

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

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of)	CORRECTED PARTIAL ORDER OF
JELD-WEN, INC.)	DETERMINATION
_____)	
)	Water Right Claim 160

The GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION is incorporated as if set forth fully herein.

A. FINDINGS OF FACT

1. On February 1, 1991, JELD-WEN, INC. (Claimant) timely submitted a Statement and Proof of Claim (Claim 160) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication based upon use of water beginning prior to February 24, 1909 (pre-1909 claim).
2. Claim 160 was submitted for a total 16.62 cubic feet per second (cfs) of water from "Upper Klamath Lake and Drainage into Canal," being 3.34 cfs for irrigation of 37.0 acres, 0.15 cfs for industrial use, and 13.13 cfs for fire suppression. The claimed season of use for irrigation was "May 1 through October 1," and "12 months of the year" for industrial use and fire suppression. The claimed priority date is 1905.
3. MATTHEW W. BEDDOE, corporate counsel for JELD-WEN, INC., signed the Statement and Proof of Claim for Claim 160 attesting that the information contained in the claim is true.
4. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the claim was denied because the required pre-1909 elements were not established for the claim.
5. On May 5, 2000, the Claimant timely filed Contest 2043 to the Preliminary Evaluation of Claim 160.
6. On May 8, 2000, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District filed Contest 3154 to the Claim and/or Preliminary Evaluation of Claim 160.

7. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3401: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co¹, Malin Irrigation District, Midland District Improvement Company, 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, Berlva Pritchard², Don Vincent³, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Reames Golf and Country Club, Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.
8. On May 8, 2000, the United States of America timely filed Contest 3829 to the Claim and/or Preliminary Evaluation of Claim 160.
9. On May 8, 2000, the Klamath Tribes timely filed Contest 4170 to the Claim and/or Preliminary Evaluation of Claim 160.
10. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 121.
11. On June 3, 2002, Langell Valley Irrigation District and Horsefly Irrigation District voluntarily withdrew from Contest 3154. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY LANGELL VALLEY IRRIGATION DISTRICT AND HORSEFLY IRRIGATION DISTRICT (June 3, 2002).
12. On June 30, 2005, OWRD, the Claimant, Klamath Project Water Users, Rogue River Valley Irrigation District, Medford Irrigation District, the United States of America, and the Klamath Tribes executed a STIPULATION TO RESOLVE CONTESTS 2043, 3154, 3401, 3829, AND 4170 (Settlement Agreement) thereby resolving all remaining contests to Claim 160.
13. On July 8, 2005, the Adjudicator withdrew Case 121 from the Office of Administrative Hearings.

¹ Klamath Hills District Improvement Company voluntarily withdrew from Contest 3401 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

² Berlva Pritchard voluntarily withdrew from Contest 3401 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

³ Don Vincent voluntarily withdrew from Contest 3401 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

B. DETERMINATION

1. The Settlement Agreement executed between OWRD, the Claimant, Klamath Project Water Users, Rogue River Valley Irrigation District, Medford Irrigation District, the United States of America, and the Klamath Tribes is adopted and incorporated as if set forth fully herein.
2. The elements of a pre-1909 claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING PRE-1909 CLAIMS is incorporated as if set forth fully herein.
3. Based on the file and record herein, IT IS ORDERED that Claim 160 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 160

CLAIM MAP REFERENCE: CLAIM # 160, PAGE 120

CLAIMANT: JELD-WEN, INC.
401 HARBOR ISLES BLVD
KLAMATH FALLS OR 97601

SOURCE OF WATER:
UPPER KLAMATH LAKE AND WASTEWATER, tributary to KLAMATH RIVER

PURPOSE or USE: MAINTENANCE OF FIRE SUPPRESSION SYSTEM; INDUSTRIAL USES

RATE OF USE:
13.28 CUBIC FEET PER SECOND (CFS) MEASURED AT THE POINT OF DIVERSION,
BEING 0.15 CFS FOR INDUSTRIAL USE AND 13.13 CFS FOR MAINTENANCE OF FIRE
SUPPRESSION SYSTEM

PERIOD OF ALLOWED USE:

Use	Period
Maintenance of Fire Suppression System	January 1 - December 31
Industrial Uses	January 1 - December 31

DATE OF PRIORITY: DECEMBER 31, 1905

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	GLot
38 S	9 E	WM	19	NE NW	6

THE PLACE OF USE IS LOCATED AS FOLLOWS:

MAINTENANCE OF FIRE SUPPRESSION SYSTEM					
Twp	Rng	Mer	Sec	Q-Q	GLot
38 S	9 E	WM	18	SW SW	5
38 S	9 E	WM	18	SW SE	1
38 S	9 E	WM	18	SE SW	6
38 S	9 E	WM	19	NW NE	5
38 S	9 E	WM	19	SW NE	4
38 S	9 E	WM	19	NE NW	6
38 S	9 E	WM	19	NW NW	7

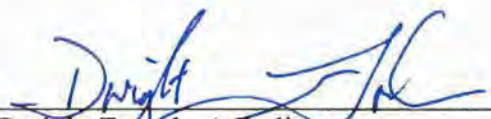
INDUSTRIAL USES					
Twp	Rng	Mer	Sec	Q-Q	GLot
38 S	9 E	WM	18	SW SW	5
38 S	9 E	WM	18	SW SE	1
38 S	9 E	WM	18	SE SW	6
38 S	9 E	WM	19	NW NE	5
38 S	9 E	WM	19	SW NE	4
38 S	9 E	WM	19	NE NW	6
38 S	9 E	WM	19	NW NW	7

FURTHER LIMITATIONS:

THE USE OF WATER FOR THE PURPOSE OF THE MAINTENANCE OF A FIRE SUPPRESSION SYSTEM CANNOT BE TRANSFERRED TO ANY OTHER USE

[End of Water Right Claim Description]

Dated at Salem, Oregon on February 28, 2014


Dwight French, Adjudicator
Klamath Basin General Stream Adjudication