



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 8, 2014

GARY HEINDEL
JEANETTE SUTHERLIN
PO BOX 362
BELLEVUE ID 83313-0362

RE: APPLICATION TO LEASE WATER RIGHT NO. 37-21414 TO THE WATER SUPPLY BANK

Dear Applicant:

On March 27, 2014, the Department of Water Resources (Department) received your application to lease water right 37-21414 to the Water Supply Bank (Bank). Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department to evaluate whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which is was appropriated."

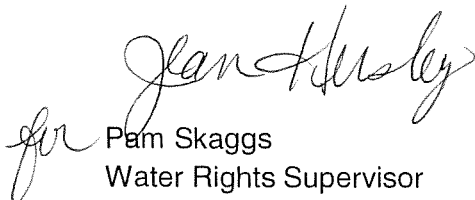
A review of aerial photography from years 2008 through 2013 show no evidence of irrigation on the acres proposed to be leased to the Bank. The right cannot be considered for lease to the Bank without evidence of beneficial use of water for irrigation during at least one (1) irrigation season.

Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 cannot be met and the attached lease application(s) is **denied**.

Please note that a water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. I have enclosed a copy of this statute.

If you have any questions regarding this matter, please contact me at (208) 287-4951.

Sincerely,


for Pam Skaggs
Water Rights Supervisor

C: Allen Merritt – IDWR Southern Regional Office
Kevin Lakey- Water District No. 37

STATE OF IDAHO
WATER RESOURCE BOARD**DENIED****WATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST**RECEIVED
MAR 27 2014
DEPARTMENT OF
WATER RESOURCES

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Gary Heindel and
Jeanette SutherlandWater Right No. 37-21414
One water right per application**All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*****YES**

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☐ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☐ ☒ Contact information for **all owners** of the water right that is being 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 ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☒ ☐ 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.
- 3D ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☒ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>CS</u>	Date Received: <u>3/27/14</u>	Receipt # <u>C098574</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Gary E. Heindel</u>	

C. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. _____

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use? 6 yrs Yes ☐ No ☐

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. see letter

E. 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. _____

4. 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, for a period from 04/01/2014 to 04/01/2019 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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 provisions are stayed.
5. Acceptance of a water right into the bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Jeanette Sutherland
Signature of Designated Applicant

Jeanette Sutherland
Printed Name

3-26-14
Date

Gary Heindel
Signature of Authorized Representative

Gary Heindel
Printed Name

4-22-14
Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Gary Heindel & Jeanette Sutherland Email Address heindelgj@gmail.com
Mailing Address POB 362 Bellevue, Id 83313 Phone Number 208 788 1688

☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

- 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 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 1D).

- E. 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 1E).

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

Water Right Number 37-21414 ☒ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

Sprinkler heads on fencing, and previously hand lines - now dismantled.

- B. 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

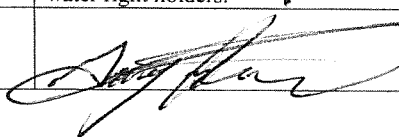
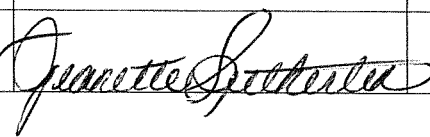
**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to 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.

Water Right No. 37-21414 No other right holders

	Designated Applicant	Applicant #2	Applicant #3
Name	Gary Heindel	Jeanette Sutherland	
Mailing Address	POB 362 Bellevue, Id 83313	POB 362 Bellevue, Id 83313	
Phone Number	208 788 1688	208 788 1688	
Email Address	heindelgj@gmail.com	heindelgj@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			
Mailing Address			
Phone Number			
Email Address			
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			



- | Layers | Legend |
|--|--------|
| ☐ Layers | |
| ☐ Base Map | |
| ☐ Water | |
| ☐ Point of Diversion | |
| ☐ Place of Use | |
| ☐ Ground Water | |
| ☐ Eastern Snake Plain Aquifer | |

0 220meters

SELECT ACTIVE LAYER

Base Map

April 27, 2014

RECEIVED

APR 29 2014

DEPARTMENT OF
WATER RESOURCES

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

Re: Water Supply Bank Lease Application

Attn: Cherie Palmer

I have returned the Water Supply Bank application per your letter of April 17, 2014.

