

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1638**

RECEIVED  
FEB 06 2023  
DEPARTMENT OF  
WATER RESOURCES

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

**LESSOR:** RED CLIFFS HOMEOWNERS  
ASSN  
C/O WILLA MC LAUGHLIN PO  
BOX 479  
SUN VALLEY, ID 83353-0479

**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 24, 2022.
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) |
|---------------------|---------------|--------------|----------------------|-----------------------|------------|
| 37-8153             | 7/21/1984     | GROUND WATER | 0.04                 | 7.5                   | 2.5        |
| <b>Lease Totals</b> |               |              | <b>0.04</b>          | <b>7.5</b>            | <b>2.5</b> |

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

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2023 to December 31, 2027. 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.

SCANNED  
FEB 08 2023

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1638**

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.

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FEB 08 2023

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1638**

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

**LESSOR:** RED CLIFFS HOMEOWNERS  
ASSN  
C/O WILLA MC LAUGHLIN PO  
BOX 479  
SUN VALLEY, ID 83353-0479

By Sharon Maley  
Title President  
Date Feb. 6, 2023

**IDAHO WATER RESOURCE BOARD**

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

By [Signature]  
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date 2/6/23

Lease approved by IDWR [Signature]

Date 2/6/23

SCANNED  
FEB 08 2023

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1638**

**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): 37-8153**

GROUND WATER      NENENE      Sec. 31      Twp 04N      Rge 18E      BLAINE County

| Water Right    | Beneficial Use | Season of Use |    |      | Diversion Rate (CFS) | Volume (AF) |
|----------------|----------------|---------------|----|------|----------------------|-------------|
|                |                | From          |    | To   |                      |             |
| 37-8153        | IRRIGATION     | 04/1          | to | 9/15 | 0.04 cfs             | 7.5 AF      |
| <b>Totals:</b> |                |               |    |      | 0.04 cfs             | 7.5 AF      |

**PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION**

| Twp | Rng | Sec | NE  |    |    |    | NW |     |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 18E | 31  | 2.4 |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    | 2.4    |
| 04N | 18E | 32  |     |    |    |    |    | 0.1 |    |    |    |    |    |    |    |    |    |    | 0.1    |

Total Acres: 2.5

**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.

SCANNED  
7-11-2018 10:42:44

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1638**

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre or more than 3.5 afa per acre for irrigation.
13. Property is know as Lots 1-5, Block 1, Red Cliffs Subdivision.
14. Use of water under this right will 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.
15. The unleased portion of water right 37-8153 is limited to the total diversion rate of 0.04 cfs and a total annual diversion volume of 7.5 af for domestic use and the irrigation of 2.5 acres on lots 1-5, Block 1, Red Cliffs Subdivision.

Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1638

37-8153  
Effective until December 31, 2027

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.



Legend

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

0 250 500 Feet



SCANNED  
7/11/2023

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED  
Oct 24, 2022  
DEPARTMENT OF  
WATER RESOURCES

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

**Designated Applicant** Red Cliffs Homeowners Association, Inc.  
(Select one owner – see item 1A on the application)

**Water Right No.** 37-8153  
(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**

- |           |                                     |                                     |                                                                                                                                                                                                                                                                                                                                                        |
|-----------|-------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1A</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Signatures and contact information for <b><i>all owners</i></b> of the water right to be leased or sold on this application.                                                                                                                                                                                                                           |
| <b>1B</b> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.                                                                                                                                                                                                                                                                        |
| <b>1C</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).                                                                                                                                                                                                                   |
| <b>1D</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 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. |
| <b>2</b>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                 |
| <b>3</b>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .                                                            |
| <b>4A</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                    |
| <b>4G</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> .                                                                                                                                                                                                                                       |

#### Department Use Only

|                                                                                   |                        |                                                            |                          |
|-----------------------------------------------------------------------------------|------------------------|------------------------------------------------------------|--------------------------|
| Fee Amount \$ <u>250.00</u>                                                       | Received By: <u>KM</u> | Date Received: <u>11-1-22</u>                              | Receipt # <u>C114534</u> |
| W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | (Route W-9 to Fiscal)  | Name on W-9: <u>Red Cliffs Homeowners Association Inc.</u> |                          |

2468

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 Red Cliffs Homeowners Association, Inc.

