

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-35459

Priority: July 12, 2023

Maximum Diversion Rate: 0.02 CFS

This is to certify that

HA WINTERFELL LLC C/O HASI
1 PARK PL STE 200 ANNAPOLIS MD 21401-3581

has applied for a permit to appropriate water from:

Source : GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
STOCKWATER	01/01 to 12/31	0.02 CFS

Location of Point(s) of Diversion

GROUND WATER SW¼ NE¼, Sec. 10, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼ SE¼, Sec. 10, Twp 01N, Rge 01E, B.M. ADA County

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	10			X		X	X	X	X	X			X	X		X	X	
01N	01E	11									X	X	X	X					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2024**.
2. Subject to all prior water rights.
3. The quantity of water under this right shall not exceed 13,000 gallons per day.
4. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
5. This right does not grant any right-of-way or easement across the land of another.
6. Stockwater use is for 120 sheep.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 20th day of September, 2023.


SCOTT STORMS
Water Rights Supervisor

SCANNED

SEP 22 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-35459

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.225 0.45 0.9 Miles

- Place Of Use Boundary
- Townships
- PLs Sections
- Quarter Quarters
- Point of Diversion



SCANNED

SEP 22 2023

RECEIVED

FORM 202 Rev. 09/16

JUL 12 2023

WATER RESOURCES
WESTERN REGION

Print Single Sided Only

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

Ident. No. 63-35459

1. Name of applicant(s) HA Winterfell LLC Phone 410-571-6197
Name connector (check one) ☐ and ☒ or ☐ and or

Mailing address c/o HASI, One Park Place, Suite 200 City Annapolis
State MD ZIP 21401 Email legaldepartment@hasi.com, HALand@hasi.com

2. Name of representative, if any Dylan Lawrence, Varin Thomas LLC Phone 208-345-6021
Mailing address 242 N. 8th Street, Ste. 220 City Boise
State ID ZIP 83702 Email dylan@varinthomas.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 Ground water which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
01N	01E	10			SW	NE	Ada	Ground water	
01N	01E	10			SE	SE	Ada	Ground water	396516

5. Water will be used for the following purposes:

Amount 0.02 for Stockwater 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)
Amount _____ for _____ purposes from _____ to _____ (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) 0.02 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Two existing groundwater wells with water bearing zone between 150 and 290 feet
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

SCANNED

For Department Use

Received by CC Date 7-12-23 Time _____ Preliminary check by JUL 28 2023
Fee \$ 100 Received by CC Receipt No. W051376 Date 7-12-23

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. 120 sheep
- c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

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	
01N	01E	10			X		X	X	X	X	X			X	X		X	X	
01N	01E	11									X	X	X	X					

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? None for stockwatering. Applicant holds permit 63-34961 for industrial, commercial, and fire protection purposes and several irrigation rights.

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. Watering sheep for control of vegetation

13. Time required for completion of works and application of water to proposed beneficial use is 1 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.

Daniel K. McMahon
Signature of Applicant
Daniel K. McMahon, Authorized Signatory
Print Name (and title, if applicable)

Signature of Applicant

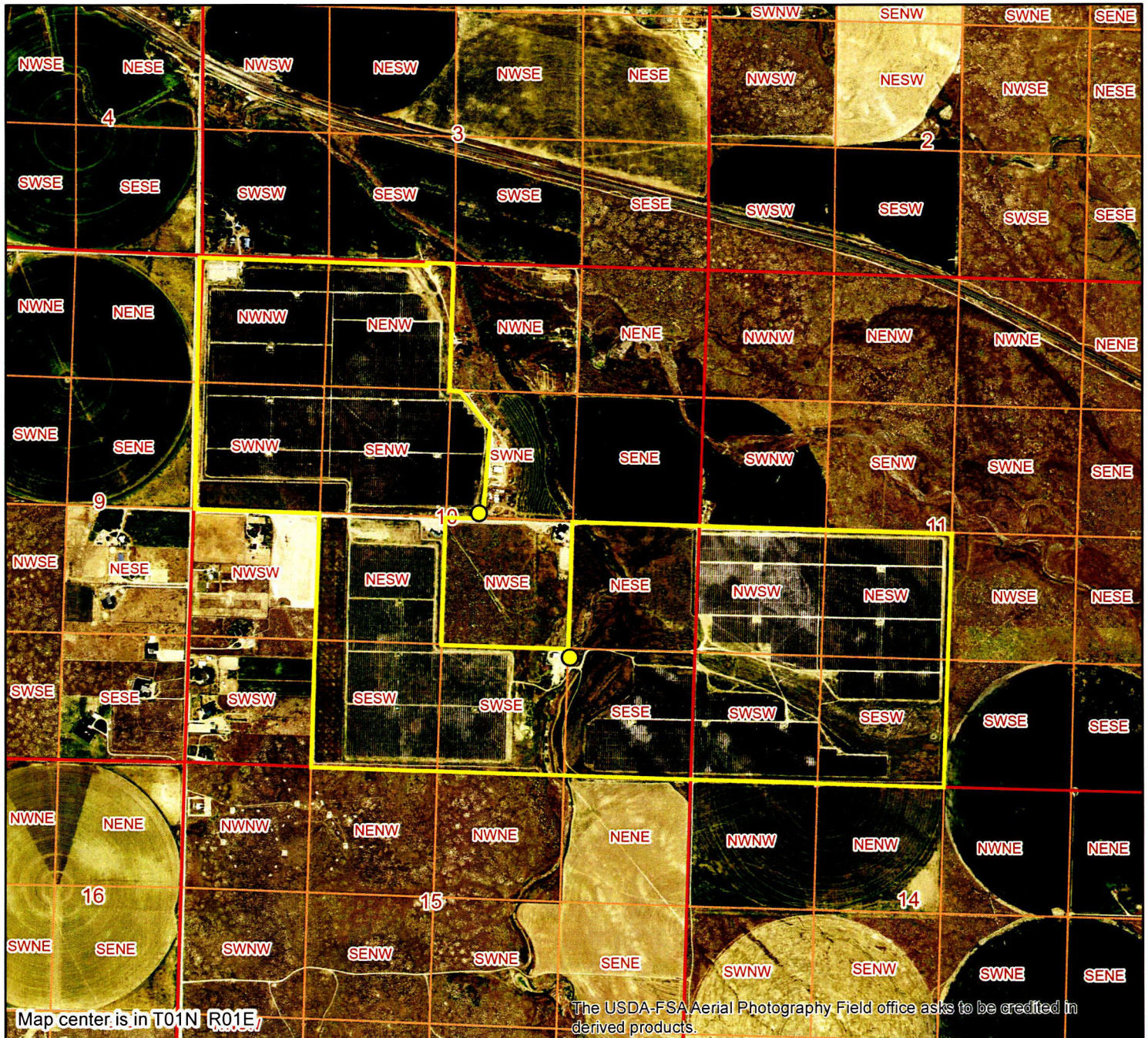
Print Name (and title, if applicable)

Application for Permit to Appropriate Water

HA Winterfell LLC

STOCKWATERING

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Map center is in T01N R01E

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



Date created: 6/21/2023



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

SCANNED
JUL 28 2023





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

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 20, 2023

HA WINTERFELL LLC
C/O HASI
1 PARK PL STE 200
ANNAPOLIS MD 21401-3581

RE: Permit No. 63-35459

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

SCANNED

SEP 22 2023

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,

for *Jan E*
Lynne Evans
Scott Storms
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2023, I served a true and correct copy of Permit to Appropriate Water No. 63-35459 by U.S. Mail, postage prepaid, to the following:

HA WINTERFELL LLC (Current Owner)
C/O HASI
1 PARK PL STE 200
ANNAPOLIS MD 21401-3581

DYLAN LAWRENCE (Representative)
VARIN THOMAS LLC
242 N 8TH ST STE 220
BOISE ID 83702-5892



Lynne Evans

Administrative Assistant I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
26965	449565	Print Legal Ad-IPL01333330 - IPL0133333		\$65.04	1	46 L

Attention: Lynne Evans

IDAHO DEPT OF WATER RESOURCES / WEST
2735 W AIRPORT WAY
BOISE, ID 837055082

lynne.evans@idwr.idaho.gov

NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-35459
HA WINTERFELL LLC
C/O HASI, 1 PARK PL STE 200
ANNAPOLIS, MD 21401-3581
Point of Diversion SWNE S10 T01N
R01E ADA County
Point of Diversion SESE S10 T01N
R01E ADA County
Source GROUND WATER
Use: STOCKWATER
01/01 to 12/31; 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 07-12-2023
Place Of Use: STOCKWATER
T01N R01E S10 SWNE, NENW,
NWNW,
SWNW, SENW, NESW, SESW, NESE,
SWSE, SESE
T01N R01E S11 NESW, NWSW,
SWSW, SESW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western Region 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 this 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 8/21/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
IPL0133333
Aug 3, 10 2023

OK
LE 8/29/23

RECEIVED

AUG 10 2023

WATER RESOURCES
WESTERN REGION

Bettina Jantzen, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 insertion(s) published on:

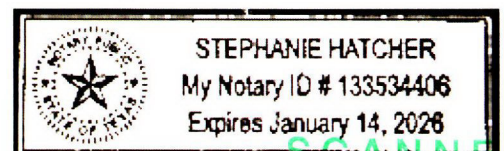
08/03/23, 08/10/23

(Legals Clerk)

On this 10th day of August in the year of 2023 before me, a Notary Public, personally appeared before me Bettina Jantzen known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

SEP 22 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 28, 2023

HA WINTERFELL LLC
C/O HASI
1 PARK PL STE 200
ANNAPOLIS MD 21401-3581

RE: Application for Permit No. 63-35459

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 8/3/2023 and 8/10/2023. 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,

Lynne Evans
Administrative Assistant I

CC: DYLAN LAWRENCE, VARIN THOMAS LLC

SCANNED

JUL 28 2023



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

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 28, 2023

CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE ID 83707-0027

RE: Application for Permit No. 63-35459

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:

<https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

Lynne Evans
Administrative Assistant I

SCANNED

JUL 28 2023

Evans, Lynne

From: Evans, Lynne
Sent: Friday, July 28, 2023 10:18 AM
To: Daniel Hoke; Mike Meyers
Subject: Application for Permit Nos. 63-35459, 63-35446
Attachments: 63-35459 WM.docx; 63-35446 WM.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office by August 21, 2023.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by August 21, 2023, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RE: Application for Permit No. 63-35459

New Appropriation Applicant's
Name:

HA WINTERFELL LLC
C/O HASI
1 PARK PL STE 200
ANNAPOLIS, MD 21401-3581

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned
as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____.

Watermaster's Signature

SCANNED

JUL 28 2023

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, July 27, 2023 11:32 AM
To: BOI Legals
Subject: Legal Notice for Application for Permit No. 63-35459
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the Idaho Statesman 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 8/21/2023. Your cooperation is appreciated.

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-35459

HA WINTERFELL LLC

C/O HASI, 1 PARK PL STE 200

ANNAPOLIS, MD 21401-3581

Point of Diversion SWNE S10 T01N R01E ADA County

Point of Diversion SESE S10 T01N R01E ADA County

Source GROUND WATER

Use: STOCKWATER

01/01 to 12/31; 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 07-12-2023

Place Of Use: STOCKWATER

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

T01N R01E S11 NESW, NWSW, SWSW, SESW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western Region 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 this 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 8/21/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/3/2023 and 8/10/2023

SCANNED

JUL 28 2023

RECEIVED

JUL 12 2023

WATER RESOURCES
WESTERN REGION

242 N. 8TH STREET, SUITE 220

P.O. Box 1676

BOISE, IDAHO 83701

P: 208.345.6021

F: 1.866.717.1758

VARINTHOMAS.COM

VARIN THOMAS

ATTORNEYS AT LAW

DYLAN B. LAWRENCE

DYLAN@VARINTHOMAS.COM

July 12, 2023 July 11, 2023

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 a signed application for permit, illustrative map, and process fee check in the amount of \$100.00. Please let me know of any questions or additional information needed from the applicant. Otherwise, please process these applications materials at your earliest convenience.

Thank you for your attention to this matter.

Sincerely,

VARIN THOMAS



Dylan B. Lawrence

Enclosures

SCANNED

JUL 28 2023

REVIEW CHECKLIST -- APPLICATION FOR PERMIT

Application #

88215

REVIEWER

C. Hunt

DATE

7/12/2023

1. REQUIRED INFORMATION – COMPLETE & ACCURATE – INITIAL DE

- ☒ Name (corporation or partnership, names & addresses for director, officers, &/or other partners must be included – Rule 35.03.b.i) bus. entity # _____
- ☒ Address _____
- ☒ Source * (see USGS quad for source/trib names, comment for local name) _____
- ☒ P/D (10 acres for spring, lot & block info for subdivisions) _____
- ☒ County * _____
- ☒ Quantity (flow & /or storage volume) _____
- ☒ Period of use * _____
- ☒ Nature of use (list details in app. item 8 if non-irrigation) _____
- ☒ Municipal Checklist _____
- ☒ Description of diverting works _____
- ☒ Time required for beneficial use of water _____
- ☒ P/U _____
- ☒ Map (show T, R, Sect, POD & POU) _____
- ☒ Signature (need title of signatory if applicable) _____
- ☒ Correct fee paid _____
- ☒ Fee amount, receipt number, receipt date, WR #, and reviewer initials recorded on app _____
- ☒ Attach proof report & WR Layout Map _____
- ☒ AdHoc, Application tab: Status = ACTIVE ☒ Draft = NO ☒
- ☒ Log APPSLIST for Initial DE _____ and Log File Location _____

Government Lots

P/D

P/U

* _____ tributary, county &/or irrigation
season corrected per dept. standards
w/o amended appl. per AP Memo #9

