

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 # 32:
SEEKING COMMENTS ON PROPOSED
PHASE 3, PART 1 ORDER

February 21, 2018

This proceeding is referred to as the “Klamath Adjudication,” or simply the
“Adjudication.” This Case Management Order #32: Seeking Comments on Proposed Phase 3,
Part 1 Order will be mailed to those listed on the current service list provided by the Court on
January 17, 2018.

Attached as Exhibit A to this Order is *proposed* case management order #33: Phase 3,
Part 1 (“*proposed* Phase 3, Part 1 CMO”). The Court invites all parties to submit comments on
the *proposed* Phase 3, Part 1 CMO, according to the schedule set forth below.

The Court invites comments on any portion of the *proposed* Phase 3, Part 1 CMO,
including, in particular, comments on the sequencing for resolution of the legal issues pertaining
to groups of exceptions by claim types, and on the lists of legal issues set forth in section V of
the *proposed* Phase 3, Part 1 CMO.



1 All written comments on the *proposed* Phase 3, Part 1 CMO must be filed not later than
2 March 16, 2018.

3 All written responses to comments on the *proposed* Phase 3, Part 1 CMO must be filed
4 not later than March 30, 2018.

5 The Court will hear oral argument from those who have submitted written comments or
6 responses on April 12, 2018 at 1:30 p.m. The Case Management Committee will have 15
7 minutes to argue, any party filing comments or responses will have 10 minutes to argue and the
8 Case Management Committee will have 10 minutes for rebuttal argument. Parties may appear
9 by phone for purposes of arguments or listening to arguments on the *proposed* Phase 3, Part 1
10 CMO. To attend by telephone, please call the court's conference line at (866)921-1127,
11 conference code #2727429741.

12 This CMO #32 was initially proposed by the Case Management Committee and modified
13 by the court. If a party has comments, objections, or proposed additions to this CMO #32, they
14 can submit them by March 1, 2018 and the court will reconsider this order. After reconsideration
15 the court may make no change or could issue a further CMO with different language. Unless the
16 court indicates otherwise, all deadlines will remain the same.

17 Dated this 21ST day of February, 2018.

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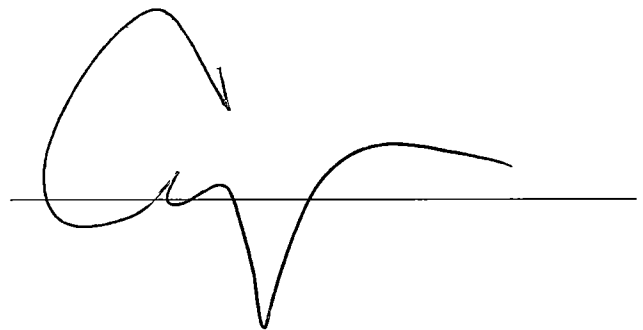
A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final horizontal stroke, positioned over a horizontal line.

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

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Proposed CASE MANAGEMENT ORDER
33: PHASE 3, PART 1 ORDER

2018

ORS 20.140 - State fees deferred at filing

Introduction

This proceeding is referred to as the “Klamath Adjudication,” or simply the “Adjudication.” This Case Management Order #33: Phase 3, Part 1 Order will be mailed to those listed on the current service list provided by the Court on January 17, 2018.

In Case Management Order # 14, the Court ordered that this Adjudication would proceed in phases. In that order, and in subsequent case management orders, the Court directed the conduct of Phases 1 and 2 of this Adjudication.

This case management order sets out the procedure that will be followed in the first part of Phase 3 of the Adjudication. Phase 3 is the phase in which the Court will adjudicate substantive exceptions to the ACFFOD not already resolved in Phase 1. There are nearly 200 filed Statement of Exceptions identifying thousands of individual exceptions to the Oregon Water Resources Department’s (OWRD’s) Amended and Corrected Findings of Fact and Order of Determination (ACFFOD). Resolution of these exceptions will require resolution of certain

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

1 legal issues that do not involve disputed issues of fact, and will also require resolution of factual
2 issues, or mixed questions of law and fact.

3 In Case Management Order #32, the Court solicited input on this Phase 3, Part 1 case
4 management order, and set a briefing schedule to allow all parties to comment, object or suggest
5 alternatives. The Court held oral argument on those comments on _____ [DATE].

6 Having reviewed the submissions of the parties, and being otherwise fully informed in the
7 premises, the Court now therefore, hereby, ORDERS:

8 **I. Certain legal issues will be resolved during the first part of Phase 3.**

9 The Court is informed that many parties assert that a significant number of exceptions
10 raise legal issues that may be capable of resolution without the court's consideration or
11 resolution of disputed issues of fact and are recommended as appropriate for resolution before
12 proceeding to individual Partial Orders of Determination (PFOD) (collectively, "Phase 3, Part 1
13 Legal Issues"). The Court finds that the Adjudication process will be served by early resolution
14 of such Phase 3, Part 1 Legal Issues. The Court accordingly intends to devote Part 1 of Phase 3
15 to resolving these Phase 3, Part 1 Legal Issues.

16 This case management order identifies Phase 3, Part 1 Legal Issues and sets a schedule
17 and process for resolving them. The Court will issue subsequent case management order(s)
18 addressing the procedures for Part 2 (and any subsequent parts) of Phase 3, which will involve
19 the resolution of factual and legal issues that remain after the Phase 3, Part 1 Legal Issues are
20 resolved. The Court anticipates that the remainder of Phase 3 will address the remaining issues
21 in exceptions organized based on individual PFODs to which they apply, although to the extent
22 individual PFODs involve common issues that remain unaddressed, they may be addressed
23 together or otherwise consolidated for consideration and disposition by the Court.

24 For purposes of resolving Phase 3, Part 1 Legal Issues, the Court intends to resolve
25 exceptions by groups, which will be organized based on the type of claim addressed in individual
26 PFODs that are the subject of the exceptions.

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

The three groups are set forth as groups A, B, and C in section II, below. The sequence of addressing groups A, B, and C is addressed in section III, below. The schedule for briefing and argument of the first, second, and third groups is set forth in section IV, below. The legal issues to be addressed in connection with each group are addressed in section V, below. General procedures for the Phase 3, Part 1 Legal Issues briefing are addressed in section VI, below.

II. Exceptions will be divided into the following groups for Phase 3, Part 1 Legal Issues briefing:

Group A: Exceptions to PFODs regarding Pre-1909 claims and to PFODs regarding Federal Reserved Water Rights claims made by the United States, excluding Tribal Claims.

Group B: Exceptions to PFODs regarding Walton and Klamath Termination Act claims.

Group C: Exceptions to PFODs regarding Tribal claims.

The Court and parties may use the Court's Spreadsheet of Pleadings Filed, which can be found on the Court's website at: <http://www.courts.oregon.gov/klamath/pages/water.aspx> as a guideline for determining claim or exception type.

III. Sequence for addressing Phase 3, Part 1 Legal Issues briefing of the four groups:

[THE COURT WILL DETERMINE AND SET FORTH THE SEQUENCE FOR ADDRESSING GROUPS A-C IN THE FINAL CMO FOLLOWING INPUT FROM THE PARTIES]

The "First Group" for purposes of the schedule set forth in section IV, below, will be Group , from the list in section II, above.

The "Second Group" for purposes of the schedule set forth in section IV, below, will be Group , from the list in section II, above.

The "Third Group" for purposes of the schedule set forth in section IV, below, will be Group , from the list in section II, above.

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

IV. - Schedule for briefing Phase 3, Part 1 Legal Issues for each group.

The Phase 3, Part 1 Legal Issues for the three groups will be resolved according to the following briefing schedule. The filing deadlines set forth below are established early to allow parties to plan, and will only be modified for good cause shown.

First Group:

- [Date to be set by the Court]: Exceptors file Opening Motions and briefs on Phase 3, Part 1 Legal Issues for this group.
- [14 days after Opening Motions]: Responses in Support of Exceptors' Opening Motions.
- [104 days after Opening Motions]: Responses in Opposition to (1) Opening Motions; and (2) Responses in Support of Exceptors' Opening Motions due.
- [164 days after Opening Motions]: Reply Briefs due. Replies may only be filed by parties who filed an Opening Motion.
- [Approximately 30 days after Reply Briefs filed]: Oral argument (if requested)

Second Group:

- [Date to be set by the Court]: Exceptors file Opening Motions and briefs on Phase 3, Part 1 Legal Issues for this group.
- [14 days after Opening Motions]: Responses in Support of Exceptors' Opening Motions.
- [104 days after Opening Motions]: Responses in Opposition to (1) Opening Motions; and (2) Responses in Support of Exceptors' Opening Motions due.
- [164 days after Opening Motions]: Reply Briefs due. Replies may only be filed by parties who filed an Opening Motion.
- [Approximately 30 days after Reply Briefs filed]: Oral argument (if requested)

Third Group:

- [Date to be set by the Court]: Exceptors file Opening Motions and briefs on Phase 3, Part 1 Legal Issues for this group.
- [14 days after Opening Motions]: Responses in Support of Exceptors' Opening Motions.
- [104 days after Opening Motions]: Responses in Opposition to (1) Motions; and (2) Responses in Support of Exceptors' Opening Motions due.

