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6 BEFORE THE PUBLIC UTILITY COMMISSION  
7 OF OREGON

8 UM 1489, UM 1528, UCR 121, UCR 122, UCR 123, UCR 133, UCR 135

9 IN MATTERS OF

10 JUDY BEDSOLE AND FISHMILL LODGES  
11 WATER SYSTEM,

12 Application for abandonment of  
13 utility and Other above referenced Dockets  
14 relating to the Operation and Maintenance of the  
15 Fish Mill Lodges Water System

16 MOTION TO STAY ENFORCEMENT OF  
17 ORDER UM1489 PENDING DECISION ON  
18 BEDSOLE ET AL PETITION FOR  
19 REHEARING, RECONSIDERATION, AND  
20 CLARIFICATION

21 Judy Bedsole and Fishmill Lodges Water System (Petitioners) appearing through  
22 its attorney Ann Fisher hereby moves the Commission to stay Order UM 1489 etc. (UM 1528,  
23 UCR 121, UCR 122, UCR 123, UCR 133, UCR 135) pending a decision on Petitioners' Petition  
24 for Rehearing, Reconsideration, and Clarification.

25 Petitioners filed their Petition naively assumed that the seriousness of the issues  
raised therein would cause the Commission and its staff to delay enforcement of the Order,  
specifically related to recording or filing the Order in county or state records and releasing  
Summit Water Association from regulatory oversight. It has come to Petitioners' attention that  
in fact, Commission staff is not just putting the record together as required but attempting to put

MOTION TO STAY ENFORCEMENT OF ORDER UM1489 PENDING DECISION ON BEDSOLE ET AL  
PETITION FOR REHEARING, RECONSIDERATION, AND CLARIFICATION - 1

1 the materials together necessary for recording so that the Order can be immediately made  
2 effective.

3           While this may be attractive to staff and others, it in fact will make this case  
4 extremely difficult to resolve if Petitioners succeed in their Request for Rehearing,  
5 Reconsideration and Clarification or at further appeal. The actions authorized by the Order will  
6 become an unconstitutional taking requiring compensation since the Order fails to adequately  
7 protect Petitioners' interests and takes valuable property belonging to Petitioners and transferring  
8 it to others over Petitioners' objection.  
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10           If the Order were to immediately be enforced, Petitioners would face irreparable  
11 injury as the Order compromises the water rights assigned to Petitioners from the Agency with  
12 jurisdiction, would transfer the deeded easements that were designed to allowed the water rights  
13 owned by Petitioners to be used to serve their noncontiguous property, and would prevent  
14 Petitioners from a guaranteed water source since they have no guaranteed right to take water  
15 from Summit Water Association or use the infrastructure taken by the PUC. Petitioners are not  
16 members (and not allowed to be by the members) and thus would have no ability to require the  
17 Association to provide water or allow concurrent use of the infrastructure.  
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