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MAR 05 2010

3-5-2010

Form 2-222

10/07

FEE \$100.00

Water Right No. 85-04194

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

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MAR 10 2010

IDWR/North

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

- Name of water right holder Twin City Foods, Inc.
- Mailing address P.O. