

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF PROTEST
77-14325

JUN 25 2018

WATER RESOURCES
WESTERN REGION

June 25, 2018

1. Matter being protested

Application for Permit No. 77-14325 for Variety Excursions, LLC

2. Name of protestant

United States Department of the Interior
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

3. Protestant's Representative for service (if different than protestant)

Fredric W. Price (contact person)

4. Service mailing address

same as above

5. Service telephone no.

(208) 373-3831

6. Basis of protest (including statement of facts and law upon which the protest is based).

Application for Permit 77-14325 ("Application") describes legal land descriptions under the Point of Diversion ("POD") and Place of Use "(POU)" elements which contain both private and federal land (i.e. BLM) as follows. The POD & POU description should be specific enough to make it clear that only private land is intended.

POD: T24N, R05E, S09, NWSW	-mixed ownership (private /BLM)
POU: T24N, R05E, S09, SENW	-mixed ownership (private /BLM).

The Application states that the POU (powerhouse) will be located on private land. The map attached to the Application appears to show the powerhouse being located just over the property line onto BLM land. The Applicant is not authorized to locate a powerhouse on federal land.

The Application does not include any information about whether the Applicant has sought authorization from FERC to generate hydropower.

Applicant appears to be a limited liability company originating from a different state. The Idaho Secretary of State's Office shows that the Idaho registration for this foreign corporation was administratively cancelled, and therefore is no longer qualified to do business in Idaho. This entity is currently registered in the State of Georgia as a domestic profit corporation.

BLM shares the concerns of the Idaho Departments of Fish & Game and Environmental Quality in not dewatering the private land stretch of Bear Creek.

7. What would resolve your protest?

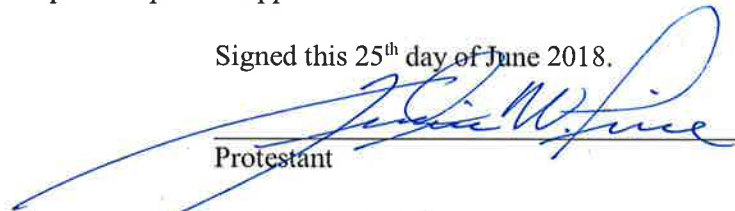
- 1) Clarify the POD & POU elements such that it is clear only private land is intended, but including the following conditions on an Approved Permit or License:
 - (i) "Point of diversion does not reside on federal land."
 - (ii) "Place of use does not include federal land."
 - (iii) "The issuance of this right does not grant any right-of-way or easement across the land of another."

- 2) Provide evidence of authorization or exception from FERC; and condition any approval of this application be in compliance with applicable state and federal laws regarding the generation of power:
 - (i) "This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required."

- 3) Some provision be made to preclude dewatering of the stream.

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 25th day of June 2018.



Protestant

Fredric W. Price
Protestant's Representative

Attachments:

- ◆Maps prepared by BLM for illustrative purposes.
- ◆Master Title Plats: T24N, R05E
- ◆Mineral Survey 3412
- ◆Idaho County Assessor information
- ◆Secretary of State information: Idaho & Georgia

FOR DEPARTMENT USE ONLY

Received by RN

Date 6/25/18

Fee Paid \$25.00 ✓

Date 6/25/18

Received by RN

Receipt # W046471

CERTIFICATE OF SERVICE

I certify that on June 25, 2018, I served a true and correct copy of the **Protest of Application for Permit No. 77-14325** with enclosures upon the following individuals by placing the documents in the United States mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Nick Miller, P.E., Regional Manager
Idaho Department of Water Resources (IDWR)
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Copies to:

Variety Excursions, LLC
11405 Park Rd., Suite 180
Anchorage, Kentucky 40223-1476
C/O Mark H. O'Brien, Managing Member