Mailing Address c/o Sharon Maley, PO Box 7186 Ketchum ID 83340  
Street City State Zip Code

Email Address slmaley10@gmail.com Phone Number 208-720-2408

- ☒ 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 James P. Speck Organization Speck & Aanestad, A Professional Corp.

Professional Title attorney Email Address jim@speckandaanestad.com

Mailing Address PO Box 987, Ketchum, ID 83340 Phone Number (208) 726-4421

- ☐ 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.**

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FEB 18 2023

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.

Well, buried mainlines, potable water lines to homes & lines to sprinkler residential irrigation 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. None

- 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. None for this portion of the right - it has been leased to the Bank since 2015

- 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. See answer to 4.F, above. The right was decreed in 2010, so it has not ben lost due to forfeiture

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

If yes, describe.

Yes ☐ No ☒

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11/10/2024

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 2027 (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

Sharon Maley, President  
Printed Name

10/20/22  
Date

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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

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10/20/2022

**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**

| 1. <u>Water Right Number</u> | Nature of Use | Leased Rate<br><small>(cfs)</small> | Leased Volume<br><small>(af)</small> | Leased Acres<br><small>(ac)</small> |
|------------------------------|---------------|-------------------------------------|--------------------------------------|-------------------------------------|
| 37-8153                      | irrigation    | 0.04                                | 7.5                                  | 2.5                                 |
|                              |               |                                     |                                      |                                     |
|                              |               |                                     |                                      |                                     |
|                              |               |                                     |                                      |                                     |
|                              |               |                                     |                                      |                                     |
| Total Amounts:               |               |                                     |                                      |                                     |

2. Source of water ground water tributary to  

3. Point(s) of diversion:

| Twp | Rge | Sec | Lot | ¼  | ¼  | ¼  | County |
|-----|-----|-----|-----|----|----|----|--------|
| 4N  | 18E | 31  |     | NE | NE | NE | Blaine |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |

SCANNED

Idaho Water Resource Board  
**Water Supply Bank Lease Contract No. 788**

37-8153  
Effective until December 31, 2022

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

Townships

PLS Sections

Quarter Quarters



0 250 500 Feet

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7-16-2024

RECEIVED

NOV 07 2022

Department of Water Resources

**Red Cliffs Annual HOA Meeting 2022****1. Time and Place:**

Date: 13 October 2022  
 Location: Cahill House – 106 Red Cliff Road

**2. Property Owner:**

| <u>PRESENT</u>   | <u>YES</u> | <u>NO</u>             |
|------------------|------------|-----------------------|
| Brett Hanson     | X          |                       |
| Sharon Maley     | X          |                       |
| Judy Cahill      | X          |                       |
| Kevin Cahill     | X          |                       |
| Steve Cook       | X          |                       |
| Ranney Draper    |            | X (Attended by phone) |
| Susan McKee      | X          |                       |
| Jim McLaughlin   | X          |                       |
| Willa McLaughlin | X          |                       |

**3. Presiding Officers and Quorum:**

Judy Cahill called the meeting to order with a quorum in attendance.

**4. Agenda Items:**

- a) Attached Agenda sent by President Judy Cahill was reviewed by all attendee's / property owners.
- b) All property owners in attendance and Ranney Draper by phone approved the attached September 2021 minutes and treasurer's report.  
 Motion made by Kevin Cahill and seconded by Steve Cook.
- c) Election of Officers for October 2022 – September 2023: All property owners in attendance and Ranney Draper by phone unanimously approved the below slate of officers for the next year.  
 Motion made by Susan McKee and seconded by Jim McLaughlin for Sharon Maley as President.  
 Motion made by Judy Cahill and seconded by Ranney Draper for Willa McLaughlin as Treasurer.  
 Motion made by Jim McLaughlin and seconded by Sharon Maley for Brett Hanson as Secretary.
  - a. Sharon Maley – President
  - b. Willa McLaughlin – Treasurer
  - c. Brett Hanson – Secretary
- d) Treasurer's Report - Willa McLaughlin
  - a. See attached report submitted by Willa.
  - b. Update on Heidi Bathum assisting in accounting. Going well.
  - c. Willa to send out updated list of homeowner's phone numbers and contact addresses.
  - d. Willa proposed raising Annual dues to \$850 for upcoming year. And, to distribute equally among the 5 HOA members (Draper home does not participate and is not included in the distribution) the banked water amount being leased to Todd and Susan Carter for the upcoming year. After discussion Motion made by Jim McLaughlin and seconded by Sharon Maley. All property owners in attendance unanimously approved the increase to \$850 for the upcoming year and water rights distribution as described above.
  - e. Accrued water rights fees for lots 1-5 total \$20,625. Lots 1-5 unanimously approved equal disbursement of those funds in the amount of \$4,125 per lot.
  - f. Reviewed Income statement. Willa addressed questions.

