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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 # 19
CONTAINING INVITATION TO COMMENT
UPON THIS ORDER OR ATTACHED
PROPOSED PHASE 1B ORDER LIST OF
ISSUES OR ISSUE CATEGORIES TO BE
RESOLVED

June ____, 2016

SUMMARY OF ISSUES ADDRESSED BY THIS CASE MANAGEMENT ORDER

I. Issues and Issue Categories for Phase 1B; Comments on this Order

**II. Schedule for Comments, Objections, or Proposed Additions to this Order or
the Proposed Phase 1B Order.**

I. Issues and Issue Categories for Phase 1B; Comments on this Order

In CMO #14, the Court ordered that this proceeding would proceed in phases. Phase 1 is designed to address certain issues appropriate for early resolution, and is divided into phase 1A, phase 1B, and phase 1C. See CMO #14, § I and II. In CMO #14, the Court set out certain generally applicable procedures for phase 1, and noted that each sub-phase of phase 1 would be

1 preceded by a case management order initiating identification of issues and/or issue categories
2 and process for that sub-phase.

3 The purpose of the present case management order is to initiate identification of issues
4 and/or issue categories and procedures for phase 1B. Pursuant to CMO #14, phase 1B is
5 designed to address “procedural” issues. Below, the Court details the process for providing input
6 on specific issues and/or issue categories and procedures for phase 1B.

7 Attached to this order as “Attachment A” is the *Proposed Case Management Order #*
8 *___: Phase 1B Order List of Issues or Issue Categories to be Resolved* (“*Proposed Phase 1B*
9 *Order*”). That *Proposed Phase 1B Order* identifies a preliminary list of issues and issue
10 categories for phase 1B. It also contains certain procedural and scheduling items for phase 1B.

11 In accordance with the schedule set by the Court in section II, below, any party may
12 comment on or object to the *Proposed Phase 1B Order*. Comments on the *Proposed Phase 1B*
13 *Order* may include:

- 14 • Comment on the proposed 1B issues or issue-categories.
- 15 • Submission of additional issues or issue-categories for consideration.
- 16 • Comment on or objection to additional issues or issue-categories submitted.
- 17 • Comment on or object to any scheduling or procedural matters set forth in the attached
18 *Proposed Phase 1B Order*.

19 The Court will, after appropriate consideration of the comments and positions of the
20 parties, modify and finalize the *Proposed Phase 1B Order* as it determines appropriate. When
21 the Court finalizes and enters the phase 1B order, it shall be labeled *Case Management Order*
22 *#[appropriate number]: Phase 1B Order List of Issues or Issue Categories to Be Resolved*. This
23 order, once finalized and issued, will confirm the issues and/or issue categories and procedures
24 for phase 1B.

25 This CMO #19 was proposed by the Case Management Committee. If a party has
26 comments, objections, or proposed additions to this CMO #19, they can submit them and the

1 court will reconsider this order. After reconsideration the court may make no change or could
2 issue a further CMO with different language. Unless the court indicates otherwise, all deadlines
3 will remain the same.

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5 **II. Schedule for Comments, Objections, or Proposed Additions to this Order or the**
6 ***Proposed Phase 1B Order.***

7 1. Comments/objections on this order or the *Proposed Phase 1B Order* are due
8 August 1, 2016.

9 2. Responses to comments/objections to this order or the *Proposed Phase 1B Order*
10 are due September 1, 2016.

11 3. If oral argument is requested by a party regarding this order or the *Proposed*
12 *Phase 1B Order*, it will be set together with argument already scheduled in this matter on
13 October 18 or 19th, 2016.

14 4. All filings shall be served on all parties identified in the Court's then-current
15 service list.

16 Dated this ____ day of _____, 2016

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