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November 6, 2026

VIA E-MAIL ONLY: jbuchal@mbllp.com

James Buchal
jbuchal@mbllp.com

Re: Petition for Public Records Disclosure Order
Oregon Water Resources Department
DOJ File No.: 690101-GA0219-26

Dear Mr. Buchal:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition challenges the timeliness of the Oregon Water Resources Department's response to your public records request. For the reasons that follow, we respectfully deny your petition.

Your petition stems from a records request submitted by you to OWRD on October 1, 2026. OWRD acknowledged the request on October 5, 2026, and stated that OWRD was working on a cost estimate. On October 13, 2026, OWRD provided you with a new estimated completion date of November 3, 2026, given the significant volume of records requested and the volume of other requests being processed by the agency. Shortly thereafter, OWRD provided you with a fee estimate for the actual cost of making the records available to you. This includes the cost associated with reviewing the public records and redacting material from the records. Your petition argues that this delay is unreasonable because the records have already been compiled for potential *in camera* review as part of ongoing litigation. However, OWRD asserts that the public records must still be reviewed and redacted in accordance with the Public Records Law, which will take considerable time given the volume of requested records.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). Upon receipt of a written public records request by an individual identified in an agency's published procedures for submitting requests, the agency is obligated to respond to the request "as soon as practicable and without unreasonable delay." ORS 192.329(1). An agency that is unable to complete its response within fifteen business days of receiving a written request is required to provide the requester with a reasonable estimated completion date. ORS 192.329(5). A requester may petition the Attorney General if they believe an agency has failed to comply with

the processing timelines contained in ORS 192.329. ORS 192.407(1). The agency carries the burden of sustaining its actions. ORS 192.411(1).

OWRD complied with its obligation to provide you with a written statement of its estimated completion date. ORS 192.329(5)(b). The date appears reasonable based on the volume of records requested and the volume of other records requests that the agency is simultaneously processing. *See* ORS 192.329(6)(c). In any event, OWRD has since provided you with a fee estimate, currently suspending OWRD obligation to complete its response to the request. Under these circumstances, we cannot conclude that OWRD has unreasonably delayed processing your request. We therefore respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

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c via e-mail only: Julie Wagner (OWRD)