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BEFORE THE LAND USE BOARD OF APPEALS  
OF THE STATE OF OREGON

TUMALO IRRIGATION DISTRICT,  
*Petitioner,*

vs.

DESCHUTES COUNTY,  
*Respondent.*

LUBA No. 2001-161

FINAL OPINION  
AND ORDER

Appeal from Deschutes County.

Sharon R. Smith, Bend, represented petitioner.

Laurie E. Craghead, Assistant County Counsel, Bend, represented respondent.

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

DISMISSED 09/30/2005

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

Opinion by Holstun.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, Deschutes County withdrew the decision challenged in this appeal for reconsideration on January 26, 2005. On May 11, 2005, the Board received Deschutes County's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until June 1, 2005 to either refile its original notice of intent to appeal in this matter, or file an amended notice of intent to appeal. The Board has not received a refiled original notice of intent to appeal or an amended notice of intent to appeal in accordance with OAR 661-010-0021(5)(a).

OAR 661-010-0021(5)(e) provides "[i]f no amended notice of intent to appeal is filed or no original notice of intent to appeal is refiled, as provided in [OAR 661-010-0021(5)(a)], the appeal will be dismissed."

This appeal is dismissed. *Matrix Development v. City of Tigard*, 25 Or LUBA 557 (1993).