

**BEFORE THE OREGON WATER RESOURCES DEPARTMENT**

In the Matter of a Dispute	)	
Pursuant to ORS 540.210	)	
	)	<b>OBJECTIONS AND RESPONSE TO OWRD</b>
Klamath Irrigation District	)	<b>REQUEST FOR INFORMATION</b>
<i>Disputant,</i>	)	
	)	
Bureau of Reclamation	)	
<i>Reservoir Owner.</i>	)	

Margaret E. Furber; Lewis Edgar Furber Jr., as Guardian of Margaret E. Furber; and David E. Furber, as Conservator of Margaret E. Furber (collectively, “Furbers”), by and through their counsel, Dominic M. Carollo of Yockim Carollo LLP, submit the following objections and response to the Oregon Water Resources Department’s (“OWRD”) request for information (“agency subpoena”) as follows:

**OBJECTIONS**

Furbers object to the agency subpoena on the following grounds. Should OWRD pursue the agency subpoena against Furbers, or otherwise seek additional information from Furbers, Furbers reserve the right to state additional objections and/or file a request for judicial review under ORS 183.480(3) or any other applicable authority.

1. OWRD lacks probable cause to investigate any matter relating to Furbers.
2. The agency subpoena seeks information that is irrelevant to any valid OWRD investigation currently authorized by the Water Resources Commission.
3. The agency subpoena exceeds the scope of the investigation authorized by the Water Resources Commission relating to the distribution of water stored in Upper Klamath Lake.
4. Some or all of the requested information is likely already within OWRD’s possession or control.
5. Responding to the subpoena could cause Furbers to suffer substantial and/or irreparable harm.

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RESPONSE TO AGENCY SUBPOENA

In response to the agency subpoena, but subject to the foregoing objections, Furbers direct OWRD to the agency's water right files for Certificate No. 37581.

DATED this 19<sup>th</sup> day of June, 2020.

**YOCKIM CAROLLO LLP**

s/ Dominic M. Carollo

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