Ronald T. Blewett, Registered Agent
301 D St., Ste. C
Lewiston, Idaho 83501-1814

William W. Riddle, Jr.
4604 Versailles Lane
Plano, Texas 75093-3506

Ronald T. Blewett, Registered Agent
710 16th Ave.
Lewiston, Idaho 83501-3768

Craig A. Johnson, Fishery Biologist
U.S., Department of the Interior
Bureau of Land Management
Cottonwood Field Office
2 Butte Dr.
Cottonwood, Idaho 83522-5200

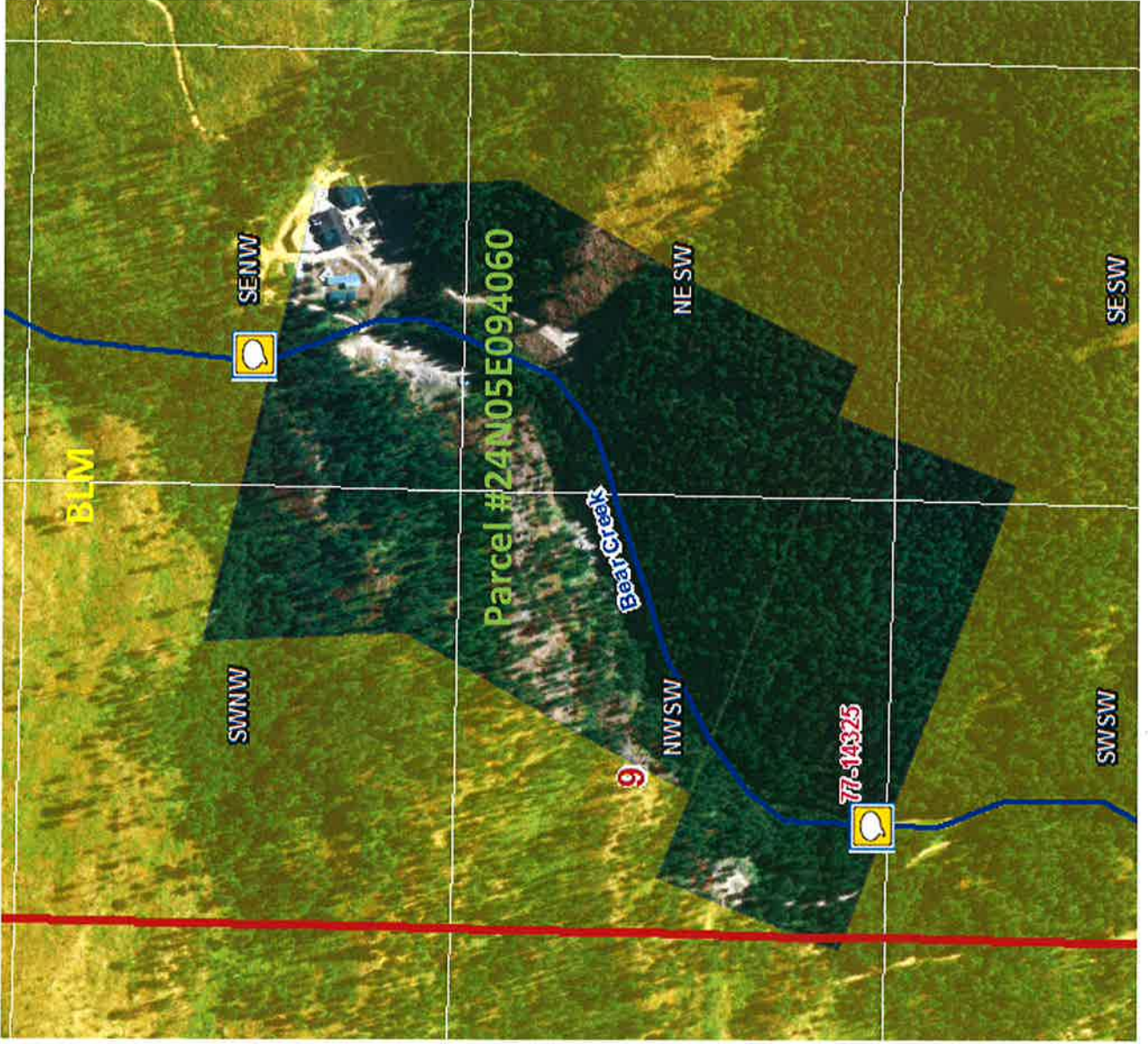
Ronald T. Blewett
Blewett Mushlitz Hally, LLP
P.O. Box 1990
Lewiston, Idaho 83501-1464