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

- [164 days after Opening Motions]: Reply Briefs due. Replies may only be filed by parties who filed an Opening Motion.
- [Approximately 30 days after Reply Briefs filed]: Oral argument (if requested)

V. Phase 3, Part 1 Legal Issues to be addressed in each group.

Below in sub-sections A through C is the list of Phase 3, Part 1 Legal Issues to be addressed in each group during the Phase 3, Part 1 Legal Issues briefing for that group.

Rulings on Phase 3, Part 1 Legal Issues during this phase are binding on all Adjudication parties.

Exceptors whose exceptions raise issues listed below in the Phase 3, Part 1 Legal Issues lists must file a motion(s) on those issues at the time specified in this CMO. (With respect to the list of issues for Tribal claims, Appendix A to this Order identifies exceptions that raise subjects that are within the list of issues described in section V.C.)

The Court recognizes that its decision on any legal issue resolved in Phase 3, Part 1 may result in the need to address additional, new legal and or factual issues as a consequence. To the extent necessary and appropriate and consistent with prior orders issued by the Court in the KBA and ORS 539.150, the Court will provide the parties the opportunity in the future to address such new issues.

A. List of Phase 3, Part 1 Legal Issues to be resolved during Phase 3, Part 1 Legal Issues briefing on Group A: Exceptions to PFODs on Pre-1909 claims and to PFODs regarding Federal Reserved Water Rights claims made by the United States, excluding Tribal Claims,

1. The propriety of the Adjudicator's General Conclusions of Law Concerning Pre-1909 Claims (KBA_ACFOD_00015-00021).
2. The legal standard for waiver or abandonment of a pre-1909 water right or appropriation.
3. Whether or the extent to which the issuance of Swamp Act deeds or other similar conveyances of real property constitutes evidence of beneficial use of water (see, e.g., KBA_ACFOD 02386, KBA_ACFOD_07087-7089, KBA_ACFOD_07105-07106)
4. General Conclusions of Law Concerning Federal Reserved Water Rights (at KBA_ACFOD_00039).

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

5. General Conclusions of Law Concerning Acquired Lands (at KBA_ACFFOD_00042-00044).

B. List of Phase 3, Part 1 Legal Issues to be resolved during Phase 3, Part 1 Legal Issues briefing on Group B: Exceptions to PFODs on Walton and Klamath Termination Act claims.

1. General Conclusions of Law Concerning *Walton* Claims (KBA_ACFFOD_00023 – 00037).
2. General Conclusions of Law Concerning Klamath Termination Act Claims (KBA_ACFFOD_00037 – 00038).
3. Whether federal or state law, or both, control the quantification of a *Walton* water right.
4. Exceptions concerning denial of claims filed in areas within previously adjudicated sub-basins (associated with Case 900 claims), including but not limited to whether the Wood River decree has res judicata/claim preclusion effects.
5. Whether the utilization of crops by wildlife instead of livestock is an impermissible change in use or “wilderness servitude.”
6. Whether the U.S. Fish & Wildlife Service’s use of its *Walton* and Klamath Termination Act rights (Claims 301-307; Klamath Marsh National Wildlife Refuge) is a permissible use of a *Walton* right or a Klamath Termination Act right or if it constitutes an impermissible change in use (e.g., from irrigation to waterfowl management).
7. Whether the United States is precluded from making any *Walton* or Klamath Termination Act claims because of the Supplementary Declaratory Judgment and Stipulation of Consent entered into by United States in 1986 in *United States v. Adair*, Civil No. 75-914-SO, in the United States District Court for the District of Oregon.

C. List of Phase 3, Part 1 Legal Issues to be resolved during Phase 3, Part 1 Legal Issues briefing on Group C: Exceptions to PFODs on Tribal claims.

