

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1734

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

LESSOR: CARDENE ENTERPRISES
555 N 500 E
BRIGHAM CITY, UT 84302-1924

RECEIVED
OCT 13 2023
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 April 19, 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)
43-2432	9/21/1955	GROUND WATER	2.50	640	160
43-10826	6/30/1985	GROUND WATER	0.88	Not Stated	88
Combined Lease Totals			2.50	640	248

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)
43-2432	2.50	640	160	0.016	4.00
43-10826	0.88	352	88	0.010	4.00
Combined Limit Totals	2.50	640	248	0.010	2.58

*** The water right elements rentable have been changed from the water right elements leased to account for the inclusion of diversion volume.**

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. 1734

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2023 to December 31, 2024. 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. 1734

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

LESSOR: CARDENE ENTERPRISES

555 N 500 E

BRIGHAM CITY, UT 84302-1924

By Brian Compton 

Title Partner

Date 10 oct 2023

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 10/18/23

Lease approved by IDWR 

Date 10/18/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1734

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): 43-2432, 43-10826

GROUND WATER SESESW Sec. 33 Twp 12S Rge 28E CASSIA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
43-2432	IRRIGATION	03/05	to	11/15	2.50 cfs	640 AF
43-10826	IRRIGATION	03/15	to	11/15	0.88 cfs	Not Stated
Totals:					2.50 cfs	640 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	
12S	28E	33									33	33	33	33					132
13S	28E	4					32 L3	32 L4	35	35									134

Acre Limit: 248
Total Acres: 266

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

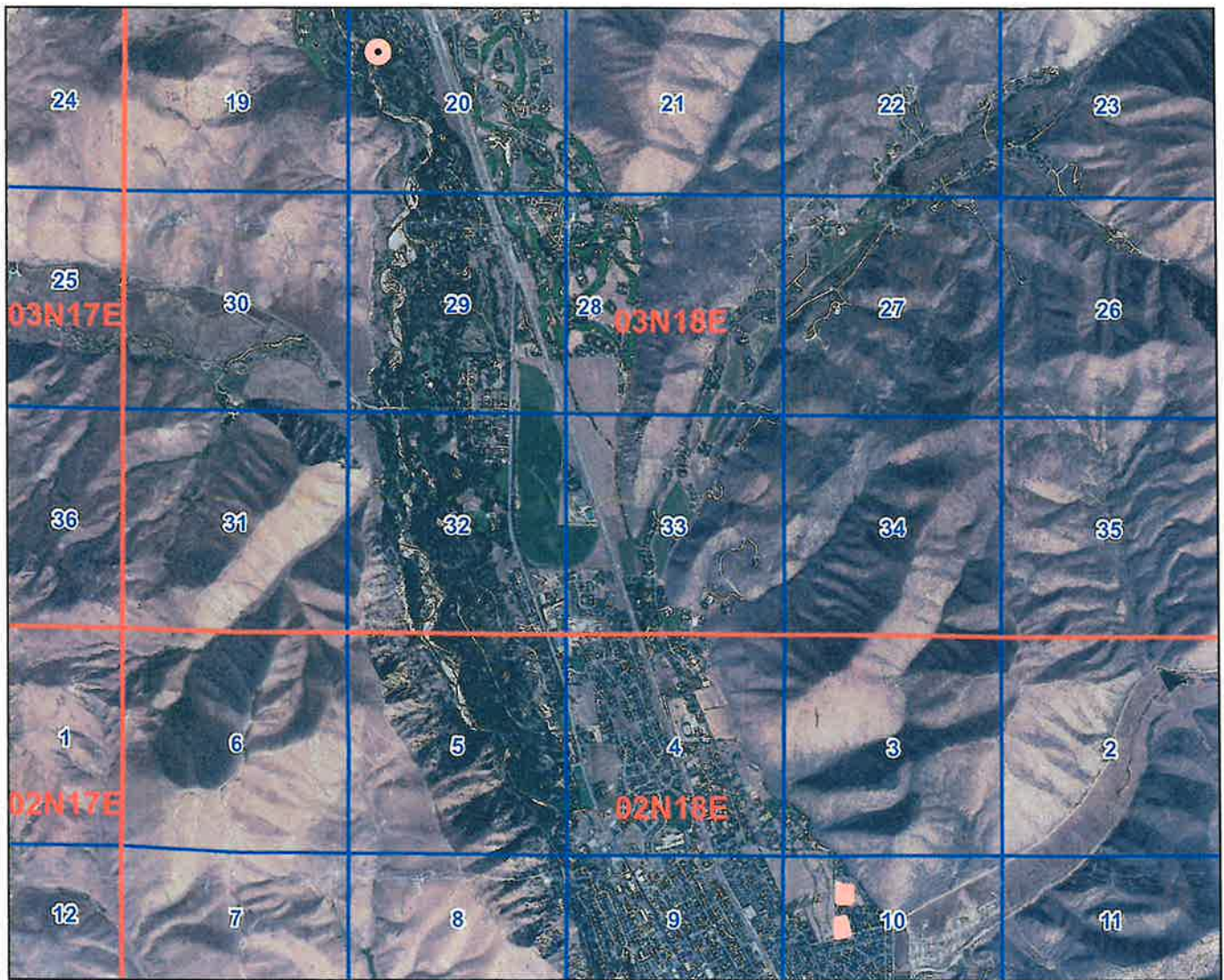
WATER SUPPLY BANK LEASE CONTRACT No. 1734

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.
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. Rights 43-2432 and 43-10826 when combined shall not exceed a total diversion rate of 2.50 cfs, a total annual maximum diversion volume of 640 af at the field headgate, and the irrigation of 248 acres.
13. Right 43-2432 is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
14. Right 43-10826 is for an enlargement of 88.0 acres within the place of use described for this right.
15. Right 43-10826 is an expansion of right no. 43-2432 pursuant to section 42-1416B, Idaho Code.
16. 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. 143.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1725

37-22118
Effective until December 31, 2028

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.



0 5,000 10,000 15,000 Feet

-  Water Supply Bank Lease Point of Diversion
-  Water Supply Bank Lease Place of Use
-  Township/Range
-  Sections



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 19 2023

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Designated Applicant

Brian Compton

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

Water Right No.

43-2432

(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 | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> 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>500</u>	Received By: <u>KU</u>	Date Received: <u>4.19.23</u>	Receipt # <u>C115949</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Cardene Enterprises</u>	

2645

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 Brian Compton
Mailing Address 555 N. 500 E. Brigham City Ut 84302
Street City State Zip Code
Email Address anvil08@comcast.net Phone Number 435-720-0097

☐ 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 _____ Organization _____
Professional Title _____ Email Address _____
Mailing Address _____ Phone Number _____

☐ 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.

Irrigation Well ~ Pivot Sprinkler

- 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. 43-2432 and 43-10826

- 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 property has been enrolled in CRP for the past 10 years.

- 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. Been enrolled in CRP

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☒
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 BC (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.

Brian Compton
Signature of Designated Applicant

Brian Compton
Printed Name

4-14-23
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**

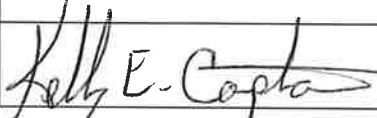
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 43-2432 and 43-10826

	Designated Applicant	Applicant #2	Applicant #3
Name	Brian Compton	KELLY COMPTON	Steven Compton
Mailing Address	555 N. 500 E. Brigham City UT 84302	815 W. 600 N. BRIGHAM CITY, UT 84302	5625 N 1700 W Brigham City UT 84302
Phone Number	435-720-0097	435-720-1025	435-279-8725
Email Address	anvil8@comcast.net	KELLY_COMPTON@MSN.COM	comptonsroad@gmail.com
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name	Lulu C. Phippen		
Mailing Address	785 W 600 N Brigham City UT 84302		
Phone Number	435-730-6861		
Email Address	luluphipp@hotmail.com		
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			



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

October 18, 2023

BRIAN COMPTON
555 N. 500 E.
BRIGHAM CITY UT, 84302

**RE: WATER SUPPLY BANK LEASE CONTRACT 1734 FOR WATER RIGHTS 43-2432
AND 43-10826**

Dear Lessor:

Water rights 43-2432 and 43-10826 are 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, 2024**, 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,

Water Supply Bank

Enclosure: Executed Lease Contract



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

September 29th, 2023

BRIAN COMPTON
555 N. 500 E.
BRIGHAM CITY UT, 84302

**RE: APPLICATION TO LEASE WATER RIGHT 43-2432, 43-10826 TO THE WATER SUPPLY
BANK CONTRACT 1734**

******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, 2024**, 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.

Regards,

Skyler Cheever



IDAHO DEPARTMENT OF
WATER RESOURCES

Skyler Cheever | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

MEMORANDUM FOR WSB LEASE APPLICATION # 2645

To: Water Right #'s: 43-2432, 43-10826

From: Skyler Cheever, Water Resource Agent

Date: 9/11/2023

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

PURPOSE/NARRATIVE:

Application 2645 was submitted by Cardene Enterprises with Brian Compton as co-owner and was received on April 19th, 2023, with the correct fee payment received the same date. The applicant proposes to lease the entirety of water rights 43-2432 and 43-10826 into the Water Supply Bank for 2023. An email was sent to the applicant on September 11th, 2023, regarding if they want to extend the lease period through 2024. The applicant responded on September 22nd, 2023, indicating they agreed with the proposal. The processing of this application is beyond the standard 2023 lease processing timeline. The point of diversion is located within the Snake River Moratorium, Raft River Critical Groundwater Management Area, Trust Water Area, Raft River Groundwater District. This is the first time these water rights have been leased into the Water Supply Bank.

AUTHORITY TO FILE:

The application was signed by Brian Campton. Mr. Campton has the authority to file this agreement because he is a registered agent with the company according to the Utah Secretary of States Office. Cardene Enterprises is the current owners of water rights 43-2432 and 43-10826 as of 2018 according to Department records.

WATER RIGHT VALIDITY:

Water rights 43-2432 and 43-10826 were decreed in 2002. Any water right enrolled in a federal cropland set-aside program are within a valid defense to being lost to forfeiture under Idaho Code § 42-223(1). Therefore, enough evidence is available to the board to determine water rights 43-2432 and 43-10826 are likely not lost to forfeiture and can be leased into the water supply bank.

ENLARGEMENT OF USE:

Water rights 43-2432 and 43-10826 are combined limited to 2.5 cfs, 640 af and the irrigation of 248 acres combined. Water right 43-10826 is an enlargement of 43-2432 adding 88 additional acres of irrigation. If the water rights were leased and made rentable separately there could be an increase in the rate and volume of water compared to historic use, leading to enlargement. Therefore, these water rights should be leased and made rentable together. There are no other water rights that overlap the place of use or divert from the same point of diversion. There are no other enlargement concerns.

LOCAL PUBLIC INTEREST:

Review staff have 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 43 Water District 143. The Water Master and Southern Regional Manager were contacted for comment on September 26, 2023. No response was received, it is assumed there was no concern with this proposal.

Cheever, Skyler

From: Ragan, Brian
Sent: Thursday, September 28, 2023 1:23 PM
To: Cheever, Skyler; Skinner, Corey
Subject: RE: Water Supply Bank Lease Application 2645

Skyler, I have no concerns or comments on this lease application.