Person Serving Documents (print name)

Application for Permit: 77-14325 (Variety Excursions, LLC)

POD: T24N, R05E, S09, NWSW

POU: T24N, R05E, S09, SENW



MAP

MAP TOOLS

ADVANCED TOOLS

GEOPROCESSING TOOLS



SEARCH BY ADDRESS:
Example: 123 1st Ave
Search

SEARCH BY PARCEL NUMBER:
Example: 30N03E321100
24N05E094060
SEARCH



Help

LAYERS UPDATES

General Layers

PLSS

PLSS Sections with Labels

PLSS Townships with Labels

Roads

Mile Posts

Proposed Annexations (Updated Nightly)

Cell towers

All Registered Towers

Allotments

Ownership

Wilderness

Soils

USGS Stream Gage

Stations

Taxing Districts

Historical Annx 2010-2018

Cemetery

City

Fire



Map Satellite

Parcel labels On

Parcel labels Off

DETAIL INFO ASSESS INFO HOUSE PHOTO TAXING DISTRICTS

Parcel Number: 24N05E094060

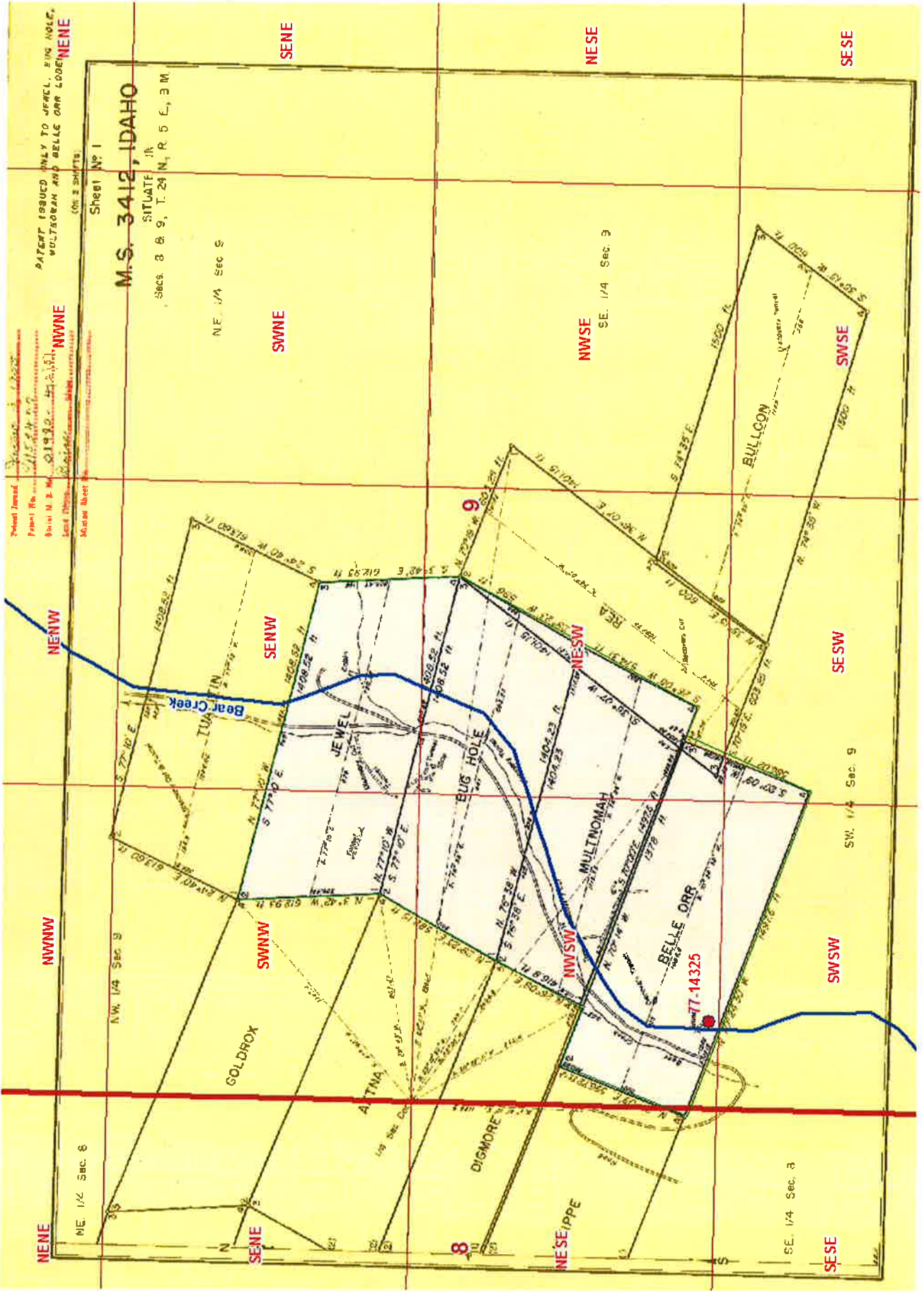
Site Address: 1850 FS 318 ROAD

Site Zipcode: 83038

Lat and Long of Center: 45.4340361649483, -115.85491899384

Application for Permit: 77-14325 (Variety Excursions, LLC)

POD: T24N, R05E, S09, NWSW
POU: T24N, R05E, S09, SENW



PATENT ISSUED ONLY TO JEWEL, BUG HOLE,
MULTNOMAH AND BELLE ORR LODES.

Patent Issued
Patent No. 115,947
Book M. E. No. 21,180
Lead Office
Mining Sheet No.