 SCANNED  
 11/07/2022

## e) Water Bank Update – Judy Cahill

- a. Judy provided and update on bank status and contract. After discussion, all property owners unanimously approved extending the water bank contract to the Carter's at the existing rate. Sharon to discuss with Carter's the fee of \$6,875 to remain in place even if there is a call for cutbacks. The Carter's would need to cutback as required by the BWLWWUA and still pay the full \$6,875 fee.
  - i. Note, the water rights fees are for lots 1-5 only and Willa separates this amount from the general checking account. The general checking account reflects the annual dues all lots pay.
- b. Proposal to retain Jim Speck as legal counsel in class action representation for BWLWWUA and for other water related issues through the end of the year, upon which time Jim is retiring. Jim Speck as legal counsel will finalize the upcoming water contact with the Carters. Judy to coordinate and work with Sharon as new HOA President.
- c. Judy has worked with Jim on proposed successor Mike Lawrence of the law firm Givens Pursley in Boise and has spoken with Mike who has agreed to be retained as our counsel in these matters. Judy to turn over documents and work with Sharon on the engagement letter with Mike Lawrence.

Motion made by Kevin Cahill and seconded by Jim McLaughlin. All property owners in attendance unanimously approved.

## f) Road Repair Dues Split\*\*

Sharon brought up the common road repair split per the CC&R's. Discussion followed with Jim and Steve reporting that in recent decades the decision was made to split the road repairs evenly with all in homeowners at the time in agreement. Ranney confirmed by phone. The Cahill's confirmed it has been that way since they have been Red Cliffs Road homeowners. After further discussion there was unanimous agreement by all in attendance and Ranney by phone to split all future common road repair equally between all 6 members of the HOA. All agreed Kevin, Judy and Steve would investigate how to make this permanent by reaching out to our HOA attorney and having our attorney advise us and work on an adjustment to the CC&R's to reflect this unanimous position.

A motion was made by Judy Cahill to approve splitting all road repair equally effective immediately and to have Kevin and Judy take the appropriate steps and consult with our attorney on how to make this permanent (which may include adjusting the CC&R's as needed). Steve Cook seconded the motion and all property owners in attendance unanimously approved.

## g) Susan's Temporary Carport

Jim said the approach was outlined in the 2021 minutes. Judy asked if anything else needed to be covered. There were no questions, issues or discussion as the approved 2021 minutes outlined where we are, next steps and timeline. See attached documents from 2022 Board agenda.

## h) Old/New Business

- a. Jim advised of possible trailer park expansion to adjacent property. There has been no change in the 1-acre lot density.

SCANNED  
10/10/2022

- b. Brett and Sharon tenants moving out at the end of the month. Due to their 1031 obligation, they will be renting for 1 more year before moving back into the house. Sharon to advise HOA of the renters and term.
- c. Ranney advised he has a tenant, Scott Carlson who will be there through June.
- d. Discussed potential snow build up issue at end of the street intersecting Broadway Run. Danger due to the height in heavier snow years. Sharon to discuss with All Seasons to explore options on removal of this snow as needed.

**Outgoing President, Judy Cahill, adjourned the HOA in-person meeting.**

Lots 3,4,5 pump discussion was continued at a separate meeting as it pertains to their lots alone. Expenses for their pump and expenses are separated from the general HOA finances. Pump dues of \$300 per year for Cahill, Cook and McLaughlin households only were agreed to unanimously by those three households. Other HOA households do not have involvement.

