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June 21, 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

JUN 27 2024

Salem, OR

**Re: Crooked River Lease (Further Revised Acreage)**

Dear Ms. Hubert:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"). Deschutes River Conservancy ("DRC"), on behalf of certain property owners, has provided the Tribe with certain information concerning a proposed instream lease identified in **Appendix A** hereto (the "Lease"), which Lease proposes to lease water for instream purposes.

On June 3, 2024, the Tribe previously submitted a letter not objecting to the Lease based on DRC's representation of a 65-100 acreage scope of the Lease. On June 17, 2024, the Tribe again submitted a letter not objecting to the Lease based on DRC's representation of a 50.16 acreage scope of the Lease. The Tribe has now reviewed the further-revised Lease, with a decreased acreage scope as depicted in **Appendix A** hereto, and provides this supplemental letter to DRC. To be clear, the Tribe hereby withdraws its prior June 3 and June 17 letters referenced above, and replaces both prior letters with this revised letter dated June 21, 2024.

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

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