

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

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| In Re: |) | |
| WATERS OF THE KLAMATH RIVER |) | Case No. WA1300001 |
| BASIN, |) | |
| |) | CASE MANAGEMENT ORDER #1 |
| |) | (March 7 th , 2013) |
| |) | |
| _____ |) | |

INTRODUCTION. This proceeding is generally referred to as “The Klamath Adjudication.” On March 7, 2013, the Water Resources Director filed the Findings of Fact and Order of Determination with the court which sets forth the Director’s determination of claimants’ relative rights to the waters of the Klamath River and its tributaries. This case management order is issued to manage the proceedings in the court under ORS chapter 539. It will be mailed to the approximately 1,050 persons, entities, and attorneys on the service list maintained by the Water Resources Department during the administrative phase of the Adjudication and will be published in the Klamath Falls Herald and News newspaper.

JUDGES ASSIGNED. This case is assigned to Klamath County Circuit Court Judge Cameron F. Wogan although other circuit judges may be assigned to hear parts of it.

WEBSITE AND CONTACT INFORMATION Information about this case will be posted on the Klamath County Circuit Court website located at <http://courts.oregon.gov/Klamath> commencing about March 14th, 2013. You can contact the court at Klamath.Water@ojd.state.or.us ; by phone at 541-883-5505 ext 244; or by mail at Klamath County Circuit Court, 316 Main Street, Klamath Falls, Oregon, 97601.

ADDRESS UPDATES AND E-MAIL. To protect their rights, the parties must make certain that the court always has their current address, phone number and e-mail address. (Form available on court website). The court will deliver letters and notices of hearings to the parties by mail unless they notify the court that they agree to receive notice by e-mail. Due to the large number of parties involved, they are strongly encouraged to accept court notices via e-mail. Accepting court notices via e-mail will result in timelier notice.

FILING DOCUMENTS. All documents filed with the court must be presented to the court clerk

in hard copy. The court appreciates a courtesy copy via e-mail, but cannot accept e-mail or faxes for filing.

STATE’S MOTION FOR SETTING AN INITIAL HEARING DATE UNDER ORS 539.30.

The State has filed this motion and has served it, supporting documents, and a proposed order upon the persons, entities, and attorneys on the service list they maintained during the administrative phase of the Adjudication. Any response to the State’s motion must be filed within thirty (30) days of the time a person, entity, or attorney is served with that motion. Responses must comply with the rules for motions in civil cases as set forth in the Uniform Trial Court Rules.

PETITIONS FOR STAY. Petitions for Stay under 539.180 and any Requests to Be Heard on those petitions must comply with the following.

Documents and proceedings. Petitions must be entitled “Petition For Stay By [party name].” They must contain a concise statement of the claim(s) the petitioner desires to stay and the proposed amount of a bond or letter of credit. Any party desiring to be heard on a petition must file a document entitled “Request To Be Heard On [Petitioner’s] Petition For Stay” within 30 days from the date the party was served with the petition. It must contain a concise statement of the requesting party’s position on the petition. Petitions and Requests to Be Heard cannot contain any argument. The parties can present written and oral arguments as provided in the Uniform Trial Court Rules for motions in civil cases. All pleadings must otherwise comply with Oregon Law.

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| Filing fee. | For a Petition for Stay: | \$240 |
| | For a Request to Be Heard: | \$240 |

Service. If a petition seeks to stay the Findings of Fact and Order of Determination in part, the petitioner must serve each claimant who was an adverse party to any contest heard under ORS 539.110 that involved the claim(s) sought to be stayed. If the petition seeks to stay the Findings of Fact and Order of Determination in whole, the petitioner must serve every claimant in the Adjudication. Upon motion of a party or the court, the court may order a different form of service or that it be on different entities. All documents filed must be served on the Oregon Attorney General at: Sarah Weston, Trial Division; Oregon Department of Justice; 1515 SW Fifth Ave, Suite 410; Portland, OR 97201. Names of claimants and lists of those who were parties to contests can be found at the Oregon Water Resources Department website at <http://www.oregon.gov/owrd/Pages/ad/index.aspx> or the link on the Klamath County Circuit Court’s web site set forth above. Petitions for Stay must be served as provided in ORCP 7 and service of documents on parties who have already appeared in a stay proceeding must be as provided in ORCP 9. Due to the large number of parties involved, parties are strongly encouraged to accept service of documents via e-mail pursuant to ORCP 9.

Documents served. A statement in substantially the following form in type size equal to at least 8-point type must be served with the petition:

**IMPORTANT INFORMATION
READ THESE PAPERS CAREFULLY**

You have been served with a Petition for Stay in this case. It requests that some or all of the Oregon Water Resources Findings of Fact and Order of Determination for the Klamath River Basin be stayed and not be in effect. If you want to comment to the court about a Petition for Stay, you must file with the court a legal document called a “Request to Be Heard.” The “Request to Be Heard” must be given to the court clerk within 30 days along with the required filing fee. It must be in proper form and have proof of service on the Petitioner’s attorney or, if the Petitioner does not have an attorney, proof of service on the Petitioner. It must also include proof of service on any other parties who have filed Requests to Be Heard on that petition as well as on the Oregon Attorney General. You must follow the directives of the Case Management Order #1 dated March 7, 2013. That order and other information can be found on the court’s web site at <http://courts.oregon.gov/Klamath/Pages/index.aspx> or can be obtained from the court at the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, 97601.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.

Petitions for Stay and orders posted on web. Petitions for Stay and resulting orders will be posted on the Court’s web site.

IT IS HEREBY ORDERED this 7th day of March, 2013.

_____/s/_____
CAMERON F. WOGAN
Circuit Court Judge