

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1762

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: SILVER CREEK FARMS
HOMEOWNERS ASSN INC
C/O KRIS DUDUNAKIS 2637
134TH AVE NE
BELLEVUE, WA 98005-1813

RECEIVED
JAN 30 2024
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on October 17, 2023.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-685C	10/15/1884	BIG WOOD RIVER, tributary to MALAD RIVER	2.06	Not Stated	41.8
Combined Lease Totals			2.06	Not Stated	41.8

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-685C	1.65	122	41.8	0.039	2.92
Combined Limit Totals	1.65	122	41.8	0.039	2.92

** The water right elements rentable have been reduced from the water right elements leased to account for conveyance losses of 20%.*

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

WATER SUPPLY BANK LEASE CONTRACT No. 1762

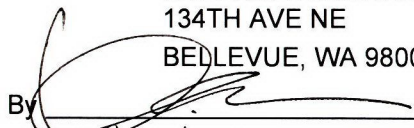
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2023 to December 31, 2023. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1762

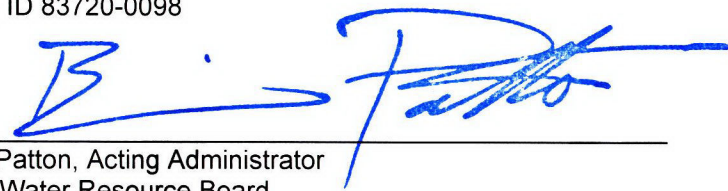
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: SILVER CREEK FARMS
HOMEOWNERS ASSN INC
C/O KRIS DUDUNAKIS 2637
134TH AVE NE
BELLEVUE, WA 98005-1813

By 
Title President
Date 1-19-24

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 1/30/24

Lease approved by IDWR 

Date 1/30/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1762

**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 37-685C

BIG WOOD RIVER L3 NESWNW Sec. 36 Twp 02N Rge 18E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-685C	IRRIGATION	4/01	to	11/01	2.06 cfs	Not Stated
	DIVERSION TO STORAGE	4/01	to	11/01	2.06 cfs	Not Stated
Totals:					2.06 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION & DIVERSION TO STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	12				1.0									22.2			18.6	41.8

Total Acres: 41.8

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.

WATER SUPPLY BANK LEASE CONTRACT No. 1762

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
13. A portion of this right provides conveyance for other right holders in the shared delivery of water through the Wood River Valley Irrigation District No. 45 and Triangle Irrigation District canal. To prevent injury to other water right holders, the watermaster shall deliver 20% or 0.41 cfs of the leased portion of this right into the Wood River Valley Irrigation District No. 45 and Triangle Irrigation District whether it is rented or not.
14. The unleased portion of this right is limited to a diversion rate of 0.94 cfs, a total annual maximum diversion volume of 56.0 af at the field headgate, and the irrigation of 19.2 acres during a single irrigation season.

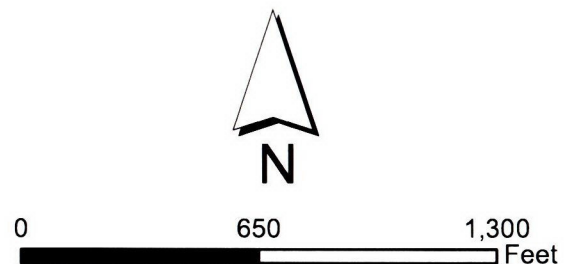
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1762

37-685C
Effective until December 31, 2023

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.

