



**BBK**  
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June 25, 2024

**VIA E-MAIL ONLY: JTALBOTT@COID.ORG**

Jessi Talbott  
Director of Water Rights  
Central Oregon Irrigation District  
1055 SW Lake Rd  
Redmond, OR 97756

**Re: Instream Lease Application on 151424NESW00701 &  
151424SESW00700 for Tyler Hershey & Robert Wendel**

Dear Ms. Talbott,

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). Central Oregon Irrigation District (“COID”) has provided the Tribe with certain information concerning an Instream Lease Application on 151424NESW00701 & 151424SESW00700 for Tyler Hershey & Robert Wendel identified in **Appendix A** hereto (the “Application”).

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

Alison K. Toivola  
for BEST BEST & KRIEGER LLP

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cc: Robert A. Brunoe  
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Ann Reece, Oregon Water Resources Department

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