

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 WILLAMETTE RIVERKEEPER

5 and JAMES J. NICITA,

6 *Petitioners,*

7  
8 vs.

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10 OREGON DEPARTMENT OF

11 ENVIRONMENTAL QUALITY and OREGON

12 ENVIRONMENTAL COMMISSION,

13 *Respondents,*

14  
15 and

16  
17 CITY OF EUGENE, CLEAN WATER SERVICES,  
18 CLACKAMAS COUNTY SERVICE DISTRICT NO. 1,

19 OAK LODGE SANITARY DISTRICT,

20 SURFACE WATER MANAGEMENT AGENCY

21 OF CLACKAMAS COUNTY and OREGON

22 ASSOCIATION OF CLEAN WATER AGENCIES,

23 *Intervenors-Respondent.*

24  
25 LUBA No. 2004-116

26 FINAL OPINION

27 AND ORDER

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29 Appeal from the Oregon Department of Environmental Quality and Oregon Environmental  
30 Quality Commission.

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32 James J. Nicita, Klamath Falls, represented petitioner.

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34 Larry Knudsen, Assistant Attorney General, Portland, represented respondent.

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36 G. Frank Hammond, Peter Livingston, Roger A. Alfred, Portland, Glenn Klein, Eugene,  
37 represented intervenor-respondent.

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39 BASSHAM, Board Member; HOLSTUN, Board Chair; DAVIES, Board Member,  
40 participated in the decision.

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42 DISMISSED

10/29/2004

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You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

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Bassham, Board Member

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Petitioners request that this appeal be dismissed. Accordingly, this appeal is dismissed.

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The Board will return petitioners' \$150 deposit for costs.