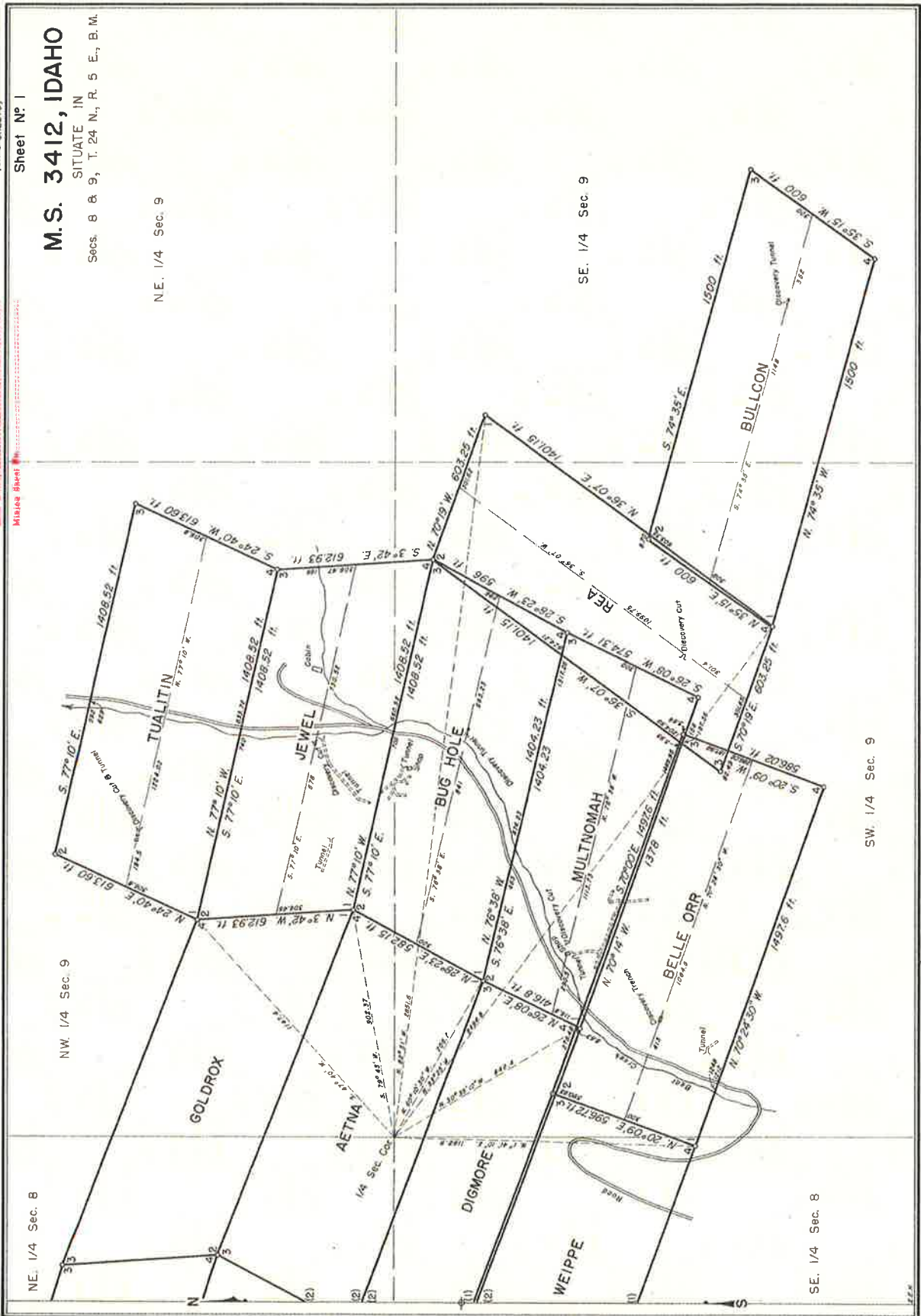
Sheet No. 1
(ON 2 SHEETS)

M.S. 3412, IDAHO

SITUATE IN
SECS. 8 & 9, T. 24 N., R. 5 E., B.M.

NE. 1/4 Sec. 9

SE. 1/4 Sec. 9



PATENT ISSUED ONLY TO JEWEL, BUG HOLE,
MULTNOMAH AND BELLE ORR LODES.

(ON 2 SHEETS)

Sheet No. 2

MINERAL SURVEY No. 3412 IDAHO

CLAIM OF
DORA J. P. GERBER

KNOWN AS THE
JEWEL GROUP

CONSISTING OF
WEIPPE, DIGMORE, AETNA, GOLDROX,
NEHALEM, BELLE ORR, MULTNOMAH,
JEWEL, TUALITIN, BUG HOLE,
REA and BULLCOON LODES

SITUATE IN
Secs. 8 & 9, T. 24 N., R. 5 E., B.M.
IDAHO COUNTY
Marshall Lake Mining District
Idaho Land District



Magnetic Declination 20° 30' E.

