

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

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

Keno Irrigation District; E.G. Kerns Ranches, LLC; and E. Martin Kerns, Trustee (collectively, “Kerns”), 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

Kerns object to the agency subpoena on the following grounds. Should OWRD pursue the agency subpoena against Kerns, or otherwise seek additional information from Kerns, Kerns 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 Kerns.
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 Kerns to suffer substantial and/or irreparable harm.

///

///

RESPONSE TO AGENCY SUBPOENA

In response to the agency subpoena, but subject to the foregoing objections, Kerns direct OWRD to the agency's water right files for Certificate Nos. 3772, 29862, and 39228, and the complete Klamath Basin Adjudication record for claims KA-185 and KA-178.

DATED this 19th day of June, 2020.

YOCKIM CAROLLO LLP

s/ Dominic M. Carollo

Dominic M. Carollo, OSB #093057

dcarollo@yockimlaw.com

Yockim Carollo LLP

630 S.E. Jackson Street, Suite 1

P.O. Box 2456

Roseburg, OR 97470

Telephone: 541-957-5900

Facsimile: 541-957-5923

Attorney for Keno Irrigation District, E.G.
Kerns Ranches, LLC, and E. Martin Kerns,
Trustee