

HARDY MYERS  
Attorney General



PETER D. SHEPHERD  
Deputy Attorney General

**DEPARTMENT OF JUSTICE**  
GENERAL COUNSEL DIVISION

March 28, 2006

TO ALL PARTIES

Re: Klamath Adjudication – Case No. 192, Claim No. 60, Contest Nos. 2042, 2754,  
3458, 3800 and 4113  
DOJ File No. 690-600-GN0163-03

Dear Parties:

Enclosed for your records is a fully executed copy of the Stipulation to Resolve Contests and Certificate of Service in the above-entitled matter. This agreement resolves all the remaining issues in this case. Accordingly, the Oregon Water Resources Department will withdraw this case from the Office of Administrative Hearings, pursuant to OAR 137-033-0515(4).

Thank you very much for your courtesies and cooperation in resolving this matter.

Sincerely,

Jesse D. Ratcliffe  
Walter Perry III  
Assistant Attorneys General  
Natural Resources Section

JDR:WNP:tmc/GENP6261  
Enclosure  
c: Service List

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF OREGON  
for the  
WATER RESOURCES DEPARTMENT

In the Matter of the Determination of the Relative Rights of the Waters of the Klamath River,  
a Tributary of the Pacific Ocean

~~United States of America; Roger Nicholson;  
Klamath Irrigation District; Klamath  
Drainage District; Tulelake Irrigation  
District; Klamath Basin Improvement  
District; Ady District Improvement  
Company; Enterprise Irrigation District;  
Malin Irrigation District; Midland District  
Improvement Co.; Pine Grove Irrigation  
District; Pioneer District Improvement  
Company; Poe Valley Improvement  
District; Shasta View Irrigation District;  
Sunnyside Irrigation District; Don Johnston  
& Son; Bradley S. Luscombe; Randy  
Walthall; Inter County Title Company;  
Winema Hunting Lodge, Inc.; Van Brimmer  
Ditch Company; Plevna District  
Improvement Company; Collins Products,  
LLC,~~

Contestants,

v.

Jeld-Wen, Inc.,  
Claimant/Contestant.

**STIPULATION TO RESOLVE  
CONTESTS**

Case No. 192

Claim: 60

Contests: 2042, 2754<sup>1</sup>, 3458<sup>2</sup>, 3800, and  
4113<sup>3</sup>

<sup>1</sup> Dwight Mebane voluntarily withdrew from Contest 2454 on June 25, 2004. Ambrose McAuliffe, William Nicholson, and Elmore Nicholson voluntarily withdrew from Contest 2754 on November 3, 2004. On November 3, 2004, Roger Nicholson substituted for Richard Nicholson in Contest 2754. Roger Nicholson voluntarily withdrew Contest 2754 on March 14, 2006. *See* Notice of Withdrawal of Contest 2754.

<sup>2</sup> Don Vincent voluntarily withdrew from Contest 3458 on December 4, 2000. Berlva Pritchard voluntarily withdrew from Contest 3458 on June 24, 2002. Klamath Hills District Improvement Company voluntarily withdrew from Contest 3458 on January 15, 2004. The remaining entities of Klamath Project Water Users voluntarily withdrew from Contest 3458 on June 9, 2005. *See* Notice of Withdrawal of Contest No. 3457 (dated June 9, 2005) and Corrected Notice of Withdrawal of Contest No. 3458 (dated June 14, 2005).

<sup>3</sup> The Klamath Tribes voluntarily withdrew Contest 4113 on July 16, 2004. *See* Klamath Tribes' Voluntary Withdrawal of Contest.

## **INTRODUCTION**

Claimant/Contestant JELD-WEN, inc. (“JELD-WEN”) (“Claimant”) and Contestant the United States of America (the “United States”) (collectively, the “Parties”), and the Oregon Water Resources Department (“OWRD”), agree and stipulate as follows:

### **A. STIPULATED FACTS**

1. On February 1, 1991, JELD-WEN filed Claim 60 with OWRD. The claimed place of use for Claim 60 is certain real property located in portions of Township 34 South, Sections 12 and 13, Range 7.5 East of the Willamette Meridian (“W.M.”). These lands were formerly part of the Klamath Reservation and were formerly owned by Klamath Indians or by the Klamath Tribes.

