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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

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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Genevieve Hubert

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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

OID potential leases 2024

Updated 4/18/2024

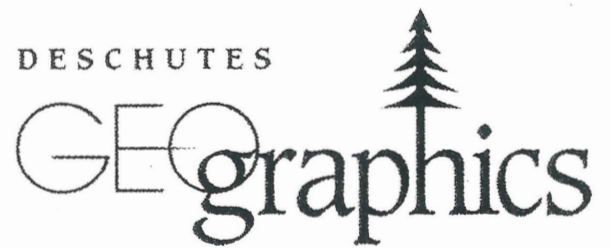
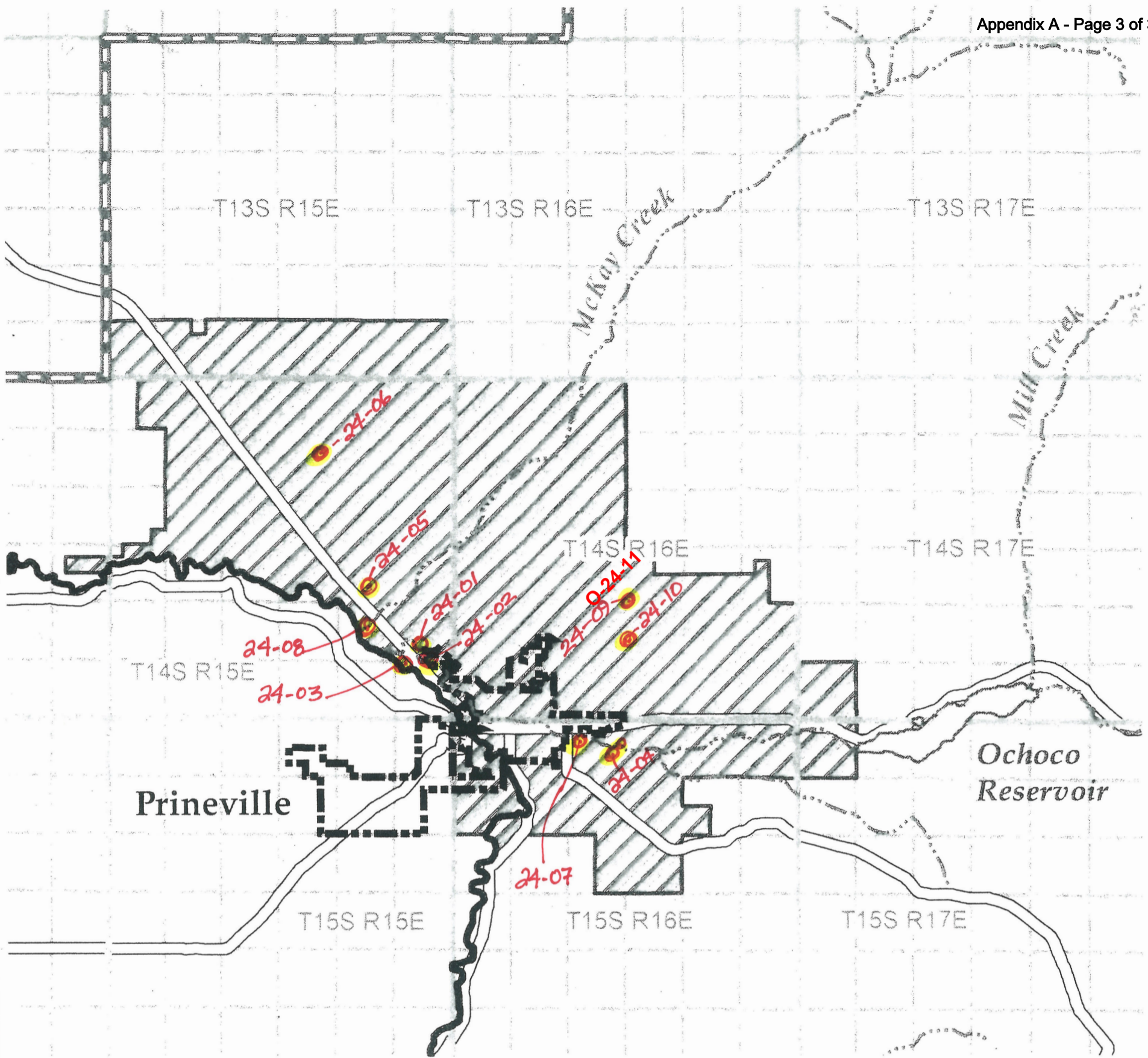
Added 4.7 ac, Dave Winship (24-11) in OID Pooled Lease 1

