

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

KLAMATH COUNTY CLERK
2013 SEP 27 PM 2:12

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 #3
)	September 27, 2013
)	
)	

This order is issued to help manage the proceedings in this case, otherwise known as “the Klamath Adjudication” and will be mailed to those listed on the current service list and posted on the court’s website. This order sets forth the process for correction of typographical or clerical errors in the final order of determination and for creation of a committee that can make suggestions about how this case will be managed.

PROCESS FOR CORRECTION OF TYPOGRAPHICAL OR CLERICAL ERRORS IN
THE FINAL ORDER OF DETERMINATION

The court adopts and orders the following process suggested by the state of Oregon for correcting typographical or clerical errors in the Final Order of Determination with some modifications.

1. By November 30, 2013, the parties submit to the Oregon Water Resources Department (OWRD), through trial counsel, items they believe to be typographical or clerical errors.
 - a) Submissions must be in writing

b) Proposed corrections can be submitted via email or letter and the words “Proposed Typographical Corrections” must appear in the subject line or caption.

c) Examples of typographical errors include inverted numbers, incorrect location descriptions, inadvertently omitted information, or internal inconsistencies within an order.

d) Proposed corrections must be mailed to Darci Staley, Assistant Attorney General, Oregon Department of Justice, 1162 State Street, Salem, Oregon 97301 or emailed to Darci.Staley@doj.state.or.

2. Between November 30, 2013 and January 15, 2014 OWRD will review all submissions, as well as any potential corrections identified by OWRD staff, determine whether the agency agrees that the items were purely clerical or technical mistakes, and assemble a list of proposed corrections.

3. By January 16, 2014 OWRD will submit a motion to the Court, seeking correction of the list of items OWRD agrees are purely typographical or clerical errors identified through this process. The motion must be served on those on the Court’s current service list. The court will consider the motion within its discretion and the parties will not have an opportunity to file written objections or present any arguments. Parties can raise objections by filing an exception to the amended or corrected final order.

4. OWRD will submit a bates-stamped copy of the amended and corrected final order (including the general findings of fact and conclusions of law, the partial orders of determination, and proposed orders), and serve a copy of the same on those on the Court’s current service list.

5. Any party who proposed a correction that is not included in OWRD’s list of corrections would remain entirely free to raise their proposed correction as an exception in the ordinary course. Similarly, any party who objected to one of the corrections could also file an exception to the

amended and corrected final order.

CREATION OF CASE MANAGEMENT COMMITTEE

1. Members of the Committee.

The court designates the following individuals to serve on a case management committee:

Adam Orford	Steve Shropshire	David Harder
Sarah Weston	Bud Ullman	Paul Simmons

2. Confirmation of Members of the Committee.

No later than October 10th, 2013 the individuals designated should notify the court if they are willing to serve. They do not need to serve those notices on other parties. No later than October 17th, 2013 any party can file a written objection to any individual serving on the committee or suggest that someone else serve on it. Objections or suggestions must be served on those listed on the current service list and will be determined by the court without further notice or hearing. After that process, the court will appoint the members of the committee.

3. The Committee's work.

Steve Shropshire is appointed to be the initial coordinator provided that he is appointed to the committee after the process set forth above. He will be responsible for arranging and presiding over the committee's first meeting. The committee can meet whenever and however it desires and can designate whomever it wishes as chairperson and/or spokesperson.

The committee can submit proposed case management orders to the court addressing any topics that the committee deems fit. The court will distribute the proposed orders to those on the current service list and will provide an opportunity to comment upon or object to them. After

considering any objections, the court may enter the proposed orders in whole or in part or as modified as the court determines in its discretion. The committee's chair or spokesperson and the court can communicate ex parte (i.e. without notifying other parties) in writing about administrative matters relating to the committee's operation.

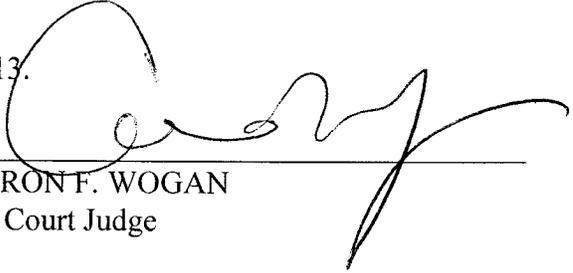
4. Topics the Committee may address.

It would be helpful to the court if the committee addressed the following nonexclusive list of topics:

1. Form of exceptions.
2. Whether the court should separately address threshold issues such as burden of proof, standing, standard of review, and limitations, if any, on extra record evidence, and if so, a process for that determination.
3. Telephonic Hearings and Appearances.
4. What should take place at the March 3, 2014 hearing?
5. If there are claims not subject to exceptions, should they be entered into a partial decree that would be subject to later modification based on the resolution of the remaining exceptions?
6. Should there be a process to consolidate exceptions for briefing and hearing, and if so, what?
7. How should parties cite to the Office of Administrative Hearing's record and/or should documents or excerpts be attached?

8. Should the court impose page limits for briefing?
9. Any issues regarding service lists.
10. Should there be a continuing case management process involving the committee and/or case management conferences?
11. Discovery issues.
12. Any other matters that the committee deems to be appropriate.

Dated this 27th day of September, 2013.



CAMERON F. WOGAN
Circuit Court Judge

Cc: parties