

**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
PACIFICORP, DBA PACIFIC POWER	)	DETERMINATION
AND LIGHT CO.	)	
_____	)	
	)	Water Right Claim 167

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 167 (Claimant: PACIFICORP, DBA PACIFIC POWER AND LIGHT CO.) and its associated contests (3161 and 3279) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 14.
2. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued a PROPOSED ORDER (Proposed Order) on July 19, 2002, approving Claim 167.
3. Exceptions were filed to the Proposed Order by Medford Irrigation District and Rogue River Valley Irrigation District within the exceptions filing deadline. *See* MEDFORD AND ROGUE RIVER VALLEY IRRIGATION DISTRICTS' EXCEPTIONS TO PROPOSED ORDER (Aug. 16, 2002).
4. The exceptions were referred to the Office of Administrative Hearings for comment.
5. In comments to the exceptions, the Administrative Law Judge from the Office of Administrative Hearings, in summary, stated: "The exceptions presented in this case have no merit. The Adjudicator should make no changes in the order to accommodate them."
6. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with two exceptions: (1) the "Findings of Fact" is adopted with modifications, as set forth in Section A.7, below, and (2) the section titled "Order" is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of

Determination for Claim 167. The outcome of the Order is without modification; it is presented in a format standardized by OWRD.

7. **Findings of Fact.** The Proposed Order Findings of Fact # 5 is modified as follows (additions are shown in "underline" text, deletions are shown in "~~strikethrough~~" text):

(5) Contestant Irrigation Districts hold established water rights to store water in Four Mile Lake and Fish Lake with a priority date of March 31, 1910. These ~~streams and storage facilities~~ established water rights are not subject to the Klamath adjudication because of their post 1909 priority date.

**Reason for Modification:** The ALJ's proposed finding of fact failed to fully set forth the evidence on the record; to add clarification using evidence on the record.

## B. DETERMINATION

1. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with two exceptions: (1) the "Findings of Fact" is adopted with modifications, as set forth in Section A.7, above, and (2) the section titled "Order" is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 167. The outcome of the Order is without modification; it is presented in a format standardized by OWRD.
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 167 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

**CLAIM NO. 167**

**CLAIM MAP REFERENCE:**

OWRD INVESTIGATION MAP – T 38 S, R 9 E, W.M.

**CLAIMANT:** 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:** POWER

**RATE OF USE:** 150.0 CUBIC FEET PER SECOND MEASURED AT THE POINT OF DIVERSION

**PERIOD OF ALLOWED USE:** JANUARY 1 - DECEMBER 31

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

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

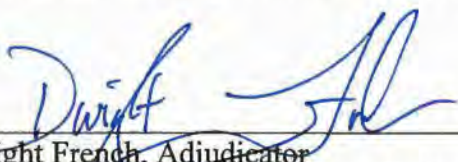
Twp	Rng	Mer	Sec	Q-Q	GLot
38 S	9 E	WM	30	NW SE	4

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

Twp	Rng	Mer	Sec	Q-Q	GLot	Remarks
38 S	9 E	WM	32	NW NW	7	East Side Power Plant

[End of Water Right Claim Description]

Dated at Salem, Oregon on February 28, 2014

  
Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication