

FOR OFFICE USE ONLY:
 \$50 Fee Received by 587
 Date 4/18/2011
 Receipt No. 6092892

RECEIVED

APR 18 2011

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
 BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right and file proof or beneficial use of water. There is a **FILING FEE** of \$50.00 to be included with this form when filed with IDWR.

Permit No. 37-21719 Date Proof is Due JUNE 1, 2011
 Name(s) of Permit Holder WILD WEST, INC.
 Address 410 HIGHWAY 75 City SHOSHONE State ID Zip 83352
 Telephone No. 917 859-8959 Email _____

Describe what work has been completed toward the development of this water right:
 (This must be filled out! If no work has been completed, show "none".)

PLEASE SEE ATTACHED LETTER

Costing _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Permit holder(s) request an extension to SEE ATTACHED LETTER, 20 ____.

Signature (If other than permit holder, Power of Attorney must be supplied)

Date

4-15-11

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use
 is extended to June 1, 2016.

Signed this 5th day of May, 2011

Jeff Peppersack, Chief
 Water Allocation Bureau

SPECIAL POWER OF ATTORNEY

WILD WEST, INC., a duly authorized corporation of the State of Idaho, by these presents does make, constitute and appoint TIMOTHY W. TYREE of Boise, Idaho, its true and lawful attorney for it and its name with full authority to act on behalf of the company in all matters before the Idaho Department of Water Resources and/or the Snake River Basin Adjudication involving the claim, application for and/or transfer of water rights in which the company has interest concerning property located at 410 Highway 75, Shoshone, Lincoln County, Idaho.

Further, a copy of this Special Power of Attorney shall have the same force and effect as an original

WILD WEST, INC.

By: _____

Jerry Turco

Its: President

STATE OF New Jersey)

) ss.

County of Bergen)

On this 21st day of April, 2009, before me, the undersigned Notary Public in and for said County and State, personally appeared **Jerry Turco**, known or identified to me to be the President of WILD WEST, INC., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Maryann Gingerelli-Yaniga

Notary Public

Residence: 9 Delia Terrace, Belleville, NJ 07003

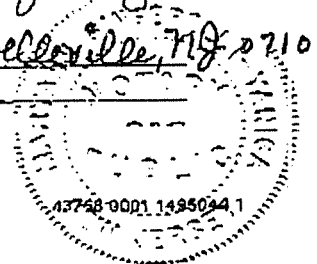
My commission expires: _____

SPECIAL POWER OF ATTORNEY

MARYANN GINGERELLI-YANIGA

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Jan. 30, 2013





RECEIVED

APR 18 2011

DEPARTMENT OF
WATER RESOURCES

ATTORNEYS AND COUNSELORS

Hawley Troxell Ennis & Hawley LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
208.344.6000
www.hawleytroxell.com

TIMOTHY W. TYREE
ADMITTED TO PRACTICE LAW IN IDAHO
EMAIL: TTYREE@HAWLEYTROXELL.COM
DIRECT DIAL: 208.388.4873
DIRECT FAX: 208.954.5276

April 15, 2011

VIA U.S. MAIL

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

Re: *Request for Extension of Time*

Dear IDWR:

Enclosed with this letter, please find the Request for Extension of Time for Permit No. 37-21719. Also, please refer to this letter for the requested responses in the Request for Extension of Time.

Background.

The Permit to Appropriate Water was issued on June 15, 2006. As stated in the Application For Permit and confirmed in the letter from James E. Stanton dated March 23, 2006, the expected completion for the project was six to eight years. The five years from the date of issuance of the Permit will end on June 15, 2011. By letter dated May 15, 2009, the Department, for **good cause** showing, granted the full five years from initial application in which to put the water to full beneficial use. This Request for Extension of Time is for an extension of five years after the initial five year period plus any time period development is delayed due to the construction work and litigation described below.

Description of Completed Work.

To date, an eight inch well has been installed and is operational at the site. The well is connected to the water system for the existing office/retail commercial building. The development plans call for expanding the existing building and construction of a second building on site. The water lines have been stubbed to accommodate the expansion. The cost for the improvements to date total approximately \$1,500,000.

Reason for Delay.

In 2009, the Idaho Transportation Department ("ITD") announced its plan to widen Highway 75. The widening of Highway 75 required the taking of 2.133 acres of Wild West's developed property. On August 31, 2009, Wild West conveyed the 2.133 acres to ITD. As of the date of this letter, ITD has not started the construction to widen Highway 75 on the land Wild West conveyed. Construction work on Highway 75 has started near Twin Falls, but ITD has not indicated when construction will begin next to Wild West's property.

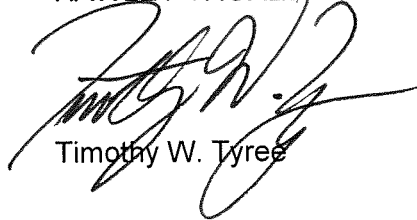
Wild West has delayed taking further action to develop the property and its water right until the Highway 75 improvements are complete. ITD's improvements will not only impact business during construction but will also affect landscaping, parking, and drive aisle configuration on the property, which in turn affect building location. Thus, until the Highway 75 improvements are complete, Wild West is unable to develop the remainder of its improvements and fully apply its water right to beneficial use.

In addition, over the past two years Wild West has received multiple notices of curtailment relating to the Clear Springs Foods and Blue Lakes Trout Farms water calls and the ensuing litigation relating thereto. Such litigation, which is on-going as of the date of this letter, calls into question Wild West's ability to use its water and thus affecting its title thereto. Litigation, of any nature, which might bring title to Wild West's rights into question, is good cause for granting an extension.

For **good cause** as stated above, please issue Wild West an extension period of five years plus any time period development is delayed due to the construction work and litigation described above in order to fully develop water right 37-21719 for beneficial use.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY LLP



Timothy W. Tyree

c. Client