Respectfully submitted,



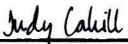
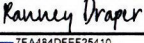
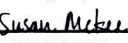
Kevin E. Cahill  
Secretary  
4 November 2022

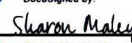
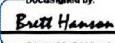
See attached Treasures report and proposed dues for 2022. As per discussion and unanimous approval by all property owners in attendance and indicated in the Meeting Minutes 4(d) revised HOA fees as follows:

|             |                                                                 |
|-------------|-----------------------------------------------------------------|
| McKee :     | \$850                                                           |
| Hanson:     | \$850                                                           |
| Cook :      | \$1,150 (\$850 dues plus \$300 pump reserve for lots 3,4 and 5) |
| Cahill:     | \$1,150 (\$850 dues plus \$300 pump reserve for lots 3,4 and 5) |
| McLaughlin: | \$1,150 (\$850 dues plus \$300 pump reserve for lots 3,4 and 5) |
| Draper :    | \$850                                                           |

**\*\*Steve Cook spoke with our HOA attorney Christopher Cook on 31 October. Christopher indicated the CC&R's should be revised to reflect the HOA approved change. As the change has been unanimously approved in above 4(f) he will revise the language as appropriate so the HOA President and Christopher can coordinate submission of the updated CC&R's to the State, County and other entities as needed.**

#### HOA Signatures

|                |                                                                                                                                     |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Judy Cahill:   | <br>E9062DF75DC14D1<br>DocuSigned by: 11/4/2022  |
| Steve Cook:    | <br>3D83410B0C814D0F<br>DocuSigned by: 11/5/2022 |
| Ranney Draper: | <br>7EA484DFEF25410<br>DocuSigned by: 11/5/2022  |
| Susan McKee:   | <br>B5279D24E8FD444                              |

|                   |                                                                                                                                      |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Willa McLaughlin: | <br>C473A77FE6EB44F<br>DocuSigned by: 11/4/2022 |
| Jim McLaughlin:   | <br>0A4CD8744E77499<br>DocuSigned by: 11/5/2022 |
| Sharon Maley:     | <br>FEAB087B180040F<br>DocuSigned by: 11/4/2022 |
| Brett Hanson:     | <br>B210A85AE98E412                             |

SCANNED  
11/6/2022



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Mathew Weaver

December 5, 2023

RED CLIFFS HOMEOWNERS ASSN  
C/O WILLA MC LAUGHLIN  
PO BOX 479  
SUN VALLEY ID 83353-0479

**RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK.  
WATER RIGHT NO(S). 37-8153.**

The Department of Water Resources is enclosing a state warrant in the amount of **\$155.25** as payment to you for the rental of the above referenced water right(s) from the Water Supply Bank during 2023. Your payment is 90% of the total rental fee for the following transactions:

| Lease Contract | Water Right(s) | Rental Agreement | Rental Volume (AF) | Rental Rate (\$/AF) | Total Rental Fee | Owner Share     |
|----------------|----------------|------------------|--------------------|---------------------|------------------|-----------------|
| 1638           | 37-8153        | 700              | 7.5                | \$23/AF             | \$172.50         | <b>\$155.25</b> |

If you have questions regarding this matter, please contact me at (208) 287-4936.

Sincerely,

Mary Condon  
Water Supply Bank Coordinator

Warrant Number: 150157880

Enclosures: Check

# 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:

Received Date

10/24/2022

Desired Lease Duration

2023-2027

Lease / Rental Package

Y

N

If yes, Renter Name:

Todd J Carter &  
Susan M Carter

Application # 2468

Contract # 1638

| WR#s |  | #       |
|------|--|---------|
|      |  | 37-8153 |
| #    |  | #       |
| #    |  | #       |
| #    |  | #       |
| #    |  | #       |
| #    |  | #       |
| #    |  | #       |
| #    |  | #       |

Applicant Authorized?

Y / N

Multiple owners, Attach 1A included?

Y / N NA

If portion is offered, Attach 2 included?

Y / N NA

Map of POU and POD?

Y / N NA

POD Consent (if required)?

Y / N NA

Application Complete?

Y / N

Minimum checklist in data base?

☐

Request for additional information letter sent:

Y NA

Stacked Water Rights Need to be Leased?

☐

WSB Action Request for deficiencies

☐

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: Red Cliffs HOA

☐

☐

EMAIL:

Attorney:

☐

☐

EMAIL:

Consultants

Name: James Speck-Speck & Aarstad

☐

Comments:

companion w/ rental  
app # 2469

Watermaster:

Kevin D Lakey

☐

Delivery Entity:

☐

Water District:

WD 37

☐

Ground Water District:

Galena

☐

Region:

Southern

☐

Other:

Big Wood River GNMA (Moratorium)

☐

☐

Address:

Call up Date:

DO NOT SCAN



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

February 8, 2023

RED CLIFFS HOMEOWNERS ASSN  
C/O WILLA MC LAUGHLIN  
PO BOX 479  
SUN VALLEY, ID 83353-0479

**RE: WATER SUPPLY BANK LEASE CONTRACT 16383  
FOR WATER RIGHTS 37-8153**

Dear Lessor:

Water right(s) **37-8153** was/were leased into the Water Supply Bank (Bank) as of January 1, 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, 2027**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. 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](http://www.idwr.idaho.gov). **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Office  
James Speck  
Water District No. 37  
Galena GWD

SCANNED  
FEB 16 2023



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

February 1, 2023

RED CLIFFS HOMEOWNERS ASSN  
C/O WILLA MC LAUGHLIN  
PO BOX 479  
SUN VALLEY, ID 83353-0479

**RE: APPLICATION TO LEASE WATER RIGHTS 37-8153 TO THE WATER SUPPLY BANK  
CONTRACT 1638**

**\*\*\*\*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, 2027**, 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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: James Speck

SCANNED  
FEB 16 2023

## MEMORANDUM FOR APPLICATION # 2468

To: Water Right No. 37-8153

From: Skyler Cheever – Water Resource Agent

Date: 12/22/2022

Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

---

### **PURPOSE/NARRATIVE:**

Application 2468 was sent in by the Red Cliffs Homeowners Association Inc. and received on October 24<sup>th</sup>, 2022, with fee payment received November 1<sup>st</sup>, 2022. The application proposes to lease a 2.5-acre portion of water right 37-8153 into the water supply bank from 2023-2027. The point of diversion is located within the Big Wood River GWMA, Snake River Moratorium, and Trust Water Area. The water right has been continuously leased into the water supply bank since 2015. This application is a renewal of lease contract 788 set to expire December 31<sup>st</sup>, 2022.

### **AUTHORITY TO FILE:**

Sharon Maley signed the application. Ms. Maley has the authority to file this application because she was unanimously voted the President of the Red Cliffs Homeowners Association Inc in 2022. Documentation was provided by the previous President, Judy Cahill. Red Cliffs Homeowners Association is the current owner of the water right.

### **WATER RIGHT VALIDITY:**

The water right has been continuously leased into the water supply bank since 2015 and was decreed in 2010. There is no validity concern with this lease renewal.

### **ENLARGEMENT OF USE:**

There was a shift in Tax Parcels adding 0.7 acres to the previous application proposal that wasn't present in the decree. Therefore, only 2.5 acres of irrigation can be rentable. The domestic portion of this right is not being leased. To prevent water spreading and enlargement, a condition will be added to the contract. This will limit the unleased portion of water right 37-8153 to a combined irrigation and domestic use to not exceed the total diversion rate of 0.04 cfs, total volume of 10.5 af and the irrigation of 2.5 acres.

### **LOCAL PUBLIC INTEREST:**

Review staff has no information to suggest this application is inconsistent with the local public interest.

### **BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:**

The lease appears consistent with the conservation of water resources in Idaho.

### **DEPARTMENT STAFF OR WATERMASTER COMMENTS:**

The point of diversion is within Basin 37 and Water District 37. The Watermaster and Southern Regional Manager were contacted on December 22<sup>nd</sup>, 2022. No response was received, it is assumed there is no concern.

