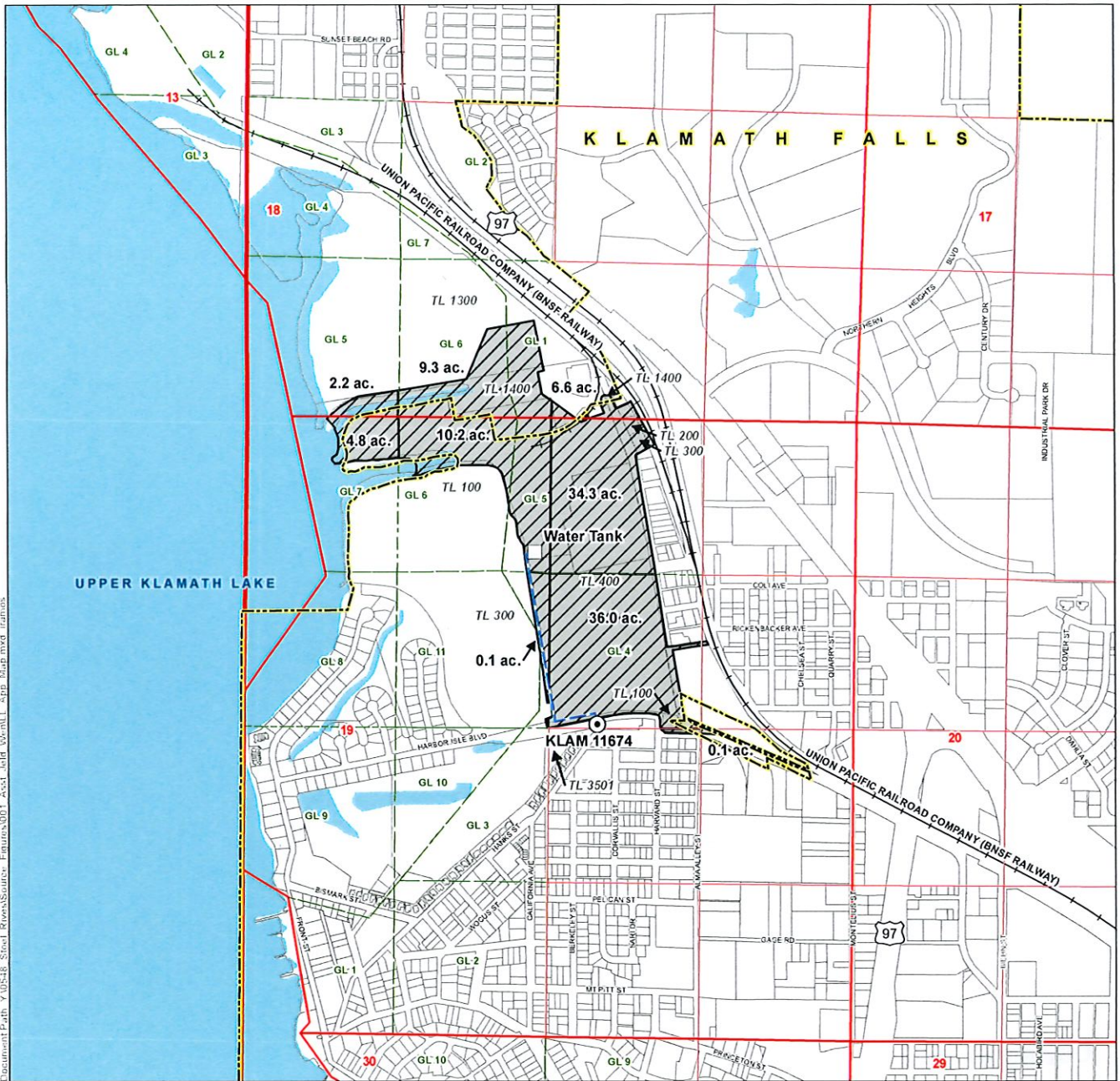
## Attachment B

Application Map

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Application for Limited Water Use License

Jeld-Wen, Inc.