2. On October 4, 1999, OWRD issued its Preliminary Evaluation of Claim 60, preliminarily denying this claim.

3. The following contests were filed to Claim 60: Contest 2042, filed by JELD-WEN; Contest 3458, filed by entities comprising the Klamath Project Water Users (“KPWU”); Contest 3800, filed by the United States; Contest 4113, filed by the Klamath Tribes; and Contest 2754, filed by Ambrose McAuliffe, William Nicholson, Elmore Nicholson, Dwight Mebane and Richard Nicholson. Dwight Mebane withdrew from Contest 2754 on June 25, 2004. Ambrose McAuliffe, William Nicholson and Elmore Nicholson withdrew from Contest 2754 on November 3, 2004. Roger Nicholson substituted for Richard Nicholson in Contest 2754 on November 3, 2004. Roger Nicholson voluntarily withdrew Contest 2754 on March 14, 2006. On July 16, 2004, the Klamath Tribes voluntarily withdrew Contest 4113. The KPWU voluntarily withdrew from Contest 3458 on June 9, 2005. Contests 2042 and 3800 are collectively referenced hereinafter as the “Contests.”

4. The Parties agree the Contests can be resolved without the need for further proceedings, pursuant to the terms below.

#### **B. TERMS AND CONDITIONS**

1. The Parties and the OWRD agree that Claim 60 should be approved by the Adjudicator as described below:

- a. **SOURCE:** Crooked Creek, tributary to the Wood River
- b. **LOCATION OF POINTS OF DIVERSION:** A pump located in the NW/4SE/4 of Section 13, Township 34 South, Range 7.5 East, at a point 1420 feet north and 2210 feet west from the SE corner of said Section 13. The approximate location of the pump is shown on the map included in OWRD Exhibit 1 at page 41, a true and correct copy of which map is attached hereto at Exhibit A.
- c. **USE:** Irrigation of 14.8 acres and livestock watering of 60 head of cattle
- d. **DIVERSION RATE FOR IRRIGATION:** 0.37 cubic feet per second (cfs) (14.8 acres x 1/40 cfs per acre)
- e. **DUTY FOR IRRIGATION:** 3.5 acre-feet/acre
- f. **ADDITIONAL DIVERSION RATE/DUTY FOR LIVESTOCK WATERING:** 720 gallons per day (gpd) (12 gpd per head of cattle x 60 head), with livestock stock drinking directly from the above-described source (Crooked Creek) as it crosses the place of use and the ditches, canals, and laterals currently located on the place of use
- g. **PERIOD OF USE:** May 1 through October 1 for irrigation and livestock watering
- h. **PRIORITY DATE:** October 14, 1864
- i. **PLACE OF USE FOR IRRIGATION AND LIVESTOCK WATERING:**

Township 34 South, Range 7.5 East, W.M.

Section 12: SW/4SE/4 (0.2 acres)

Section 13: NW/4NE/4 (7.5 acres), NE/4NE/4 (2.6 acres), SW/4NE/4 (1.5 acres), SE/4NE/4 (3.0 acres)

14.8 acres total

The 14.8 acres are shown more particularly on the map attached hereto as Exhibit B (the "Claim Map") at the location of the 14.8 acres identified by cross-hatching as "LAND PREVIOUSLY ADJUDICATED BY WATER RESOURCES DEPARTMENT." The Claim Map was also included in OWRD Exhibit 1 at page 40.

j. **PLACE OF USE FOR LIVESTOCK WATERING ONLY:**

Township 34 South, Range 7.5 East, W.M.

Section 13: N/2SE/4 (portions)

These lands are limited to those lands in the N/2SE/4 of Section 13, T. 34 S., R. 7.5 E., W.M., that are included in the legal description set forth in the deed attached hereto as Exhibit C (the "Livestock Watering Lands"). (This deed was also included in OWRD Exhibit 1 at pages 12-13). For purposes of this stipulation, the exterior boundaries of the Livestock Watering Lands shall be in the approximate location shown on the Claim Map.

2. The Parties and the OWRD agree that Claimant shall maintain a privilege (the "Use Privilege") to water its livestock and accept any natural sub-irrigation or natural overflow received by approximately 30.8 acres on the following lands (the "Sub-Irrigated Lands"):

Township 34 South, Range 7.5 East, W.M.

