



Josh Newton  
Partner  
(541) 318-9817  
josh.newton@bbklaw.com

April 10, 2024

**VIA E-MAIL ONLY: JTALBOTT@COID.ORG**

Jessi Talbott  
Director of Water Rights  
Central Oregon Irrigation District  
1055 SW Lake Rd  
Redmond, OR 97756

**Re: Central Oregon Irrigation District | Instream Lease Application**

Dear Ms. Talbott,

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). Central Oregon Irrigation District (“COID”) has provided the Tribe with certain information concerning a proposed instream lease identified in Appendix A hereto (the “Application”), which Application proposes to lease water for instream purposes.

The Tribe has reviewed the information about the Application provided by COID. The Tribe has not reviewed the Application itself, and is instead relying in good faith upon the summary information provided by COID. Based on that information, the Tribe does not object to the Department of Water Resources (“Department”) processing the Application 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 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

Jessi Talbott  
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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

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**APPENDIX - A**

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Part 3 of 4 – Place of Use – Lessor Information and Signatures

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name: Central Oregon Irrigation District**

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.  
If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.  
Any attached table should include reference to the Lessor.


Water Right #	Priority Date	POD #	Twp			Rng		Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
94956	10/31/1900	11	14	S	13	E	09	SE	SW	100		0.15	IR	9	None	

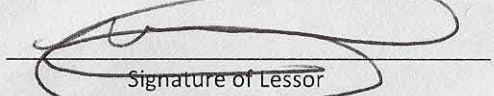
**Any additional information about the right:** \_\_\_\_\_

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

  
 \_\_\_\_\_ Date: 4/4/24  
 Signature of Lessor  
 Printed name (and title): Olaf Torfinn Bolken Business name, if applicable: None  
 Mailing Address (with state and zip): 9980 NW 12<sup>th</sup> St Terrebonne, OR 97760  
 Phone number (include area code): 541-771-6712 \*\*E-mail address: bolken4@msn.com

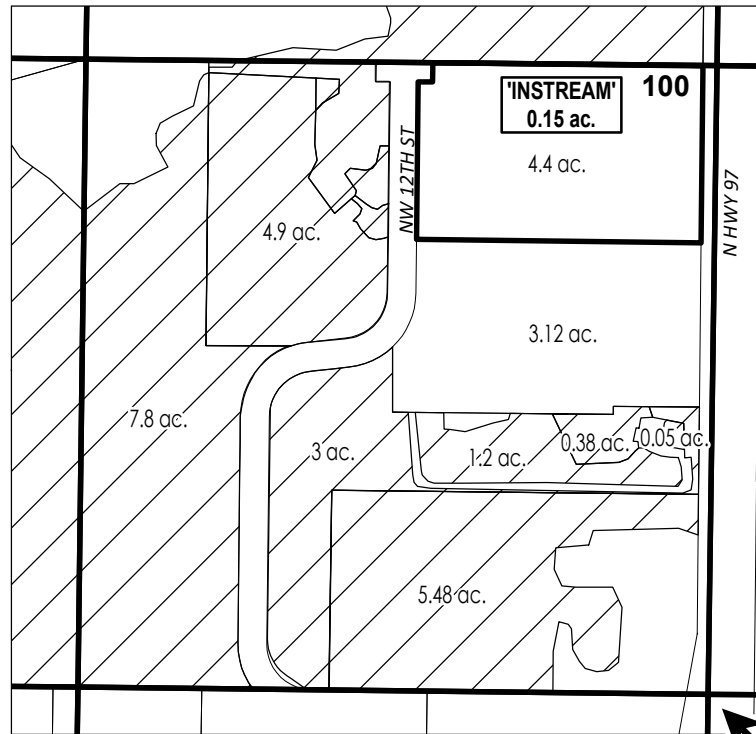
  
 \_\_\_\_\_ Date: 4/4/24  
 Signature of Lessor  
 Printed name (and title): Michelle Bolken Business name, if applicable: None  
 Mailing Address (with state and zip): 9980 NW 12<sup>th</sup> St Terrebonne, OR 97760  
 Phone number (include area code): None \*\*E-mail address: None

# DESCHUTES COUNTY SEC.09 T14S R13E


SCALE - 1" = 400'



SE 1/4 OF THE SW 1/4



**S 1/4 COR**

# ac.	PARCELS W/ WATER RIGHTS
	EXISTING WATER RIGHTS
# ac.	INSTREAM PARCELS



## APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: Torfinn and Michelle Bolken Revocable Trust

TAXLOTS #: 100

0.15 ACRES

DATE: 4/3/2024