2. PRE-ADVERTISING ANALYSIS

- YES NO
- ☒ Bs 63 GW? Water bearing zone legal notice remark required
- ☒ Bs 63 GW between Star & Lucky Peak? Consumptive uses must appropriate deeper than 200' or mitigate, except §42-111 uses
- ☒ Bs 63 GW Above Lucky Peak? All GW of any depth is directly tributary to Boise River
- ☒ mitigation required for all consumptive uses, except §42-111 uses
- ☒ Mitigation plan (consumptive use & POD closed area) – legal notice remark + mitigation checklist
- ☒ Critical Ground Water Area – send letter if cannot process
- ☒ Ground Water Mngt. Area – send letter if cannot process
- ☒ Bs 77, 78, 79 – 42-111 D/S any source or community well, normal process; all others use
- ☒ Salmon/Clearwater Area Processing
- ☒ W&S Rv – Bs 77 or 78 + legal notice remark, W&S Workflow application record
- ☒ W&S Rv – Bs 51 or 55, attach Bs 51 - 55 W&S Watersheds checklist
- ☒ Water Dist. 67 – send Bs 67 June 15 cutoff form letter to confirm BU. possible prior to 6/15
- ☒ Waste Water – send form letter
- ☒ Trust Water – send form letter (AdHoc/Reports tab) + legal notice remark + TW checklist
- ☒ South Ada Co. GW Area of Concern – send form letter
- ☒ South Canyon Co. GW Area of Concern – send form letter
- ☒ Complaint or Enforcement action with significant nexus? Review Enforcement database for considerations and comment letters
- ☒ US BLM is POD/POU Property Owner, Verify location with Applicant and check w/ BLM

ADD INFO Requested On: _____ Response Received: Y _____ N _____

Extension Requested On: _____ Response Received: Y _____ N _____

3. ADVERTISING

- YES NO
- ☒ STATEWIDE ADVERTISING (> 10 cfs or > 1000 af storage)
- ☒ Legal Notice Remarks (WB Zone, Wild & Scenic, Subdivision Info, Mitigation, etc.) – See attached proof report

4. COMMENT LETTERS

YES ☒ NO ☒
Water Dist # 63 ✓
IDFG [SW "fish live-in" AP Memo #62, Bs 77-79, other] (____ reply in file)
IDEQ [Bs 77-79, Land Application, Basin Recharge, Dairy, PWS, other] (____ reply in file)
Western Dam Safety [Storage Dam (n/a excavated ponds); Complete checklist ____]
IDWR Planning Bureau [Min. Stream Flow Bs 77-79, Protected Stream, other]
IDL [POD/POU Property Owner, other]
US BLM [POD/POU Property Owner, other]
US Forest Service [POD/POU Property Owner, other]
Irrigation Entity [Overlap GW Irr, Waste water, other]: ____
Complainants – list here or see attached
Other [Previous Protestants in Area, ect.] – list here or see attached – CS Properties ✓
NAJ
well share permit

COMPLETE TO HERE BEFORE FORWARD FOR ADVERTISING

ADVERTISER COMPLETES

LEGAL NOTICE & PROTEST

Protest Deadline 6/21/23

YES ☒ NO ☒
Protested ☒ If Yes: Prepare protest checklist and complete
Affidavit received/published correctly? If No, Re-advertise.

Re-Adv Protest Deadline _____

YES ☐ NO ☐
Protested ☐
Affidavit received/published correctly ☐ If No: _____ Re-advertised & published correctly

Re-Adv Comment Letters To: _____

POST-ADVERTISING ANALYSIS

YES ☒ NO ☐
POD overlap – briefly explain 63-34961, 34804.0011, 34913, 63-34339 other uses
POU overlap – briefly explain 63-34961 - see attached table overlap of after uses
Large diversion > 5 cfs, > 500 af storage or > 200 acres – attach large diversion checklist
Public Land Access – IDL, BLM, USFS owns POD/POU land, Rule 40.05.e info needed
BLM or USFS Stockwater Appl. – consider Joyce Livestock Decision – send form letter
Municipal – Review AP Memo #18 and/or AP Memo #74
Commercial, Heating/Cooling, Industrial, WQI, etc. – Rate request justified in file
Storage Use – AP Memo #76 complete for explanation/justification of volume request in file
Power residency affidavit – send power letter for other factors if needed
DP fee upgrade : ____ Paid ____ WR & WC Files Documented ____ Not Paid = SO follow up

ADD INFO Requested On: _____ Response Received: Y ____ N ____
Extension Requested On: _____ Response Received: Y ____ N ____

DRAFT PERMIT

YES ☒ NO ☐
W&S Rv – Bs 51, 55, 77 or 78 W&S Workflow/spreadsheet update for permit record
Memo To File Re: _____
Draft approval created w/ Map (WRLayouts - 'Print Attachment Page') & saved to backfile