**LEGEND**

- Point of Appropriation (POA)
- Water Tank
- Water Conveyance Pipeline
- Place of Use (POU)
- City Boundary
- Tax Lots
- Government Lot (GL)
- Railroad
- Watercourse
- Waterbody

**Application for Limited Water Use License  
in the Name of Jeld-Wen, Inc.  
Place of Use/Point of Appropriation Map**

Township 38 South, Range 9 East (W.M.)

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APR 26 2024

OWRD

**DISCLAIMER**

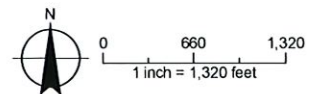
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: April 2, 2024  
Data Sources: BLM, ESRI, OWRD, USGS

**POA LOCATION DESCRIPTION**

**KLAM 11674**

Located 30 feet North and 2,215 feet West from the E 1/4 corner of Section 19, Township 38 South, Range 9 East (W.M.)





# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

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APR 26 2024  
OWRD

## NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

### This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b. The application involves a change in place of use only;
  - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d. The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD\_DL\_customerservice@water.oregon.gov.

Received  
APR 5 8 2024  
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Land Use  
Information Form

### NOTE TO APPLICANTS

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### NOTED LOCAL GOVERNMENTS

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APR 26 2024  
OWRD

# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

NAME Jeld-Wen, Inc. Attn: Larry Maurer			PHONE 541-883-3373	
MAILING ADDRESS 407 Harbor Isles Blvd.				
CITY Klamath Falls	STATE OR	ZIP 97601	EMAIL	

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
38 S	9 E	19	SWNE	3501	I - Industrial	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Industrial
38 S	9 E	18	See map	See map	I - Industrial	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Industrial
38 S	9 E	19	See map	See map	I - Industrial	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Industrial

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Klamath Falls and Klamath County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

## B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Exchange of Water   
  Allocation of Conserved Water

Source of water:     Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0.5     cubic feet per second     gallons per minute     acre-feet

Intended use of water:     Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

The applicant is applying for a Limited Water Use License to use an existing well for manufacturing purposes.

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

Revised  
 10/15/2014  
 OWRD

## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_
- Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Design Review	Various, including 24-DR-05, 23-DR-05	<input checked="" type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Name: Jon Anderson Title: Associate Planner  
 Signature: [Signature] Date: 4/8/24  
 Governmental Entity: City of Klamath Falls Phone: 541-883-5346

