



DEPARTMENT OF JUSTICE
TRIAL DIVISION

May 3, 2016

VIA EMAIL ONLY: *Bethamy.dunaway@ojd.state.or.us*

Honorable Cameron F. Wogan
Klamath County Courthouse
316 Main Street
Klamath Falls OR 97601

Re: *In Re Waters of the Klamath River Basin*
Case No. WA 1300001

Dear Judge Wogan:

Enclosed please find an Excel copy of the proposed modified claim spreadsheet, which reflects both corrections to the Court's original spreadsheet, and additional proposed structural modifications to the form of the spreadsheet. Oregon DOJ proposes a multi-sheet approach to track progress on resolution of exceptions. The first sheet, labeled "All Claims" lists all claims in numerical order and includes the name of the claimant. Sheets 2-13 are subsets of claims by claim type. The final sheet, labeled Court 7-1-15, is a reproduction of the court's original version with certain modifications and corrections. Details of the structural modifications and the corrections to the Court's original spreadsheet are set forth below.

The first sheet of All Claims allows the court and parties to track resolution by including columns at the far right for the court's decision and the date of the court's order. The All Claims sheet allows easy access to basic information on the ACFFOD outcome and whether an exception and/or request to be heard (RTBH) has been filed. Phase Two orders signed to date are reflected in the All Claims sheet. The All Claim sheet allows the user to identify the Claim Type (Column F) directing the user to the specific sheet that provides identification of the exceptor(s) and those parties who requested to be heard.

The next 13 sheets show claims by claim type. Oregon DOJ proposes using the same categories that were used in the contested case process, as follows:

Claim type	Claim code	Description
ALT		Allottee
PRE		Pre-1909
WLT		Walton
FBLM		Bureau of Land Management (FEDERAL)
FS-WS		USFS Wild and Scenic Rivers (FEDERAL) (Case 2)
FS-MUSYA		USFS Instream - MUSYA (FEDERAL) (Case 4)
FS-WA		USFS Wilderness Area (FEDERAL) (Case 5)
FS-RC/FP		USFS Road Construction/Fire Protection (FEDERAL) (Case 7)
FS-FB		USFS Instream - Natural Fire Break/Control (FEDERAL) (Case 9)
FS-FCF		USFS Instream - Favorable Conditions for Flow (FEDERAL)(Case 10)
FWR		USFWS National Wildlife Refuges (FEDERAL)
FKT		Klamath Tribes/US-BIA (FEDERAL)
FNPS		US National Park Service - Crater Lake (FEDERAL)

These Claim Type sheets list the claims approved or denied first, in numerical order, followed by withdrawn claims (also in numerical order). Claim Type sheets include the contested case (OAH) case number and the names of exceptors and requestors. Claim Type sheets allow the user to track the progress of exceptions with columns for Phase number (Column F) and Status (Column G). Claimant names are not reproduced on the Claim Type sheets.

The final sheet is an updated copy of the original court spreadsheet with the following modifications:

Column B: Claimant Name

- Claimant column updated via change of ownership forms received
- Claimant column checked and updated to conform with ACFFOD pFODs (some name corrections)
- Claimant column updated to add Fugatt and Harris, non ACFFOD claimants
- Claimant column updated to move Case 3 to the end of the spreadsheet

Column D: ACFFOD on Claim

- ACFFOD on Claims column checked against ACFFOD and agency record; some corrections made

Columns F through V

- Medford Irrigation District and Rogue River Valley Irrigation District combined as their exceptions/requests filed together
- Thomas Mallams and Topham Family Trust were combined as their exceptions/requests are filed together

- Checked against Exceptions/Request to be Heard pleadings, some corrections made
- Some column names were abbreviated
- Government agency names were conformed

Finally, Oregon DOJ received proposed corrections through the public email address from Sue Noe (Klamath Tribes), Janet Neuman (The Nature Conservancy) and Jennie Bricker (Kite Ranches). Corrections received were checked and updated where appropriate.

Respectfully,

s/ Sarah Weston

Sarah Weston
Assistant Attorney General

cc: Client
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