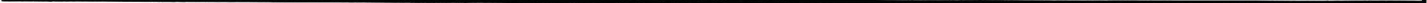


-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Township/Range
-  Sections
-  QQ



WATER SUPPLY BANK		Quick Tools	
Lease Review Checklist		Decreed Yes	No Forfeiture Concerns Thru:
Applicant(s) Name: Silver Creek Farms Owner's Assoc. Inc.		2011	2017
Memo Date: October 25, 2023		2012	2018
Water Right Number(s): 37-685C		2013	2019
Reviewers Name: Bob Howe		2014	2020
		2015	2021
		Check box	COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases (Front of File)	x	
2	Reason for lease of water rights (Brief description of lease proposal in narrative)		
	Portion of right	x	
	All of right		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)		
		Yes	No
4	Rentable? (If no explain in comments or narrative)	x	
5	Authority to file		
	Current owner or designated applicant	x	
	SOS Web site checked for business entity	x	
	Other (explain in comments)		
6	Water Right validity		
	Decreed/Licensed/Statutory claim date (write in comments section)		2011
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)		
	Has this right previously been leased to the bank or in CREP?	x	Leased into WSB since 2017
7	Injury to other water rights		
	If the POD is through a delivery entity, was consent provided?	x	requested current year consent
	If the POD is through a delivery entity, was holdback required? (percentage in comments)	x	20%
	Any other concerns		x
8	Enlargement concerns	Check box	
	Complete a POU comparison overlap analysis	x	
	Complete a combined limits review	x	
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x	
		Yes	No
	Are there overlapping rights that need to be placed in the bank also?		x
	Will the place of use continue to receive water? (if yes explain in comments)		x
9	Local Public Interest		
	Does the processor know of any problems this action will cause for the local public?		x
10	Have you contacted regional office and watermaster for comment/concerns?	x	
	Send the watermaster comment request form or e-mail request	x	
11	Area Headgate requirement (write in Comments)		3.5
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		x
13	Kristina Dudunakis, on behalf of Silver Creek Farms Owners Assoc., Inc. A business search on IDSOS found Kristina Dudunakis listed on the 2023 Annual report as the registered agent for the right holders. On the application Zach Latham of Brockway Engineering is listed as the authorized representative. The applicant proposes to lease 41.8 acres of the irrigation and diversion to storage into the WSB for 2023. The same right and portion have been leased into the WSB since 2017. The right was decreed in 2011, and also includes Fire Protection storage and Aesthetic storage but those are not being offered to the Bank. Water rights 37-8614, 37-8615, 37-8616, 37-8617, 37-8618 & 37-8619 overlap these rights but they are domestic and storage rights and do not need to be placed in the Bank. This right is delivered through the Wood River Valley Irrigation District No. 45 and Triangle Irrigation District canal. No consent letters were submitted with the 2023 application. I called and emailed the rep. on 10/25/2023, requesting the 2023 consent letters the rep stated that he will be going to the next Irr Co meeting to get the consent letters signed. We should have them within a month. In 2022 and earlier years the consent letters were provided stating a required 20% hold back for conveyance loss. The past reviews calculated the available volume for lease as 178 af for the irrigation and Diversion to storage. This right is currently within WD 37. Received emails from Irr entities- consent letters forthcoming 12/22/23.		

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STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

OCT 10 2023

DEPARTMENT OF
WATER RESOURCES

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Designated Applicant Silver Creek Farms Homeowners Assn

(Select one owner – see item 1A on the application)

Water Right No. 37-685C

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☐ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.
- 1B ☐ ☒ An [Internal Revenue Service \(IRS\) Form W-9](#) for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☐ ☐ Written consent from irrigation district or water delivery company.
- 4G ☐ ☒ Evidence demonstrating the water right has not been forfeited pursuant to [Section 42-222\(2\), Idaho Code](#).

Department Use Only

Fee Amount \$ <u>250</u>	Received By: <u>ADU</u>	Date Received: <u>10/10/23</u>	Receipt # <u>C17157</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Silver Creek Farms HOA</u>	

2784

ZACH
Latham

208-721-2114

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Silver Creek Farms Homeowners Assn Inc C/O Kris Dudunakis

Mailing Address 2637 134TH AVE NE BELLEVUE WA 98005-0000

Street City State Zip Code
Email Address kris.dudunakis@frontier.com Phone Number 206-669-6599

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☒ No ☐
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Zach Latham Organization Brockway Engineering

Professional Title Hydrologist Email Address zach.latham@brockwayeng.com

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Phone Number 208-736-8543

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☒ No ☐
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).