**Receipt Acknowledging Request for Land Use Information**

**Note to Local Government Representative:**  
 Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

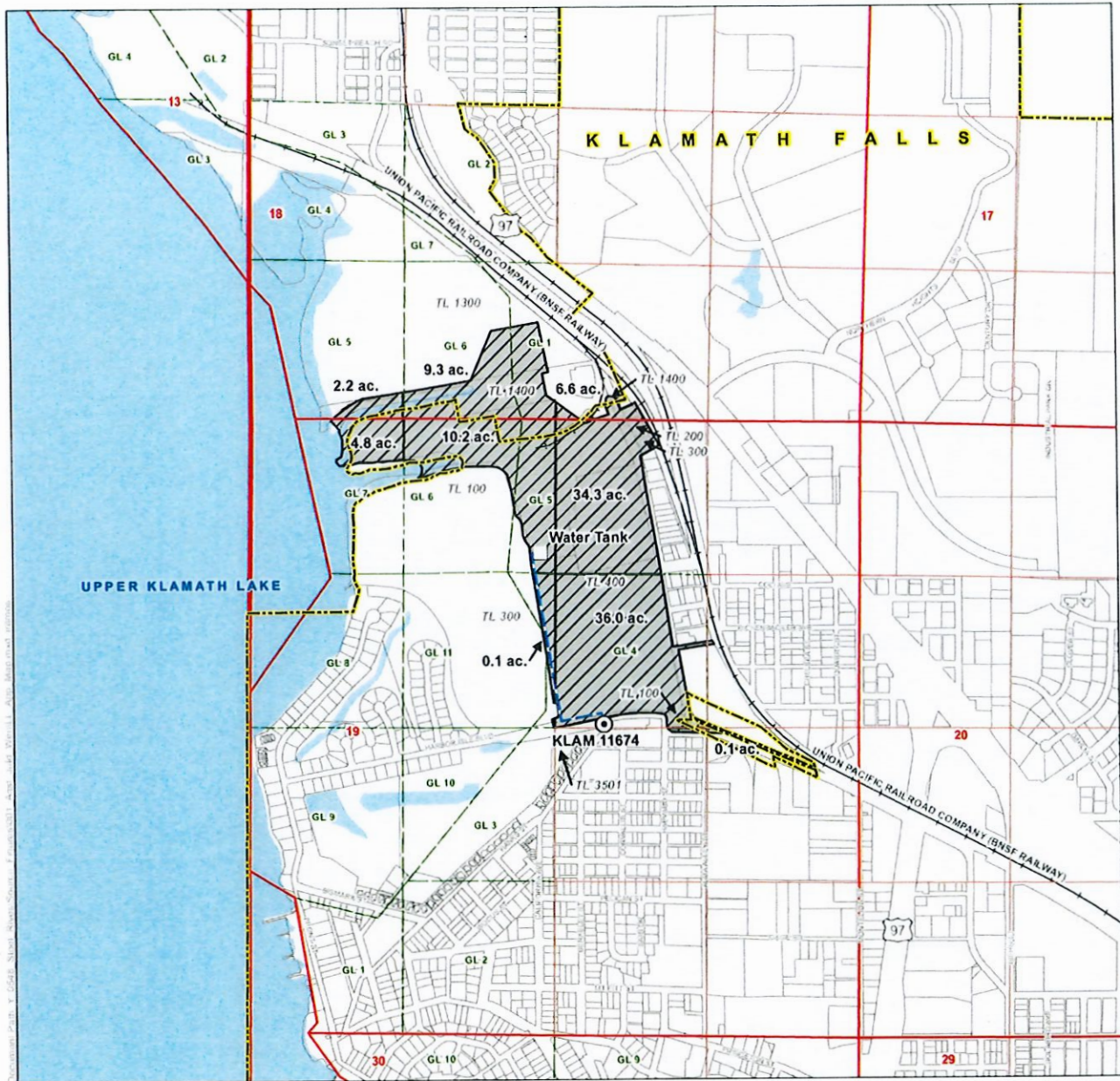
Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

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- LEGEND**
- ⊙ Point of Appropriation (POA)
  - Water Tank
  - Water Conveyance Pipeline
  - ▨ Place of Use (POU)
  - ▭ City Boundary
  - Tax Lots
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  - Waterbody

**Application for Limited Water Use License  
in the Name of Jeld-Wen, Inc.  
Place of Use/Point of Appropriation Map  
Township 38 South, Range 9 East (W.M.)**

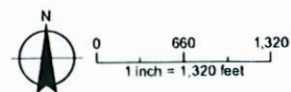
**POA LOCATION DESCRIPTION**  
**KLAM 11674**  
 Located 30 feet North and 2,215 feet West from the E 1/4 corner  
 of Section 19, Township 38 South, Range 9 East (W.M.)

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**APR 26 2024**

**OWRD**

**DISCLAIMER**  
 This map was prepared for the purpose of  
 identifying the location of a water right only and  
 it is not intended to provide legal dimensions  
 or location of property ownership lines.

Date: April 2, 2024  
 Data Sources: BLM, ESRI, OWRD, USGS



# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

Received  
APR 26 2024

## NOTE TO APPLICANTS

OWRD

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APR 28 2024

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### NOTE TO APPLICANTS

The information on this form is to be used by the City of Fort Collins to determine if the proposed use is consistent with the City's Comprehensive Zoning Ordinance. The information provided on this form will be used to determine if the proposed use is consistent with the City's Comprehensive Zoning Ordinance. The information provided on this form will be used to determine if the proposed use is consistent with the City's Comprehensive Zoning Ordinance.

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### NOTE TO LOCAL GOVERNMENTS

The information on this form is to be used by the City of Fort Collins to determine if the proposed use is consistent with the City's Comprehensive Zoning Ordinance. The information provided on this form will be used to determine if the proposed use is consistent with the City's Comprehensive Zoning Ordinance. The information provided on this form will be used to determine if the proposed use is consistent with the City's Comprehensive Zoning Ordinance.