SCANNED  
12/22/2022

## Kienholz, Mackenzie

---

**From:** Sharon Maley <slmaley10@gmail.com>  
**Sent:** Monday, November 7, 2022 8:39 AM  
**To:** Kienholz, Mackenzie  
**Cc:** Judy Cahill; James Speck  
**Subject:** Re: Red Cliffs HOA 2022 Meeting Minutes - Signed version

**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.

---

Great!  
If you need anything else please do not hesitate to let me know.  
Sharon

On Mon, Nov 7, 2022 at 8:17 AM Kienholz, Mackenzie <[Mackenzie.Kienholz@idwr.idaho.gov](mailto:Mackenzie.Kienholz@idwr.idaho.gov)> wrote:

Hello all,

Thank you for forwarding these documents. This should be all we need for now to continue processing the Red Cliffs HOA Water Supply Bank Application.

Have a great day,

Mackenzie Kienholz

Water Supply Bank Specialist



Planning & Projects

[Mackenzie.kienholz@idwr.idaho.gov](mailto:Mackenzie.kienholz@idwr.idaho.gov)

Phone: (208) 287-4822

**From:** Sharon Maley <[slmaley10@gmail.com](mailto:slmaley10@gmail.com)>

**Sent:** Sunday, November 6, 2022 6:46 AM

**To:** Judy Cahill <[judy.cahill@mac.com](mailto:judy.cahill@mac.com)>

**Cc:** James Speck <[jim@speckandaanestad.com](mailto:jim@speckandaanestad.com)>; Kienholz, Mackenzie <[Mackenzie.Kienholz@idwr.idaho.gov](mailto:Mackenzie.Kienholz@idwr.idaho.gov)>

**Subject:** Re: Red Cliffs HOA 2022 Meeting Minutes - Signed version

**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.

---

Thank you Judy!

Sharon

On Sat, Nov 5, 2022 at 3:32 PM Judy Cahill <[judy.cahill@mac.com](mailto:judy.cahill@mac.com)> wrote:

Dear Jim & Mackenzie,

I am also sending you the signed copy of the Red Cliffs HOA 2022 Meeting minutes that all homeowners have signed off on in case you need that for your files showing that Sharon Maley was unanimously voted in as HOA President.

Thank you,  
Judy Cahill

## Kienholz, Mackenzie

---

**From:** Judy Cahill <judy.cahill@mac.com>  
**Sent:** Friday, November 4, 2022 5:09 PM  
**To:** James Speck; Kienholz, Mackenzie  
**Cc:** Sharon Maley  
**Subject:** Red Cliff HOA 2022 meeting minutes  
**Attachments:** Red Cliffs Annual HOA Meeting Minutes 2022 Final.pdf

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.

Dear Jim and Mackenzie,

Please find attached a copy of our Red Cliff HOA 2022 meeting minutes that nominate and approve Sharon Maley as our new HOA president. Please reach out if you need any further documentation from me at this time.

Warmly,  
Judy Cahill

## Kienholz, Mackenzie

---

**From:** James Speck <jim@speckandaanestad.com>  
**Sent:** Thursday, November 3, 2022 7:53 AM  
**To:** Kienholz, Mackenzie  
**Cc:** slmaley10@gmail.com; Judy Cahill (judy.cahill@mac.com)  
**Subject:** Re: Red Cliffs HOA Water Supply Bank Lease Application #2468

**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.

---

Mackenzie,

Sharon was just recently elected President. We will get you copies of the minutes of the meeting at which that took place.

Jim

Sent from Jim's iPad

---

**From:** Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>  
**Sent:** Wednesday, November 2, 2022 4:42:08 PM  
**To:** slmaley10@gmail.com <slmaley10@gmail.com>; James Speck <jim@speckandaanestad.com>  
**Subject:** Red Cliffs HOA Water Supply Bank Lease Application #2468

Hello,

We received Water Supply Bank Lease Application #2468 for water right 37-8153 owned by Red Cliffs Homeowners Association, Inc. The application was signed by Sharon Maley, however the most recent Secretary of State filing for the organization lists Judy Cahill as president. Do you have documentation proving that Sharon Maley is now president? This authority to sign will be needed before the lease application can be listed as Ready for Review.

Thank you,

Mackenzie Kienholz  
Water Supply Bank Specialist



Planning & Projects  
[Mackenzie.kienholz@idwr.idaho.gov](mailto:Mackenzie.kienholz@idwr.idaho.gov)  
Phone: (208) 287-4822