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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 #21
PHASE 1B ORDER LIST OF ISSUES OR ISSUE
CATEGORIES TO BE RESOLVED

October ____, 2016

**SUMMARY OF ISSUES ADDRESSED BY THIS CASE MANAGEMENT ORDER
(CMO)**

**Overview: This CMO sets forth the issues that may be part of phase 1B, and the
schedule and procedures for briefing those issues.**

I. List of Issues and Issue Categories to be Considered in Phase 1B.

**II. Procedures for Phase 1B; Attending Case Management Conference by
Telephone.**

I. List of Issues and Issue Categories to be Considered in Phase 1B.

Having considered the Proposed Phase 1B Order submitted by the Case Management
Committee, and the comments submitted by the parties following the comment process set forth

1 in Case Management Order #19, the Court orders that during phase 1B, any party may file and
2 serve one or more motions for judicial determination regarding matters within the following list
3 of issues or issue-categories:

- 4 1. Standard of review for the Adjudication proceeding.
- 5 2. Whether and under what circumstances introduction of non-record evidence will
6 be acceptable in the Adjudication proceeding.
- 7 3. Burden of production in the Adjudication proceeding.
- 8 4. Burden of proof in the Adjudication proceeding.
- 9 5. Availability and timing of discovery.
- 10 6. Applicability of the Oregon Rules of Civil Procedure, generally or as to specific
11 rules.

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13 **II. Procedures for Phase 1B; Attending Case Management Conference by Telephone**

14 All parties seeking judicial determination of an issue within the above issues or issue-
15 categories shall file and serve a motion with supporting memorandum of points and authorities in
16 accordance with the procedures set forth in Section II & III of Case Management Order # 14.

17 All phase 1B motions must be filed no later than December 16, 2016.

18 The Court will hold a Case Management Conference for scheduling responses and replies
19 and setting oral argument on January 23rd, 2017 at 1:30 p.m. In advance of this Case
20 Management Conference, the Case Management Committee will submit proposals for further
21 proceedings regarding phase 1B.

22 The attorneys and parties are encouraged to appear by phone. The court has arranged a
23 telephone conference line for this hearing. Following is the information for calling in for this
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1 conference:

2 Phone number: (866) 921-1127

3 Conference code: 2727429741

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5 Dated this ____ day of October, 2016

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CAMERON F. WOGAN
Circuit Court Judge

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