

RECEIVED*

FORM 202 Rev. 09/16

OCT 20 2020

Amended
WATER RESOURCES
WESTERN REGION

*Original Filing: 9/22/2020

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 63-34961

1. Name of applicant(s) HA Winterfell LLC Phone 410-571-6197
 Name connector (check one): and or and/or
 Mailing address c/o Hannon Armstrong Capital, 1906 Towne Centre Blvd, Ste 370 City Annapolis
 State MD ZIP 21401 Email Legaldepartment@hannonarmstrong.com
2. Name of representative, if any Dylan Lawrence Phone 208-345-6021
 Mailing address Varin Wardwell LLC, 242 N. 8th St., Ste 220 City Boise
 State ID ZIP 83702 Email dylanlawrence@varinwardwell.com
- a. Send all correspondence for this application to the representative and not to the applicant OR
 Send original correspondence to the applicant and copies to the representative.
- b. The representative may submit information for the applicant but is not authorized to sign for the applicant OR
 The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Groundwater which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
1N	1E	10		SW	SW	NE	Ada	Groundwater	
1N	1E	10		NW	SE	SE	Ada	Groundwater	396516

5. Water will be used for the following purposes:

- Amount 0.4 cfs for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.4 cfs for Industrial purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.4 cfs for Fire protection purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 0.4 cfs cubic feet per second (cfs) and/or (b) 0.31 acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Existing wells
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? Yes No
- e. If well is already drilled, when? 1973; drilling firm C. L. Hiddleston & Son; well was drilled for (well owner) Carl Nicholson; Drilling Permit No. 825888

For Department Use

Received by AK Date 10/20/2020 Time 3:08pm Preliminary check by AK
 Fee \$ 450.00 Received by LE Receipt No. W048724 Date 9/22/2020
↳ Refunded \$200.00 AK " " 10/21/2020

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OCT 09 2020
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4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
1N	1E	10		SW	SW	NE	Ada	Groundwater	
1N	1E	10		NW	SE	SE	Ada	Groundwater	396516

5. Water will be used for the following purposes:

- Amount 4.72 cfs for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 4.72 cfs for Industrial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 4.72 cfs for Fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 4.72 cfs cubic feet per second (cfs) and/or (b) 0.31 acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Existing wells
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? Yes No
- e. If well is already drilled, when? 1973; drilling firm C. L. Hiddleston & Son;
 well was drilled for (well owner) Carl Nicholson; Drilling Permit No. 825888

For Department Use

Received by AK Date 10/9/2020 Time 2:03 P.M Preliminary check by AK
 Fee \$ 450.00 Received by LE Receipt No. W048724 Date 9/22/2020

* Superseded by Amended P6.1 (10/20/2020)

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DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

SEP 22 2020

WATER RESOURCES

1. Name of applicant(s) HA Winterfell LLC Phone 410-571-6197

Name connector (check one): and or and/or

Mailing address c/o Hannon Armstrong Capital, 1906 Towne Centre Blvd, Ste 370 City Annapolis

State MD ZIP 21401 Email Legaldepartment@hannonarmstrong.com

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Mailing address Varin Wardwell LLC, 242 N. 8th St., Ste 220 City Boise

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- b. The representative may submit information for the applicant but is not authorized to sign for the applicant OR The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.

3. Source of water supply Groundwater which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
1N	1E	10		SW	SW	NE	Ada	Groundwater	
1N	1E	10		NW	SE	SE	Ada	Groundwater	396516

5. Water will be used for the following purposes:

Amount 5.57 cfs for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 5.57 cfs for Industrial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 5.57 cfs for Fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 5.57 cfs cubic feet per second (cfs) and/or (b) 0.31 acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Existing wells

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? Yes No

e. If well is already drilled, when? 1973; drilling firm C. L. Hiddleston & Son; well was drilled for (well owner) Carl Nicholson; Drilling Permit No. 825888

For Department Use

Received by LE Date 9/22/2020 Time 2:45pm Preliminary check by AK
Fee \$ 450.00 Received by LE Receipt No. W048724 Date 09/22/2020

*Superseded by Amended PG 1 (10/1/2020)

