



**Water Solutions, Inc.**

May 23, 2019

Mary Bjork  
Water Rights and Adjudications Division  
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. In summary, 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-1540) 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 no. G-17983).

We understand that mitigation is required for water use under the enclosed Limited License application and propose using the same mitigation as that which was approved for LL-1540; Jeld-Wen's Claim KA-107. At the time that LL-1540 was issued, mitigation was provided through a forbearance agreement involving Claim KA-107. Since then, Claim KA 107 has been leased to instream use 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 attached to this letter. Jeld-Wen will renew IL-1550 in 2020, and proposes to continue to use IL-1550 for mitigation under the enclosed Limited License application, as necessary. 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.

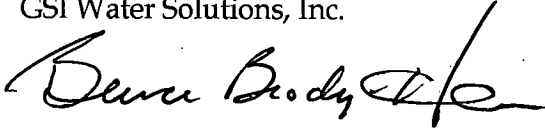
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Please do not hesitate to call if you have any questions or need additional information.

Sincerely,  
GSI Water Solutions, Inc.



Bruce Brody-Heine  
Principal Hydrogeologist

Enclosures

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

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# Limited License Application

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LL-1784



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 97601	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 541.390.0591	
CITY Bend	STATE OR	ZIP 97702	E-MAIL * BBheine@gsiws.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): \_\_\_\_\_ . If water is to be used from more than one source, give the quantity from each: \_\_\_\_\_
- 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.

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- PROJECT SCHEDULE:** (List day, month, and year)  
 Date water use will begin: August 4, 2019  
 Date water use will be completed: 5 years from Final Order issuance  
 Months of the year water would be diverted and used: year-round

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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

5/20/19  
 Date

**WATER WELL REPORT**  
**STATE OF OREGON**

*KLAMATH*  
*11674*

*LIVE*  
State Well No. *385/9E-19 ba*  
NOV 4 1981

WATER RESOURCES DEPT  
SALEM, OREGON

**(1) OWNER:**

Name JELD / WEN INC.  
Address 3303 LAKE ADT BLVD.  
City KLAMATH FALLS State OREGON

**(2) TYPE OF WORK (check):**

New Well  Deepening  Reconditioning  Abandon   
If abandonment, describe material and procedure in Item 12.

**(3) TYPE OF WELL:**

Rotary Air  Driven  Domestic  Industrial  Municipal   
Rotary Mud  Dug  Irrigation  Test Well  Other   
 Bored  Thermal:  Withdrawal  Reinjection

**(4) PROPOSED USE (check):**

Domestic  Industrial  Municipal   
Irrigation  Test Well  Other   
Thermal:  Withdrawal  Reinjection

**(5) CASING INSTALLED:**

Steel  Plastic   
Threaded  Welded   
*12 3/4* Diam. from *+1* ft. to *337 1/2* ft. Gauge *250*  
" Diam. from " ft. to " ft. Gauge "

**LINER INSTALLED:**

" Diam. from " ft. to " ft. Gauge "

**(6) PERFORATIONS:**

Perforated?  Yes  No  
Type of perforator used  
Size of perforations in. by in.  
" perforations from " ft. to " ft.  
" perforations from " ft. to " ft.  
" perforations from " ft. to " ft.

**(7) SCREENS:**

Well screen installed?  Yes  No  
Manufacturer's Name  
Type Model No.  
Diam. Slot Size Set from " ft. to " ft.  
Diam. Slot Size Set from " ft. to " ft.

**(8) WELL TESTS:**

Drawdown is amount water level is lowered below static level  
" a pump test made?  Yes  No If yes, by whom? *VALLEY PUMP*  
" *1700* gal./min. with *153* ft. drawdown after *4* hrs.  
Air test gal./min. with drill stem at " ft. hrs.  
Bailer test gal./min. with " ft. drawdown after hrs.  
Discharge flow g.p.m.  
Temperature of water *62°* Depth artesian flow encountered " ft.

**(9) CONSTRUCTION:**

Special standards: Yes  No   
Well seal—Material used *CEMENT*  
Well sealed from land surface to *337 1/2* ft.  
Diameter of well bore to bottom of seal *17 1/2* in.  
Diameter of well bore below seal *9 7/8* in.  
Number of sacks of cement used in well seal *300* sacks  
How was cement grout placed? *PUMPED*  
Was pump installed? Type HP Depth ft.  
Was a drive shoe used?  Yes  No Plugs Size: location ft.  
Did any strata contain unusable water?  Yes  No  
Type of Water? depth of strata  
Method of sealing strata off  
Was well gravel packed?  Yes  No Size of gravel: ft.  
Gravel placed from " ft. to " ft.

