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September 14, 2007

John DiLorenzo, Jr.
Davis Wright Tremaine LLP
1300 S.W. Fifth Ave.
Portland, OR 97201-5630

Re: Petition for Public Records Disclosure Order to Oregon Water Resources Department

Dear Mr. DiLorenzo:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on September 10, 2007, asks the Attorney General to order the Oregon Water Resources Department (OWRD) and its employees to make available for inspection, or to produce copies of, one (1) electronic mail message (email) that the OWRD believed was exempt as a confidential submission. For the reason that follows, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. If a state agency denies a request for disclosure of records, the requester may petition the Attorney General for review of the denial. However, the Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1).

Your petition, dated September 7, 2007, states that you had not received the requested record from OWRD. We spoke with Tom Paul, the Deputy Director, about your petition. He told us that OWRD sent to you by email on September 13, 2007, the

email you requested and the two (2) attachments to that email. Because OWRD has disclosed the requested records, we deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS20306
c: Tom Paul, Deputy Director