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VIA E-MAIL ONLY:

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Jeremy Giffin
Watermaster - District 11
Oregon Water Resources Department
231 SW Scalehouse Loop, Suite 103
Bend, OR 97702

Ann Reece
Sarah A. Henderson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: T-14139

Dear Mr. Giffin, Ms. Reece, and Ms. Henderson:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"). The Department of Water Resources ("Department") has provided the Tribe with certain information concerning several transfer applications. This letter pertains to T-14139, which is further identified in **Appendix A** hereto (the "Application").

The Tribe has reviewed the Application, along with additional information about the Application provided by the Department. Based on that information, the Tribe does not object to the Department processing the Application in accordance with applicable law, and the Department's customary practice, *provided* that installation of a totalizing flowmeter is required and must be installed prior to diversion of water consistent with the Department's Watermaster review attached as **Appendix B**. The Tribe's position set forth in this letter is contingent upon the implementation and use of said totalizing flowmeter.

The Tribe expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Application, including, but not limited to, whether the Application violates the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.

Please let us know if you have any questions.

Sincerely,

Josh Newton
of BEST BEST & KRIEGER LLP