

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 No. WA1300001

CASE MANAGEMENT ORDER #28
PHASE 1C ORDER LIST OF ISSUES OR ISSUE
CATEGORIES TO BE RESOLVED

August ST 1, 2017

SUMMARY OF ISSUES ADDRESSED BY THIS CASE MANAGEMENT ORDER

**Overview: This Case Management Order sets forth the issues that may be part of
phase 1C, and the schedule and procedures for briefing those issues.**

- I. List of Issues and Issue Categories to be Considered in Phase 1C.**
- II. Procedures for Phase 1C; Attending Case Management Conference by
Telephone.**

This Case Management Order #28 Phase 1C order will be mailed to those listed on the
current service list provided to the court on April 11, 2017.

WA1300001
OR
Order
7696253



I. List of Issues and Issue Categories to be Considered in Phase 1C.

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 addressed 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 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:

1. OWRD's general findings in the Corrected Findings of Fact and Order of Determination, set forth at pages KBA_ACFOD_00001-00014.

2. OWRD's general conclusions of law concerning amendment of claims as set forth at KBA_ACFOD_00044-00047. This issue category is also appropriate to address the motion by Cameron Curtiss to amend Claim No. 133 and the motion by Steve and James Lawrence to amend Claim No. 13, as to the legal issue of whether the claims can be amended.

3. Exceptions concerning denial of late-filed claims, including the exception of Greg Harris; In re Denial of Intervention for Purposes of Asserting a Claim (electronically filed and served on October 6, 2014) relating to his prior motion to intervene.

NOTE: Consolidated resolution of issues concerning denial of claims filed within previously adjudicated sub-basins is deferred until the court takes up legal issues common to Walton Claims in Phase 3.

II. Procedures for Phase 1C; Attending Case Management Conference by Telephone.

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 October 20th, 2017.

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.

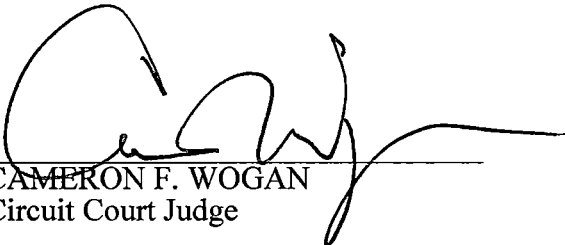
The court will hold a Case Management Conference for scheduling response and reply briefs and setting oral argument on November 15th, 2017 at 1:30 p.m. In advance of this Case Management Conference, the Case Management Committee will submit proposals for further proceedings regarding Phase 1C.

The attorneys and parties are encouraged to appear by phone. The court has arranged a telephone conference line for this hearing. Following is the information for calling in for this conference:

Phone number: (866) 921-1127

Conference code: 2727429741

Dated this 1st day of August, 2017


CAMERON F. WOGAN
Circuit Court Judge