

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

3  
4                   PILOT BUTTE CANAL PRESERVATION  
5                                   ALLIANCE and JEFF PERREAULT,  
6   *Petitioners,*

7  
8   vs.

9  
10                                   DESCHUTES COUNTY,  
11   *Respondent,*

12  
13   and

14  
15                                   CENTRAL OREGON IRRIGATION DISTRICT,  
16   *Intervenor-Respondent.*

17  
18   LUBA No. 2015-024

19  
20   FINAL OPINION  
21   AND ORDER

22  
23                   Appeal from Deschutes County.

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25                   Jennifer Bragar, Portland, represented petitioner.

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27                   David Doyle, County Counsel, Bend, represented respondent.

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29                   David E. Filippi and Elaine R. Albrich, Portland, represented intervenor-  
30 respondent.

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32                   BASSHAM, Board Member; HOLSTUN, Board Chair; RYAN, Board  
33 Member, participated in the decision.

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35                                   DISMISSED                                   06/07/2016

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

1    Bassham, Board Member.

2    **MOTION TO INTERVENE**

3                    Central Oregon Irrigation District moves to intervene on the side of  
4    respondent. No party opposes the motion and it is granted.

5    **MOTION TO WITHDRAW AND DISMISS APPEAL**

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

8                    No record was filed in this appeal. Pursuant to OAR 661-010-  
9    0075(1)(d), the Board will return petitioners' \$200 deposit for costs. In a letter,  
10   petitioners also request a refund of the filing fee. However, petitioners cite no  
11   basis under our rules for a refund of the filing fee. The request is denied.