

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 #63 SETTING
FORTH THE SCHEDULE FOR RESPONSE
AND REPLY BRIEFS AND HEARINGS ON
MOTIONS TO RESOLVE REMAINING
EXCEPTIONS TO WALTON AND KLAMATH
TERMINATION ACT CLAIMS (PHASE 3,
PART 3)

ORS 20.140 - State fees deferred at filing

SUMMARY OF ISSUES ADDRESSED BY THIS CASE MANAGEMENT ORDER

I. Introduction

**II. Schedule of Deadlines for Response and Reply Briefs on Remaining Issues Raised in
Exceptions to *Walton* and Klamath Termination Act Claims.**

**III. Date(s) for Hearing(s) on the Motions to Resolve Remaining Issues Raised in
Exceptions to *Walton* and Klamath Termination Act Claims.**

This proceeding is referred to as the "The Klamath Adjudication," or "the Adjudication."

This Case Management Order will be mailed to those listed on the current service list provided to
the Court on May 13, 2024.



1 **I. Introduction**

2 Case Management Order #61 sets out the general procedures to be followed in Phase 3,
3 Part 3 of the Adjudication to resolve the remaining issues raised in exceptions to the Non-Tribal
4 claims. Therein, the Court ordered that the briefing and hearing(s) schedule would proceed by
5 claim type, beginning with remaining issues raised in exceptions to the *Walton* and Klamath
6 Termination Act claims. *See* CMO #61.

7 Case Management Order #61 set August 7, 2024, as the deadline to file motions for any
8 party or group of parties who filed exceptions to the *Walton* and Klamath Termination Act
9 claims and instructed the Case Management Committee to submit a proposed order setting forth
10 the schedule for response and reply briefs and the hearing(s) on the motions.

11 **II. Schedule of Deadlines for Response and Reply Briefs on Remaining Issues Raised in**
12 **Exceptions to *Walton* and Klamath Termination Act Claims.**

- 13 • **October 23, 2024:** Deadline for any party, group of parties, or the Oregon Water
14 Resources Department to file their response to the motions. To file a response to a
15 motion, a party must be the claimant to that claim, the Oregon Water Resources
16 Department, or must have filed an exception or request to be heard on that claim.
17 • **December 20, 2024:** Deadline for any party or group of parties who filed motions
 in support of exceptions to a particular claim to file their reply.

 This Case Management Order incorporates by reference the “Procedures for Briefing on
18 Remaining Issues Raised in Exceptions to Non-Tribal Claims” in Case Management Order #61.

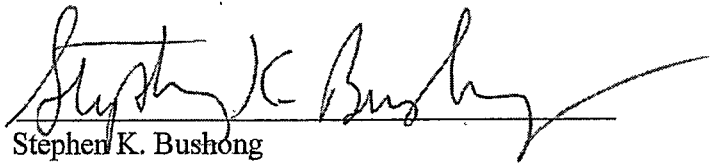
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20 **III. Date(s) for Hearing(s) on the Motions to Resolve Remaining Issues Raised in**
 Exceptions to *Walton* and Klamath Termination Act Claims.

21 A hearing on the motions to resolve remaining issues raised in exceptions to the
22 *Walton* and Klamath Termination Act claims will be held on January 29, 2025, beginning
23 at 9:00 a.m. via Webex. If necessary, a second day of hearing will be held on January 31, 2025,

1 at 9:00 a.m. via Webex. The Case Management Committee will submit a proposed schedule for
2 oral argument by November 22, 2024, and the court will then issue a schedule for oral argument.
3 A party will be permitted to make oral argument only if the party filed a motion, response, or
4 reply. The Court, in its discretion, will determine the length and order of oral argument.
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7 IT IS SO ORDERED

8 Dated September 4, 2024.

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11 Stephen K. Bushong
12 Klamath County Circuit Court Judge *pro tem*
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