Surveyed Sept. 20, 1948 to Oct. 5, 1948
By Bill Harris, Mineral Surveyor

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Survey Office

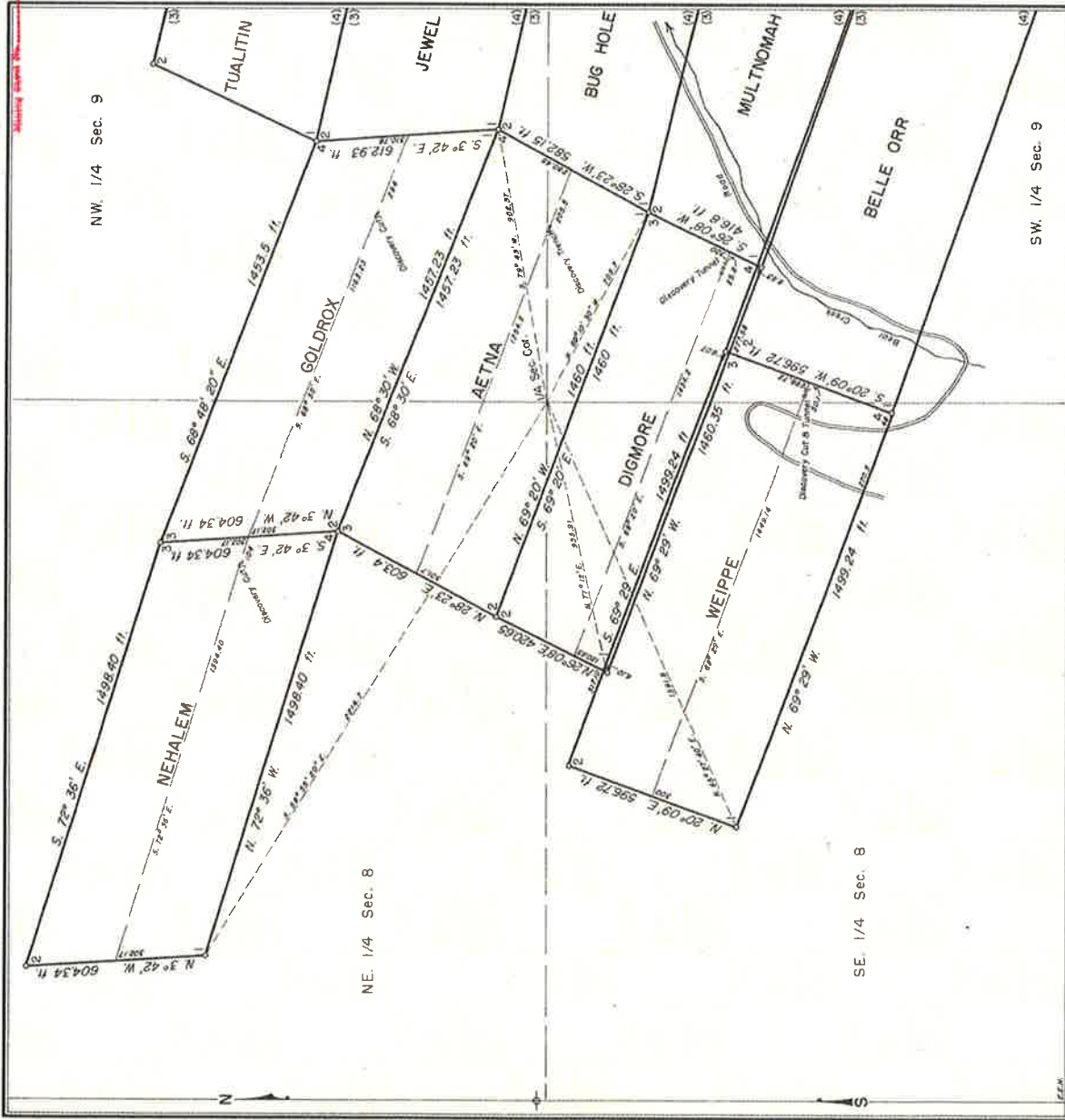
Portland, Oregon, December 26, 1950

I hereby certify that this plat of Mineral
Survey No. 3412, Idaho is strictly conformable to
the field notes of said survey which have been
examined and approved.

Otis O. Stodd.