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - d. Domestic; show number of households _____
 - e. Other; describe fully. Miscellaneous uses throughout solar facility, including pressure washing, washing of solar panels, compaction, and fire protection
9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1N	1E	10			CIF		CIF	CIF	CIF	CIF	CIF			CIF	CIF			CIF	CIF	
1N	1E	11										CIF	CIF	CIF	CIF					

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____
-
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Place of use is a solar facility, which requires miscellaneous commercial, industrial, and fire protection uses throughout the site, including pressure washing, washing of solar panels, compaction, and fire protection. Water withdrawn from onsite wells into 500-gallon tank and trucked around site for application to these uses. Diversion rate in cfs is well capacity; diversion rate of 0.31 AFY is total expected annual use.
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

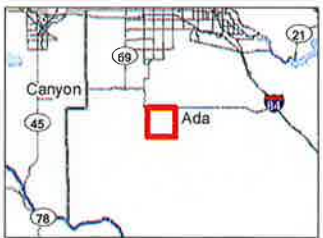
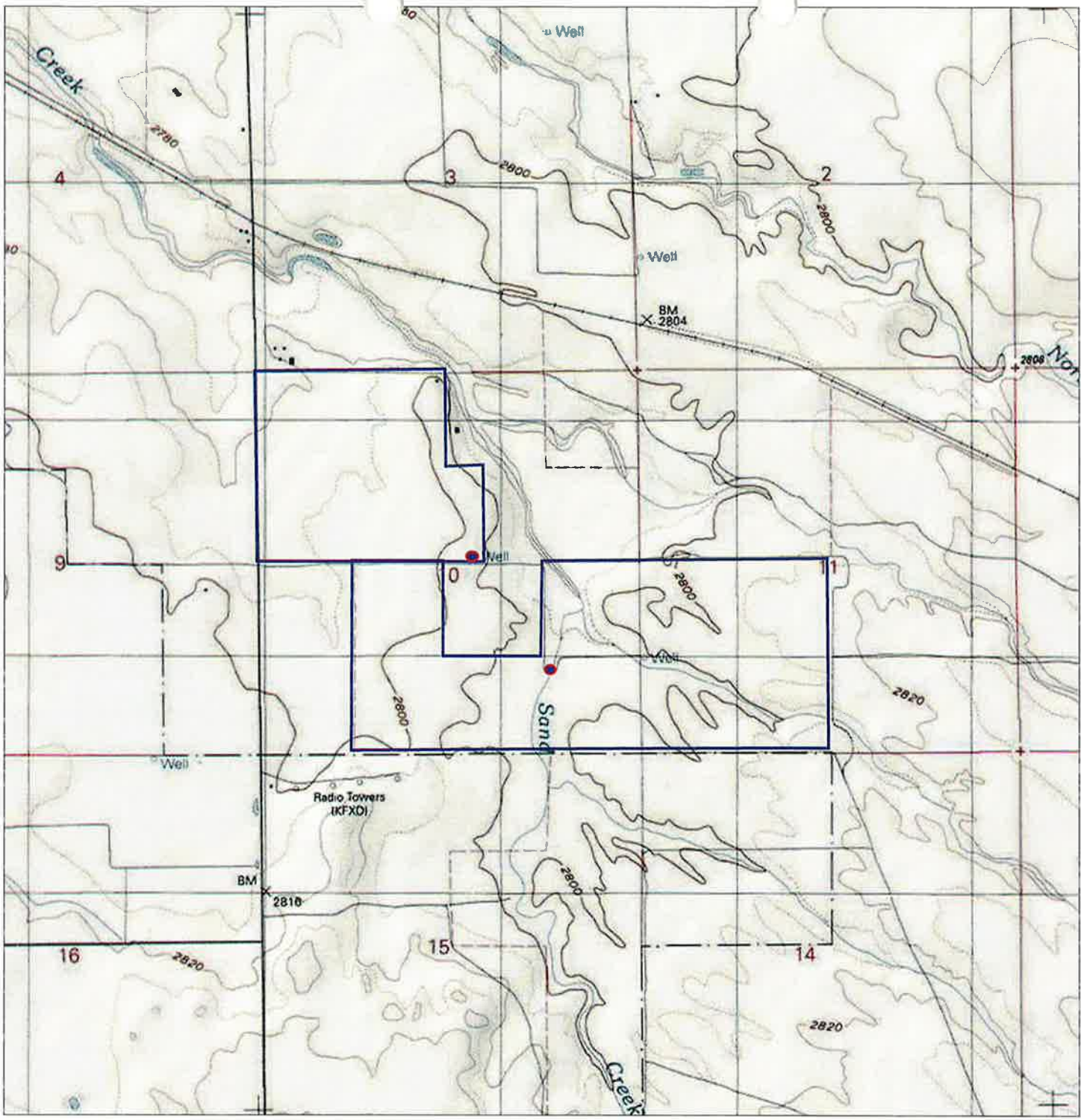


 Signature of Applicant
 Daniel K. McMahon, Authorized Signatory

 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)



Legend

- Property Boundary / Place of Use
- Existing well / point of diversion

- Notes**
1. Coordinate System: NAD 1983 UTM Zone 11N
 2. Data Sources Include: Stantec, Boise City Solar LLC, USGS, Esri
 3. Background: 7.5' USGS Topographic Quadrangle

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Figure No.
1

Title
Property Location Map

Client/Project
Hannon Armstrong Capital, LLC
Phase I ESA - Barker Road
Kuna, Idaho 83634

185703129

October 8, 2019

0 1,000 2,000 Feet
1:24,000 (at original document size of 8.5x11)





0003976088



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
 Idaho Secretary of State
 PO Box 83720
 Boise, ID 83720-0080
 (208) 334-2301
 Filing Fee: \$0.00

For Office Use Only
-FILED-
 File #: 0003976088
 Date Filed: 8/20/2020 8:12:51 AM

B0533-4175 08/20/2020 8:12 AM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:

Entity Name: HA WINTERFELL LLC

Foreign Name (name in home jurisdiction): HA WINTERFELL LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000620848

Address: 1906 TOWNE CENTRE BLVD UNIT 370
ANNAPOLIS, MD 21401-3685

Entity Details:

Entity Status: Active-Existing

This entity is organized under the laws of: DELAWARE

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W206152

The registered agent on record is:

Registered Agent: CORPORATION SERVICE COMPANY
Commercial Registered Agent

Physical Address: 12550 W EXPLORER DR STE 100
BOISE, ID 83713

Mailing Address: 12550 W EXPLORER DR STE 100
BOISE, ID 83713

Agent or Address Change

Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	Title	Business Address
+ STEVEN L. CHUSLO	Member	1906 TOWNE CENTRE BLVD SUITE 370 ANNAPOLIS, MD 21401
+ JEFFREY W. ECKEL	Member	1906 TOWNE CENTRE BLVD SUITE 370 ANNAPOLIS, MD 21401

The annual report must be signed by an authorized signer of the entity.


STEVEN L. CHUSLO 08/20/2020
 Sign Here Date

Job Title: MEMBER


HA WINTERFELL LLC
SUPPLEMENTAL INCUMBENCY CERTIFICATE

June 16, 2020

The undersigned hereby certifies that he is duly appointed, qualified and acting as Secretary of HA Winterfell LLC, a Delaware limited liability company (the "Company") and hereby further certifies that the following is the name of, the office held by, and the genuine signature of, an officer of the Company authorized to sign the documents to which the Company is a party for and on behalf of the Company:

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Daniel K. McMahon	Authorized Signatory	

IN WITNESS WHEREOF, I have hereunto signed my name as of the date first set forth above.

By: 
Name: Steven L. Chuslo
Title: Secretary

State of Idaho

Office of the Secretary of State

CERTIFICATE OF REGISTRATION

OF

HA WINTERFELL LLC

File Number W 206152

I, LAWRENCE DENNEY, Secretary of State of the State of Idaho, hereby certify that an application for Foreign Registration Statement, duly executed pursuant to the provisions of the Idaho Uniform Business Organization Code, 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 Registration to transact business in this State and attach hereto a duplicate of the application for such certificate.

Dated: August 8, 2018



Lawrence Denney
SECRETARY OF STATE

By *[Signature]*



FOREIGN REGISTRATION STATEMENT

Title 30, Chapter 21, Idaho Code

Filing fee: \$100 typed, \$120 not typed

Complete and submit the form in duplicate.