1. The applicability of judgments entered in the *United States v. Adair* litigation to the Klamath Basin Adjudication.
2. General legal principles pertaining to the tribal water rights and/or recognition of tribal water rights based on any claimed limitation of the purpose(s) for the rights.
3. Whether the Klamath Treaty reserved water rights in streams and water bodies lying outside, or bordering, the former Klamath Reservation.
4. Whether the tribal water rights have been abrogated or diminished, in whole or in part.

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

5. Whether claim preclusion and/or issue preclusion precludes the tribal water right claims, in whole or in part.
6. Whether Oregon's law of abandonment applies to tribal water right claims.
7. General legal principles pertaining to the burden of proof for tribal claims that were imposed during the claims/contests process before the Adjudicator.
8. Whether the Adjudicator applied the correct quantification standard to the tribal claims.
9. Whether the Adjudicator properly completed the quantification of the tribal claims.
10. Whether the ACFFOD determinations regarding tribal water rights for gathering are correct.
11. General legal principles pertaining to how the tribal water rights are held and whether denial of the Tribes' separate water right claims was appropriate.
12. Whether equitable doctrines are applicable (as a matter of law, not fact) against the United States and/or Klamath Tribes with respect to the tribal claims.
13. Any legal issue that was specifically determined as a matter of law in the Amended Orders on Motions for Rulings on Legal Issues issued in the Tribal water right cases (KBA Cases 277, 279, 280, 281, 284, 285, and 286) in February 2007.

Attached as Appendix A to this Case Management Order is a list of exceptions that implicate the Phase 3, Part 1 Legal Issues for PFODs on Tribal claims that are identified immediately above. The exceptions identified in Appendix A may also raise, or involve, issues of fact or mixed issues of law and fact that parties may, or may not, anticipate at this time. To the extent that such exceptions raise purely legal issues or issues that do not require resolution of disputed issues of fact, exceptors must file motions on all such issues at the time listed in the schedule in section IV, above, in order to facilitate the resolution of outstanding exceptions.

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

VI. Procedures for Phase 3, Part 1 Legal Issues Briefing:

A. Conferral on motions

1. Motions regarding Phase 3, Part 1 Legal Issues on the list in section V, above.

To the extent the UTCR 5.010 conferral obligation would otherwise apply to the filing of motions in Phase 3, Part 1 of the Adjudication, each moving party is hereby deemed to have complied with respect to any legal issue identified in section V above. Parties, however, are encouraged to confer on such issues and, where possible, narrow the issues to be decided through motion practice in Phase 3.

2. Motions regarding Phase 3, Part 1 Legal Issues not on the list in section V, above.

An exceptor who wishes to file a Phase 3 Part 1 Legal Issue motion on a topic not on the list in section V above must confer regarding that intention with the PFOD's claimant(s), exceptor(s), those who have filed requests to be heard, and OWRD at least thirty days before the deadline for filing the motion. The exceptor must certify in the first paragraph of the exceptor's motion that it has completed this requirement, and state the conferral parties' position on whether the topic is appropriate for Phase 3, Part 1 briefing. The Court will not entertain any motion that is not consistent with this requirement.

B. Certification

In the first paragraph of a motion regarding Phase 3, Part 1, the exceptor must certify that the issues raised in the motion raise legal issues that are not fact or claim-specific, and do not require resolution of disputed issues of fact.

C. Caption

In the caption of all documents, the filing party shall identify the issue(s) and/or issue-category(ies) addressed in the document. Parties may identify the issues by the number associated with that issue in the list in sub-sections V.A through V.C. above, as applicable.

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

D. Form for Motions

A motion filed by a party or group of parties during Phase 3, Part 1 Legal Issues briefing must satisfy all of the following requirements:

1. The motion must include in the same document a statement of the points and authorities supporting the motion;
2. A separate motion may be filed for each Phase 3, Part 1 Legal Issue for which a ruling is sought, however, parties are encouraged to file consolidated motions addressing multiple issues where possible;
3. At least one applicable exception per moving party and per issue must be identified in the motion. Parties must further identify each of their own exceptions to which the issue pertains, and list those exceptions in the motion. Motions to merely affirm findings in the ACFFOD will not be accepted by the Court.
4. For motions filed by counsel, motions containing more than 20 pages (exclusive of the caption) shall include a Table of Contents and Table of Authorities.

