



BBK

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

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

June 3, 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: Instream Lease Application from North Unit Irrigation District

Dear Ms. Hubert:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). Deschutes River Conservancy (“DRC”), on behalf of North Unit Irrigation District, has provided the Tribe with certain information concerning a proposed instream lease identified in Appendix A hereto (the “Lease”), which Lease propose to lease water for instream purposes.

The Tribe has reviewed the information about the Lease provided by DRC. The Tribe is relying in good faith upon the information provided by DRC. Based on that information, the Tribe does not object to the Department of Water Resources (“Department”) processing the Lease 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 Lease, including, but not limited to, whether the Lease 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

Received by OWRD

JUN 27 2024

Salem, OR

Best Best & Krieger LLP | 360 SW Bond Street, Suite 400, Bend, Oregon 97702
Phone: (541) 382-3011 | Fax: (541) 388-5410 | bbklaw.com

12805.12126\42324719.1

Genevieve Hubert
June 3, 2024
Page 2

JN

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

Received by OWRD

JUN 27 2024

Salem, OR

Received by OWRD

JUN 27 2024

Salem, OR