NOTICE TO WATER WELL CONTRACTOR  
The original and first copy of this report  
are to be filed with the

**(10) LOCATION OF WELL:**

County KLAMATH Driller's well number  
NE 1/4 NW 1/4 Section 19 T. 38S R. 9E W.M.  
Tax Lot # Lot Blk Subdivision  
Address at well location:

**(11) WATER LEVEL: Completed well.**

Depth at which water was first found *9* ft.  
Static level *14* ft. below land surface. Date *10/7/81*  
Artesian pressure lbs. per square inch. Date

**(12) WELL LOG:**

Diameter of well below casing *9 7/8*  
Depth drilled *1021* ft. Depth of completed well *1003* ft.  
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SEE ATTACHED COPY FOR DRILLING LOG			

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Work started *9/21* 19*81* Completed *10/7* 19*81*  
Date well drilling machine moved off of well *10/16* 19*81*

**Drilling Machine Operator's Certification:**  
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.  
[Signed] *Dennis D. Stoney* Date *11/2*, 19*81*.  
(Drilling Machine Operator)  
Drilling Machine Operator's License No. *656*

**Water Well Contractor's Certification:**  
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
Name *E.E. STONEY & SON WELLS DRILLING CO.*  
(Person, firm or corporation) (Type or print)  
Address *3847 HOPE ST K.F. FALLS*  
[Signed] *Dennis D. Stoney*  
(Water Well Contractor)  
Contractor's License No. *601* Date *11/2*, 19*81*

WATER RESOURCES DEPARTMENT,  
SALEM, OREGON 97310  
within 30 days from the date of well completion. EP\*12658-690.

Klamath

NOV 4 1981

WATER RESOURCES DEPT  
SALEM, OREGON

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



3847 HOPE STREET KLAMATH FALLS, OREGON 97601  
503/884-3990 or 503/882-1152  
CONTRACTOR'S LICENSES - ORE. 74 and 601

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	broekn 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 broekn 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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Attachment A

KLAM 11674 Well Log

Limited License Application – Jeld-Wen, Inc.

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WATER WELL REPORT  
STATE OF OREGON

KLAM  
11674

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State Well No.

385/9E-19Ba

NOV 4 1981

State Permit No.

WATER RESOURCES DEPT  
SALEM, OREGON

(1) OWNER:

Name JELD / WEN INC.  
Address 3303 LAKE ROSE BLVD.  
City KLAMATH FALLS State OREGON

(2) TYPE OF WORK (check):

New Well  Deepening  Reconditioning  Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air  Driven   
Rotary Mud  Dug   
 Bored

(4) PROPOSED USE (check):

Domestic  Industrial  Municipal   
Irrigation  Test Well  Other   
Thermal  Withdrawal  ReInjection

(5) CASING INSTALLED:

Steel  Plastic   
Threaded  Welded   
12 3/4" Diam. from +1 ft. to 237 1/4 ft. Gauge 250  
" Diam. from ..... ft. to ..... ft. Gauge .....

LINER INSTALLED:

" Diam. from ..... ft. to ..... ft. Gauge .....

(6) PERFORATIONS:

Perforated?  Yes  No

Type of perforator used

Size of perforations in. by in.  
..... perforations from ..... ft. to ..... ft.  
..... perforations from ..... ft. to ..... ft.  
..... perforations from ..... ft. to ..... ft.

(7) SCREENS:

Well screen installed?  Yes  No

Manufacturer's Name .....  
Type ..... Model No. ....  
Diam. .... Slot Size ..... Set from ..... ft. to ..... ft.  
Diam. .... Slot Size ..... Set from ..... ft. to ..... ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

a pump test made?  Yes  No If yes, by whom? VALLEY PUMP  
" 1700 gal/min. with 153 ft. drawdown after 4 hrs.

Air test gal./min. with drill stem at ..... ft. hrs.  
Bailer test gal./min. with ..... ft. drawdown after ..... hrs.  
..... p.p.m.  
Temperature of water 62° Depth artesian flow encountered ..... ft.

