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March 12, 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: Deschutes River Conservancy | Instream Leases

Dear Ms. Hubert:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). Deschutes River Conservancy (“DRC”) has provided the Tribe with information concerning several proposed instream leases identified in **Appendix A** hereto (“Leases”), which Leases propose to lease water for instream purposes. The Tribe has reviewed the Leases and does not object to the Department of Water Resources (“Department”) processing the transfers 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

JN

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

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Appendix A

- Lease # 999
- Lease # 1615
- Lease # 1737
- Lease # 668
- Lease # 1100 (697)
- Lease # 898
- Lease # 899
- Lease # 1320 (948)
- Lease # 615
- Lease # 1243
- Lease # 1818
- Lease # 1965
- Lease # 1878
- Lease # L-1742
- Lease # L-1743
- Lease # L-1108
- Lease # L-1975
- Possible new lease contemplated under Certificates numbered 2260, 93805, 93806, and 93807
- Possible new lease contemplated under Certificates numbered 6, 7, 8, 10, 11, and 12
- Possible new lease contemplated from lessor Wanek Ranch, LLC for additional 129.4 acres of her total 368.1 acres (in addition to existing leases L-1742 and L-1743)

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