- B. Please provide a description of the current water diversion and delivery system.
Existing diversion and delivery systems.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 37-8614, 37-8615, 37-8616 and 37-8617

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This water right was decreed on 5/3/2011 and no annual volumes or rates are available.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

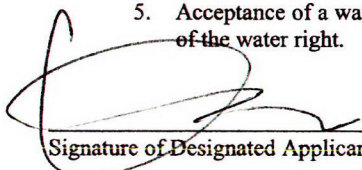
If lease, specify the years when the use of water will be suspended: 2023 to 2023 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Current Rental Rate. _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.


Signature of Designated Applicant

Kristina Dudunakis
Printed Name

02/27/23
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

<u>1. Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
<u>37-685C</u>	<u>Irrigation</u>	<u>2.06</u>	<u>-</u>	<u>41.8</u>
	<u>Diversion to Storage</u>	<u>2.06</u>	<u>-</u>	<u>-</u>
	Total Amounts:	<u>2.06</u>	<u>-</u>	<u>41.8</u>

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
02N	18E	36		NE	SW	NW	Blaine



0 115 230 460 Feet

SILVER CREEK FARMS H.O.A. INC.

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 2/23/2023

2023 WSB MAP
NAIP 2021 AERIAL

Legend

-  Lease Acres
-  37-685C POU



WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: BIA

Received Date 10/10/2023

Desired Lease Duration 2023

Lease / Rental Package Y N

If yes, Renter Name: _____

Application # 2784 Contract # 1762

WR#s		#
		<u>37-685C</u>
#		#
#		#
#		#
#		#
#		#
#		#
#		#

Applicant Authorized?	<u>Y</u> / N
Multiple owners, Attach 1A included?	Y / N <u>NA</u>
If portion is offered, Attach 2 included?	<u>Y</u> / N NA
Map of POU and POD?	<u>Y</u> / N NA
POD Consent (if required)?	Y / N <u>NA</u>
Application Complete?	<u>Y</u> / N
Minimum checklist in data base?	☐
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights: _____

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Mailings (per lease application)

	CC	Original	
Designated Applicant: <u>Silver Creek Farms HOA</u>	☒	☐	EMAIL: _____
Attorney: <u>N/A</u>	☐	☐	EMAIL: _____
Consultants Name: <u>Zach Latham - Brockway Engineering</u>	☒		Comments: <u>prev contract 1541</u>
Watermaster: _____	☐		_____
Delivery Entity: <u>Triangle Irr Dist + Wood River Valley IA</u>	☐	☐	<u>Dist #15</u>
Water District: <u>WD37</u>	☒		
Ground Water District: <u>N/A</u>	☐		
Region: <u>Southern</u>	☒		
Other: _____	☐	☐	
Address: _____			

Call up Date: _____

DO NOT SCAN

Awaiting Consent Letters
then
Ready for review
10/26/23 - Bob

Signed Lease

PH 1/31/24

January 22, 2024

RECEIVED

JAN 30 2024

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720

Re: Silver Creek Farms Homeowners Assn, Inc.

Dear Sir:

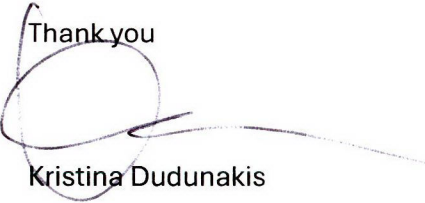
Enclosed are the signed originals for Water Supply Bank Leask Contract Number 1762.

Please be advised that I have a new mailing address, as follows:

Kristina Dudunakis
Silver Creek Farms HOA
1454 South Heron Pointe Lane
Eagle, Idaho 83616

Please don't hesitate to contact me at 206-669-6599 if you have any questions.

