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April 10, 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: Three Sisters 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 Three Sisters Irrigation District (“TSID”), 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 10, 2024

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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

APPENDIX - A

Appendix A

Patron ID	Name	Prior Lease #	Priority	Acres	Term	Exp	Canal	TRSQTL	Property Address >>>>Mailing Address	City	State	EFU Zip Zoned
Instream Lease 1, 5/1-8/4												
24-01	Kerith Springs	IL-1968	1895	32	1	2024	TSID-Main	151024NWNW200	67750 Hwy 20	Sisters	OR	97759 551-Farm
	Kerith Springs	IL-1968	1895	9.6	1	2024	TSID-Main	151024SWNW200	2480 NE Division S	Gresham	OR	97030 551-Farm
24-02	Wayne Cornick	IL-1969	1895	4.6	1	2024	TSID-Main	151012NWNW302	17000 Barlemy Lane	Sisters	OR	97759 575-Wildlife
	Wayne Cornick	IL-1969	1895	2.6	1	2024	TSID-Main	151012NWNW303	17000 Barlemy Lane	Sisters	OR	97759 575-Wildlife
24-03	Mary Burdick	IL-1968	1895	5	1	2024	TSID-Main	141123SWSE1100	70080 McKenzie Cyn Rd	Sisters	OR	97759 541-Farm
	Mary Burdick	IL-1968	1899	5.2	1	2024	TSID-Main	141123SWSE1100	7162 B Street	Springfield	OR	97478 541-Farm
24-04	Circle of Trees, Randy Gardner	IL-1968	1903	1	1	2024	TSID-Main	151011NWSE1400	16650 Jordan Rd	Sisters	OR	559-Farm
	Circle of Trees, Randy Gardner	IL-1968	1903	28.7	1	2024	TSID-Main	151011SWSE1400	P.O. Box 1671	Sisters	OR	97759 559-Farm
	Circle of Trees, Randy Gardner	IL-1968	1903	17.9	1	2024	TSID-Main	151011SESE1400	16650 Jordan Rd	Sisters	OR	559-Farm
	Circle of Trees, Randy Gardner	IL-1968	1903	15.1	1	2024	TSID-Main	151014NWNW1800	16700 Jordan Rd	Sisters	OR	97759 550-Farm
	Circle of Trees, Randy Gardner	IL-1968	1903	0.3	1	2024	TSID-Main	151014NESE1800	16700 Jordan Rd	Sisters	OR	97759 550-Farm
24-05	David Helm	IL-1968	1903	4.6	1	2024	TSID-Main	151011SWNE1200	16705 & 16725 Hwy 126	Sisters	OR	97759 550-Farm
	David Helm	IL-1968	1903	15.3	1	2024	TSID-Main	151011NWSE1200	PO Box 1000	Sisters	OR	97759
	David Helm	IL-1968	1903	2.5	1	2024	TSID-Main	151011NESE1200	16705 & 16725 Hwy 126	Sisters	OR	97759 550-Farm
24-06	Janet Herring	IL-1968	1904	26	1	2024	TSID-Main	151024SWSE501	67717 Cloverdale Rd	Sisters	OR	97759 551-Farm
	Janet Herring	IL-1968	1904	11	1	2024	TSID-Main	151024SESE501	67717 Cloverdale Rd	Sisters	OR	97759
26-07	Bill Willits	IL-1968	1908	1.3	1	2024	TSID-Main	151010SWNW800	68621 Hwy 20	Sisters	OR	97759 551-Farm
	Bill Willits	IL-1968	1908	3.7	1	2024	TSID-Main	151010NWSW800	16488 Wilt Road	Sisters	OR	97759
24-05	David Helm	IL-1968	1908	5.6	1	2024	TSID-Main	151011SWNE1200	16705 & 16725 Hwy 126	Sisters	OR	97759 550-Farm
	David Helm	IL-1968	1908	5.5	1	2024	TSID-Main	151011SENE1200	16705 & 16725 Hwy 126	Sisters	OR	97759 550-Farm
	David Helm	IL-1968	1908	12.4	1	2024	TSID-Main	151011NESE1200	16705 & 16725 Hwy 126	Sisters	OR	97759 550-Farm
	David Helm	IL-1968	1908	0.2	1	2024	TSID-Main	151011SESE1200	16705 & 16725 Hwy 126	Sisters	OR	97759 550-Farm
	David Helm	IL-1968	1912	10.8	1	2024	TSID-Main	151011SWNE1200	16705 & 16725 Hwy 126	Sisters	OR	97759 550-Farm
	David Helm	IL-1968	1912	4.1	1	2024	TSID-Main	151011SENE1200	16705 & 16725 Hwy 126	Sisters	OR	97759 550-Farm
				<u>225</u>								
Instream Lease 2a, June 15-Sept 30												
24-08	John Schaad - IR	IL-1969	1895	30.5	1	2024	TSID-Main	151107NWSE600	68515 George Cyrus Rd	Sisters	OR	97759 459-Tract
	John Schaad - IR	IL-1969	1895	38.5	1	2024	TSID-Main	151107NESE600	1170 McLean Blvd	Eugene	OR	97405