E. Form for Responses and Replies

A response or reply filed by a party or group of parties during Phase 3, Part 1 Legal Issues briefing must satisfy all of the following requirements:

1. The first paragraph of any response must identify whether the respondent(s) is a claimant, has filed a request to be heard, or is the Oregon Water Resources Department.
2. Responses and replies may respond or reply to more than one motion, but each motion being responded to must be identified in the first paragraph of the response or reply. The parties are encouraged to file combined responses and replies where such an approach is likely to aid in efficiency of the Court's resolution of all motions.
3. For responses and replies filed by counsel, responses and replies containing more than 20 pages (exclusive of the caption) shall include a Table of Contents and Table of Authorities.

F. Citations

Citations to the record shall conform to the following conventions. Citations to Bates-stamped pages of the ACFFOD: KBA_ACFFOD_00000. Citations to Bates-stamped pages of OWRD's record: OWRD00000000. Citations to material that is not in the preceding two

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

categories (including pages of the ACFFOD that are not Bates-stamped) shall include the title of the document, date, author, recipient, and page number, to the extent such information appears on the document or is readily ascertainable.

G. Service

All documents filed with the Court in Phase 3, Part 1 shall be served on the Oregon Water Resources Department and each exceptor, claimant, and party who has filed a request to be heard with respect to each PFOD at issue in each exception at issue in the opening motion or motion(s) being responded to. Alternatively, a party may comply with its service obligations during this phase by serving all parties on the Court's then-current service list.

IT IS SO ORDERED.

Proposed

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

Appendix A: Exceptions List for Phase 3, Part 1 Briefing Tribal Claims

To the Extent the Exceptions Identified Below Raise Purely Legal Issues or Issues that Do Not Require Resolution of Disputed Issues of Material Fact, the Exceptor Must File Exceptions on the Schedule Identified in Section IV of the Case Management Order to Which this Appendix is Appended. Read the Entire Case Management Order Carefully for Further and More Specific Information

1. Exceptions to the Partial Order of Determination Concerning Water Right Claim Number 622 (Upper Klamath Lake)

Statement of Exceptions of Klamath Project Water Users to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim or Claims Number 622¹

- Exception 2, insofar as it is based on grounds stated in subpart b.i,ii,iii (as to the legal issue of water rights in off reservation or bordering waters), iv, v (as to the applicability of the legal doctrines), vi, vii, ix, x,xi,xii, xiii.
- Exception 3
- Exceptions 1, 5, and 7-12 insofar as they are based on the legal grounds that will be addressed in the resolution of the other exceptions identified above

Statement of Exceptions of Mathis Family Trust to the Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 622 (Case 286)

- Exceptions 1 – 8
- Exception 13
- Exception 17

Statement of Exceptions of Medford Irrigation District and Rogue River Valley Irrigation District to Corrected Partial Order of Determination Concerning Water Right Claim Number 622

- Exception 3

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 622 [OAH Case 286]

- Exceptions 2-7

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the

¹ Resolution of certain of the specifically enumerated exceptions or grounds for exceptions will have a bearing on the subsequent resolution of certain other exceptions not enumerated. By way of example only, the resolution of KPWU Exception 2.b. insofar as it is based on ground ix (and others) will affect the ultimate resolution of Exception 6.m. (and others) insofar as the latter involve legal issues.

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 622 [OAH Case 286]

- Exceptions 2-7

Statement of Exceptions of Agri Water LLC et al. to Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Corrected Partial Order of Determination Concerning Water Right Claim Numbers 622 (Upper Klamath Lake)

- Exceptions 1-11
- Exception 14
- Exceptions 16-18
- Exception 21
- Exceptions 23, 24 (with respect to equitable considerations), 25-26
- Ground 35
- Grounds 44-51

2. Partial Order of Determination Concerning Water Right Claim Numbers 625-640 (Williamson River and Its Tributaries)

Statement of Exceptions of BK Ranch et al. to Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 625-640 (Williamson River and its Tributaries)

- Exceptions 1-11
- Exception 14
- Exceptions 16-18
- Exception 23 (with respect to equitable considerations), 24, 26-28
- Ground 36
- Grounds 45-50

Statement of Exceptions of Mosby Family Trust and Steve Mosby, as Trustee of the Mosby Family Trust, to Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 625-640 (Williamson River and its Tributaries)

- Exceptions 1-10
- Exceptions 12-14
- Exceptions 17-19
- Grounds 23, 25-30, 31

Statement of Exceptions of TPC, LLC to Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Corrected Partial Order of Determination Concerning Water Right Claim Numbers 625-640 (Williamson River and its Tributaries)