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# Land Use Information Form



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.oregon.gov/OWRD

NAME Jeld-Wen, Inc. Attn: Larry Maurer			PHONE 541-883-3373	
MAILING ADDRESS 407 Harbor Isles Blvd.				
CITY Klamath Falls	STATE OR	ZIP 97601	EMAIL	

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Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
38 S	9 E	18	See map	See map	I - Industrial	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Industrial

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Klamath Falls and Klamath County
--

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## B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- Permit to Use or Store Water   
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  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Exchange of Water   
  Allocation of Conserved Water

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Estimated quantity of water needed: 0.5     cubic feet per second     gallons per minute     acre-feet

Intended use of water:     Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

The applicant is applying for a Limited Water Use License to use an existing well for manufacturing purposes.
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**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): KCLDC Article 53.420(I)
- Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Name: Libby Gallagher

Title: Planner II

Signature: *Libby Gallagher*

Date: April 5, 2024

Governmental Entity: Klamath County Planning Department

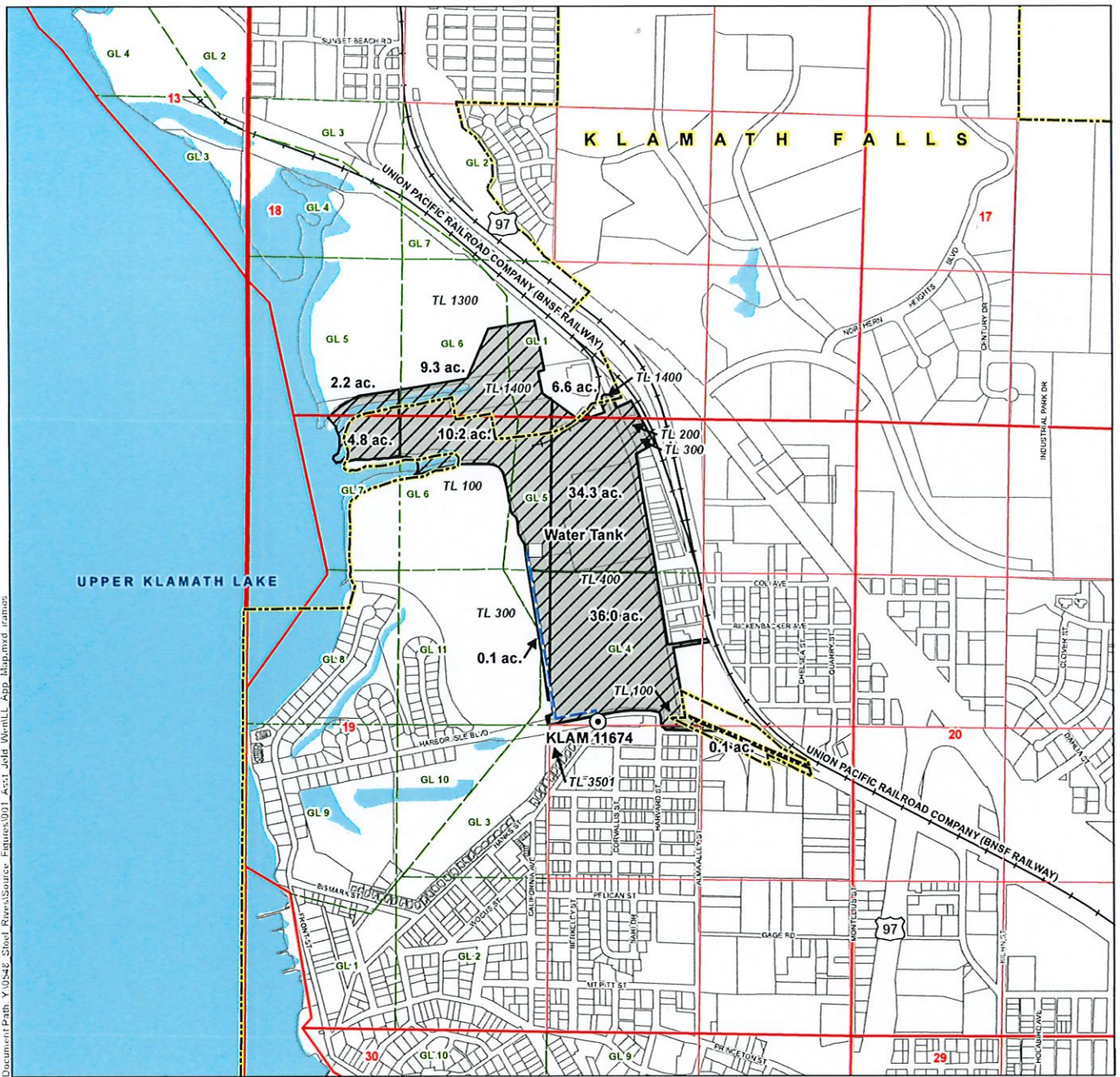
Phone: 541-851-3674

**Received**

**APR 26 2024**

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Receipt Acknowledging Request for Land Use Information	
<p><b>Note to Local Government Representative:</b> Please complete this form and return it to the applicant. <b>For new water right applications only</b>, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.</p>	
<p>Applicant Name: _____</p>	
Staff Name: _____	Title: _____
Staff Signature: _____	Date: _____
Governmental Entity: _____	Phone: _____



- LEGEND**
- ⊙ Point of Appropriation (POA)
  - Water Tank
  - Water Conveyance Pipeline
  - ▨ Place of Use (POU)
  - ▭ City Boundary
  - ▭ Tax Lots
  - ▭ Government Lot (GL)
  - Railroad