Section 12: SWSE (17.5 acres), NWSE (7.8 acres)

Section 13: NENE (3.9 acres), NWNE (0.8 acres), NWNE (0.3 acres) SENE (0.5 acres)

The Sub-Irrigated Lands are shown more particularly on the Claim Map at the location of the 30.8 acres identified by cross-hatching as “LOWLANDS – NATURAL GRASS AND WILLOWS.” The Parties agree as follows with respect to the Use Privilege:

- a. The Use Privilege does not constitute a water right and cannot be asserted to curtail other water rights through the priority system.
- b. The Use Privilege may not be transferred to a new Place of Use, either permanently or temporarily.
- c. The Use Privilege cannot be exercised to modify by physical means the manner in which any natural sub-irrigation and/or natural overflow occurs, to contain or further distribute water, or to increase in any other way the consumption which takes place from the natural sub-irrigation and/or natural overflow, and that any such alteration shall require the filing of an application for permit to appropriate waters from the OWRD, the priority date of which shall be in accordance with ORS 537.150(2) or any successor statute.
- d. The Use Privilege shall not modify any rights that Claimant may have to allow its livestock to drink directly from any natural sources located on the Sub-Irrigated Lands (including Crooked Creek) under Oregon law without a certificated water right, both during the irrigation season and outside the irrigation season. In addition, the Parties agree that nothing in this stipulation is intended to preclude livestock watering from occurring pursuant to ORS 537.141(2).

3. The Parties and OWRD agree that under the terms and provisions of this Stipulation, the Contests have been satisfactorily resolved, and such resolution ends the need for further proceedings before the Administrative Law Judge on the Contests.

4. Based on the Stipulation of the Parties that Claim 60 and the Contests can be resolved without the need for further proceedings, OWRD adjudication staff hereby recommends to the Adjudicator that Claim 60 be withdrawn from the Office of Administrative Hearings. OWRD adjudication staff further recommends that Claim 60 be approved in the Finding of Fact and Order of Determination issued by the Adjudicator in accordance with the terms of paragraphs B.1 and B.2 above.

5. If the Finding of Fact and Order of Determination issued by the Adjudicator for Claim 60 does not conform with the terms set forth in paragraphs B.1 and B.2, above, the Parties reserve any rights they may have to file exceptions to the Finding of Fact and Order of Determination as to Claim 60 with the Adjudicator or in the courts, and otherwise reserve any rights they may have to participate in any further proceedings authorized by law concerning Claim 60.

6. The Parties and OWRD agree that this Stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending administrative action. The Parties and OWRD agree that no offers and/or compromises made in the course of negotiations shall be construed as admissions against interest. The Parties and OWRD agree that this Stipulation shall not be offered as evidence or treated as an admission regarding any matter and may not be used in proceedings on any other claim or contest whatsoever, except that this Stipulation may be used in any future proceeding to interpret and/or enforce the terms of this Stipulation. Further, the Parties and OWRD agree that neither the Stipulation nor any of its terms shall be used to establish precedent with respect to any other claim or contest in the Klamath Basin Water Rights Adjudication.

7. This Stipulation shall be binding upon and shall inure to the benefit of the Parties and OWRD and their respective heirs, executors, administrators, trustees, beneficiaries, predecessors, successors, affiliated and related entities, officers, directors,

principals, agents, employees, assigns, representatives, and all persons, firms, associations, and/or corporations connected with them.

8. Each signatory to this Stipulation represents, warrants, and agrees that the person who executed this Stipulation on its behalf has the full right and authority to enter into this Stipulation on behalf of that signatory and bind that signatory to the terms of the Stipulation.

9. The terms, provisions, conditions, and covenants of this Stipulation are not severable; however, if any term, provision, condition, or covenant of this Stipulation is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the terms, provisions, conditions, and covenants shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated.

10. The Stipulation may be executed in several counterparts. All documents so executed shall constitute one Stipulation, binding on the signatories, notwithstanding that the signatories did not sign the same original or the same counterparts. Delivery of an executed signature page to this Stipulation by facsimile transmission shall be as effective as delivery of an original signed counterpart of this Stipulation.

11. This Stipulation comprises the entire agreement, and no promise, inducement, or representation other than herein set forth has been made, offered, and/or agreed upon, and the terms of this Stipulation are contractual and not merely a recital.