	John Schaad - IR	IL-1969	1895	40	1	2024	TSID-Main	151107SWSE600	68515 George Cyrus Rd	Sisters	OR	97759 459-Tract
	John Schaad - IR	IL-1969	1895	39	1	2024	TSID-Main	151107SESE600	68515 George Cyrus Rd	Sisters	OR	97759 459-Tract
	John Schaad - Pond	IL-1969	1895	0.5	1	2024	TSID-Main	151107NESE600	68515 George Cyrus Rd	Sisters	OR	97759 459-Tract
24-09	Karan Swamer	IL-1969	1895	24.3	1	2024	TSID-Main	151104NWNW101	69203 Sabrina CT	Sisters	OR	97759 551-Farm
	Karan Swamer	IL-1969	1895	38.7	1	2024	TSID-Main	151104SWNE101	18130 Highway 126			
24-10	Ted & Keri Eady	NA	1895	0	1	2024	TSID-Main	151104NESE100	68795 Quail Tree Dr	Sisters	OR	95579 551-Farm
	Ted & Keri Eady	NA	1895	2.9	1	2024	TSID-Main	151104NESE100	68795 Quail Tree Dr	Sisters	OR	95579 551-Farm
	Ted & Keri Eady	NA	1895	1	1	2024	TSID-Main	151104NESE100	68795 Quail Tree Dr	Sisters	OR	95579 551-Farm
	Ted & Keri Eady	NA	1895	10.09	1	2024	TSID-Main	151104NESE100	68795 Quail Tree Dr	Sisters	OR	95579 551-Farm
	Ted & Keri Eady	NA	1895	30.25	1	2024	TSID-Main	151104NWSE100	68795 Quail Tree Dr	Sisters	OR	95579 551-Farm
	Ted & Keri Eady	IL-1872	1895	28.9	1	2024	TSID-Main	151104SWNE100	68795 Quail Tree Dr	Sisters	OR	95579 551-Farm
	Ted & Keri Eady	NA	1895	0.6	1	2024	TSID-Main	151104SESE100	68795 Quail Tree Dr	Sisters	OR	95579 551-Farm
24-11	Miracle Ranch - Hull	IL-1994	1895	3.5	1	2024	TSID-Main	151117SWNW300	68290 George Cyrus Rd (II)	Sisters	OR	97759 551-Farm
	Miracle Ranch - Hull	IL-1994	1895	2.1	1	2024	TSID-Main	151117SENE300	68290 George Cyrus Rd (II)	Sisters	OR	97759 551-Farm
	Miracle Ranch - Hull (Denise Law)	IL-1994	1895	<u>5.4</u>	1	2024	TSID-Main	151117SENE400	68300 George Cyrus Rd	Sisters	OR	97759 550-Farm
				<u>296.24</u>								
Instream Lease 2b, June 15-Sept 30												
24-12	City of Sisters	IL-1974	1886	7	1	2024	TSID-Main	151015NWNW200	68355 Hwy 20	Sisters	OR	97759 Municipal
	City of Sisters	IL-1974	1881	28.9	1	2024	TSID-Main	151015NWNW200	P.O. Box 39	Sisters	OR	97759
	City of Sisters	IL-1974	1881	6.6	1	2024	TSID-Main	151015NESE200	68355 Hwy 20	Sisters	OR	97759 Municipal
	City of Sisters	IL-1974	1880	0.3	1	2024	TSID-Main	151010NWSW705	68535 Hwy 20	Sisters	OR	97759 Municipal
	City of Sisters	IL-1974	1880	18	1	2024	TSID-Main	151010NESW705	68535 Hwy 20	Sisters	OR	97759 Municipal
	City of Sisters	IL-1974	1880	2.4	1	2024	TSID-Main	151010NWSW705	68535 Hwy 20	Sisters	OR	97759 Municipal
	City of Sisters	IL-1974	1880	1	1	2024	TSID-Main	151010SWSW705	68535 Hwy 20	Sisters	OR	97759 Municipal
	City of Sisters	IL-1974	1880	9.5	1	2024	TSID-Main	151010SESW705	68535 Hwy 20	Sisters	OR	97759 Municipal
	City of Sisters	IL-1974	1880	15.2	1	2024	TSID-Main	151010SWSE705	68535 Hwy 20	Sisters	OR	97759 Municipal
	City of Sisters	IL-1974	1880	4.2	1	2024	TSID-Main	151010SESE705	68535 Hwy 20	Sisters	OR	97759 Municipal
	City of Sisters	IL-1974	1880	<u>10.8</u>	1	2024	TSID-Main	151010NESE200	68355 Hwy 20	Sisters	OR	97759 Municipal
				<u>103.9</u>								
Unconfirmed but potential addition to a lease (unsure of acres to lease)												
24-13	Tygh Redfield (not confirmed)	IL-1872	1895	<150	1	2024	TSID-Main	1511050000400	68860 Goodrich Rd	Sisters	OR	97759 551-Farm

Acres 1 lease Season 1 225
 Acres 2 leases Season 2 400.14
 Total All Leasing 625.14

Total does not include 24-13 Tygh Redfield who may lease some acres (would likely be much less than 150 ac)

Leases overlap from June 15-August 4, which increases cfs protected - to help improve flows during the typically hot part of the summer. Up to 9.4 cfs will be protected during the overlap period (depending on reliability of the priority date).