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April 15, 2024

VIA E-MAIL ONLY: GEN@DESCHUTESRIVER.ORG

Genevieve Hubert
Senior Program Manager
Deschutes River Conservancy
700 NW Hill St., Suite 1
Bend, OR 97703

Re: Swalley Irrigation District | Instream Leases

Dear Ms. Hubert:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). Deschutes River Conservancy (“DRC”), on behalf of Swalley Irrigation District (“SID”), has provided the Tribe with certain information concerning several proposed instream leases identified in **Appendix A** hereto (collectively, the “Leases”), which Leases propose to lease water for instream purposes.

The Tribe has reviewed the information about the Leases provided by DRC. The Tribe has not reviewed the Leases themselves, and is instead relying in good faith upon the summary information provided by DRC. Based on that information, the Tribe does not object to the Department of Water Resources (“Department”) processing the Leases in accordance with applicable law, and the Department’s customary practice. The Tribe, however, expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Leases, including, but not limited to, whether the Leases 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,


Josh Newton
of BEST BEST & KRIEGER LLP

Genevieve Hubert

April 15, 2024

Page 2

JN

cc: Robert A. Brunoe
Austin Smith, Jr.
Brad Houslet
David Filippi
Alison K. Toivola, Esq.
Jeremy Giffin, Oregon Water Resources Department
Ann Reece, Oregon Water Resources Department

APPENDIX - A

BATCH 1 to BBK

Patron ID	Name	Lease #	Priority	Acres	Term	Exp	Canal	Taxlot	TRSQTL	Property Address >>>>Mailing Address	City	State	Zip	EFU Zoned	Other	
Existing lessors in multi-year leases		Current Lease #														
24-01	CLR, Inc / Jerry Curt	IL-978	1899	9	5	2025	#13	1612200000202	161220NENW0202	65500 Cline Falls Rd	Bend	OR	97703 030	Direct Diversion, both sides of River		
	CLR, Inc / Jerry Curt	IL-978	1899	2.9	5	2025	#13	1612200000202	161220NWNW0202	Dr	Bend	OR	97703 030	Just north of Tumalo		
	CLR, Inc / Jerry Curt	IL-978	1899	6.9	5	2025	#13	1612200000200	161220SWNW0200	65460 Cline Falls Rd	Bend	OR	97703 030			
	CLR, Inc / Jerry Curt	IL-978	1899	5.4	5	2025	#12	1612200000201	161220NWSW0201	65200 Cline Falls Rd	Bend	OR	97703 030			
24-02a	Bend Metro Parks & Rec	IL-980	1899	1	5	2025	#1	171229D004001	171229SENW4100	35 NW Drake Rd	Bend	OR	97703 990	Munic Brooks Park (SW corner of Newport, W of River)		
24-02b	Bend Metro Parks & Rec	IL-980	1899	0.25	5	2025	#2	171229DC04501	171229SWSE4501	1555 NW Wall St	Bend	OR	97703 991	Munic Riverside Natural Area, strip just N or Pioneer Park		
24-02c	Bend Metro Parks & Rec	IL-980	1899	11	5	2025	#4	17120D002000	171220NWSE2000	62999 OB Riley Rd	Bend	OR	97703 991	Munic Sawyer Park		
				36.45						St	Bend	OR	97702	Bend Parks Mailing Address for all Tax Lots		
		Prior Lease #														
		Lease Renewal #														
New lessors / lease renewals																
24-03	Deborah Farmer	IL-1364	1899	1	1	2024	Main	1612320000400	161232NWNW400	64695 Old Bend Redmond HWY	Bend	OR	97703 451-Tract			
	Deborah Farmer	IL-1364	1899	3.7	1	2024	Main	1612320000400	161232NENE400	64695 Old Bend Redmond HWY	Bend	OR	97703 451-Tract			
	Deborah Farmer	IL-1364	1899	1.8	1	2024	Main	1612320000400	161232SWNE400	64695 Old Bend Redmond HWY	Bend	OR	97703 451-Tract			
	Deborah Farmer	IL-1364	1899	1.5	1	2024	Main	1612320000400	161232SENE400	64695 Old Bend Redmond HWY	Bend	OR	97703 451-Tract			
24-04	Mathew Thomas/Thomas Acquis	IL-1367	1899	5.3	1	2024	Main	171216C000500	171216NWSW500	63320 & 63330 N. Hwy 97	Bend	OR	97701 IND			
	Mathew Thomas/Thomas Acquis	IL-1367	1899	2.5	1	2024	Main	171216C000500	171216SWSW500	PO Box 5519			97708 IND			
				15.8												

First Lease Batch Additional Information:

CLR, Inc Points of Diversion are right on the River. CLR has a cluster of 3 tax lots that span across the river with a diversion on each side. The diversion would be a pipe and pump if it were active.