12. In settling their contests, Contestants do not waive any issue or argument regarding the administration of any water right granted to them in this adjudication.

13. The Parties and OWRD agree to each bear their own costs and attorneys' fees.

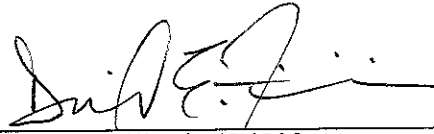
14. This Stipulation shall be effective as of the date of the last signature hereto.

STIPULATED, AGREED, AND APPROVED BY:



For Claimant JELD-WEN, inc.:

Dated: March 20, 2006



David E. Filippi, #96509  
Stoel Rives LLP  
Of Attorneys for Claimant

For Contestant the UNITED STATES OF AMERICA:

SUE ELLEN WOOLDRIDGE  
Assistant Attorney General  
Environment & Natural Resources Division

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
Thomas K. Snodgrass  
U.S. Department of Justice  
Environment & Natural Resources Division

\_\_\_\_\_  
Barbara Scott-Brier  
Special Attorney  
U.S. Department of Justice  
Environment & Natural Resources Division

Of Attorneys for Contestant United States of  
America

For the OREGON WATER RESOURCES DEPARTMENT:

HARDY MEYERS  
Attorney General

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
Jesse D. Ratcliffe, #04394  
Walter Perry III, #83361  
Of Attorneys for Oregon Water Resources  
Department

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
Michael J. Reynolds  
Agency Representative for  
Oregon Water Resources Department

For Claimant JELD-WEN, inc.:

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
David E. Filippi, #96509  
Stoel Rives LLP  
Of Attorneys for Claimant

For Contestant the UNITED STATES OF AMERICA:

SUE ELLEN WOOLDRIDGE  
Assistant Attorney General  
Environment & Natural Resources Division

Dated: March 21, 2006

\_\_\_\_\_  
*Thomas K. Snodgrass*  
Thomas K. Snodgrass  
U.S. Department of Justice  
Environment & Natural Resources Division

\_\_\_\_\_  
*Thomas K. Snodgrass for*  
Barbara Scott-Brier  
Special Attorney  
U.S. Department of Justice  
Environment & Natural Resources Division

Of Attorneys for Contestant United States of  
America

For the OREGON WATER RESOURCES DEPARTMENT:

HARDY MEYERS  
Attorney General

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
Jesse D. Ratcliffe, #04394  
Walter Perry III, #83361  
Of Attorneys for Oregon Water Resources  
Department

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
Michael J. Reynolds  
Agency Representative for  
Oregon Water Resources Department

For Claimant JELD-WEN, inc.:

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
David E. Filippi, #96509  
Stoel Rives LLP  
Of Attorneys for Claimant

For Contestant the UNITED STATES OF AMERICA:

SUE ELLEN WOOLDRIDGE  
Assistant Attorney General  
Environment & Natural Resources Division

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
Thomas K. Snodgrass  
U.S. Department of Justice  
Environment & Natural Resources Division

\_\_\_\_\_  
Barbara Scott-Brier  
Special Attorney  
U.S. Department of Justice  
Environment & Natural Resources Division

Of Attorneys for Contestant United States of  
America

For the OREGON WATER RESOURCES DEPARTMENT:

