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# DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

February 7, 1989

Audrey Jackson Simmons
WaterWatch of Oregon
Route 2, Box 925
Hillsboro, OR 97123

Re: **Petition for Public Records Disclosure Order; Water Resources Department Records**

Dear Ms. Simmons:

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 January 31, 1989, asks the Attorney General to direct the Water Resources Department (department) to make available for inspection and copying certain "documents containing the analysis of water availability in the North Fork of the John Day River * * * that were used to arrive at" a recommendation to the Water Resources Commission on October 27, 1988. For the reasons stated below, we deny your petition.

In a letter dated January 27, 1989, the Water Resources Director responded to your January 12, 1989, request to the agency. He explained that the basis for the staff report was not an analysis of hydrologic records, but an analysis of various interpretations that have been placed on the appropriate enforcement of minimum flows set in the John Day Basin Program. In a telephone conversation with Assistant Attorney General Anne Squier on February 2, 1989, you confirmed that you had received the director's response.

In that same telephone conversation, Assistant Attorney General Squier informed you that department staff stated that the department routinely makes hydrologic data available for public inspection. Staff said, however, that without investigation they do not know the status of gauging data from the North Fork of the John Day River, and that normally there is a substantial delay before data gathered at USGS gauges are worked up and available in final form. The department will give you access to whatever data it has.

At the conclusion of that telephone conversation, you agreed that, if you wish hydrologic records for the North Fork of the John Day despite Director Young's response of January 27, you will make a new request to the agency.

Because the Water Resources Department has not denied you access to any record, there is no basis upon which we could order action under ORS 192.410 to 192.505. Accordingly, we deny your petition.

Very truly yours,

James E. Mountain Jr.

JAMES E. MOUNTAIN, JR.
Deputy Attorney General

JEM:AWS:cr/3619G
cc: William H. Young, Director, Water Resources Department
Anne W. Squier, Assistant Attorney General