



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

April 21, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

WILD WEST INC
410 HIGHWAY 75
SHOSHONE, ID 83352

EXTENSION DEFICIENCY LETTER

RE: Permit No. 37-21719

Dear Permit Holder(s):

The Department acknowledges receipt of your request for extension of time. Your request states that the delay in completion of this project was due to litigation. The Department requires evidence of the litigation that brought title to said water in question, and prevented development of the project according to Section 42-204, 1, Idaho Code.

Section 42-204, 1, Idaho Code, reads as follows:

"In cases where the applicant is prevented from proceeding with his work by his failure to obtain necessary consent or final approval or rejection from the federal government because of the pendency of an application for right of way or other matter within the jurisdiction of the United States, or by litigation of any nature which might bring his title to said water in question, the department of water resources upon proper showing of the existence of any such condition, and being convinced that said applicant is proceeding diligently and in good faith, shall extend the time so that the amount of time lost by such delays shall be added to the time given in the original permit for each and every action required."

If your extension request is based on delay due to litigation, please provide documentation evidencing the date litigation began and the date litigation ended which held up the development of the system during the initial 5 year development period allowed, (June 15, 2006, through June 01, 2011.) Upon receipt of the evidence, your extension could be approved for that amount of time lost during litigation. In addition, your extension request could be approved for up to 5 more years for due diligence.

If you have no evidence of delay to provide, the Department may grant an extension for up to 5 years for due diligence based on the work described in your request that has been completed toward the development.

Please provide additional explanatory information together with copies of appropriate documents to support the period of delay resulting from litigation during the development period permitted. I will hold this matter for **15-days** from the date of this letter to wait for your response.

If you have any questions regarding this matter, please contact me at (208) 287-4945.

Sincerely,

Darla Block
Technical Records Specialist

cc: TIMOTHY W TYREE
HAWLEY TROXELL ENNIS & HAWLEY LLP
PO BOX 1617
BOISE ID 83701-1617