The 3 Bend Parks lots all have Points of Diversion right on the River next to their locations. These diversions which would be pumps and pipes are not used. Bend Parks uses City water to irrigate these parks.

Bend Parks and CLR, Inc are current in 5-yr leases (2021-2025) that are regularly renewed for 5-year terms

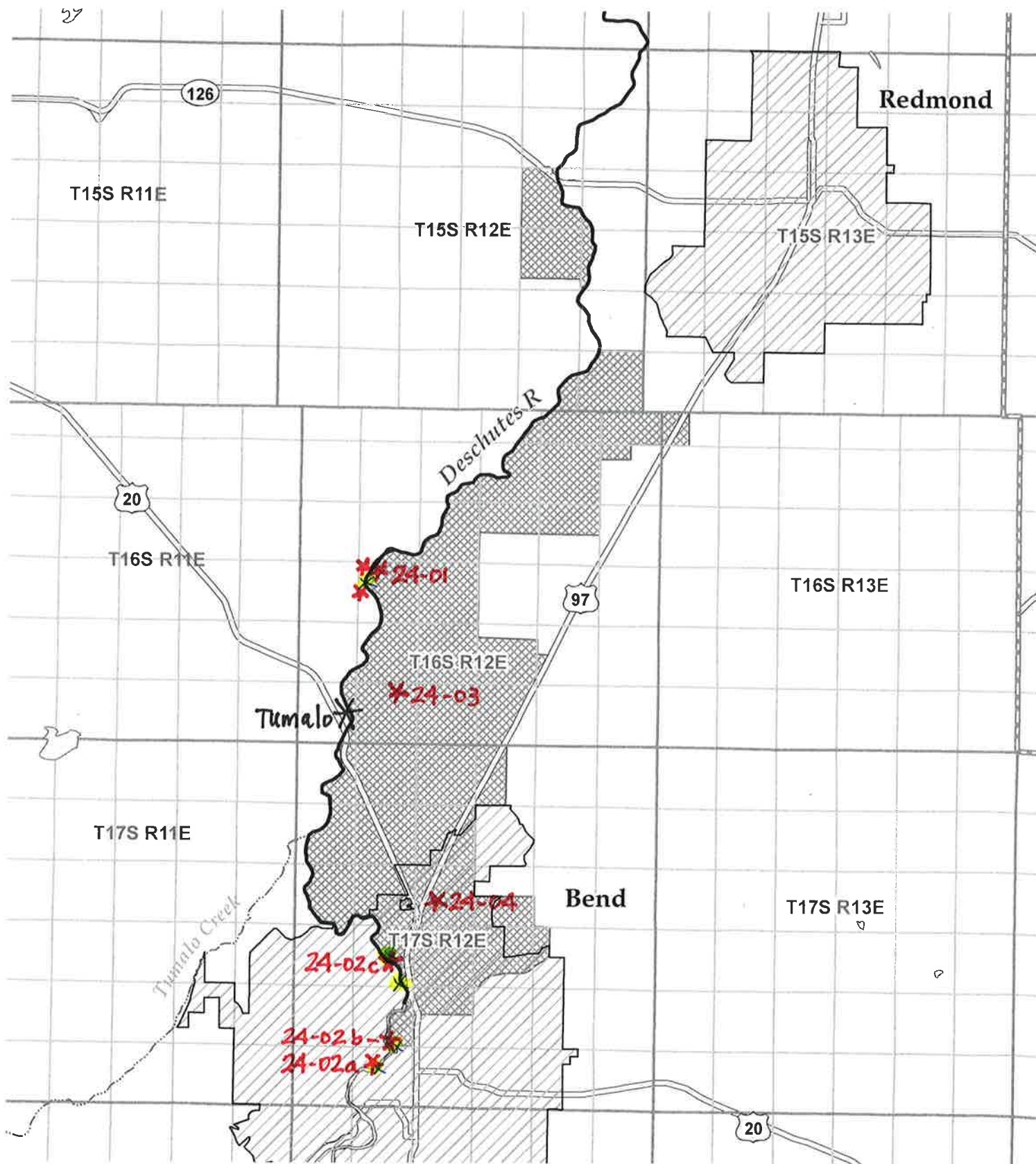
Deborah Farm and Matt Thomas renew leases when necessary to maintain the 5-yr beneficial use record











BATCH 2 to BBK

Any leases received after 4/10/2024 will be added to the section below and sent to BBK for separate review.

