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**FILED**  
*Pb.* 9/3/13  
Circuit Court Clerk Date  
By \_\_\_\_\_ DEPUTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF KLAMATH

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

In Re:  
WATERS OF THE KLAMATH RIVER  
BASIN.

Case Nos. WS1300001, WS1300002  
WS1300003, WS1300004

**ORDER (1) DETERMINING  
OBLIGATIONS OF STAY PETITIONERS  
REGARDING "ALL DAMAGES" AND  
(2) DENYING PETITIONS FOR STAY OF  
UPPER BASIN CONTESTANTS**

By order dated June 20, 2013, the Court consolidated all of the following for hearing on the merits of common issues: (i) Petition for Partial Stay of Findings of Fact and Order of Determination by Upper Basin Contestants as to OAH Case 003 (Claims 294, 321-1, 321-4, 321-6, 321-9, KPCC 321-17/293/323-3) (Case No. WS1300001); (ii) Petition for Partial Stay of Findings of Fact and Order of Determination by Upper Basin Contestants as to Certain Tribal Claims (Case No. WS1300002); (iii) Petition for Stay by Contestant Mathis Family Trust of Claim 668 (Wood River), Claim 669 (Crooked Creek), Claim 670 (Fort Creek), and Claim 622 (Upper Klamath Lake) (Case No. WS1300003); and (iv) Petition for Partial Stay of Findings of Fact and Order of Determination by River Springs Ranch Co. as to Denial of Claim 131 (Case No. WS1300004). In each of the consolidated cases, the petitioner or petitioners seek, under ORS 539.180, a partial stay of the Findings of Fact and Order of Determination, Klamath River Basin General Stream Adjudication, March 7, 2013. Petitioner River Springs Ranch Co. is among the parties collectively identified as Upper Basin Contestants and thus among the

1 Petitioners in Case Nos. WS1300001 and WS1300002, but is the sole Petitioner in Case  
2 No. WS1300004.

3 The Court has considered all of the papers and other filings of the parties related to the  
4 consolidated hearing issues received on or before July 3, 2013, and heard oral argument on July 2  
5 and 3, 2013, at which Elizabeth Howard appeared for Petitioners collectively known as Upper  
6 Basin Contestants, Adam Orford appeared for Petitioner Mathis Family Trust, Dominic Carollo  
7 appeared for Petitioner River Springs Ranch Co., Carl Ullman appeared for Respondent Klamath  
8 Tribes, David Harder and Bruce Bernard appeared for Respondent United States, Paul Simmons  
9 and William Ganong appeared for Respondents collectively known as Klamath Project Water  
10 Users, Darsee Staley and Sarah Weston appeared for Respondent the State of Oregon, and Steven  
11 Shropshire appeared for Respondents Rogue River Valley Irrigation District and Medford  
12 Irrigation District. The Court thereby being fully advised, on July 15<sup>th</sup>, 2013 and August 15<sup>th</sup>,  
13 2013, filed decision letters, attached hereto and incorporated by this reference.

14 **IT IS HEREBY ORDERED AS FOLLOWS:**

15 1. Under ORS 539.180, the potential liability of a party who obtains a stay is not  
16 limited to the amount prescribed by the Court for a bond or letter of credit (collectively, “bond”).  
17 As a condition of any stay under ORS 539.180, the party seeking it must agree to “pay all  
18 damages that may accrue by reason of the determination not being enforced.” This obligation to  
19 pay all damages that may accrue by reason of the determination not being enforced is in addition  
20 to the bond and the amount of a bond is not a limit or cap to that obligation.

21 2. In addition, the petitions for partial stay in Case Nos. WS1300001 and  
22 WS1300002 are denied in their entirety because they do not request a lawful stay, for reasons  
23 stated in the attached decision letter.

24 3. Further proceedings in Case No. WS1300003 and Case No. WS1300004 will  
25 occur under the prior order of consolidation or bifurcated, or both, as determined by the Court.

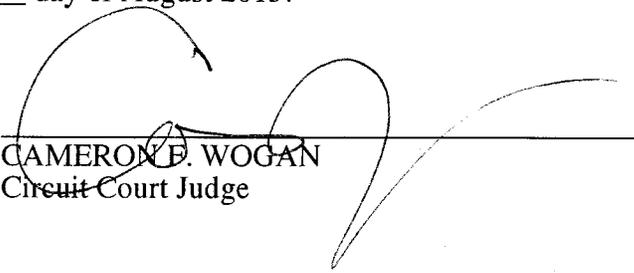
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IT IS HEREBY ORDERED this 3<sup>rd</sup> day of September ~~August~~ 2013.



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CAMERON F. WOGAN  
Circuit Court Judge

Submitted by:  
Paul S. Simmons, OSB 971386  
Attorneys for Tulelake Irrigation District  
Authorized Representative Attorney for Parties  
Identified as Klamath Project Water Users