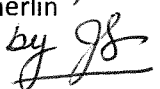
I have Gary's signatures and another of mine included.

Since having the original water right split into two for different lots, I believe we did miss the 5 year mark and watered at year 6. That was 2013 which I refer to into our cover letter that accompanied our application explaining our ordeal. I have enclosed with this letter Idaho power bills from last summer as well as the main bill for the well and pump work by Wood River Drilling. There actually was more money spent for further work on the water lines by an independent contractor that did not provide a printed company invoice.

Referring to our first letter, the amount of money required to properly water is indefinite and we can presume it to be beyond our abilities at this time (especially considering the amount invested last year.) We understand that if you allow us to protect this water right by putting into the Water Bank, that in 5 years you will require that this be used and those expenses will have to be incurred or lose the right.

Again, if this is not possible, we again ask if there is another option to protect the right? Do we get our application fee back?

Thank you,


Jeanette Sutherland
Gary Heindel *by* 

Wood River Drilling & Pump Inc

PO Box 837

Bellevue, ID 83313

208-788-3163

Date

6/14/2013

INVOICE

Invoice #

916

Gary Heindal**PO Box 362****Bellevue, ID 83313**

PROJECT

TERMS

Due on receipt

DESCRIPTION**QTY****AMOUNT**

3HP Franklin Motor		1,173.15
3HP 30 GPM Sta-Rite Liquid End		1,187.88
Heat Shrink Splice Kit #8	2	19.00
40 feet 2" Sch 80 Pvc Pipe	40	114.00
42 feet 2" Galvanized Pipe	42	283.50
42 feet 10-4 Submersible Wire	42	94.08
3HP 1PH Deluxe Franklin Control		378.00
1 1/2" Ford Valve		171.00
1 1/4" Ball Valve		42.47
1 1/4" Galvanized Union		33.75
1 1/4" 90 Degree Galvanized Elbow Fitting	4	51.20
1 1/4"X6" Galvanized Pipe Nipple	2	10.70
1 1/4"X10" Galvanized Pipe Nipple		8.15
1 1/4"X4" Galvanized Pipe Nipple	3	11.10
6 hour service Call-2 men & truck to check system pump was worn out & hole in pipe - set 5HP pump well would not hold - switched to 3HP 30GPM pump & lowered 42 feet & replaced broken valves & fittings	6	600.00

*This is main bill
other expenses in addition*

6-22-13
4177.98
\$4006

Past due accounts will be assessed a SERVICE CHARGE at an

ANNUAL PERCENTAGE RATE of 18%

Thank you, for your business!!

Total Due**\$4,177.98**



Questions? Contact us at:
PO BOX 70, Boise, ID 83707.
Or call (208) 388-2323 (Treasure Valley)
or (800) 488-6151. Se habla español.
For faster service please call
Tuesday - Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: GARY E HEINDEL & JEANIE SUTHER
Account Number: 0378340327
Billing Date: 07/03/2013
Print Date: 07/04/2013

Service Agreement No: 4225832117

Service Location: 322 BAYHORSE RD, PUMP/BELLEVUE, ID

Adjustments

Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.10 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.19 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.19 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.19 CR
Canceled Bill Segment	\$4.19 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.19 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.10 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.06 CR
Canceled Bill Segment	\$4.06 CR

Current Adjustments \$81.93 CR

Service Agreement No: 5123284496

Next Read Date: 07/30/2013

Service Location: 322 BAYHORSE RD, PUMP/BELLEVUE, ID

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
502A10331689	06/03/13 06/27/13	24	Regular	0 306	1	306



If writing information below, please check the appropriate box on the reverse side.