(9) CONSTRUCTION:

Special standards: Yes  No

Well seal—Material used CEMENT  
Well sealed from land surface to 237 1/4 ft.  
Diameter of well bore to bottom of seal 17 1/2 in.  
Diameter of well bore below seal 9 7/8 in.  
Number of sacks of cement used in well seal 300 sacks  
How was cement grout placed? PUMPED

Was pump installed? ..... Type ..... HP ..... Depth ..... ft.  
Was a drive shoe used?  Yes  No Plugs ..... Size: location ..... ft.

Did any strata contain unusable water?  Yes  No  
Type of Water? ..... depth of strata

Method of sealing strata off

Was well gravel packed?  Yes  No Size of gravel: .....  
Gravel placed from ..... ft. to ..... ft.

(10) LOCATION OF WELL:

County KLAMATH Driller's well number  
NE 1/4 NW 1/4 Section 19 T. 38S R. 9E W.M.  
Tax Lot # ..... Lot ..... Blk ..... Subdivision

Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found 9 ft.  
Static level 14 ft. below land surface. Date 10/7/81  
Artesian pressure ..... lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 9 7/8

Depth drilled 1021 ft. Depth of completed well 1003 ft.  
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SEE ATTACHED COPY FOR DRILLING LOG			

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OW: J

Work started 9/21 1981 Completed 10/7 1981

Date well drilling machine moved off of well 10/16 1981

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] [Signature] Date 11/12, 1981  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 656

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name E.E. STOREY & SON WELL DRILLING INC.  
(Person, firm or corporation) (Type or print)

Address 3847 HOPE ST. K. FALLS

[Signed] [Signature]  
(Water Well Contractor)

Contractor's License No. 601 Date 11/2, 1981

NOTICE TO WATER WELL CONTRACTOR  
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,  
SALEM, OREGON 97310  
within 30 days from the date of well completion.

SP-12658-690



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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 601

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
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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	broekn 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 broekn 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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**Attachment D**  
**Water Availability Statement**  
Limited License Application – 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: *On 6/30/2015 a call was placed and validated on Upper Klamath Lake. The regulation order was in effect for 126 days. There has not been a call on this source since 2015.*

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? *Licensee will not use water at any time under surface water claim 107 to offset the potential impact of the license use on Upper Klamath Lake.*

5. Any other recommendations you would like to make?

- measuring device should be installed on well.*
- Watermaster shall be granted access to well.*

Signature  WM District #: 17 Date: 5/7/19

**Attachment B**  
**Application Map**

Limited License Application – Jeld-Wen, Inc.

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**Attachment C**  
**Land Use Information Form**  
Limited License Application – Jeld-Wen, Inc.

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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.wrd.state.or.us

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

### This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **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 or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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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.wrd.state.or.us

Applicant(s): Jeld-Wen, Inc., Attn: Larry Maurer

Mailing Address: 407 Harbor Isles Blvd.

City: Klamath Falls State: OR Zip Code: 97601 Daytime Phone: (541) 883-3373

## 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:
<u>38 S</u>	<u>9 E</u>	<u>19</u>	<u>SW NE</u>	<u>3501</u>	<u>I - Industrial</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Industrial</u>
<u>38 S</u>	<u>9 E</u>	<u>18</u>	<u>see map</u>	<u>see map</u>	<u>I - Industrial</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Industrial</u>
<u>38 S</u>	<u>9 E</u>	<u>19</u>	<u>see map</u>	<u>see map</u>	<u>I - Industrial</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Industrial</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

City of Klamath Falls, Oregon

## B. Description of Proposed Use

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

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

Applicant is applying for a Limited Water Use License to provide water right coverage for manufacturing purposes.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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# 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 uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Per Community Development Ordinance Section 12.000, Manufacturing/Assembly and Storage/Warehousing uses are permitted within industrial zoning and are not conditional uses.
- Land uses to be served by the proposed water uses (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:	
N/A		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Joseph Wall Title: Planning Manager  
 Signature:  Phone: 541-883-5272 Date: 5/8/19  
 Government Entity: City of Klamath Falls, OR

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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# Instream Lease IL – 1550 Final Order

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**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.