  - ~ Watercourse
  - ~ Waterbody

**Application for Limited Water Use License  
in the Name of Jeld-Wen, Inc.  
Place of Use/Point of Appropriation Map**  
Township 38 South, Range 9 East (W.M.)

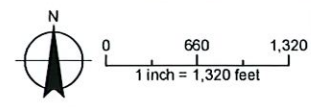
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**DISCLAIMER**  
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: April 2, 2024  
Data Sources: BLM, ESRI, OWRD, USGS

**POA LOCATION DESCRIPTION**  
**KLAM 11674**  
Located 30 feet North and 2,215 feet West from the E 1/4 corner of Section 19, Township 38 South, Range 9 East (W.M.)



Document Path: Y:\0548\_Shed\_River\Source\_Figures\001\_Accr\_Jeld\_Wen\LL\_App\_Map.mxd frames

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**Attachment D**  
Water Availability Statement  
Application for Limited Water Use License  
Jeld-Wen, Inc.

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***This page to be completed by the local Watermaster.***

**WATER AVAILABILITY STATEMENT**

Name of Applicant: Jeld-Wen, Inc. Limited License Number: \_\_\_\_\_

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes  No

If yes, please explain:

*The Klamath Basin is frequently regulated for prior rights.*

2. Based on your observations, would there be water available in the quantity and at the times needed to supply the use proposed by this application?

Yes  No

3. Do you observe this stream system during regular fieldwork?

Yes  No

If yes, what are your observations for the stream?

4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights?

Yes  No  N/A

What would you recommend for conditions on a limited license that may be issued approving this application?

*If a totalizing flow meter is present, please maintain a record of the pumping rate or duty.*

5. Any other recommendations you would like to make?

Signature Tom Skiles Digitally signed by Tom Skiles  
DN: cn=US, ou=Watermaster, o=OWRD, cn=Tom Skiles, email=tskiles@owrd.org  
Reason: I am the author of this document  
Location: your Approval location here  
Date: 2024.04.19 16:05:28 -0700  
Foxit PDF Editor Version: 11.2.9 WM District #: 17 Date: 4/19/2024

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## Attachment E

IL-1550 Final Order

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Application for Limited Water Use License

Jeld-Wen, Inc.