- Exceptions 1-10
- Exceptions 12-14
- Exceptions 17-19
- Ground 25, 27-32

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 625-640 [OAH Case 277]

- Exceptions 1-9

Exceptions 11-15 Statement of Exceptions of the United States of America Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 625-640 [OAH Case 277]

- Exceptions 1-9
- Exception 11-15

3. Partial Order of Determination Concerning Water Right Claim Numbers 641-657 (Sprague River and its Tributaries)

Statement of Exceptions of BK Ranch et al. to Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 641-657 (Sprague River and its tributaries)

- Exceptions 1-11
- Exception 14
- Exceptions 16-18 (p. 8)
- Exceptions 23 (with respect to equitable considerations), 26-28 (p. 9)
- Ground 36
- Grounds 45-50 (pp. 11-12)

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 641-657 [OAH Case 280]

- Exceptions 1-12

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 641-657 [OAH Case 280]

- Exceptions 1-12

Statement of Exceptions of Topham Family Trust (Bruce S. Topham and Virginia A. Topham) and Thomas William Mallams to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim or Claim Number(s) 641-657 (Sprague River and its tributaries)

- Exceptions 1-12 (pp. 3-4)
- Exception 14
- Exceptions 16-18 (p. 5)
- Exception 21
- Exceptions 23-26 (p. 6)
- Exceptions 29-31

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

- Grounds 32-33 (p. 8)
- Grounds 36
- Grounds 45-50 (pp. 9-10)

4. Partial Order of Determination Concerning Water Right Claim Numbers 658-667 (Sycan River and its Tributaries)

Statement of Exceptions of BK Ranch et al. to Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Corrected Partial Order of Determination Concerning Water Right Claim Numbers 658-667 (Sycan River and its tributaries)

- Exceptions 1-11 (pp. 5-6)
- Exception 14
- Exceptions 16-18 (p. 6)
- Exceptions 23 (with respect to equitable considerations), 24, 26-28 (p. 7)
- Ground 36
- Grounds 45-50 (p. 10)

Statement of Exceptions of Topham Family Trust (Bruce S. Topahm and Virginia A. Topham) and Thomas William Mallams to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim or Claims Number(s) 658-667 (Sycan River and its tributaries)

- Exceptions 1-12 (pp. 2-4)
- Exception 14
- Exceptions 16-18 (p. 4)
- Exception 21
- Exceptions 23-31 (p. 5)
- Grounds 32-33 (p. 7)
- Grounds 45-50

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 658-667 [OAH Case 279]

- Exceptions 1-12

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 658-667 [OAH Case 279]

- Exceptions 1-12

5. Partial Order of Determination Concerning Water Right Claim Number 624 (Seeps and Springs)

Statement of Exceptions of Agri Water LLC et al. to Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Corrected Partial Order of Determination Concerning Water Right Claim Number 624 (Seeps and Springs)

- Exceptions 1-11 (pp. 5-6)

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- Exception 14
- Exceptions 16-18 (p. 7)
- Exceptions 22 (with respect to equitable considerations), 23-25 (p. 8)
- Ground 33
- Grounds 40-45 (p. 10)

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 624 [OAH Case 285]

- Exceptions 6-7 (pp. 5-6)
- Exception 28-29 (pp. 14-15)

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 624 [OAH Case 285]

- Exceptions 6-7 (pp. 5-6)
- Exceptions 28-29 (pp. 14-15)

6. Partial Order of Determination Concerning Water Right Claim Numbers 668-670 (Wood River and its tributaries)

Statement of Exceptions of Agri Water LLC et al. to Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Corrected Partial Order of Determination Concerning Water Right Claim Numbers 668-670 (Wood River and its tributaries)

- Exceptions 1-4, 5, 6-8, 9, 10, 11 (pp. 5-6)
- Exception 14
- Exceptions 16-18 (p. 7)
- Exceptions 24 (with respect to equitable considerations), 25, 27-29 (p. 8)
- Ground 37
- Grounds 46-53 (pp. 10-11)

Statement of Exceptions of the Mathis Family trust to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 668, 669, 670, and Those Portions of Claim 612 That Pertain to the Wood River and its Tributaries (Case 281)

- Exceptions 1-7 (pp. 3-6)
- Exceptions 13-14 (p. 8)

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 668-670 (OAH Case 281)

- Exceptions 1-9

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 668-670 (OAH Case 281)