2018 AUG -8 PM 2:17

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the entity is: HA WINTERFELL LLC

2. The name which it shall use in Idaho is: _____
(Enter a name here, only if you are required to adopt an alternate name)

3. Select the type of entity you wish to register:
 Business Corporation General Partnership
 Nonprofit Corporation General Cooperative Association
 Limited Liability Partnership Limited Partnership (Including a limited liability limited partnership)
 Limited Liability Company Statutory Trust, Business Trust, or Common-law Business Trust
 Other: _____
(Use "Other" only if your foreign entity type is not listed above, and enter the type here.)

4. Jurisdiction of formation: Delaware
(Provide the domestic jurisdiction where the entity was formed)

5. The address of its principal office is:
1906 Towne Centre Blvd., Suite 370, Annapolis, MD 21401
(Street Address)

(Mailing Address, if different)

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

(Street Address)

(Mailing Address, if different)

7. The mailing address to which correspondence should be addressed, if different from item 5, is:

(Address)

8. The name of the registered agent and street address of registered agent in Idaho:
Corporation Service Company, 12550 W. Explorer Drive, Suite 100, Boise, ID 83713
(Name) (Address)

9. The name, capacity, and mailing address of at least one governor:

<u>Jeffrey W. Eckel</u>	<u>Member</u>	<u>1906 Towne Centre Blvd., Suite 370, Annapolis, MD 21401</u>
<small>(Name)</small>	<small>(Capacity)</small>	<small>(Address)</small>
<u>Steven L. Chuslo</u>	<u>Member</u>	<u>1906 Towne Centre Blvd., Suite 370, Annapolis, MD 21401</u>
<small>(Name)</small>	<small>(Capacity)</small>	<small>(Address)</small>

Signature:
Typed Name: Steven L. Chuslo
Capacity: Member

Secretary of State use only

IDAHO SECRETARY OF STATE
08/08/2018 05:00
CK: PREPAID CT: 1157 BH: 1657859
1@ 100.00 = 100.00 FOR REG ST #2
1@ 20.00 = 20.00 EXPEDITE C #3

W206152

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "HA WINTERFELL LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE SECOND DAY OF AUGUST, A.D. 2018.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "HA WINTERFELL LLC" WAS FORMED ON THE THIRTY-FIRST DAY OF JULY, A.D. 2018.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.



6997806 8300

SR# 20185990770

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 203181070

Date: 08-02-18



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

October 28, 2020

HA WINTERFELL LLC
C/O HANNON ARMSTRONG CAPITAL LLC
1906 TOWNE CENTRE BLVD UNIT 370
ANNAPOLIS, MD 21401-3685

RE: Application for Permit No. 63-34961

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 11/5/2020 and 11/12/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser'.

Anna Kaiser
Water Resource Agent

CC:
DYLAN LAWRENCE
VARIN WARDWELL LLC
242 N 8TH ST, STE 220
BOISE, ID 83702

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, October 28, 2020 11:58 AM
To: 'BOI Legals'
Subject: ADA Legal Notice
Attachments: Cover Letter.docx; Legal Notice.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 11/5/2020 and 11/12/2020

Please confirm this is okay to publish as shown and **send confirmation and all other correspondence to this email.**

Thank you,

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

October 28, 2020

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

**RE: Application for Permit No. 63-34954 & 63-34961
Transfer No. 84376**

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/23/2020. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Water Resource Agent

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34954

RENOVARE HOMEOWNERS ASSOCIATION, INC.

6149 N MEEKER PL STE 150

BOISE, ID 83713-1587

Point of Diversion SWNW S15 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER

(2) Point of Diversion L4(NWSW) S15 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion NWSW S15 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 186.5 AF

Total Diversion: 186.5 AF

Date Filed: 08-31-2020

Place Of Use: AESTHETIC STORAGE

T04N R01E S15 L4(NWSW),SWNW

Water bearing zone to be appropriated is from 0 to 20 feet.

Mitigation is proposed for consumptive use.