Thank you



Kristina Dudunakis

2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Tuesday, December 19, 2023 2:02 PM
To: 'gregclark.id@gmail.com'
Subject: FW: Silver Creek Farms HOA- WSB Lease for Review and Approval

Greg-

Please see my email below, is there any way I can get a statement from you for likely approval of the lease based on past year's approvals from the District? If I can get an email from you it will likely go a long way with IDWR, feel free to give me a call to discuss, thanks again-

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
c.208-721-2114

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Wednesday, December 13, 2023 10:05 AM
To: 'wvrrigation45@gmail.com'; sarah@sage-solutions.net
Cc: Kristina Dudunakis (kris.dudunakis@frontier.com)
Subject: Silver Creek Farms HOA- WSB Lease for Review and Approval

WRVID#45 and TID-

Please see the attached water supply bank lease application and map which proposes to lease 41.8 acres or 2.06 cfs of 37-685C for the 2023 irrigation season. Although this application is retro-active for the past irrigation season, it's my understanding that the portion of 37-685C identified in the lease was un-used and delivery of water to the property was not taken.

I am requesting each of your respective boards review the application at your earliest convenience, we need consent from each board for lease approval from IDWR.

Please don't hesitate to call or email me with comments or questions, thanks and I really appreciate your time.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

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<Wood River Valley Irrigation District #45 Approval 2022.pdf>

Howe, Bob

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Thursday, December 21, 2023 8:15 AM
To: Howe, Bob
Cc: Kristina Dudunakis
Subject: FW: Silver creek HOA water lease 2023

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Bob,
Please see the email consent below from the Triangle Irrigation District.
Thanks.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c. 208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Sarah Gardner [mailto:sarag@svskylan.net]
Sent: Wednesday, December 20, 2023 3:05 PM
To: zach.latham@brockwayeng.com
Subject: Fwd: Silver creek HOA water lease 2023

Sent from my iPhone

Begin forwarded message:

From: Sarah Gardner <sarag@svskylan.net>
Date: December 20, 2023 at 3:03:31 PM MST
To: Brett Stevenson <brett@hillsidegrain.com>
Subject: Silver creek HOA water lease 2023

TRIANGLE IRRIGATION DISTRICT
P.O. BOX 424
B E L L E V U E , I D A H O 8 3 3 1 3

At the Triangle Irrigation District Board meeting on December 20, 2023 the directors accepted the water bank application from Silver Creek Farms Homeowners Association subject to and with the continuing condition of a 20% hold back in the system and on the further condition that there be no adverse impact on the minimum stream flow in the river and that carriage loss sufficient to convey water to the Triangle Irrigation District head gate must be left in the river if the water right is to be leased upstream.

Sarah Gardner President and Director

Howe, Bob

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Friday, December 22, 2023 12:41 PM
To: Howe, Bob
Cc: Kristina Dudunakis
Subject: FW: Silver Creek Farms HOA- WSB Lease for Review and Approval

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Bob-
Please see the email below from Greg Clark, WRVID#45 Director. It's my understanding that with this email and the prior approval from the Triangle Irrigation District, IDWR should be able to draft a lease contract for signature.

Please let me know if you have any questions, Happy Holidays!!

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c. 208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Greg Clark [mailto:gregclark.id@gmail.com]
Sent: Friday, December 22, 2023 12:35 PM
To: Zach Latham
Subject: Re: Silver Creek Farms HOA- WSB Lease for Review and Approval

Hi Zach. I confirm that District 45 approves the Water Supply Bank lease application with the 20% holdback for the 2023 irrigation season. I can provide a formal approval letter next week.

Regards,
Greg.

On Dec 22, 2023, at 12:30 PM, Zach Latham <zach.latham@brockwayeng.com> wrote:

Greg-
IDWR indicated it can move forward with drafting of a lease pending confirmation of the amount of holdback the WRVID#45 will require. The attached 2022 approval from the District required a 20% holdback, can you confirm this number for the 2023 lease app so that I can forward it to IDWR?

Thanks for your time and Happy Holidays, give me a call if needed.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.