HARDY MEYERS  
Attorney General

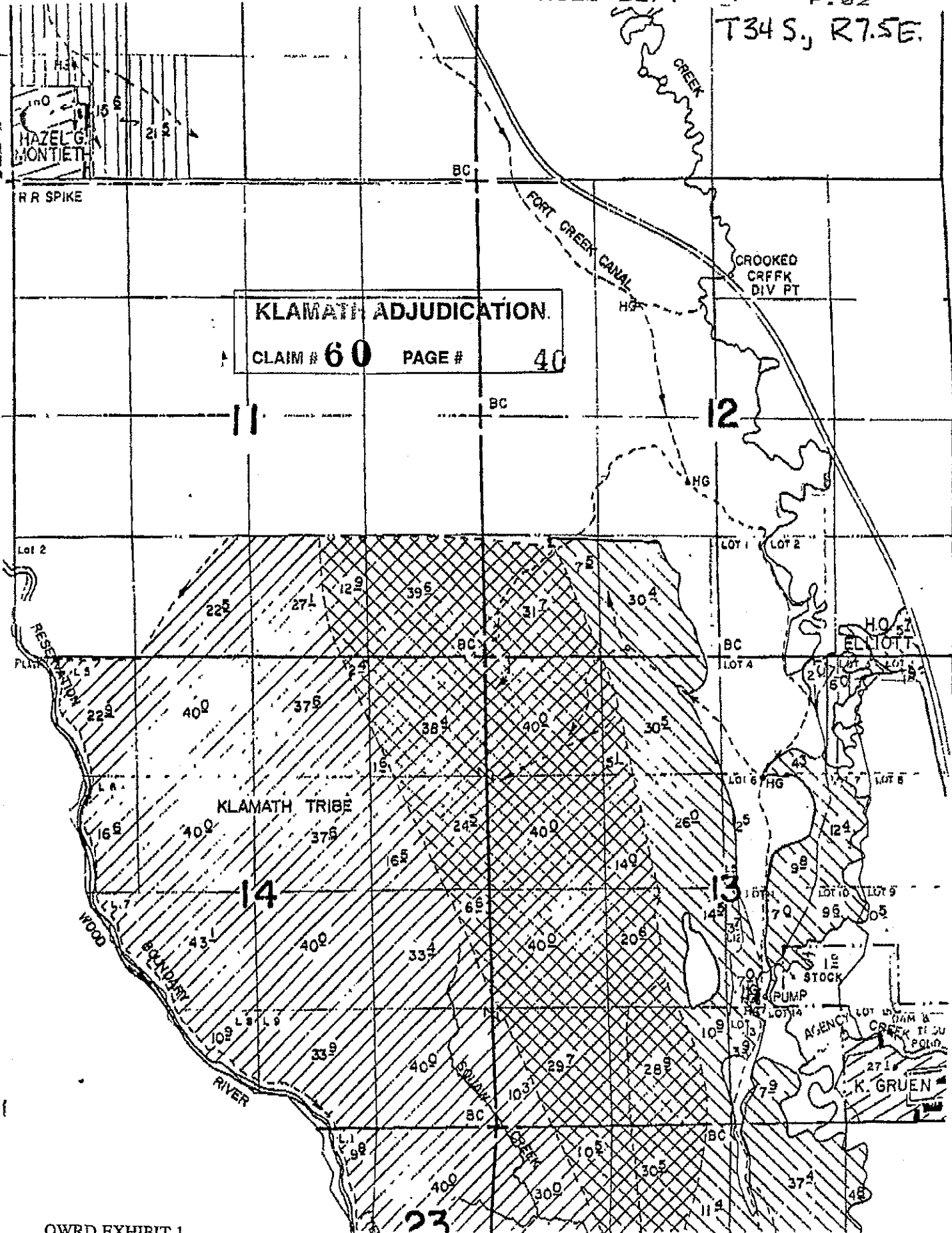
Dated: March 22, 2006

\_\_\_\_\_  
Jesse D. Ratcliffe, #04394  
Walter Perry III, #83361  
Of Attorneys for Oregon Water Resources  
Department

Dated: March 27, 2006

\_\_\_\_\_  
Michael J. Reynolds  
Agency Representative for  
Oregon Water Resources Department

T34 S., R7.5E.



