

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) Case No. WA1300001
BASIN,)
) CASE MANAGEMENT ORDER
) # 24: COMMENTS ON PROPOSED
) PHASE 1C ORDER.
)
) March 6, 2017

**SUMMARY: THIS CASE MANAGEMENT ORDER INVITES COMMENTS ON A
PROPOSED PHASE 1C ORDER INCLUDING A LIST OF ISSUES OR ISSUE
CATEGORIES TO BE RESOLVED**

This Case Management Order #24: Comments on Proposed Phase 1C Order will be mailed to those listed on the current service list provided by the Court on August 4, 2016.

In Case Management Order # 14, the Court set forth procedures for the conduct of Phase 1 of the adjudication, which included three subphases. This current case management order seeks comment on a proposed case management order that will address issues and procedures applicable to Phase 1C. As described in Case Management Order #14, Phase 1C is designed to address threshold or cross-cutting issues not addressed in Phase 1A or Phase 1B.

Attached as Exhibit A to this Order is a draft "*Proposed* CASE MANAGEMENT ORDER # ____: PHASE 1C ORDER LIST OF ISSUES OR ISSUE CATEGORIES TO BE RESOLVED" (*proposed* 1C CMO). The Court invites all parties to submit comments on the *proposed* 1C CMO, according to the schedule set forth below. The Court invites comments on any portion of the *proposed* 1C CMO, including, in particular, comments on the list of issue categories, and comments on whether additional issue categories would be appropriate to include



and/or whether certain issues are not appropriate for inclusion.

The court will, after appropriate consideration of the comments and positions of the parties, modify and finalize the *proposed* 1C CMO as it determines appropriate. When the court finalizes and enters the Phase 1C CMO, it shall be labeled CASE MANAGEMENT ORDER #____:PHASE 1C ORDER LIST OF ISSUES OR ISSUE CATEGORIES TO BE RESOLVED. This order, once finalized and issued, will confirm the issues and/or issue categories and procedures for Phase 1C.

This CMO #24 was initially proposed by the Case Management Committee and modified by the court. If a party has comments, objections, or proposed additions to this CMO #24, they can submit them by March 17, 2017 and the court will reconsider this order. After reconsideration the court may make no change or could issue a further CMO with different language. Unless the court indicates otherwise, all deadlines will remain the same.

All written comments on the *proposed* 1C CMO must be filed not later than March 24, 2017.

All written responses on the proposed 1C CMO must be filed not later than April 17, 2017.

All written replies on the proposed 1C CMO must be filed not later than May 17, 2017.

All filings must be served on all parties identified in the court's then-current service list.

Immediately following the oral argument on the Phase 1B motions, scheduled for June 7-8, 2017, the Court will invite comment on the proposed 1C CMO from those who have submitted written comments. Parties may appear by phone for purposes of commenting on, or listening to comments on, the *proposed* 1C CMO. The Court will provide a call in number in a future order.

IT IS HEREBY ORDERED this 6th day of March, 2017.

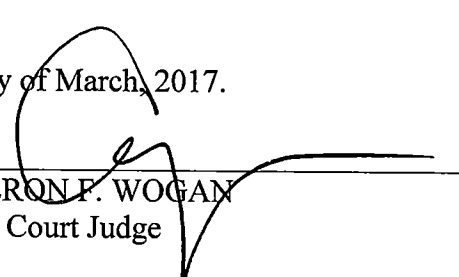

CAMERON F. WOGAN
Circuit Court Judge

Exhibit A to Case Management Order #24: Proposed Case Management Order # ____: Phase 1C Order

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In Re:)
WATERS OF THE KLAMATH RIVER) Case No. WA1300001
BASIN,)
) *Proposed* CASE MANAGEMENT ORDER
) # ____: PHASE 1C ORDER LIST OF
) ISSUES OR ISSUE CATEGORIES TO BE
) RESOLVED
)
_____) _____, 2017

This Case Management Order # ____: Phase 1C Order will be mailed to those listed on the current service list provided by the Court on [DATE].

In Case Management Order # 14, the Court set forth procedures for the conduct of Phase 1 of the adjudication, which included three subphases. The current case management order sets out the issues to be address and procedures applicable to Phase 1C.

In Case Management Order # 24, the Court solicited comment on a proposed 1C order, including but not limited to the issues and issue categories to be included in Phase 1C, and set a briefing schedule to allow all parties to comment, object or propose additional categories. Having reviewed the submissions of the parties, and being otherwise fully informed in the premises, the Court now therefore, hereby,

ORDERS

As part of Phase 1C, any party may file and serve one or more motions for an order ruling on issues in the following categories:

Exhibit A to Case Management Order #24: Proposed Case Management Order # ____: Phase 1C Order

1. OWRD's General findings in the Corrected Findings of Fact and Order of Determination, set forth at pages KBA_ACFFOD_00001 – 00014.
2. OWRD's General Conclusions of Law Concerning Amendment of Claims, as set forth at KBA_ACFFOD_00044—00047.
3. *[Any other issues or issue categories identified following the comment process]*

All parties seeking judicial determination of any issue within the above categories shall file and serve a motion with supporting memorandum of points and authorities in accordance with the procedures set forth in Section III of Case Management Order # 14.

Motions must be filed no later than _____ [DATE] *[Note: the Court anticipates selecting a date that is approximately 60 days following entry of all order(s) resolving phase 1B issues.]*

If any party believes that it is necessary to hold an evidentiary hearing (i.e. presentation of live witnesses), they must make a request for an evidentiary hearing in their motion. The availability of and procedure for any evidentiary hearing will be consistent with the Court's ruling on Phase 1B motions that concern these issues.

The Court will hold a Case Management Conference for Scheduling Response and Reply Briefs and Setting Oral Argument on _____ [DATE]. *[Note: the Court anticipates selecting a date for the case management conference that is approximately one week after the Motion filing date.]*

IT IS HEREBY ORDERED this _____ day of _____, 2017.

PROPOSED

CAMERON F. WOGAN
Circuit Court Judge