Patron ID	Landowner/Lessor	Priority	Acres		Term	Exp	Canal	Tax Lot	TRSQTL	Property Address			City	State	Zip	EFU Zoned	Other
			Ochoco	Crooked						>>> Mailing Address							
Undetermined Situs Address noted on Crook County website - mailing address and property address may not be the same.																	
OID Pooled Lease 1																	
24-01	Kathleen (or Clint) Lieser - 8.4 ac	8/10/1917	5		1	2024	Ochoco Feed	141525D0-01200-10579	141525NWSE1200	"Undetermined Situs Address"	Prineville	OR	97754	300	Have maps		
	Kathleen (or Clint) Lieser	8/10/1917	3.4		1	2024	Ochoco Feed	141525D0-01200-10579	141525SWSE1200	2391 NW Lieser Lane	Prineville	OR	97754	300			
24-02	Dave Molony - 8.6 ac	8/10/1917	3.1		1	2024	Ochoco Feed	141536A0-1900-19938	141536NENE1900	"Undetermined Situs Address"	Prineville	OR	97754	101	Have maps		
	Dave Molony	8/10/1917	2.4		1	2024	Ochoco Feed	141536A0-1900-19938	141536SENE1900	PO Box 1330	Scappoose	OR	97056	101			
	Dave Molony	8/10/1917	3.1		1	2024	Ochoco Feed	141536A0-1800-10756	141536SENE1800	"Undetermined Situs Address"	Prineville	OR	97754	100			
24-03	NW Creations (prev Stafford) -21.1 ac	8/10/1917	5.8		1	2024	Ochoco Feed	141536A0-01700-10757	141536NENE1700	"Undetermined Situs Address"	Prineville	OR	97754	400	Have maps		
	NW Creations (prev Stafford)	8/10/1917	1		1	2024	Ochoco Feed	141536A0-01700-10757	141536SENE1700	735 E Clarendon St, Ste 2l	Gladstone	OR	97027	400	AKA Reserve at Ochoco Creek and F		
	NW Creations (prev Stafford)	8/10/1917	1.9		1	2024	Ochoco Feed	141536A0-01700-10757	141536NENE1700	"Undetermined Situs Address"	Prineville	OR	97754	400			
	NW Creations (prev Stafford)	8/10/1917	3.7		1	2024	Ochoco Feed	141536A0-01700-10757	141536SWNE1700	"Undetermined Situs Address"	Prineville	OR	97754	400			
	NW Creations (prev Stafford)	8/10/1917	7.1		1	2024	Ochoco Feed	141536A0-01700-10757	141536WNNE1600	"Undetermined Situs Address"	Prineville	OR	97754	400			
	NW Creations (prev Stafford)	8/10/1917	1.6		1	2024	Ochoco Feed	141536A0-01700-10757	141536SWNE1600	"Undetermined Situs Address"	Prineville	OR	97754	400			
24-04	Stearns Land (Brian Barney) - 49.8 ac	8/10/1917	9.4		1	2024	Ochoco Feed	15160400-02500-11983	151604NESE2500	"Undetermined Situs Address"	Prineville	OR	97754	550	Have maps if no changes to acres let		
	Stearns Land (Brian Barney)	8/10/1917	5.1		1	2024	Ochoco Feed	15160400-02500-11983	151604SENE2500	910 NE Johnson Creek Rc	Prineville	OR	97754	550			
	Stearns Land (Brian Barney)	8/10/1917	19.9		1	2024	Ochoco Feed	15160400-02500-11983	151604NWNE2500	"Undetermined Situs Address"	Prineville	OR	97754	550			
	Stearns Land (Brian Barney)	8/10/1917	9.6		1	2024	Ochoco Feed	15160400-02500-11983	151604SWNE2500	"Undetermined Situs Address"	Prineville	OR	97754	550			
	Stearns Land (Brian Barney)	8/10/1917	0.5		1	2024	Ochoco Feed	15160400-02500-11983	151604WNNE2500	"Undetermined Situs Address"	Prineville	OR	97754	550			