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Instream Lease Application )  
IL-1550, Klamath County ) DETERMINATION and  
 ) FINAL ORDER ON PROPOSED  
 ) INSTREAM LEASE

**Authority**

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Senate Bill (SB) 206 (Chapter 445, Oregon Laws 2015) establishes that a determined claim in the Upper Klamath Basin may be leased to instream use. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

**Lessor**

Jeld-Wen Inc.  
David Bleha, VP Engineering  
401 Harbor Isles Blvd.  
Klamath Falls, OR 97601

**Findings of Fact**

1. On May 9, 2016, Jeld-Wen Inc. filed an application to lease the entirety of Klamath Water Right Claim KA-107 for instream use. The Department assigned the application number IL-1550.
2. The Klamath Water Right Claim to be leased is as follows:

**Claim:** KA-107 in the name of Jeld-Wen Inc. (Partial Order of Determination Water Right Claim 107)  
**Use:** Industrial Use and Fire Suppression  
**Season of Use:** January 1 through December 31  
**Priority Date:** October 14, 1864  
**Quantity:** **Rate:** 1.0 Cubic Foot per Second (CFS)  
**Volume:** 100.0 Acre-Feet (AF) per year  
**Source:** Upper Klamath Lake, tributary to the Klamath River

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**Authorized Point of Diversion (POD):**

Twp	Rng	Mer	Sec	Q-Q	GOV'T LOT	Measured Distances
36 S	7 E	WM	15	NW SW	21	515 FEET SOUTH AND 200 FEET WEST FROM THE NE CORNER OF GOV'T LOT 21

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot
36 S	7 E	WM	15	NE SW	19
36 S	7 E	WM	15	NE SW	22
36 S	7 E	WM	15	NW SW	20
36 S	7 E	WM	15	NW SW	21

3. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
4. The instream use requested by the Lessor requires modification to prevent any injury to other water rights and enlargement. The Lessor requests to protect water instream from June 1 through October 15, a 137 day period. At the requested rate (1.0 CFS) and volume (100.0 AF), water may not be protected instream for the full 137 days without exceeding the 100.0 AF volume limit. However, the instream rate may be reduced to protect water instream for the full 137 day period requested up to 100.0 AF.
5. The instream use has been modified from the lease application to prevent injury and enlargement and is as follows:  
Upper Klamath Lake, tributary to Klamath River

**Instream Point:** At the POD (as described in Finding of Fact No. 2)

Water Right Claim	Priority Date	Instream Volume (AF)	Instream Rate (CFS)	Period Protected Instream
KA-107	10/14/1864	100.0	0.37	June 1 through October 15

6. Other conditions to prevent injury and enlargement are:

The instream use established by this lease may, during the requested instream period, provide for maintenance of natural lake levels in Upper Klamath Lake up to 4143.3 feet (elevation).

7. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right claim.
8. The protection of flows at the authorized point of diversion is appropriate, considering:
  - a. The instream water use begins at the recorded point of diversion;
  - b. The location of confluences with other streams downstream of the point of diversion.
  - c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d. Any return flows resulting from the exercise of the existing water right claim would re-enter the river downstream of the point of the instream water right.
9. The total monthly quantities of water to be protected under the existing and proposed instream rights at the point will provide for a beneficial purpose.

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10. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the point do not exceed the estimated average natural lake level.
11. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
12. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
13. If a water right claim which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
14. The Lessor has requested that the lease terminate on December 31, 2020. The lease may commence on the date this final order is signed.
15. The Lessor has requested the option of terminating the lease early with written notice to the Department.

### **Conclusions of Law**

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

### **Now, therefore it is ORDERED:**

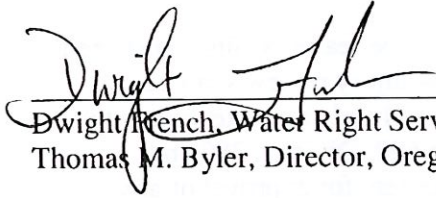
1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of this water right claim.

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3. The term of the lease will commence upon approval of the instream lease and terminate on December 31, 2020. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (June 1 through October 15) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this 1 day of July, 2016.



Dwight French, Water Right Services Division Administrator, for  
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: JUL 06 2016

This document was prepared by Laura  
Wilke and if you have any questions,  
please call 503-986-0884.

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