

Miller, Nick

From: Shane Andrews <shaneandrews@idahoconstructionlawyers.com>
Sent: Thursday, October 29, 2020 4:10 PM
To: Miller, Nick
Cc: Eddy Chapman; Kelly, Patrick
Subject: RE: Discussion on Draft Permit No. 77-14325 - Variety Excursions, LLC
Attachments: Affidavit.Authorized.Business.pdf

Nick,

I was checking my files and noted that this was not sent to you. Please find the affidavit attached. Can you please send me the proposed permit for Variety Excursions again. I believe that we can get this finalized within the next few days.

Thank you,

Shane Andrews

Blewett Mushlitz Hally, LLP

Lewiston, Idaho

www.idahoconstructionlawyers.com

Phone: (208) 413-6678

Fax: (208) 413-6682



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***From:** Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Friday, June 12, 2020 8:38 AM
To: Shane Andrews <shaneandrews@idahoconstructionlawyers.com>
Cc: Eddy Chapman <eddy@idahoconstructionlawyers.com>; Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Subject: RE: Discussion on Draft Permit No. 77-14325 - Variety Excursions, LLC

Hi Shane,

I generally concur with your summary of the items we discussed. A few points of clarification/confirmation:

1. I can and will adjust the deadline to submit proof of beneficial use to authorize a 5 year development period for the permit. As you correctly note, 42-204 lists a number of circumstances for which the permit holder can request an extension of time to file proof of beneficial use, so the "additional applications" you mention refer to filing a request for extension of time to file proof, and that would be filed just prior to the end of the 5 year period if you need additional time because of one of the circumstances outlined in 42-204.
2. We are not lifting a requirement that the conduit be above ground, because that was never a requirement. The condition as written says the conduit "shall be above ground or otherwise easily accessible". The proposal to leave a section accessible in an open pit, at least until the permit is licensed, meets the condition as written.

* profiled with "Emails Discussing + Enclosing Draft Approval (7-21-2020)"



0003935510

**STATE OF IDAHO****Office of the secretary of state, Lawrence Denney
FOREIGN REGISTRATION STATEMENT (LIMITED
LIABILITY COMPANY)**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$100.00

For Office Use Only

-FILED-

File #: 0003935510

Date Filed: 7/8/2020 4:22:45 PM

Foreign Registration Statement (Limited Liability Company)

Select one: Standard, Expedited or Same Day Service (see descriptions below)

Standard (filing fee \$100)

1. The name this limited liability company will use in Idaho is:

Type of Limited Liability Company

Foreign Limited Liability Company

Entity name

Variety Excursions, LLC

Variety Excursions, LLC

2. Home Jurisdiction

The jurisdiction of formation is:

TEXAS

3. The street address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:

Street Address

6405 LADBROOK COURT
PLANO, TX 75024

4. The mailing address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:

Mailing Address

None

5. The complete street address of the principal office is:

Principal Office Address

11405 PARK ROAD
SUITE 180
ANCHORAGE, KY 40223

6. The mailing address of the principal office is:

Mailing Address

11405 PARK RD
STE 180
ANCHORAGE, KY 40223-1476

7. Registered Agent Name and Address

Registered Agent

Registered Agent
Shane L. Andrews
Physical Address:
710 16TH AVENUE
LEWISTON, ID 83501
Mailing Address:
PO BOX 1990
LEWISTON, ID 83501-1464☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.

8. Governors

Name	Title	Address
Mark O'Brien	Member	PO BOX 23539 ANCHORAGE, KY 40223-0539

Signature of individual authorized by the entity to sign:

Mark O'Brien07/11/2020

Sign Here

Date

Job Title: Member

DUPLICATE - 1241 01/11/2020 11:03 AM RECEIVED BY ID SECRETARLY CL CLERK LAWRENCE DENNEY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AFFIDAVIT FOR WATER RIGHTS TO BE USED FOR POWER PURPOSES

A. Establishment of Residency or Qualification to do Business in Idaho (complete either 1 or 2)

1. Individual Applicant:

I, _____ of _____
(name) (city)
County of _____, State of Idaho, being duly sworn, do hereby certify that I am a
bona fide resident of the State of Idaho.

2. Corporation or Partnership (complete part 2a or 2b):

a) ☐ Attached is a *Certificate of Existence* or a *Certificate of Authorization* or other documentation issued by the
Idaho Secretary of State confirming _____'s authority to transact
(name of corporation or partnership)
business in Idaho.

or

b) I, Mark O'Brien of ANCHORAGE, County
(name) (city)
of JEFFERSON, State of KENTUCKY, being duly sworn, depose
(name of corporation or partnership)
and say, that I am the Member/Manager for Variety Excursions, LLC
(title) (name of corporation or partnership)
that as such I have legal authority to sign this affidavit on behalf of Variety Excursions, LLC
(name of corporation or partnership)
and that Variety Excursions, LLC is a corporation or partnership qualified to do business in
(name of corporation or partnership)
the State of Idaho under the laws of the State of Idaho.

B. Ownership of Facilities

The hydropower facility to be developed pursuant to the attached Application for Permit (check one):

- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is
documented in an affidavit attached hereto.
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner is the signee of this
affidavit.

