

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:	) Case No. WA1300001
	)
WATERS OF THE KLAMATH RIVER	) CASE MANAGEMENT ORDER #56
BASIN	) RE ORAL ARGUMENT SCHEDULE FOR
	) JULY 22, 2022, HEARING AND RELATED
	) MATTERS
_____	)

SUMMARY OF ISSUES ADDRESSED BY THIS CASE MANAGEMENT ORDER

**I. Information about the hearing on pending motions to present non-record evidence
for non-tribal (Phase 3, Part 2, Groups A and B) claims to be held by
video/telephone conference on July 22, 2022, at 8:30 a.m.:**

Call in number: 503-388-9555.

Access code: 146 138 2814 ##

Videoconference link (optional):

<https://oregonjudicial.webex.com/oregonjudicial/e.php?MTID=mb9818cce28029a83e62d8d662333b269>

**II. Preliminary process for briefing motions to present non-record evidence for tribal
(Phase 3, Part 2, Group C) claims.**

**III. Case Management Committee proposal for vacating, remanding, and/or re-
quantifying claims addressed in the court's July 15, 2021, ruling.**

I. Oral Argument Schedule.

As discussed at the April 15, 2022, case management conference, the court adopts the oral argument schedule proposed by the Case Management Committee for the hearing on July 22, 2022. Any party may cede all or part of their allotted time to another party by orally advising the court of that choice on or before the day of the hearing. Movants may reserve additional time from their initial arguments for use in reply arguments. The hearing will be open to the public via the WebEx hearing line listed above.

Schedule:

Court's introduction **8:30-8:45**

1. *Walton* claims **8:45-9:45**

(Bonanza Conservation, LLC; Duane Martin Ranches; Sprague River Cattle Co.; Mosby Family Trust; Estate of Tony Pierce)

- Movants (Carollo) (20 min)
- United States (Guarino) (10 min)
- Klamath Tribes (Tenorio/Noe) (10 min)
- OWRD (DeFever/Morgan) (10 min)
- Movants' Reply (Carollo) (10 min)

2. *Swamp Act* claims **9:45-10:30**

(Christy Flowers; Tule Smoke)

- Movants (Carollo) (20 min)
- United States (Guarino) (10 min)
- OWRD (DeFever/Morgan) (10 min)
- Movants' Reply (Carollo) (5 min)

BREAK **10:30-10:40**

3. *Curtiss* **10:40-11:20**

- Movants (Reinecke) (15 min)
- United States (Guarino) (10 min)
- OWRD (DeFever/Morgan) (10 min)
- Movants' Reply (Reinecke) (5 min)

LUNCH **11:20-1:00**

4. Taylor Ranch 1:00-1:50

- Movants (Taylor) (15 min)
- PacifiCorp (Hern/Waldron) (15 min)
- United States (Guarino) (5 min)
- OWRD (DeFever/Morgan) (10 min)
- Movants' Reply (Taylor) (5 min)

5. KPWU 1:50-2:35

- Movants (Deitchman/Simmons) (15 min)
- United States (Snodgrass/Philpot) (15 min)
- OWRD (DeFever/Morgan) (10 min)
- Movants' Reply (Deitchman/Simmons) (5 min)

BREAK 2:35-2:45

6. Venue for any remand 2:45-3:30

- KPWU (Deitchman/Simmons) (5 min)
- Curtiss (Reinecke) (5 min)
- PacifiCorp (Hern/Waldron) (5 min)
- Taylor Ranch (Taylor) (5 min)
- United States (Guarino) (5 min)
- Klamath Tribes (Tenorio/Noe) (5 min)
- Swamp Act claimants (Carollo) (5 min)
- Walton claimants (Carollo) (5 min)
- OWRD (DeFever/Morgan) (5 min)

II. Preliminary process for briefing motions to present non-record evidence for tribal (Phase 3, Part 2, Group C) claims 3:30-3:35

As discussed at the April 15, 2022, case management conference, any motions to present non-record evidence for tribal claims (Phase 3, Part 2, Group C claims) are due 60 days after the court issues its opinion on motions to present non-record evidence for non-tribal (Phase 3, Part 2, Groups A and B) claims. The court proposes that responses to motions should be due 30 days thereafter; any replies (optional) should be due 15 days after the responses. The Case Management Committee will propose an oral argument schedule within 30 days after the close of briefing.

III. Case Management Proposal on process for vacating, remanding, and or re-quantifying claims addressed in the court's July 15, 2021, ruling.

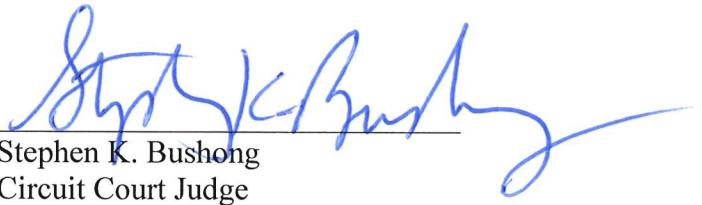
3:35-4:00

As discussed at the April 15, 2022, case management conference, on or before June 15, 2022, the Case Management Committee will submit a recommended proposal on a process to address the need to vacate and remand some quantifications as described in the court's July 15, 2021, ruling. Parties may comment on that proposal at this hearing.

Conclusion (court's closing comments):

4:00-4:15

Dated this 18th day of April, 2022.



Stephen K. Bushong
Circuit Court Judge