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March 18, 2025

VIA E-MAIL ONLY:

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Oregon Water Resources Department
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Bend, OR 97702

Ann Reece
Sarah A. Henderson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Received by OWRD

MAR 25 2025

Salem, OR

Re: Instream Lease Renewal Application for IL-1818/MP-268

Dear Mr. Giffin, Ms. Reece, and Ms. Henderson:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"). The Deschutes River Conservancy ("DRC") has provided the Tribe with certain information concerning the Instream Lease Renewal Application for IL-1818/MP-268, which is further identified in **Appendix A** hereto ("Application").

The Tribe has reviewed the Application, along with additional information about the Application, 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 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

Jeremy Giffin
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cc: Robert A. Brunoe
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