Mark O'Brien Member/Manager 10/9/2020
Signature Print title if applicable Date

STATE OF ~~IDAHO~~ KY)
County of JEFFERSON) ss

Subscribed and sworn (or affirmed) before me this 9 day of OCTOBER, 2020

SEAL

Notary Public [Signature] KYNP4984
Residing at JEFFERSON COUNTY, KY
My Commission Expires 4-13-2024

Kelly, Patrick

From: Kelly, Patrick
Sent: Thursday, June 11, 2020 10:53 AM
To: 'shaneandrews@idahoconstructionlawyers.com'; 'williamw.riddlejr@yahoo.com'
Cc: Price, Fredric; Miller, Nick
Subject: Affidavit for Water Rights to be Used for Power Purposes
Attachments: power-purposes.pdf

Gentleman,

Idaho Statute 42-206 (Residence a requisite for issuance) States no permit to appropriate water for power purposes in the state of Idaho shall hereafter be granted to any person or association of persons not an actual bona fide resident or residents of the state of Idaho, nor to any corporation or partnership unless organized or qualified to do business in and under the laws of the state of Idaho.

Idaho Secretary of State business search finds that Variety Excursions LLC carries a Inactive-Cancelled status since 2016. Please find the attached Affidavit for Water Rights to be Used for Power Purposes form in this message. Complete the form have it notarized and return to my office to resume water right processing. Thank you for your attention to this matter.

Regards,

Patrick Kelly

Water Rights Supervisor
Emergency Agency Coordinator
2735 Airport Way
Boise, Idaho 83705
o: 208.334.2190
patrick.kelly@idwr.idaho.gov

Miller, Nick

From: Price, Fredric W <fwprice@blm.gov>
Sent: Tuesday, June 09, 2020 10:07 AM
To: Miller, Nick
Subject: 77-14325, Variety Excursions LLC: administratively dissolved 05-13-2016
Attachments: Entity-Info_Variety-Excursions-LLC_administratively-dissolved-05-31-2016.pdf; Entity-Info_Variety-Excursions-LLC_Initial-Filing-05-14-2015.pdf

Nick,

RE: 77-14325, Variety Excursions LLC: administratively dissolved 05-13-2016

Hummm, Variety Excursions, LLC was administratively dissolved on 05-13-2016 by the Idaho Secretary of State's Office. BLM isn't concerned with this issue, but I'm curious how IDWR views entites claiming water rights and whether they are registered to do business in the State of Idaho.

Fredric W. Price
Water Rights Specialist
BLM, Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657
(208) 373-3831
fwprice@blm.gov

Business Search

variety excursions

Advanced

Results: 2

Form Info	Status	Filing Date	Agent
VARIETY EXCURSIONS, LLC (222023) Foreign Limited Liability Company	Inactive-Cancelled (Administrative)	01/16/2008	NO AGENT
VARIETY EXCURSIONS, LLC (461518) Foreign Limited Liability Company	Inactive-Cancelled (Administrative)	05/14/2015	NO AGENT



Request
Certificate

Filing Type
Foreign Limited Liability
Company

Foreign Name
VARIETY EXCURSIONS,
LLC

Status
Inactive-Cancelled
(Administrative)

Formed In
TEXAS

Term of Duration
Perpetual

Principal Address
PO BOX 23539
ANCHORAGE, KY 40223

Mailing Address
PO BOX 23539
ANCHORAGE, KY 40223

Initial Filing Date
05/14/2015

Inactive Filing Date
08/31/2016

AP Due Date
05/31/2016

Registered Agent
Noncommercial
0000000
NO AGENT
AGENT RESIGNED OR
INVALID
BOISE, ID 83702

State of Idaho

Office of the Secretary of State

**CERTIFICATE OF AUTHORITY
OF
VARIETY EXCURSIONS, LLC**

File Number W 151755

I, LAWRENCE DENNEY, Secretary of State of the State of Idaho, hereby certify that an Application for Certificate of Authority, duly executed pursuant to the provisions of the Idaho Uniform Limited Liability Act, has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to transact business in this State and attach hereto a duplicate of the application for such certificate.

Dated: May 14, 2015



Lawrence Denney
SECRETARY OF STATE

By *Sheryl Dabne*

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APPLICATION FOR CERTIFICATE OF AUTHORITY FOR FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

2015 MAY 14 PM 3:37

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Variety Excursions, LLC

2. If the name of the limited liability company is not permissible or is not available in Idaho, the name the foreign limited liability company will use in Idaho is:

N/A

3. The jurisdiction under whose laws the limited liability company is formed is:
- Texas

4. The name and complete street address of the registered agent in Idaho is:

Ron T. Blewett

710 16th Avenue, Lewiston, ID, 83501

5. The street and mailing address of the limited liability company's principal office is:

11405 Park Road, Suite 180, Anchorage, KY 40223

Street Address

P. O. Box 23539, Anchorage, KY 40223

Mailing Address, if different

6. The street and mailing address of the limited liability company's office in the jurisdiction under whose laws it is organized is:

6405 Ladbrook Court, Plano, TX 75024

Street Address

Mailing Address, if different

7. The name and mailing address of at least one member or manager:

Mark O'Brien

P.O. Box 23539, Anchorage, KY 40223

8. The mailing address for future correspondence:

P. O. Box 23539, Anchorage, KY 40223

9. Signature of a manager, member or authorized person:

Signature

Daniel M. Sullivan, CPA

Typed Name

Secretary of State use only

IDAHO SECRETARY OF STATE

05/15/2015 05:00

CK:2840550 CT:172099 BH:1475621
IC 100.00 = 100.00 REGFORGLLC #2

W151755

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



Carlos H. Cascos
Secretary of State

Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Articles of Organization for VARIETY EXCURSIONS, LLC (file number 800050384), a Domestic Limited Liability Company (LLC), was filed in this office on January 29, 2002.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on May 14, 2015.



A handwritten signature in black ink, appearing to read "Cascos", followed by a horizontal line.

Carlos H. Cascos
Secretary of State