63-34961

HA WINTERFELL LLC

C/O HANNON ARMSTRONG CAPITAL LLC

1906 TOWNE CENTRE BLVD UNIT 370

ANNAPOLIS, MD 21401-3685

Point of Diversion SWNE S10 T01N R01E ADA County Source GROUND WATER

Point of Diversion SESE S10 T01N R01E ADA County Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.4 CFS

Use: INDUSTRIAL 01/01 to 12/31 0.4 CFS

Use: FIRE PROTECTION 01/01 to 12/31 0.4 CFS

Total Diversion: 0.4 CFS 0.31 AF

Date Filed: 09-22-2020

Place Of Use: COMMERCIAL, FIRE PROTECTION, INDUSTRIAL

T01N R01E S10 NENW, NESW, NESE, NWNW, SWNE, SWNW, SWSE, SENW, SESW, SESE

T01N R01E S11 NESW, NWSW, SWSW, SESW

Water bearing zone to be appropriated is from 150 to 290 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84376

NEW UNION DITCH CO LTD, PO BOX 31, EAGLE, ID 83616 has filed Application No. 84376 for changes to the following water rights within ADA County(s): Right No(s). 63-146; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: New Union Ditch Co. LTD is an irrigation water provider for its district in northern Ada County. The company filed transfer 84376 to change the nature of use of a portion of water right 63-146's irrigation use to aesthetic storage to provide mitigation for evaporative losses from four ponds in the Renovare Subdivision. The source of the water for the ponds is shallow ground water assumed to be in hydraulic connection with the adjacent Boise River.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of any application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 11/23/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/5/2020 and 11/12/2020

**APPLICATION 63-34961 RESPONSE FORM
CHECK ONE OF THE FOLLOWING OPTIONS**

RECEIVED

OCT 16 2020

WATER RESOURCES
WESTERN REGION

OPTION #1 _____

I withdraw my application and request a full refund of my application fee.

OPTION #2 AS AMENDED - SEE ATTACHED

Continue processing my application. I am willing to comply with permit approval conditions requiring measurement, monitoring and reporting.

DATE:

10/9/2020

SIGNATURE(S):


Signature

Jeffrey W. Eckel, Member
Printed Name & Title (if applicable)

Signature

Printed Name & Title (if applicable)

RECEIVED

OCT 16 2020

WATER RESOURCES
WESTERN REGION



ATTORNEYS AT LAW

DYLAN B. LAWRENCE
DYLANLAWRENCE@VARINWARDWELL.COM

242 N. 8TH STREET, SUITE 220
P.O. BOX 1676
BOISE, IDAHO 83701
P: 208.345.6021
F: 1.866.717.1758
VARINWARDWELL.COM

October 16, 2020

VIA HAND DELIVERY

Anna Kaiser
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 63-34961 (HA Winterfell LLC)

Dear Anna:

I have enclosed with this letter the original, signed application processing form, a copy of which I have already emailed to you. In addition, please designate the water bearing zone for the application as between 150 and 290 feet below ground surface. I believe this is everything you need in order to advertise the application, but if you need anything else, just let me know.

Thank you for your attention to this matter.

Sincerely,

VARIN WARDWELL, LLC

A handwritten signature in blue ink, appearing to read "Dylan Lawrence".

Dylan B. Lawrence

Enclosure

Kaiser, Anna

From: Dylan Lawrence <dylanlawrence@varinwardwell.com>
Sent: Friday, October 9, 2020 2:03 PM
To: Kaiser, Anna
Subject: Application for Permit No. 63-34961 (HA Winterfell LLC)
Attachments: 2020-10-09 permit processing form and amended application.pdf; 2020-08-20 annual report.pdf

Anna,

In response to your September 30 letter and based upon our conversations on Wednesday, I have attached here a scan of the permit processing form and an amended first page of the permit application. As you will see, the instantaneous diversion rate has been revised down to 4.72 cfs. We found documentation inherited from the prior owner of the property and well indicating that is the capacity of the well.

I can hand deliver the original of the signed processing form next week after I receive it. Please note that even though the signatory on this form (Mr. Eckel) is not the same as the signer of the original permit application (Mr. McMahon), Mr. Eckel is identified as a member of the Applicant in Idaho Secretary of State records - see attached annual report.

