

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 #31
SETTING FILING DEADLINES AND
ARGUMENTS FOR ANCILLARY MOTION #1

February 21, 2018

SUMMARY OF ISSUES ADDRESSED BY THIS CASE MANAGEMENT ORDER

I. Introduction – Ancillary Motion #1

II. Description of Responsive Briefs and Arguments

III. Schedule and Guidelines

This Case Management Order #31 will be mailed to those listed on the current service list
provided by the Court on January 17, 2018.

I. Introduction – Ancillary Motion #1.

On January 31, 2018 Agri Water, LLC, et al. filed a motion entitled “Motion for Remand
of Claim Nos. 625-630, 634, 640, 641-649, 652-653, and 668-670 and Motion for Order
Permitting the Filing of Expert Testimony” and served it on the current service list.

The motion will be referred to as “Ancillary Motion #1”.



1
2 **II. Description of Responsive Briefs and Arguments.**

3 The court invites briefs and arguments on Ancillary Motion #1. At this time the briefs
4 and arguments will be limited exclusively to whether the court should hear this motion on its
5 merits outside the current phased structure suggested by the Case Management Committee and
6 ordered by the court. In other words, arguments should address whether this motion should be
7 heard now, some other time, or never. If a party believes Ancillary Motion #1 should be heard
8 now, they should indicate how much time should be allowed for filing briefs on the merits.

9 **III. Schedule and Guidelines.**

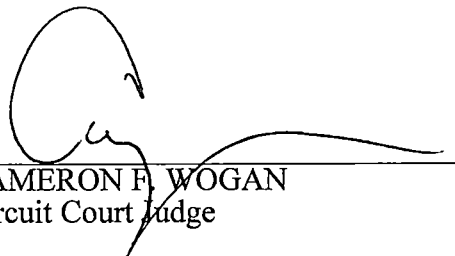
10 Written arguments must be filed not later than March 16, 2018. Any party can file
11 arguments.

12 Written responses must be filed not later than March 30, 2018. Any party can file a
13 response.

14 Oral arguments will occur April 12, 2018 at 9:00 a.m. Only parties filing the ancillary
15 motion, arguments, or responses will be permitted to argue. Agri Water, LLC, et al. will have 10
16 minutes to argue, a party filing an argument or response will have 10 minutes to argue and Agri
17 Water, LLC, et al. will have 10 minutes for rebuttal arguments. Parties can present arguments or
18 attend and listen by telephone. To attend by telephone, please call the court's conference line at
19 (866)921-1127, conference code #2727429741.

20 If the court determines that Ancillary Motion #1 will be heard, it will issue a further order
21 setting forth the schedule for briefs and arguments on the merits.

22 Dated this 21st day of February, 2018.

23
24 
25 CAMERON F. WOGAN
26 Circuit Court Judge