

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 ) Case No. WA1300001  
BASIN, )  
) CASE MANAGEMENT ORDER # 13  
)  
)  
\_\_\_\_\_ ) December 10, 2015

**SUMMARY OF ISSUES ADDRESSED BY THIS CASE MANAGEMENT ORDER**

- I. Introduction: Re – Current Service List**
- II. Format of the Service List**
- III. Order Concerning Represented Parties**
- IV. Order Concerning Voluntary Removal from Service List and Change of Address**
- V. Order Concerning Electronic Service through Odyssey**
- VI. Order Concerning Processing Changes to the Service List**

**I. INTRODUCTION: RE – CURRENT SERVICE LIST**

This proceeding is referred to as the “Klamath Adjudication,” or simply the “Adjudication.” This Case Management Order # 13 will be mailed to all those listed on the current Service List provided by the Court on November 18, 2015. This Case Management

Order #13 addresses issues involving service of documents filed with the Court, including updates to and management of the Service List.

## **II. FORMAT OF THE SERVICE LIST**

The Service List contains the names of all persons receiving service in this matter. The Service List is posted on the Court's Klamath Adjudication webpage in pdf format. Attorneys and unrepresented parties may contact the Court to obtain an Excel spreadsheet version of the list to facilitate production of mailing labels.

The Court has modified the format of the Service List by:

1. Changing the heading of Column C from "Company" to "Other."
2. Adding a "Part(ies) Represented" column which will contain the name of the attorney's client(s) or will be blank if the person is not an attorney.
3. Adding a "Method of Service" column which will identify if the person on the Service List receives "Mail Service" or "electronic service through Odyssey."

Attached hereto as Exhibit A is the Service List as it appeared on November 18<sup>th</sup>, 2015, the last update prior to this Case Management Order # 13.

## **III. ORDER CONCERNING REPRESENTED PARTIES**

ORCP 9B provides that "Whenever . . . [a] party is represented by an attorney, the service shall be made upon the attorney . . ." Pursuant to ORCP 9B, the Court has determined that represented parties will be removed from the Service List in the following manner:

1. On or before 30 days from the date this order is signed by the court, each attorney representing one or more parties shall file a "Notice of Appearance Pursuant to Case Management Order #13" clearly identifying the attorney's client(s) and whether the client(s) is currently on the Service List, including the line number of Exhibit A, the Excel spreadsheet, where the name of each client(s) appears;

2. On or before 60 days from the date this order is signed by the court, attorneys for the OWRD shall provide the Court with an updated Excel spreadsheet that omits the names of represented parties.

#### **IV. ORDER CONCERNING VOLUNTARY REMOVAL FROM SERVICE LIST AND CHANGE OF ADDRESS**

Unrepresented parties (parties not represented by an attorney) who wish to have their names removed from the Service List may request removal. No unrepresented party will be removed from the Service List unless they affirmatively ask to be removed. To request removal, an unrepresented party whose name is on the Service List must fill out the form attached hereto as Exhibit B and email the completed form to a clearinghouse folder [kbadj@doj.state.or.us](mailto:kbadj@doj.state.or.us) maintained by attorneys for OWRD, or by mailing the form to:

Sarah Weston, Trial Division  
Oregon Department of Justice  
1515 SW 5<sup>th</sup> Ave, Suite 410  
Portland, OR 97201

If an unrepresented party requests voluntary removal because the party no longer owns property that was the subject of the Klamath Adjudication, then the unrepresented party also must fill out the Change of Ownership form, a copy of which is attached hereto as Exhibit C. If any party has a change in address, they must fill out the Change in Address form attached as Exhibit D.

#### **V. ORDER CONCERNING ELECTRONIC SERVICE THROUGH ODYSSEY**

At the Court's request, the Oregon Judicial Department facilitated the use of electronic filing through Odyssey for the Klamath Adjudication in advance of implementation of the system for the Klamath County Circuit Court as a whole. The Court finds that using the system for electronic service of filed documents serves the interest of justice, judicial economy, the parties and the Court.

**IT IS HEREBY ORDERED**

1. All attorneys shall accept electronic service through Odyssey by no later than 30 days from the date this order is signed by the court;
2. Attorneys may apply to the Court for an exemption for good cause;
3. Attorneys shall not revoke acceptance of electronic service through Odyssey except upon further order of the Court for good cause shown;
4. Parties not represented by an attorney are encouraged to accept service through Odyssey. The Oregon Judicial Department has posted and maintains on its website information on filing and service through Odyssey for parties not represented by an attorney located at [www.courts.oregon.gov](http://www.courts.oregon.gov) .

**VI. ORDER CONCERNING PROCESSING CHANGES TO THE SERVICE LIST**

To facilitate timely updates and processing of changes to the Service List, the Court acknowledges the willingness of the attorneys for OWRD to act as a clearinghouse to receive requests for changes to the Service List, make changes in the Excel spreadsheet format, and transmit the updated spreadsheet to the Court. The Court finds that processing changes with the assistance of the attorneys for OWRD serves the interests of justice, judicial economy, the parties and the Court.

**IT IS HEREBY ORDERED**

1. The attorneys for OWRD shall maintain an email “clearinghouse” folder to which parties and attorneys may submit requests for changes to their own entry on the service list. The email address for this clearinghouse folder is [kbadj@doj.state.or.us](mailto:kbadj@doj.state.or.us)
2. Parties who do not have access to email, may mail forms to:

Sarah Weston, Trial Division  
Oregon Department of Justice  
1515 SW 5<sup>th</sup> Ave, Suite 410  
Portland, OR 97201

3. The attorneys for OWRD shall send periodic updates in Excel spreadsheet format to the Court containing changes reflected in forms received and attaching all documentation: copies of forms, any correspondence received from any attorney or unrepresented party having to do with any changes to the spreadsheet.
4. The attorneys for OWRD need not serve these periodic reports, but the Court shall make them available for public inspection upon request.

The Court will review the updates submitted by the attorneys for OWRD and, if appropriate, approve changes. Approved changes will be reflected in the Service List posted on the Court's webpage for the Klamath Adjudication.

IT IS HEREBY ORDERED this \_\_\_\_\_ day of December, 2015.

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CAMERON F. WOGAN  
Circuit Court Judge