	Stearns Land (Brian Barney)	8/10/1917	1.3		1	2024	Ochoco Feed	15160400-02500-11983	151604SWNE2500	"Undetermined Situs Address"	Prineville	OR	97754	550			
	Stearns Land (Brian Barney)	8/10/1917	4		1	2024	Ochoco Feed	151604AD-06900-15430	151604SENE2505	"Undetermined Situs Address"	Prineville	OR	97754	200			
24-05	Walt Williams - 28 ac	8/10/1917	1.6		1	2024	Ochoco Feed	14152300-00304-13457	141523NWNW0304	"Undetermined Situs Address"	Prineville	OR	97754	540	Have map		
	Walt Williams	8/10/1917	10		1	2024	Ochoco Feed	14152300-00405-18997	141523NWNW0405	P.O. Box 6467	Bend	OR	97708-6467	541			
	Walt Williams	8/10/1917	4.2		1	2024	Ochoco Feed	14152300-00302-12834	141523SENW302	"Undetermined Situs Address"	Prineville	OR	97754	540			
	Walt Williams	8/10/1917	12.2		1	2024	Ochoco Feed	14152300-00302-12834	141523NSW302	"Undetermined Situs Address"	Prineville	OR	97754	540			
24-06	Davis Frances H LTD Partnership - 20 ac	8/10/1917	5		1	2024	Ochoco Feed	14151100-00200-9042	141511NWNW200	6200 NW Lamonta Rd	Prineville	OR	97754	559	Have map	Might not Lease	
	Dean & Theresa Davis - Pivot Corners	8/10/1917	5		1	2024	Ochoco Feed	14151100-00200-9042	141511NENW200	7720 NW Puckett Rd	Prineville	OR	97754	559			
	Davis Frances H LTD Partnership	8/10/1917	5		1	2024	Ochoco Feed	14151100-00200-9042	141511SWNW200	6200 NW Lamonta Rd	Prineville	OR	97754	559			
	Davis Frances H LTD Partnership	8/10/1917	5		1	2024	Ochoco Feed	14151100-00200-9042	141511SENW200	6200 NW Lamonta Rd	Prineville	OR	97754	559			
24-11	David Winship	8/10/1917	4.7		1	2024	Ochoco Feed	14162900-00113-14340	141629SENW113	"Undetermined Situs Address	Prineville	OR	97754	100	Cert pg 35		
									Added to Lease 4/18/2024								
Lease renewal if 86.5 ac (IL-1290) or rewrite if 90 ac.																	
24-07	Ochoco Lumber Industrial, 86.5 ac or 90 ac	1986	90		1	2024	Ochoco Feed	15160400-03000-19599	151604NWNW7200	250 SE Saint Charles Way	Prineville	OR	97754	200	Full 90 acres - new lease?		
	Cert 82248	1986			1	2024	Ochoco Feed	15160400-03000-19599	151604SWNW7200	P.O. Box 668	Prineville	OR	97754	200	Or renewal of 86.5 ac?		
	Industrial use acre equivalents held	1986			1	2024	Ochoco Feed	15160400-03000-19599	151604NENW7200	250 SE Saint Charles Way	Prineville	OR	97754	200			
	by Ochoco Lumber and used across	1986			1	2024	Ochoco Feed	15160400-03000-19599	151604SENW7200	251 SE Saint Charles Way	Prineville	OR	97754	200			
	larger property area as needed	1986			1	2024	Ochoco Feed	15160400-03000-19599	151604NWSW2900	252 SE Saint Charles Way	Prineville	OR	97754	200			
	Ochoco Lumber	1986			1	2024	Ochoco Feed	15160400-03000-19599	151604NESW2900	253 SE Saint Charles Way	Prineville	OR	97754	200			
Lease (past - IL-1986) will submit with slightly less acres - will receive new lease No. This Crooked River lease also requires signature from Bureau of Reclamation.																	
