



CAROLLO LAW GROUP LLC
LAND • WATER • WILDLIFE | NATURAL RESOURCE LAW

2315 OLD HIGHWAY 99 SOUTH, P.O. BOX 2456, ROSEBURG, OR 97470 | PHONE: 541-957-5900 | FAX: 541-957-5923 | WWW.CAROLLOLEGAL.COM

DOMINIC M. CAROLLO, MANAGING ATTORNEY
EMAIL: dcarollo@carollolegal.com

June 17, 2022

Via Email: WRD_DL_publicrecords@oregon.gov

Oregon Water Resources Department
Public Records Request
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Public Records Request

To Whom It May Concern:

This is a public records request that pertains to the Oregon Water Resources Department's ("OWRD") recent proposal to promulgate temporary rules defining the applicability of the ORS 536.075(5) automatic stay provision to final orders of the Oregon Water Resources Department.

This request pertains to any and all public records relating to the categories below. Requests for "communications," "documents," or "record(s)" includes, but is not limited to, all pertinent records, files, documents, notes, memoranda, orders, briefs, administrative and enforcement procedures, raw data files, analyzed data files, written data, field notes, reports, audio or video recordings, emails, legislative histories, and/or any and all other relevant documentation related to the subject matter described in more detail below. The term "Temporary Rules" means the Temporary Rules referenced in agenda item "M" of the Water Resources Commission's agenda for the June 16-17, 2022 virtual meeting. This agenda item was described as: "Adoption of Temporary Rules to Clarify Applicability of Automatic Stay Associated with Petition for Judicial Review under ORS 536.075." A staff report was released containing the Temporary Rules on June 14, 2022. The Temporary Rules were later withdrawn for Commission consideration during the June 17, 2022 meeting of the Water Resources Commission.

The term "OWRD staff" includes anyone employed by OWRD, including the Water Resources Director. The term "non-agency third party" only excludes state agencies of the State of Oregon; it does not exclude federal agencies, Indian tribes, members of the State Legislature, the Oregon Governor and staff, or members of the Oregon Water Resources Commission. Unless otherwise noted, the time-period for this request is Sept. 1, 2021 to present.

For requests for communications or documents exchanged between OWRD staff and non-agency third parties, this request includes communications or documents transmitted by or through

a Department of Justice attorney that originated from a non-agency third party or their attorney or agent.

If any privilege is claimed, including but not limited to the attorney-client privilege, or if any exemption to public disclosure is claimed, please so state that in a written response and provide a privilege log for any such records.

Pursuant to ORS 192.314, this office is requesting the following records we know to be in the possession of Oregon Water Resources Department:

1. Internal communications or documents exchanged between OWRD staff discussing, or relating to, the Temporary Rules or ORS 536.075(5), including earlier versions or proposals relating to the Temporary Rules.
2. External communication or documents exchanged between OWRD staff and non-agency third parties discussing, or relating to, the Temporary Rules or ORS 536.075(5), including earlier versions or proposals relating to the Temporary Rules.
3. Internal communications or documents exchanged between OWRD staff relating to the applicability of ORS 536.075(5) to lawsuits challenging final orders approving any water right transfers within the Klamath Basin.
4. External communications or documents exchanged between OWRD staff and non-agency third parties relating to the applicability of ORS 536.075(5) to lawsuits challenging final orders approving any water right transfers within the Klamath Basin.
5. Internal communications or documents exchanged between OWRD staff relating to the applicability of ORS 536.075(5) to any final orders challenged pursuant to ORS 536.075 in lawsuits filed between January 1, 2020 and the present.
6. External communications or documents exchanged between OWRD staff and non-agency third parties relating to the applicability of ORS 536.075(5) to any final orders challenged pursuant to ORS 536.075 in lawsuits filed between January 1, 2020 and the present.

All files can be sent in an electronic format via email or an FTP program (i.e. Dropbox, Google Drive, etc.). If the fees associated with this request are estimated to exceed \$400.00, please contact our office prior to proceeding. Please direct all documentation responsive to this records request to our office by mail and email.

Sincerely,



Dominic M. Carollo
Nolan G. Smith

NGS/kh
Cc: client