**KLAMATH ADJUDICATION.**  
 CLAIM # **60** PAGE # **40**

**MAP TO ACCOMPANY  
STATEMENT AND PROOF OF  
CLAIM TO USE OF WATER OF THE  
KLAMATH RIVER AND ITS TRIBUTARIES**

**RECEIVED**

JUL 0 1 1991

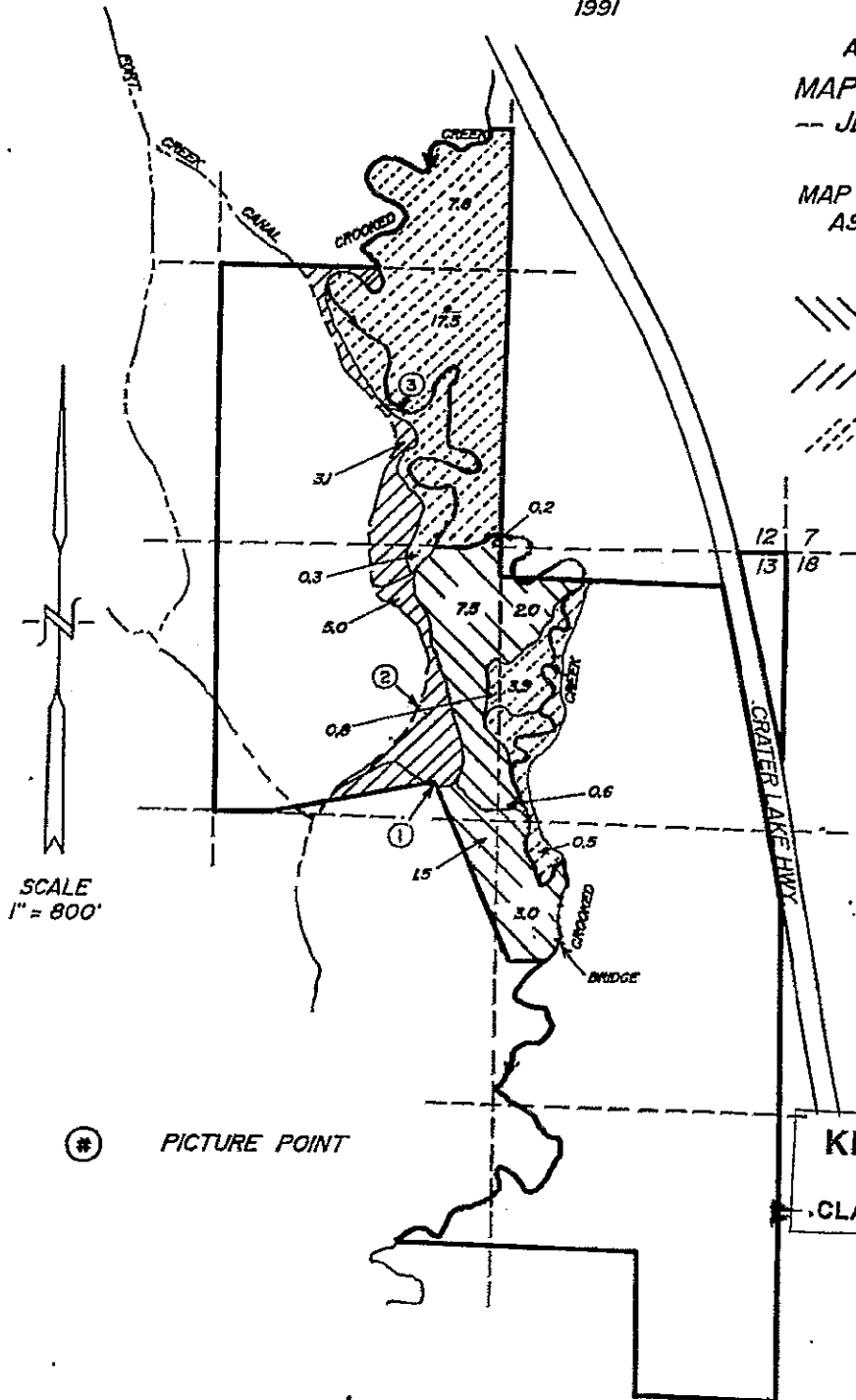
SITUATED IN THE W1/2 SE1/4 OF SECTION 12, AND THE NE1/4 OF SECTION 13,  
T34S, R7 1/2E, KLAMATH COUNTY, OREGON

WATER RESOURCES DEPT.  
SALEM, OREGON

JUNE  
1991

APPLICATION #88  
MAP PREPARED FOR  
-- JELD-WEN INC. --

MAP PREPARED FROM  
ASSESSORS MAP



- INDICATES LAND PREVIOUSLY ADJUDICATED BY WATER RESOURCES DEPARTMENT 14.8 Ac.
- GRASSLANDS - INDICATES PAST IRRIGATION 8.1 Ac.
- LOWLANDS - NATURAL GRASS AND WILLOWS 30.8 Ac.