Howe, Bob

From: Howe, Bob
Sent: Thursday, January 4, 2024 2:53 PM
To: zach.latham@brockwayeng.com; kris.dudunakis
Cc: Bank
Subject: FW: Comment Request-Water Supply Bank- Lease Contract 1762-SilverCreek Farms HO Assn
Attachments: Lease Contract 1762- Silver Creek Farms-37-685C.pdf; Lease 1762 Map.pdf; WSB Lease Application # 2784.pdf

Hi Kris & Zach,

I am forwarding the notice sent to the agencies regarding the contracts being mailed out tomorrow morning for signature. I have attached the documents to this email for your records. Thank you and have a great day.

Best Regards,

Bob Howe

 IDAHO DEPARTMENT OF
WATER RESOURCES
Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

From: Howe, Bob
Sent: Thursday, January 4, 2024 2:48 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@wd37.org; sarag@svskylan.net; gregclark.id@gmail.com
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Comment Request-Water Supply Bank- Lease Contract 1762-SilverCreek Farms HO Assn

Good Afternoon All,

I am reaching out to you regarding a proposed partial lease of WR 37-685C submitted by Silver Creek Farms Homeowners Assn for 2023. Please review the attached purposed lease contract, map, and application and respond to this email within the next 14 days with any comments or concerns. If you don't respond within the next 14 days, no response will be considered the same as a statement of no comments or concerns. Please feel free to reach out to me with any questions or concerns.

Thank you for your time and consideration in this matter

Regards,

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent

322 E Front St, PO Box 83720, Boise, ID 83720

(208) 287-4800 | www.idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 4, 2024

SILVER CREEK FARMS HOMEOWNERS ASSN INC
C/O KRIS DUDUNAKIS 2637 134TH AVE NE
BELLEVUE, WA 98005-1813

**RE: APPLICATION TO LEASE WATER RIGHT 37-685C TO THE WATER SUPPLY BANK
CONTRACT 1762**

******TIME SENSITIVE RESPONSE REQUIRED******

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2023**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Bob Howe

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: WD37-Watermaster

Triangle Irrigation District & Wood River Valley Irrigation District #45
Southern Regional Manager- Corey Skinner



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 31, 2024

SILVER CREEK FARMS HOMEOWNERS ASSN INC
C/O KRIS DUDUNAKIS 2637 134th AVE NE
BELLEVUE, WA 98005-1813

**RE: WATER SUPPLY BANK LEASE CONTRACT 1762
FOR WATER RIGHT 37-00685C**

Dear Lessor:

Water right **37-00685C** is leased into the Water Supply Bank (Bank) as of January 2023 in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2023**, unless the rights are released earlier by the Water Resource Board (Board). To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they are rented.**

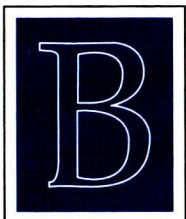
If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,
Signature

A handwritten signature in blue ink, appearing to read "Mathew Weaver".

Technical Records Specialist II
Enclosure: Executed Lease Contract

c: IDWR-Southern Region Office
Water District No. 37



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 10 2023

DEPARTMENT OF
WATER RESOURCES

October 4, 2023

Mary Condon
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Silver Creek Farms Homeowners Assn. WSB Lease Application

Dear Mary

On behalf of Silver Creek Farms Homeowners Assn, Brockway Engineering is proposing to lease 41.8 acres of 37-685C into the Idaho Water Supply Bank for the 2023 irrigation season. As with previous lease applications, written consent letters from the Wood River Valley Irrigation District #45 and the Triangle Irrigation District are being sought. In years past, both districts have requested 20% of the leased water be held back into the system to minimize adverse impacts on minimum stream flows in the canal systems. This has limited the amount of water that could potentially be rented from 37-685C.

Also attached is a check for the amount of \$250.00 to cover the lease application fee. Please copy our office on all correspondence regarding this application and don't hesitate to reach out with comments or questions.

Sincerely,

William for Zach Latham

Zach Latham, M.S., Hydrologist

Enclosures: (1) WSB Lease App and Map.
(1) Brockway Engineering Check # 17638

Cc: Silver Creek Farms HOA c/o Ms. Kristina Dudunakis

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

2784