If you need anything else, please let me know. Otherwise, please put this application back in line for processing using the amended first page and the 4.72 cfs diversion rate.

Thank you,
Dylan

Dylan Lawrence

242 N. 8th Street, Ste. 220
PO Box 1676 | Boise, ID 83701
(208) 907-1529
VarinWardwell.com



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**APPLICATION 63-34961 RESPONSE FORM
CHECK ONE OF THE FOLLOWING OPTIONS**

OPTION #1 _____

I withdraw my application and request a full refund of my application fee.

OPTION #2 AS AMENDED - SEE ATTACHED

Continue processing my application. I am willing to comply with permit approval conditions requiring measurement, monitoring and reporting.

DATE:

10/9/2020

SIGNATURE(S):


Signature

Jeffrey W. Eckel, Member
Printed Name & Title (if applicable)

Signature

Printed Name & Title (if applicable)



0003976088



STATE OF IDAHO
 Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
 Idaho Secretary of State
 PO Box 83720
 Boise, ID 83720-0080
 (208) 334-2301
 Filing Fee: \$0.00

For Office Use Only
-FILED-
 File #: 0003976088
 Date Filed: 8/20/2020 8:12:51 AM

B0533-4175 08/20/2020 8:12 AM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:		
Entity Name:	HA WINTERFELL LLC	
Foreign Name (name in home jurisdiction):	HA WINTERFELL LLC	
The file number of this entity on the records of the Idaho Secretary of State is:	0000620848	
Address	1906 TOWNE CENTRE BLVD UNIT 370 ANNAPOLIS, MD 21401-3685	
Entity Details:		
Entity Status	Active-Existing	
This entity is organized under the laws of:	DELAWARE	
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W206152	
The registered agent on record is:		
Registered Agent	CORPORATION SERVICE COMPANY Commercial Registered Agent Physical Address 12550 W EXPLORER DR STE 100 BOISE, ID 83713 Mailing Address 12550 W EXPLORER DR STE 100 BOISE, ID 83713	
Agent or Address Change		
<input type="checkbox"/> Select if you are appointing a new agent.		
Limited Liability Company Managers and Members		
Name	Title	Business Address
+ STEVEN L. CHUSLO	Member	1906 TOWNE CENTRE BLVD SUITE 370 ANNAPOLIS, MD 21401
+ JEFFREY W. ECKEL	Member	1906 TOWNE CENTRE BLVD SUITE 370 ANNAPOLIS, MD 21401
The annual report must be signed by an authorized signer of the entity.		
<u>STEVEN L. CHUSLO</u>		<u>08/20/2020</u>
Sign Here		Date
Job Title: MEMBER		



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348

Website: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 30, 2020

HA WINTERFELL LLC
C/O HANNON ARMSTRONG CAPITAL
1906 TOWNE CENTRE BLVD STE 370
ANNAPOLIS MD 21401

**RE: Application for Permit No. 63-34961 in South Ada County Ground Water Area
Rule 40 Additional Information Request**

Dear Applicant:

The Idaho Department of Water Resources (Department) received your application for permit no. 63-34961 requesting a 5.57 cfs ground water right in South Ada County for industrial, commercial, and fire protective uses. The Department is concerned about the effect new appropriations may have on the ground water resource in this area. Additionally, the Department needs information from you addressing potential impacts of your water usage developments since your application proposes an appropriation greater than or equal to 5 cfs.

This letter serves two purposes. The first purpose is to inform you of potential impacts of your proposed ground water rights in South Ada County, notify you of conditions and obligations you may have associated with any permit approval that may occur pursuant to your application, and provide you with some options moving forward. The second purpose is to request additional information required by the IDAPA 37.03.08 – Water Appropriation Rules.

Ground Water Aquifer

Since the 1960's, ground water levels of the cold water aquifer in the area have declined an average of 0.3 to 0.4 feet per year. It appears the aquifer could be in overdraft because water levels in this area have yet to stabilize to the current demand level.

Low temperature geothermal water (exceeding 85° F.) may be encountered at depths of approximately 400 feet in this area. As cold water levels decline, an increase in ground water temperatures may occur due to increased communication with the hotter water. State law requires low temperature geothermal ground water to be used primarily for its heat value first and subsequently for other uses such as irrigation.