SCALE  
1" = 800'

⊛ PICTURE POINT

**KLAMATH ADJUDICATION**

CLAIM # **60** PAGE # **39**

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

TRU-LINE SURVEYING  
2333 SUMMERS LANE  
KLAMATH FALLS, OR. 97603

KNOW ALL MEN BY THESE PRESENTS, That Valrie Jean Owens

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Jeld-Wen, inc hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appearing, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

A parcel of land situate in Sections 12 And 13, Township 34 South, Range 7 1/2 East of the Willamette Meridian, being more particularly described as follows:

All of that portion of said Section 13 lying Easterly of the Easterly right of way line of Oregon State Highway Number 62,

ALSO beginning at a brass capped monument marking the Northwest corner NE 1/4 of said Section 13; thence South 01° 18' 11" East along the center of section line 1329.05 feet to a 5/8 inch iron pin; thence North 83° 53' 56" East, 303.71 feet to a 5/8 inch iron pin; thence North 77° 27' 38" East, 743.71 feet to a 5/8 inch iron pin; thence South 23° 27' 00" East, 904.20 feet to a 5/8 inch iron pin; thence East, 155.31 feet to a 5/8 inch iron pin on the Northwesternly bank of Crooked Creek; thence continuing East to the centerline of said Crooked Creek; thence Southerly along the centerline of said Crooked Creek to a point where said creek intersects the North line SE 1/4 NW 1/4 of said Section 13; thence South 89° 53' 34" East along said North line 1090 feet more or less to a 5/8 inch iron pin marking the Northeast corner of the SW 1/4 NE 1/4 of said Section 13; thence South 01° 46' 10" East, 667.84 feet to a 5/8 inch iron pin marking the Southeast corner SW 1/4 NE 1/4 of said Section 13; thence South 89° 56' 02" East, 681.13 feet to a 5/8 inch iron pin marking the Southeast corner SW 1/4 NE 1/4 of said Section 13; thence North 01° 55' 3A" West, 1323.61 feet to a brass capped monument marking the East 1/4 corner of said Section 13; thence North 01° 00' 06" West along the section line 967.30 feet to a 5/8 inch iron pin on the Westerly right of way line of Oregon State Highway Number 62; thence North 11° 39' 31" West along said right of way line 1204.62 feet to a 5/8 inch iron pin marking a curve to the left; thence along the arc of said curve 518.12 feet to a 5/8 inch iron pin where said right of way line intersects the North line of said Section 13; thence South 89° 57' 13" West along said Section line 933.31 feet to a brass capped monument marking the Northwest corner NW 1/4 NE 1/4 of said Section 13; thence North 00° 11' 02" West, 1315.71 feet to a brass capped monument marking the Northeast corner SW 1/4 NE 1/4 of said Section 12; thence North 89° 44' 01" West, 1335.05 feet to a brass capped monument marking the Northwest corner SW 1/4 NE 1/4 of said Section 12; thence South 00° 43' 00" East, 1322.61 feet to a brass capped monument marking the point of beginning.

(OFFICIAL SEAL) LINDA M. CARLSON Notary Public for Oregon My commission expires 12/31/74

Valrie JEAN OWENS  
P. O. Box 1594  
Klamath Falls, Oregon 97601

Jeld-Wen, inc  
3303 Lakeport Bv  
Klamath Falls, Oregon 97601

Jeld-Wen, inc  
P.O. Box 1529  
Klamath Falls, OR 97601

Jeld-Wen, inc  
P.O. Box 1529  
Klamath Falls, OR 97601

STATE OF OREGON,  
County of KLAMATH  
I certify that the within instrument was received for record on the 10th day of JUNE, 1977, at 2:46 o'clock P.M., and recorded in book M77 on page 10219 of the file/roll number 1873. Record of Deeds of said county. Witness my hand and seal of County aforesaid.

WM. D. HILKE  
Recording Officer  
County

PKK 9 0,00

Subject to:

10226

Two irrigation ditch easements, 30 feet in width 15 feet on each side of their existing center lines, across the SW 1/4 Section 12, and the W 1/4 Section 13, Township 34 South, Range 74 East of the Willamette Meridian, as disclosed by application for title insurance.

To Have and to Hold the same unto the said grantor and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seised in fee simple of the above granted premises, free from all encumbrances except easements or restrictions of record, common to the area or apparent on the face of the land.

