

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH

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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. WS1300003
BASIN,)	
)	ORDER (1) DETERMINING COURT'S
)	DISCRETION UNDER ORS 539.180 AND
)	APPLICABILITY OF ORCP RULES 81-83
)	TO THAT DETERMINATION AND
)	(2) DENYING PETITION FOR STAY OF
)	MATHIS FAMILY TRUST

By order dated June 20, 2013, the Court consolidated all of the following for hearing on the merits of common issues: (i) Petition for Partial Stay of Findings of Fact and Order of Determination by Upper Basin Contestants as to OAH Case 003 (Claims 294, 321-1, 321-4, 321-6, 321-9, KPCC 321-17/293/323-3) (Case No. WS1300001); (ii) Petition for Partial Stay of Findings of Fact and Order of Determination by Upper Basin Contestants as to Certain Tribal Claims (Case No. WS1300002); (iii) Petition for Stay by Contestant Mathis Family Trust of Claim 668 (Wood River), Claim 669 (Crooked Creek), Claim 670 (Fort Creek), and Claim (Upper Klamath Lake) (Case No. WS1300003); and (iv) Petition for Partial Stay of Findings of Fact and Order of Determination by River Springs Ranch Co. as to Denial of Claim 131 (Case No. WS1300004). In each of the consolidated cases, the petitioner or petitioners were seeking, under ORS 539.180, a partial stay of the Findings of Fact and Order of Determination, Klamath River Basin General Stream Adjudication, March 7, 2013.

The Court has considered all of the papers and other filings of the parties related to the ORDER (Klamath Adjudication Case #WS1300003)

consolidated hearing issues received on or before July 3, 2013, and heard oral argument on July 2 and 3, 2013, at which Elizabeth Howard appeared for Petitioners collectively known as Upper Basin Contestants, Adam Orford appeared for Petitioner Mathis Family Trust, Dominic Carollo appeared for Petitioner River Springs Ranch Co., Carl Ullman appeared for Respondent Klamath Tribes, David Harder and Bruce Bernard appeared for Respondent United States, Paul Simmons and William Ganong appeared for Respondents collectively known as Klamath Project Water Users, Darsee Staley and Sarah Weston appeared for Respondent the State of Oregon, and Steven Shropshire appeared for Respondents Rogue River Valley Irrigation District and Medford Irrigation District. The Court issued a decision letter dated July 15, 2013 and entered an order on September 3, 2013 in cases WS1300001, WS1300002, WS1300003, and WS1300004 which, among other things, denied the petitions for stay in WS1300001 and WS1300002. The petition for stay in WS1300004 was subsequently withdrawn by the petitioners in that case.

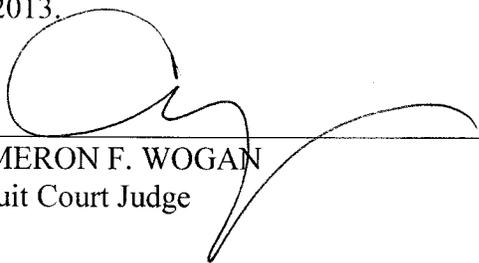
The court being fully advised issued decision letters in Case No. WS1300003 on September 4, 2013, September 26, 2013, and October 9, 2013, attached hereto and incorporated by this reference.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court has discretion to determine whether a stay will issue under ORS 539.180.
2. In determining whether a stay will issue under ORS 539.180, the Court will apply Oregon Rules of Civil Procedure (ORCP) Rules 81-83.

3. The petition for stay in Case No. WS1300003 is denied in its entirety.

Dated this 5th day of November, 2013.



CAMERON F. WOGAN
Circuit Court Judge

Cc: parties