

**Attachment to Case Management Order #A: Proposed Case Management Order #B: Phase 1A Order List of Issues or Issue Categories to Be Resolved**

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, )  
) *Proposed* CASE MANAGEMENT ORDER  
) # B: PHASE 1A ORDER LIST OF  
) ISSUES OR ISSUE CATEGORIES  
) TO BE RESOLVED  
)  
\_\_\_\_\_ ) \_\_\_\_\_, 2015

This proceeding is referred to as the “Klamath Adjudication,” or simply the “Adjudication.” This *Case Management Order #B: Phase 1A Order List of Issues or Issue Categories to Be Resolved* will be mailed to those listed on the current service list provided by the Court on [DATE].

In Case Management Order #A, 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;

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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).

Having reviewed the submissions of the parties and being otherwise fully informed of the premises, 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:

**[IN THE FINAL ORDER, THE COURT WILL INSERT THE ABOVE ISSUES AND ISSUE-CATEGORIES AS MAY BE AMENDED BY THE COURT BASED ON INPUT OF THE PARTIES]**

That 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 Section II of Case Management Order #A;

That Motions must be filed no later than **[DATE]**; *[Note: the Court anticipates selecting a date that is approximately 60 days after the service of final Case Management Order #B.]*

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That the Court will hold a Case Management Conference for Scheduling Responses and Replies (including page limits for Responses and Replies) and Setting Oral Argument on [DATE]. This Case Management Conference shall be held by telephone; *[Note: the Court anticipates selecting a date that is approximately two weeks after the Motion filing date.]*

That 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

That, notwithstanding the deadline for Phase 1A motions, a party is entitled to raise issues of standing or mootness at any time.

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

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CAMERON F. WOGAN  
Circuit Court Judge