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 400,829.70

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 10 day of June 1977. If a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

KLAMATH ADJUDICATION

CLAIM # 60 PAGE # 3

(If executed by a corporation, file corporate seal)

STATE OF OREGON, County of Klamath }  
 June 10 1977 }  
 Personally appeared the above named Valrie }  
 ... Joan Owens }  
 and acknowledged the foregoing instru- }  
 ment to be her }  
 before me }  
 LINDA G. CHARLIER }  
 Notary Public for Oregon }  
 My commission expires 5-12-81 }  
 STATE OF OREGON, County of }  
 June 10 1977 }  
 Personally appeared }  
 who, being duly sworn, }  
 each for himself and not one for the other, did say that the former is the }  
 president and that the latter is the }  
 secretary of }  
 a corporation, }  
 of said corporation and that said instrument was signed and sealed in the }  
 presence of said corporation by authority of its board of directors and each of }  
 them acknowledged said instrument to be its voluntary act and deed.

Valrie Jean Owens  
 P. O. Box 1596  
 Klamath Falls, Oregon 97601  
 Jeld-Wen, Inc  
 1101 Lakesport Av  
 Klamath Falls, Oregon 97601

That recording shall be for:  
 Jeld-Wen, Inc  
 P.O. Box 1329  
 Klamath Falls, OR 97601

If all changes to registered all tax payments shall be sent to the following address:  
 Jeld-Wen, Inc  
 P.O. Box 1329  
 Klamath Falls, OR 97601

STATE OF OREGON,  
 County of Klamath }  
 I certify that the within instru- }  
 ment was received for record on the }  
 10th day of JUNE 1977, }  
 at 11:46 a.m. P.M., and recorded }  
 in book M77 on page 10217 of the }  
 Record of Deeds of said county. }  
 Witness my hand and seal of }  
 County aforesaid.

Wm. D. MIINK  
 Recording Officer  
 Deputy

PER \$ 6.00

## CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of March 2006, I served the within LETTER TO ALL PARTIES, STIPULATION TO RESOLVE CONTESTS AND CERTIFICATE OF SERVICE on the parties hereto by e-mail or by regular first-class mail (where an e-mail address is listed below), a true, exact and full copy thereof to:

### VIA STATE SHUTTLE MAIL

Dwight W. French / Teri Hranac  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
[dwight.w.french@wrds.state.or.us](mailto:dwight.w.french@wrds.state.or.us)  
[teri.k.hranac@wrds.state.or.us](mailto:teri.k.hranac@wrds.state.or.us)

Paul S. Simmons / Andrew M. Hitchings  
Somach, Simmons & Dunn  
Hall of Justice Building  
813 Sixth Street, Third Floor  
Sacramento, CA 95814-2403  
[psimmons@lawssd.com](mailto:psimmons@lawssd.com)  
[ahitchings@lawssd.com](mailto:ahitchings@lawssd.com)

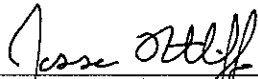
Barbara Scott-Brier  
U.S. Department of Justice  
Environment & Natural Resources Div.  
500 NE Multnomah Street, Suite 607  
Portland, OR 97232

William M. Ganong  
Attorney at Law  
514 Walnut Street  
Klamath Falls, OR 97601  
[wganong@aol.com](mailto:wganong@aol.com)

Thomas K. Snodgrass  
United States Department of Justice  
Environment & Natural Resources Div.  
Suite 945, North Tower  
999 18<sup>th</sup> Street  
Denver, CO 80202  
[klamathcase.enrd@usdoj.gov](mailto:klamathcase.enrd@usdoj.gov)  
[thomas.snodgrass@usdoj.gov](mailto:thomas.snodgrass@usdoj.gov)

David E. Filippi / Kathleen J. Doll  
Stoel Rives LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204-1268  
[defilippi@stoel.com](mailto:defilippi@stoel.com)  
[kjdoll@stoel.com](mailto:kjdoll@stoel.com)

Craig Ditman  
General Manager  
JELD-WEN Timber & Ranches  
401 Harbor Isles Blvd.  
Klamath Falls, OR 97601  
[craigd@jeld-wen.com](mailto:craigd@jeld-wen.com)

  
\_\_\_\_\_  
Jesse D. Ratcliffe, #4394  
Walter Perry III, #83361  
Assistant Attorneys General