NEW CONTACT INFORMATION:

Does Idaho Power have your correct mailing address and phone number?
If not, please write any changes below:

Name

Street

Apt./Suite

City

State

Zip Code

Telephone Number

Email Address

Account Number: 0378340327

PROJECT SHARE PLEDGE



Please add the amount indicated to my monthly bill.

☐ \$2

☐ \$5

☐ \$10

☐ \$



I would like to make a one-time contribution in the amount of \$



Please round-up my monthly bill amount to the nearest dollar and contribute the difference to Project Share.

Thank you and please remember to take your tax-deductible donations.



An IDACORP Company

www.idahopower.com

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Or call (208) 388-2323 (Treasure Valley)
or (800) 488-6151. Se habla español.
For faster service please call
Tuesday - Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: GARY E HEINDEL & JEANIE SUTHER
Account Number: 2200561906
Billing Date: 09/04/2013
Print Date: 09/04/2013

Service Agreement No: 0030147724

Next Read Date: 09/27/2013

Service Location: 322 BAYHORSE RD PUMP / BELLEVUE, ID

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
10331689	07/31/13	08/30/13	31	Regular	349	349	1	0

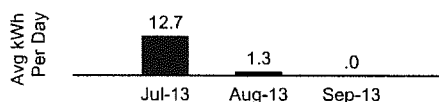
Billing kW	BLC
0	0

Residential
Standard Plan
Schedule 01

Service Charge \$5.00
Energy Efficiency Services \$0.20
Federal Columbia River Benefits Supplied by BPA \$0.00
Current Charges - Electric Service \$5.20

CR = Credit kWh = Kilowatt-hour PCA = Power Cost Adjustment kW = Kilowatt BLC = Basic Load Capacity G = Generatic

Your Electric Use Pattern



An IDACORP Company

If writing information below, please check the appropriate box on the reverse side.

NEW CONTACT INFORMATION:

Does Idaho Power have your correct mailing address and phone number?
If not, please write any changes below:

Name

Street

Apt./Suite

City

State

Zip Code

Telephone Number

Email Address

Account Number: 2200561906

PROJECT SHARE PLEDGE



Please add the amount indicated to my monthly bill.

☐ \$2

☐ \$5

☐ \$10

☐ \$


I would like to make a one-time contribu in the amount of \$



Please round-up my monthly bill amount the nearest dollar and contribute the difference to Project Share.

Thank you and please remember to tr your tax-deductible donations.



www.idahopower.com

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Or call (208) 388-2323 (Treasure Valley)
or (800) 488-6151. Se habla español.
For faster service please call
Tuesday - Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: GARY E HEINDEL & JEANIE SUTHER
Account Number: 0378340327
Billing Date: 08/01/2013
Print Date: 08/02/2013

Service Agreement No: 5123284496

Next Read Date: 08/30/2013

Service Location: 322 BAYHORSE RD, PUMP/BELLEVUE, ID

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
502A10331689	06/27/13	07/30/13	33	Regular	306	349	1	43

Billing kW	BLC
4	0

Residential Rate Schedule I01

06/27/2013 - 07/30/2013 33 days

Service Charge	\$5.00
Summer Energy Charge 0-800 kWh @ \$0.078428 per kWh	\$3.37
Annual Adjustment Mechanism	\$0.58
Energy Efficiency Services	\$0.33
Federal Columbia River Benefits Supplied by BPA	\$0.01 CR
Current Charges - Electric Service	\$9.27

CR = Credit kWh = Kilowatt-hour PCA = Power Cost Adjustment kW = Kilowatt BLC = Basic Load Capacity G = Generatic

Your Electric Use Pattern



If writing information below, please check the appropriate box on the reverse side.

NEW CONTACT INFORMATION:

Does Idaho Power have your correct mailing address and phone number?
If not, please write any changes below:

Name

Street

Apt./Suite

City

State

Zip Code

Telephone Number

Email Address

Account Number: 0378340327

PROJECT SHARE PLEDGE



Please add the amount indicated to my monthly bill.

☐ \$2

☐ \$5

☐ \$10

☐ \$


I would like to make a one-time contribu in the amount of \$



Please round-up my monthly bill amount to the nearest dollar and contribute the difference to Project Share.