Office Cadastral Engineer

Patent Entered *December 9, 1948*
Patent No. *2,528,472*
Serial No. *2,138,218*
Lead Office, *Idaho*





IDAHO SECRETARY OF STATE Search Results

Lawrence Denney, Secretary of State

Search Result Summary

[[New Search](#)]

Search Results 1 through 2

(VARIETY EXCURSIONS, LLC ... VARIETY EXCURSIONS, LLC)

VARIETY EXCURSIONS, LLC [View Details]

Organizational ID / Filing number: W70474

Filed 16 Jan 2008

PO BOX 1990

LIMITED LIABILITY COMPANY

LEWISTON, ID 83501

ADMIN CANCELLED

VARIETY EXCURSIONS, LLC [View Details]

Organizational ID / Filing number: W151755

Filed 14 May 2015

PO BOX 23539

LIMITED LIABILITY COMPANY

ANCHORAGE, KY 40223

ADMIN CANCELLED

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov



IDAHO SECRETARY OF STATE

Viewing Business Entity

Lawrence Denney, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
 [[Monitor VARIETY EXCURSIONS, LLC business filings](#)]

VARIETY EXCURSIONS, LLC

PO BOX 1990
 LEWISTON, ID 83501

Type of Business: LIMITED LIABILITY COMPANY

Status: ADMIN CANCELLED 21 Apr 2015

State of Origin: TEXAS

Date of 16 Jan 2008

Origination/Authorization:

Current Registered Agent: RON BLEWETT
 BOLLINGER FINANCIAL CENTER
 301 D STREET, STE. C
 LEWISTON, ID 83501

File Number: W70474

Date of Last Annual Report: 18 Nov 2013

Original Filing:

Filed 16 Jan 2008 FOREIGN
 REGISTRATION
 STATEMENT

[[Help Me Print/View TIFF](#)]
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[View Image \(TIFF format\)](#)

Amendments:

Amendment Filed 13 Nov 2012 OTHER
[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)

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Annual Reports:

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Report for year 2014 ANNUAL REPORT [View Document Online](#)
Report for year 2013 ANNUAL REPORT [View Document Online](#)
Report for year 2012 ANNUAL REPORT [View Document Online](#)
Report for year 2011 ANNUAL REPORT [View Document Online](#)
Report for year 2010 ANNUAL REPORT [View Document Online](#)
Report for year 2009 ANNUAL REPORT [View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)

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Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov



IDAHO SECRETARY OF STATE Viewing Business Entity

Lawrence Denney, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Monitor VARIETY EXCURSIONS, LLC business filings](#)]

VARIETY EXCURSIONS, LLC

PO BOX 23539
ANCHORAGE, KY 40223

Type of Business: LIMITED LIABILITY COMPANY

Status: ADMIN CANCELLED 31 Aug 2016

State of Origin: TEXAS

Date of 14 May 2015

Origination/Authorization:

Current Registered Agent: RON T BLEWETT
710 16TH AVE
LEWISTON, ID 83501

File Number: W151755

Date of Last Annual Report:

Original Filing:

Filed 14 May 2015 CERTIFICATE
OF AUTHORITY

[[Help Me Print/View TIFF](#)]

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Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

STATE OF GEORGIA

Secretary of State
Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

ANNUAL REGISTRATION

Electronically Filed
Secretary of State
Filing Date: 1/15/2018 11:15:27 AM

BUSINESS INFORMATION

CONTROL NUMBER K834659
BUSINESS NAME VARIETY EXCURSIONS, INC.
BUSINESS TYPE Domestic Profit Corporation
EFFECTIVE DATE 01/15/2018

PRINCIPAL OFFICE ADDRESS

ADDRESS P O Box 23539, Anchorage, KY, 40223, USA

REGISTERED AGENT'S NAME AND ADDRESS

NAME	ADDRESS
CAPITOL CORPORATE SERVICES INC	3675 Crestwood Pkwy NW Ste 350, Gwinnett, DULUTH, GA, 30096, USA

OFFICERS INFORMATION

NAME	TITLE	ADDRESS
mark H O'Brien	SECRETARY	2340 NE 30th Court, Lighthouse Point, USA
Mark H O'Brien	CEO	2340 NE 30th Court, Lighthouse Point, USA
Mark H O'Brien	CFO	2340 NE 30th Court, Lighthouse Point, USA

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE Mark O'Brien
AUTHORIZER TITLE Officer