24-08	Ochoco ID - Quitclaim - DLT - 126.9	4/8/1914	24.1		1	2024		14152600-00601-10657	141526SWNE601	3041 NW Madras Hwy	Prineville	OR	97754	559	Have map		
	Cert 82247	4/8/1914	6.5		1	2024		^Land Trust Account #10657	141526SENE601	1001 NW Deer St	Prineville	OR	97754	559			
	Quitclaimed from land owned	4/8/1914	2.8		1	2024		Water is quitclaimed	141526SENW601		Prineville	OR	97754	559			
	by the Deschutes Land Trust	4/8/1914	8.2		1	2024		and not longer under	141526NESW601	All of these acres are	Prineville	OR	97754	559			
	at the Confluence of McKay Creek	4/8/1914	30.7		1	2024		same ownership as the land.	141526NESE601	Quitclaimed water, not longer	Prineville	OR	97754	559			
	and the Crooked River	4/8/1914	0.8		1	2024			141526NWSE601	under same ownership as the	Prineville	OR	97754	559			
		4/8/1914	33.8		1	2024			141526WSE601	land at 3041 NW Madras Hwy	Prineville	OR	97754	559			
	All is POD 2 except a small amount	4/8/1914	3.3		1	2024			141526WSE601		Prineville	OR	97754	559			
	is also POD 32	4/8/1914	4.1		1	2024			141526SESE601		Prineville	OR	97754	559			
		4/8/1914	12.6		1	2024			141526SESE601		Prineville	OR	97754	559			
Lease renewal - IL-1751 (possibility)																	
24-09	City of Prineville Barnes Butte Rec Area (IronHorse)	8/10/1917	108.2		1	2024		14160000-01600-19261	1416000001600	872 NE Combs Flat Rd	Prineville	OR	97754	941	Have map		
		8/10/1917			1	2024			1416000001600	387 NE 3rd St	Prineville	OR	97754	941			
		8/10/1917			1	2024			1416000001600	872 NE Combs Flat Rd	Prineville	OR	97754	941			
		8/10/1917			1	2024			1416000001600	873 NE Combs Flat Rd	Prineville	OR	97754	941			
Lease renewal - IL-1810 (possibility)																	
24-10	Ochoco ID - Quitclaim (IronHorse)	8/10/1917	132.4		1	2024		Quitclaimed water,		Was originally	No Site Address - Quitclaimed	Prineville	OR	97754	N/A	Have map	
	Quitclaimed water - property is now	8/10/1917			1	2024		underlying property has been		an additional	1001 NW Deer St	Prineville	OR	97754	N/A		
	subdivided into much smaller lots	8/10/1917			1	2024		subdivided into the IronHorse		Southern half of	No Site Address - Quitclaimed	Prineville	OR	97754	N/A		
	in the IronHorse neighborhood	8/10/1917			1	2024		neighborhood & a school		1416000001600	No Site Address - Quitclaimed	Prineville	OR	97754	N/A		
Totals			471.2	126.9													
			Ochoco Cr	Crooked R													
			& Crooked R														
Total Ochoco Creek into Crooked River increased by 4.7 (4/18/2024, Winship)																	

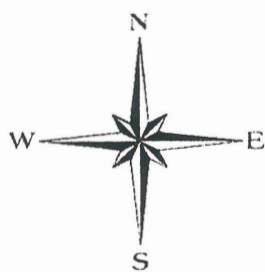
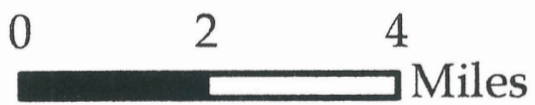
Certificates and Diversions		
Certificate 82246, Ochoco Cr, 8/10/1917	Ochoco Feed Canal	
Certificate 82248, Ochoco Cr, 1986	Direct Diversion	
Certificate 82247, Crooked R, 4/8/1914	Crooked R Direct?	

Prineville Cottages, LLC

ased



Map by D. Quinlan, 01/27/15
 NUID_OID_district.mxd



**Ochoco Irrigation District
 Landowner Lease Locations
 2024**

Updated 4/18/2024, added 24-11