LL-1754

**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.

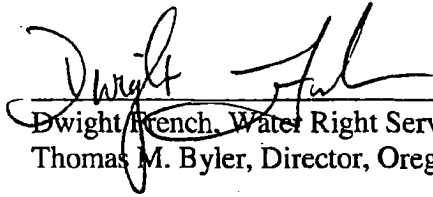
#### **Now, therefore it is ORDERED:**

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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## Oregon Water Resources Department Attribute Report

Report Date: May 28, 2019

### General:

TRSQQ:	WM38.00S9.00E19NENW
DLC:	-
Latitude:	42.2571428397
Longitude:	-121.8088509373
Buffer ft:	1
DEM Elev. ft. (NAVD1929):	4146.33
Lidar Elev. ft. (NAVD1988):	4153.05
Basin Name:	Klamath
Basin Plan:	-Klamath
County:	Klamath
WM District:	17
WM Region:	SOUTH CENTRAL
ODFW Region, District:	High Desert, Klamath District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	<a href="#">Platcard for WM38.00S9.00E19</a>
Well Logs:	<a href="#">Logs for WM38.00S9.00E19</a>

### Rules:

Withdrawn Authority:	-
Groundwater Restricted:	-
GW Restricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-

Rule 4D:	-
Division 33:	Statewide
Irrigation Season of Use:	<b>Klamath River</b> Adj. Status: Pending Subarea: undefined Irr. Season: Duty: 0 Rate:
Water Quality Limited Pollutant 2012:	-
Fish Habitat 2018:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	<b>The Klamath Scenic Waterway 390.826 (2) Klamath River from the John Boyle Dam powerhouse downstream to the Oregon-California border</b> Status: ABOVE

**Hydrography:**

OWRD Streamcode:	-
Waterbody Name:	-
HUC 10:	1801020303
HUC Watershed:	Long Lake Valley-Upper Klamath Lake
WAB Wshed Order:	7
WAB Analysis:	<u>LINK R &gt; KLAMATH R - AB UNN STR</u>
Streamflow:	OWRD Opportunities: Poor ODFW Needs: Highest Combined Priority: Not a priority
Gaging Station Data:	-

**Sources:**

<i>General</i>
----------------

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*Donated Land Claims.* Oregon Water Resources Department. January 1, 1995. 1:100,000.

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*Elevation.* Lidar Elevation. DOGAMI Bare Earth 1:3.

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*Oregon Counties.* Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.

*OWRD Watermaster Districts.* Oregon Water Resources Department. March 31, 2014.

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*Water Organizations* Oregon Water Resources Department. April 1, 2013. 1:24,000.

*Large Dams Inventory.* Oregon Water Resources Department. August 12, 2014. 1:24,000.

**Rules**

*Withdrawn Authority Areas.* Oregon Water Resources Commission. January 1, 2007.

*OWRD Groundwater Restricted Areas.* Oregon Water Resources Department. October 5, 2016.

*OWRD Groundwater Restricted Areas - Subunits.* Oregon Water Resources Department. April 1, 2009.

*ODEQ Groundwater Management Areas (GWMAs).* Oregon Department of Environmental Quality. April 21, 2008.

*Groundwater Umatilla Municipal Wells 5-mile buffer.* Oregon Water Resources Department. June 28, 2012.

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*Division 33.* Oregon Water Resources Dept., 2018. September 20, 2018. 1:100,000.



*Irrigation Season of Use.* Oregon Water Resources Department, 2017.. March 24, 2017.

*Oregon Water Quality Assessment 2012.* This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section.. December 4, 2014. 1:2,500,000.

*Oregon Fish Habitat 2018.* Oregon Department of Fish and Wildlife, Jon K. Bowers, Ruth Schellbach, David L. Bradford. Numerous fisheries biologists from ODFW as well as other natural resource agencies and tribes have contributed toward the development of these data. Data originator names are attributed at the feature level.. February 2, 2018. 1:24,000.

*Deschutes USGS Groundwater Study Area.* Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

*Deschutes Zones of Impact.* Oregon Water Resources Department.. October 25, 2007.

*Deschutes Zones Overlay.* Oregon Water Resources Department. October 25, 2007.

*Oregon State Scenic Waterway areas.* Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

### ***Hydrography***

*Routed OWRD Streamcodes (conflated to the NHD).* Oregon Water Resources Dept.. August 11, 2014.

*OWRD Lake Streamcodes (conflated to the NHD).* Oregon Water Resources Dept.. August 7, 2015.

*Watershed Boundary Dataset (WBD), 10-digit (watershed).* Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

*Water Availability Basins.* Oregon Water Resources Department.. n.d. 1:100,000.

*Priority Watersheds for Streamflow Restoration.* Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

*Stream Gage Stations.* Oregon Water Resources Department and US Geological Survey. n.d.

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