

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 #15
) (previously #B): PHASE 1A ORDER LIST OF
) ISSUES OR ISSUE CATEGORIES TO BE
) RESOLVED
)
_____) March 11, 2016

SUMMARY OF ISSUES ADDRESSED BY THIS CASE MANAGEMENT ORDER

- I. Introduction and History of this Order**
- II. The Court’s Order Designating Phase 1A Issues**
- III. Process for hearing Phase 1A Issues**

I. INTRODUCTION AND HISTORY OF THIS ORDER

This proceeding is referred to as the “Klamath Adjudication.” This *Case Management Order #15: Phase 1A Order List of Issues* will be mailed to those listed on the current service list provided by the Court on February 8, 2016.

In Case Management Order #14, the Court identified the procedures for Phase 1 of the Adjudication, and set a briefing schedule to allow all parties to comment on, and/or object to the following issues or issue-categories, and/or to propose additional issues or issue-categories for Phase

1A.

1. The Court's Jurisdiction;
2. The validity, lawfulness, or effectiveness of the Amended and Corrected Findings of Fact and Order of Determination as a whole;
3. Issues concerning the rights of parties to pursue exceptions or requests to be heard;
4. The Court's authority to alter a partial order of determination to which no exception has been filed; and
5. The Court's authority to issue a partial judgment (i.e., a judgment on one or some, but not all, water rights claims).

II. THE COURT'S ORDER DESIGNATING PHASE 1A ISSUES

Having reviewed the submissions of the parties and being otherwise fully informed, now therefore the Court

HEREBY ORDERS:

That any party may file and serve one or more motions for an order ruling on issues within the following list of issues or issue-categories:

1. The Court's Jurisdiction;
2. The validity, lawfulness, or effectiveness of the Amended and Corrected Findings of Fact and Order of Determination as a whole;
3. Issues concerning the rights of parties to pursue exceptions or requests to be heard;
4. The Court's authority to alter a partial order of determination to which no exception has been filed; and

5. The Court's authority to issue a partial judgment (i.e., a judgment on one or some, but not all, water rights claims).

III. PROCESS FOR HEARING PHASE 1A ISSUES

All parties seeking judicial determination of any issue within the above categories shall file and serve a motion with supporting memorandum of points and authorities in accordance with the procedures set forth in Sections II and III of Case Management Order #14;

Motions must be filed no later than May 20, 2016.

The Court will hold a Case Management Conference on June 3, 2016 at 9:00 a.m. for Scheduling Responses and Replies (including page limits for Responses and Replies) and Setting Oral Argument. This Case Management Conference will be held by telephone.

Any party who contends that the Amended and Corrected Findings of Fact and Order of Determination (ACFFOD) is not valid or lawful or effective as a whole because the Oregon Water Resources Department has not complied with the law applicable to issuance of the ACFFOD must file a motion by the deadline set forth above for Phase 1A motions or the right to pursue any exception raising such an issue is waived; provided, however, that the Court subsequently may entertain a motion concerning the validity or lawfulness or effectiveness of the ACFFOD as a whole, but only upon a showing of good cause. Any such subsequent motion must be served on all parties; and,

Notwithstanding the deadline for Phase 1A motions, a party is entitled to raise issues of

standing or mootness at any time.

Dated this ____ day of March, 2016.

CAMERON F. WOGAN
Circuit Court Judge