



**BBK**  
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April 29, 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

Received by OWRD

MAY 08 2024

Salem, OR

**Re: Ochoco 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 Ochoco Irrigation District (“OID”), provided the Tribe with certain initial information concerning several proposed instream leases on behalf of OID. The Tribe did not object to those instream leases and submitted a letter confirming the same dated April 17, 2024. DRC has since provided the Tribe with revised information for those instream leases, identified in **Appendix A** hereto (collectively, the “Leases”).

The Tribe hereby withdraws its prior letter dated April 17, 2024, and now submits this new letter dated April 29, 2024, to address the Leases.

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

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JN

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Ann Reece, Oregon Water Resources Department

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