

**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 )  
PACIFICORP, DBA PACIFIC POWER )  
AND LIGHT CO. )  
\_\_\_\_\_ )

CORRECTED PARTIAL ORDER OF  
DETERMINATION

Water Right Claim 165

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

**A. FINDINGS OF FACT AND DESCRIPTION OF MODIFICATIONS  
TO THE PROPOSED ORDER**

1. Claim 165 (Claimant: PACIFICORP, DBA PACIFIC POWER AND LIGHT CO.) and its associated contests (44, 2054 and 3159) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 08.
2. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued a PROPOSED ORDER (Proposed Order) for Claim 165 on December 12, 2002, and on February 10, 2003, issued an ADDENDUM TO PROPOSED ORDER (Addendum) to include the summary of Claim 156.
3. Exceptions were filed to the Proposed Order within the exception filing deadline by Medford and Rogue River Valley Irrigation Districts.
4. The exceptions filed to the Proposed Order have been reviewed and considered in conjunction with the entire record for Claim 165, and are found to be unpersuasive. Accordingly, changes were not made to the Proposed Order to accommodate any exceptions.
5. On February 6, 2012, the Adjudicator issued an AMENDED PROPOSED ORDER (Amended Proposed Order) to modify certain portions of the Proposed Order.
6. No exceptions were filed to the Amended Proposed Order.

7. The Amended Proposed Order contains a scrivener's error in the section "Modifications to the 'Findings of Fact'" and is corrected as follows (deletions are shown in "strikethrough" text):

**Additional Finding of Fact**

Findings of Fact #25 through #38 are added as follows (additions are shown in "underline" text): ~~Need to add findings for all claims that the ALJ did not make findings for, specifically: Claims 149, 150, 151, 152, 153, 155, 156, 157, 158, 159, 161, 163~~

**Reasons for Correction:** Findings of Facts #25 and #26 apply to all claims, and Findings of Facts #27 through #38 apply to specific claims as noted in these specific finding of facts. The deleted portion was an internal reminder and should have been deleted from the text before the Amended Proposed Order was issued.

8. The Proposed Order and Addendum, as modified by the Amended Proposed Order (as corrected by Finding of Fact #7, above), is adopted and incorporated in its entirety as if set forth fully herein.

**B. DETERMINATION**

1. The Proposed Order and Addendum, as modified by the Amended Proposed Order (as corrected by Finding of Fact #7, above), is adopted and incorporated in its entirety 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. To the extent that there are any inconsistencies between the GENERAL CONCLUSIONS OF LAW CONCERNING PRE-1909 CLAIMS and the conclusions of law or opinion in the AMENDED PROPOSED ORDER, the GENERAL CONCLUSIONS OF LAW CONCERNING PRE-1909 CLAIMS control.
3. Based on the file and record herein, IT IS ORDERED that Claim 165 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

**CLAIM NO. 165**

**CLAIM MAP REFERENCE:**

OWRD INVESTIGATION MAP – T 38 S, R 9 E, INSERT PAGE 32 BC-BD

**CLAIMANTS:** PACIFICORP, DBA PACIFIC POWER AND LIGHT CO.  
825 NE MULTNOMAH, SUITE 1700  
PORTLAND, OR 97232

**SOURCE OF WATER:** The LINK RIVER, tributary to the KLAMATH RIVER

**PURPOSE OR USE:**  
IRRIGATION OF 4.0 ACRES

**RATE OF USE:**  
0.1 CUBIC FOOT PER SECOND (CFS) MEASURED AT THE POINT OF DIVERSION

THE RATE OF USE FOR IRRIGATION MAY NOT EXCEED 1/40 OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR

**DUTY:**  
3.5 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR

**PERIOD OF ALLOWED USE:** APRIL 1 – OCTOBER 30

**DATE OF PRIORITY:** NOVEMBER 1, 1895

**THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Remarks
38 S	9 E	WM	30	NW SE	4	DIVERSION AT LINK RIVER DAM THROUGH EASTSIDE CANAL

**THE PLACE OF USE IS LOCATED AS FOLLOWS:**


IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Tax Lots	Remarks
38 S	9 E	WM	32	SW NW	8	1700	706 Conger Avenue
						1800	702 Conger Avenue
						1900	680 Conger Avenue
						2000	640 Conger Avenue
						2100	636 Conger Avenue
						2200	622 Conger Avenue
						2400	616 Conger Avenue
						2600	614 Conger Avenue
						2800	612 Conger Avenue
						2900, 2901, 3000	572 Conger Avenue

**FURTHER LIMITATIONS:**

USE OF WATER ON THE PLACE OF USE DESCRIBED IN THIS CLAIM WHEN COMBINED WITH USE OF WATER UNDER KLAMATH BASIN ADJUDICATION CLAIMS 146, 149, 152, 153, 155, 159, 162, AND 169, WHICH INCLUDE PORTIONS OF THE SAME PLACE OF USE DESCRIBED IN THIS CLAIM, MAY NOT EXCEED A TOTAL OF 4.0 ACRES AT MAXIMUM RATE OF 0.1 CFS AND A DUTY OF 3.5 ACRE-FEET PER ACRE PER YEAR.

[End of Water Right Claim Description]

Dated at Salem, Oregon on February 28, 2014

  
Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication  
CORRECTED PARTIAL ORDER OF DETERMINATION