

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**
 Disputant,)
)
Bureau of Reclamation)
 Reservoir Owner.)

Magic Duck Club, LLC, and Jerry Massini (collectively, “Magic Duck Club”), by and through his counsel, Dominic M. Carollo of Yockim Carollo LLP, submits the following objections and response to the Oregon Water Resources Department’s (“OWRD”) request for information (“agency subpoena”) as follows:

OBJECTIONS

Magic Duck Club objects to the agency subpoena on the following grounds. Should OWRD pursue the agency subpoena against Magic Duck Club, or otherwise seek additional information from Magic Duck Club, Magic Duck Club reserves 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 Magic Duck Club.
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 Magic Duck Club 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, Magic Duck Club directs OWRD to the agency's water right files for Certificate No. 37583 and the complete Klamath Basin Adjudication record for claim KA-183.

DATED this 19th day of June, 2020.

YOCKIM CAROLLO LLP

s/ Dominic M. Carollo

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