

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
#46: REGARDING SIX TOPICS

April 16, 2020

This Case Management Order (CMO) #46 will be mailed to those on the current service list provided by the court on March 23, 2020.

SUMMARY OF ISSUES ADDRESSED BY THIS CASE MANAGEMENT ORDER

- I. Inventory of Phase 3, Part 1, Group C Motions.**
- II. The Case Management Committee (CMC) is ordered to prepare a proposed schedule for Phase 3, Part 1, Group C oral arguments.**
- III. The CMC is ordered to prepare a proposed case management order (CMO) for the next part of this proceeding.**



IV. The Court's orders relating to COVID-19.

V. Opportunity to object to documents filed.

VI. Reminder of relevant dates

I. Inventory of Phase 3, Part 1, Group C Motions.

Motions

Party (Motion Number)	Date/Time Filed	Issue Category(s) noted in caption	Attorney
KPWU (M1)	12/20/19 11:16 am	1-3, 6-8, 13	Deitchman, et al.
Klamath Tribes (M2)	12/20/19 1:25 pm	11	Noe, et al.
Klamath Tribes (M3)	12/20/19 1:25 pm	3	Noe, et al.
USA (M4)	12/20/19 2:17 pm	11	Guarino, et al.
USA (M5)	12/20/19 2:17 pm	3	Guarino, et al.
Upper Basin-Motion #1 (M6)	12/20/19 3:31 pm	1, 4, 5, 13	Carollo
Upper Basin-Motion #2 (M7)	12/20/19 3:35 pm	3, 4	Carollo
Upper Basin-Motion #3 (M8)	12/20/19 3:39 pm	3, 4	Carollo
Upper Basin-Motion #4 (M9)	12/20/19 3:43 pm	1, 2, 8, 13	Carollo
Upper Basin-Motion #5 (M10)	12/20/19 3:49 pm	2, 7, 8, 9, 13	Carollo
Upper Basin-Motion #6 (M11)	12/20/19 3:54 pm	1, 2, 8, 13	Carollo
Upper Basin-Motion #7 (M12)	12/20/19 3:59 pm	12	Carollo
Mosby (M13)	12/20/19 4:03 pm	1-5, 7-9, 12, 13	Carollo
Medford Irrigation (M14)	12/20/19 4:40 pm	1, 2, 3	Shropshire

II. The CMC is ordered to prepare a proposed schedule for Phase 3, Part 1, Group C oral arguments.

In case Management Order (CMO) #41 the court set oral arguments on Phase 3, Part 1,

Group C motions for August 25-27, 2020 and set a telephone conference on July 15, 2020 at

9:00 am to discuss scheduling for those oral arguments. The CMC is ordered to file and serve on the current service list a proposed schedule no later than July 8, 2020. The proposed schedule will be discussed at the July 15th conference. Any party who has filed a motion or response must participate and any other party may participate with their comments or objections. The call in information is as follows: (605) 313-5662. Access code 117160.

The court requests that motions and responses that address the same issue category be heard together. This may be a challenging job. Fourteen motions have been filed and they address anywhere from one to six issues each. Some documents are titled as a motion, but they are really a number of separate motions in one document with each addressing separate issue categories. Other documents contain only one motion, but they address a number of issue categories. Some motions may need to be heard separately.

The court will consider the proposed schedule, any comments or objections and will issue a final schedule. It may modify the proposed schedule and/or may set additional dates for arguments.

III. The CMC is ordered to prepare a proposed case management order (CMO) for the next part of this proceeding.

No later than June 29, 2020 the CMC must submit a proposed CMO to the court setting forth a proposed schedule for briefing and arguing the next part of this proceeding after Phase 3, Part 1, Group C. As has been the court's practice, it will send that proposed CMO to everyone on the current service list with a schedule for parties to submit comments and responses. (like CMO #40 did for Phase 3, Part 1, Group C). After considering that input, the court will issue a

CMO describing the next part of these proceedings (like CMO #41 did for Phase 3, Part 1, Group C).

IV. The Court's orders relating to COVID-19.

As a result of the dangers related to COVID-19, the court orders that parties and counsel must attend the July 15, 2020 at 9:00 am status conference by telephone and are prohibited from appearing in person. Spectators are also prohibited from appearing in person, but anyone can obtain a recording of the proceeding from the Klamath County Circuit Court Clerk's office. The Court may enter further orders on this topic.

The call-in information is as follows: Telephone number (605) 313-5662, access code 117160.

V. Opportunity to object to documents filed.

On December 20, 2019 at 11:22 AM the Klamath Project Water Users filed a document titled "KLAMATH PROJECT WATER USERS' MOTION TO SUPPLEMENT THE OWRD RECORD."

On March 23, 2020 at 9:43 AM the Klamath Tribes filed a document titled "KLAMATH TRIBES' NOTICE OF ERRATA RE EXHIBIT 2 TO KLAMATH TRIBES' PHASE 3, PART 1, GROUP C MOTION FOR RULING ON LEGAL ISSUE V.C.11 AND MEMORANDUM OF POINTS AND AUTHORITIES."

If any party has objections to those documents, they must be filed no later than May 8, 2020. The court will consider any objections and will take whatever action it deems appropriate.

If there are no objections, the motion will be granted and the notice approved and any pleadings

or letters addressing these documents need only be served on the court and the party filing the document.

VI. Reminder of relevant dates.

April 24, 2020 - Phase 3, Part 1, Group C Responses in Opposition are due

May 8, 2020- Any objections to Phase 3, Part 1, Group B proposed order are due
Any objections to documents described in Section V above are due

June 29, 2020- Phase 3, Part 1, Group C replies are due
Deadline for CMC to submit proposed order for future proceedings described in Section III above

July 8, 2020- Deadline for CMC to submit proposed argument schedule described in Section II above

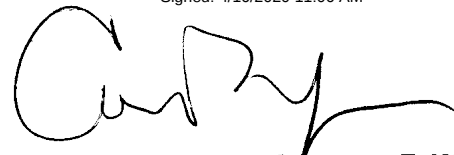
July 15, 2020- 9 AM -Phone conference to discuss Phase 3, Part 1, Group C argument schedule

August 25-27, 2020 Oral arguments on Phase 3, Part 1, Group C motions.

IT IS SO ORDERED.

Dated this 16th day of April, 2020.

Signed: 4/16/2020 11:06 AM



~~Circuit Court Judge~~ Cameron F. Wogan
CAMERON F. WOGAN
Circuit Court Judge

Cc: current service list