Patron ID	Name	Lease #	Priority	Acres	Term	Exp	Canal	Taxlot	TRSQTL	Property Address >>>>Mailing Address	City	State	Zip	EFU Zoned	Other
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Swalley Irrigation District



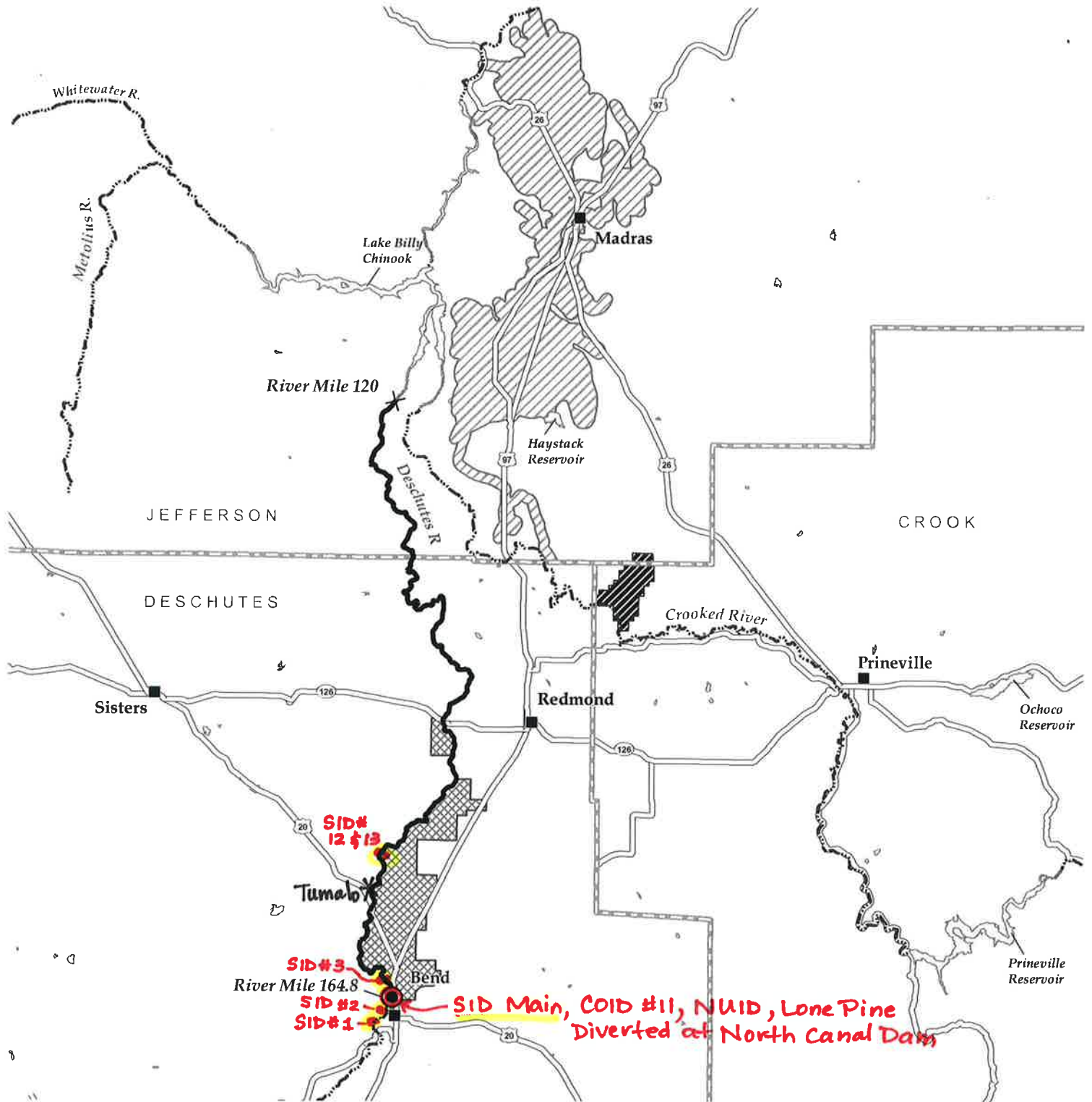
-  Swalley Irrigation District
-  City Limit
-  PLSS Township
-  PLSS Section
-  Lakes
-  Rivers
-  Major Tributaries
-  County
-  Highway
-  Diversions













Map by D. Quinlan, 10/18/07
DRC/SID.mxd

North Unit and Swalley Irrigation District and Crook County Improvement District #1

Major Diversion and Affected Reach



- | | |
|---|--|
|  North Unit Irrigation District |  Rivers |
|  Crook County Improvement District #1 |  Affected Reach |
|  Swalley Irrigation District |  Cities |
|  Lakes |  County |
|  Major Diversion |  Highway |