Thank you and please remember to ti
your tax-deductible donations.



Questions? Contact us at:
 PO BOX 70, Boise, ID 83707.
 Or call (208) 388-2323 (Treasure Valley)
 or (800) 488-6151. Se habla español.
 For faster service please call
 Tuesday - Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: GARY E HEINDEL & JEANIE SUTHER
 Account Number: 0378340327
 Billing Date: 07/03/2013
 Print Date: 07/04/2013

Billing kW	BLC
6	0

**Residential
Rate Schedule
I01**

Bill Normalized from 24 days to 30 days

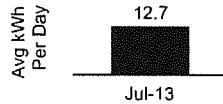
Service Charge	\$4.00
Summer Energy Charge 0-800 kWh @ \$0.078428 per kWh	\$24.00
Annual Adjustment Mechanism	\$4.10
Energy Efficiency Services	\$1.12
Federal Columbia River Benefits Supplied by BPA	\$0.10 CR
Current Charges - Electric Service	\$33.12

Adjustments

Service Connection Charge	\$20.00
Current Adjustments	\$20.00

CR = Credit kWh = Kilowatt-hour PCA = Power Cost Adjustment kW = Kilowatt BLC = Basic Load Capacity G = Generatio

**Your Electric
Use Pattern**





State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

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Governor

April 17, 2014

GARY HEINDEL
JEANETTE SUTHERLIN
PO BOX 362
BELLEVUE ID 83313-0362

**RESPONSE
DEADLINE
MAY 1, 2014**

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION(S) TO LEASE
WATER RIGHT NO(S). 37-21414 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application(s) has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information and return the application within 14 days of the date of this letter:

- Question 3-D, "Has any portion of this water right undergone a period of five or more consecutive years of non-use?" was not answered.
- A W-9 was submitted in the name of Gary Heindel, however the application was signed by Jeanette and a designated applicant was not named, see attachment 1A. Since we have the W-9 in Gary Heindel's name, he should be the designated applicant. He also needs to sign the application on page 3.
- You need to provide proof of historical use. The aerial imagery suggests that irrigation hasn't taken place for at least 5 years.

The department will continue processing your application(s) once you have submitted the requested information. Water right forms are available from the Department's web site at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4944.

Sincerely,

for 
Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Receipt #C098574

RECEIVED
MAR 27 2014
DEPARTMENT OF
WATER RESOURCES

March 26, 2014

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

Re: Water Supply Bank Lease Application

Dear Sirs:

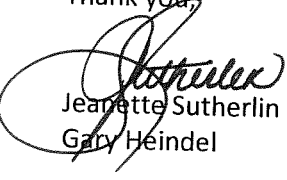
We are making the above application with the sole purpose of protecting a water right that is affixed to the specific lot (common address of 322 Bay Horse Road, Bellevue, ID.)

Due to continued drought conditions in our area, the aquifer has suffered. Our attempts to use the water to irrigate were drastically curtailed. In 2013, we spent several thousand dollars to make repairs to our water system, including installing a new well pump another 100 feet lower. However, there was not sufficient ground water to continually run the sprinkler. In addition, we became aware of a probable leak between the well and the pump house, which forced us to turn power on and off, simply to run the well pump during use. Third, the hand water line equipment had deteriorated and had become obsolete (we could not locate new parts), and we finally decided to discard that equipment. We feel that we made a reasonable effort to maintain an irrigation system.

Going forward with irrigation would require another substantial outlay of funds that we find prohibitive. This includes the new requirement of a water measuring device. Given the state of the aquifer on that lot, there are no guarantees that the availability of ground water would be sufficient to irrigate, even if thousands of dollars were spent.

The lot in question is adjacent to our residence. The water right in question is small, only for 1 ¼ acres. Perhaps another option would be to transfer the right and enjoin it with our water right on our residence lot. We would be glad to take an alternate course of action that IDWR would recommend.

Thank you,


Jeanette Sutherlin
Gary Heindel