Brian Ragan
IDWR Water Distribution Section
(208) 287-4934

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Tuesday, September 26, 2023 11:47 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Ragan, Brian <Brian.Ragan@idwr.idaho.gov>
Subject: Water Supply Bank Lease Application 2645

Hello Corey and Brian ,

I have finished my review of a water supply bank lease application within Basin 43 and Water District 143. The applicant is Cardene Enterprises with Brian Compton as co-owner. The applicant proposes to lease the entirety of water rights 43-2432 and 43-10826 into the water supply bank from 2023-2024. Attached is a review memo, and map of the place of use. If there are any comments that need to be made, please do so within 7 days. If you have any questions, please let me know.

Best,

Skyler

Skyler Cheever

Water Resource Agent, State Office

Email: skyler.cheever@idwr.idaho.gov

Phone: 208-287-4913

Cheever, Skyler

From: steve compton <comptonsroad@gmail.com>
Sent: Friday, September 22, 2023 9:47 AM
To: Cheever, Skyler
Subject: water supply bank

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Hi Skyler, thanks for looking out for our interests, and yes we would like to have our water rights remain in the water bank for the year 2024, that is from 1-1-2024 to 12-31-2024, if there is any fees involved please let us know, Steve Compton, partner Cardene Ent. 435-730-2708

Cheever, Skyler

From: Cheever, Skyler
Sent: Monday, September 11, 2023 10:32 AM
To: anvil08@comcast.net
Subject: Water Supply Bank Lease 2645

Hello Mr. Compton,

I am currently reviewing your Water Supply Bank lease applications for water rights 43-2432 and 43-10826. I noticed your lease period is for 2023. With the end of the year fast approaching I thought it would be best to ask you if you would like to extend your lease period beyond 2023. Your water rights will still be protected from forfeiture from January 1st, 2023 through December 31st, 2023, when the current lease proposal is approved. However, if it is known the acres will not be irrigated in the future, I can extend this lease period without an amended application. It would save having to reapply down the road if you needed to. Please respond to this email within the next 14 days if you want your lease period extended. If no response is received, then I will assume you want the lease period to remain the same. If you have any questions, please let me know.

Best,

Skyler

Skyler Cheever

Water Resource Agent, State Office

Email: skyler.cheever@idwr.idaho.gov

Phone: 208-287-4913

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Friday, April 21, 2023 11:57 AM
To: Samples, Mckenzie - FPAC-FSA, ID
Cc: Curtis, Cary - FPAC-FSA, ID
Subject: RE: Cardene Enterprises CRP Enrollment

McKenzie,

Thank you very much and have a great weekend as well!

Mackenzie Kienholz
Water Supply Bank Specialist



IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

From: Samples, Mckenzie - FPAC-FSA, ID <Mckenzie.Samples@usda.gov>
Sent: Friday, April 21, 2023 11:39 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Cc: Curtis, Cary - FPAC-FSA, ID <cary.curtis@usda.gov>
Subject: Cardene Enterprises CRP Enrollment

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Good Morning Mackenzie,
Cardene Enterprises F 4482 T 8382 has been enrolled into the CRP program for years 1998-2011 as well as 2011-2021, if you have any questions please let me know.

Have a great weekend & Happy Friday!
Mckenzie

McKenzie Samples

Program Technician
Cassia County Farm Service Agency, USDA
1351 E 16th St. Burley ID 83318
Mckenzie.Samples@usda.gov
ph.(208)678-1157 Ext. 2
Fax: 855-503-9659

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Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Friday, April 21, 2023 11:05 AM
To: Cary.Curtis@usda.gov
Subject: CRP Enrollment Dates - Cardene Enterprises

Follow Up Flag: Follow up
Due By: Friday, April 28, 2023 8:00 AM
Flag Status: Flagged

Good morning,

I have received a Water Supply Bank Lease Application in the name of Cardene Enterprises c/o Brian Compton and am trying to verify which years the proposed acres were enrolled in CRP. The acres proposed for lease are within Farm #4482 and Tract #8382 (please see image below). Based on the documentation that was provided with the application, it appears that these acres were enrolled from 2002-2007 and possibly 2011-2021. Can you confirm if this is correct, or if not, when these acres were enrolled? I appreciate any information you have, and please let me know if there is anything else I can provide.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

