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March 12, 2025

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: CTWS Approval of Ten (10) Water Rights Transfer Applications

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 water rights transfer applications. This letter pertains to the following:

1. T-14402, which is further identified in **Appendix A - T-14402** hereto;
2. T-14430, which is further identified in **Appendix B - T-14430** hereto;
3. T-14503, which is further identified in **Appendix C - T-14503** hereto;
4. T-14538, which is further identified in **Appendix D - T-14538** hereto;
5. T-14539, which is further identified in **Appendix E - T-14539** hereto;
6. T-14545, which is further identified in **Appendix F - T-14545** hereto;
7. T-14562, which is further identified in **Appendix G - T-14562** hereto;
8. T-14570, which is further identified in **Appendix H - T-14570** hereto;
9. T-14582, which is further identified in **Appendix I - T-14582** hereto;¹ and
10. T-14583, which is further identified in **Appendix J - T-14583** hereto.

¹ There is one nonmaterial discrepancy in T-14582. The application identifies a balance in the tables of 0.60 acres (ON and OFF) and the text below the map balances at 0.60 acres; however, there is 0.07 acres "ON" missing from the map itself.

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The above-identified transfer applications are collectively referred to as the “Applications.” The Applications are available at the following link:

<https://www.imanageshare.com/#hl1ik96vq/folder/4H44IKNWSGw0saldzuMVOpmCBITHeSDO8FFCvF-IRIQ>

The Tribe has reviewed the Applications, along with any additional information about the Applications provided by the Department. Based on that information, the Tribe does not object to the Department processing the Applications in accordance with applicable law, and the Department’s customary practice, *provided* that a totalizing flow meter is installed at each point of appropriation or diversion for each T-14545, T-14402, T-14503, T-14539, and T-14430 consistent with applicable Watermaster recommendations.

The Tribe expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Applications, including, but not limited to, whether the Applications violate 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,



Alison K. Toivola
for BEST BEST & KRIEGER LLP

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cc: Robert A. Brunoe
Austin Smith, Jr.
Brad Houslet
Josh Newton, Esq.