IDWR has a limited understanding of the hydrogeology and aquifer characteristics of this area. Additional data and information will continue to be compiled to help determine how these ground water resources should be managed and if new water rights should be approved. However, this is likely to be a long process as uses are developed and the aquifer responds to those uses.

New Water Right Applications

Based on information from other wells in the area, the aquifer appears to be capable of producing a sufficient short term water supply, but long term supply is uncertain considering the observed declines in water levels. Additionally, low temperature geothermal water may be encountered. To better understand the long term supply and interaction with the geothermal aquifer, IDWR may require monitoring of new appropriations.

Any approval pursuant to your application would include the following condition intended to address the concerns outlined above:

Access & sounding tube – “Any well used as a point of diversion for this water right shall contain a dedicated sounding tube extending from above ground level to near the top of the pump bowls to facilitate measurement of ground water levels. Unless specifically notified by the Director to do so, the right holder is not responsible for measuring water levels but shall allow access to the well(s) by the Idaho Department of Water Resources or its representative to collect data as needed.”

Measurement – “Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.”

Reporting – “The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701.”

Options for Consideration

Based on the above explanation, the following options are available for your application:

- Withdraw the application. You may re-file at a later date if desired.
- Continue with the application and accept conditions of approval requiring Access, measurement and reporting will likely be placed on any permit approval issued.
- Reduce your application to 5.0 acres or less. Conditions of installing a measuring device and annually reporting your diversion to the Department may not be included on any permit approval issued. Installing a sounding tube and granting the Department access to the well to collect water level data would still be included on any permit approval issued.

Please select your answer by returning the completed “Application 63-34961 Response Form” (enclosed).

IDWR also requests additional information required by IDAPA 37.03.040.05.c-g - Water Appropriation Rules. This requirement includes the following items discussed in Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05g (copy enclosed).

1. effect on existing water rights
2. sufficiency of water supply
3. good faith, delay or speculative purposes
4. financial resources
5. local public interest

Please submit the requested information for application processing to continue.

Your written responses- South Ada County ground water response form and Rule 40 information response must be submitted within the next ninety (90) days. You may seek additional time to provide information if necessary. The application will be voided without a timely written reply. Refunds are not available for voided applications.

IDWR forms and other information are available online at www.idwr.idaho.gov. Please do not hesitate to call me at 208-334-2190 or email me at anna.kaiser@idwr.idaho.gov if you have any questions or concerns regarding the enclosed information. Thank you for your attention to these matters.

Sincerely,



Anna Kaiser
Water Resource Agent
IDWR – Western Regional Office
2735 W Airport Way
Boise ID 83705

Enclosures: (2) Basin 63 ground water area of concern boundary map
permit application withdrawal form
application response form
IDAPA 37.03.08.040.05.c-g

CC: DYLAN LAWRENCE
VARIN WARDWELL LLC
242 N 8TH ST STE 220
BOISE ID 83705

RECEIVED

SEP 22 2020

WATER RESOURCES
WESTERN REGION



ATTORNEYS AT LAW

242 N. 8TH STREET, SUITE 220

P.O. BOX 1676

BOISE, IDAHO 83701

P: 208.345.6021

F: 1.866.717.1758

VARINWARDWELL.COM

DYLAN B. LAWRENCE

DYLANLAWRENCE@VARINWARDWELL.COM

September 22, 2020

VIA HAND DELIVERY

Idaho Department of Water Resources

Western Region

2735 Airport Way

Boise, Idaho 83705-5082

Re: Application for Permit (HA Winterfell LLC)

Dear Sir or Madam:

I have enclosed with this letter the following:

- One signed original Application for Permit in the name of HA Winterfell LLC;
- Two maps illustrating the proposed points of diversion and place of use; and
- A check in the amount of \$450.00 for the processing fee.

If you have any questions or concerns regarding these enclosures, please do not hesitate to contact me. Otherwise, please begin processing the application at your earliest convenience.

Thank you for your attention to this matter.

Sincerely,

VARIN WARDWELL, LLC

A handwritten signature in blue ink, appearing to read "Dylan B. Lawrence".

Dylan B. Lawrence

Enclosures (4)