- Exceptions 1-9

7. Partial Order of Determination Concerning Water Right Claim Number 623 (Klamath Marsh)

Statement of Exceptions of Mosby Family Trust and Steve Mosby, as Trustee of the Mosby Family Trust, to Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Corrected Partial Order of Determination Concerning Water Right Claim Number 623 (Klamath Marsh)

- Exceptions 1-11 (pp. 3-4)
- Exceptions 13-15 (p. 4)
- Exceptions 17
- Ground 23
- Grounds 25-31 (pp. 5-6)

Statement of Exceptions of TPC, LLC to Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Corrected Partial Order of Determination Concerning Water Right Claim Number 623 (Klamath Marsh)

- Exceptions 1-11 (pp. 3-4)
- Exceptions 13-15 (p. 4)
- Exceptions 17
- Ground 23
- Grounds 25-30 (pp. 5-6)

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 623 (OAH Case 284)

- Exceptions 2-5

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 623 [OAH Case 284]

- Exceptions 2-5

8. Partial Order of Determination Concerning Water Right Claim Number 613

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 613 [OAH Case 283]

- Exceptions 1-2 (pp. 3-4)

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 613 [OAH Case 283]

- Exceptions 1-2 (pp. 3-4)

9. Partial Order of Determination Concerning Water Right Claim Number 614

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 614 [OAH Case 285]

- Exceptions 1-2 (pp. 3-4)

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 614 [OAH Case 285]

- Exceptions 1-2 (pp. 3-4)

10. Partial Order of Determination Concerning Water Right Claim Number 615

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 615 [OAH Case 284]

- Exceptions 1-2 (pp. 3-4)

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 615 [OAH Case 284]

- Exceptions 1-2 (pp. 3-4)

11. Partial Order of Determination Concerning Water Right Claim Number 616

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 616 [OAH Case 286]

- Exceptions 1-2 (pp. 3-4)

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 616 [OAH Case 286]

- Exceptions 1-2 (pp. 3-4)

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

12. Partial Order of Determination Concerning Water Right Claim Numbers 671-673

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim or Claim Numbers 671-673 [OAH Case 282]

- Exceptions 2-13 (pp. 3-10)

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Numbers 671-673 [OAH Case 282]

- Exceptions 2-13 (pp. 3-9)

13. Partial Order of Determination Concerning Water Right Claim Number 612

Statement of Exceptions of the United States of America, Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 612 [OAH Cases 277, 279-282]

- Exceptions 1-2 (pp. 3-4)

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 612 [OAH Cases 277, 279-282]

- Exceptions 1-2 (pp. 3-4)

14. Partial Order of Determination Concerning Water Right Claim Number 617

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 617 [OAH Case 283]

- Exception 1

Statement of Exceptions of the United States of America Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 617 [OAH Case 283]

- Exception 1

15. Partial Order of Determination Concerning Water Right Claim Number 618

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 618 [OAH Case 283]

- Exception 1

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

Statement of Exceptions of the United States of America Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 618 [OAH Case 283]

- Exception 1

16. Partial Order of Determination Concerning Water Right Claim Number 619

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 619 [OAH Case 283]

- Exception 1

Statement of Exceptions of the United States of America Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 619 [OAH Case 283]

- Exception 1

17. Partial Order of Determination Concerning Water Right Claim Number 620

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 620 [OAH Case 283]

- Exception 1

Statement of Exceptions of the United States of America Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 620 [OAH Case 283]

- Exception 1

18. Partial Order of Determination Concerning Water Right Claim Number 621

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 621 [OAH Case 283]

- Exception 1

Statement of Exceptions of the United States of America Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 621 [OAH Case 283]

- Exception 1

Exhibit A to Case Management Order #32: Proposed Case Management Order # 33: Phase 3, Part I Order.

19. Partial Order of Determination Concerning Water Right Claim Number 729

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 729 [OAH Case 283]

- Exception 1

Statement of Exceptions of the United States of America Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 729 [OAH Case 283]

- Exception 1

20. Partial Order of Determination Concerning Water Right Claim Number 730

Statement of Exceptions of the Klamath Tribes to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 730 [OAH Case 283]

- Exception 1

Statement of Exceptions of the United States of America Department of the Interior, Bureau of Indian Affairs, to Amended and Corrected Findings of Fact and Order of Determination in the Klamath Basin Adjudication; Exceptions to Partial Order of Determination Concerning Water Right Claim Number 730 [OAH Case 283]

- Exception 1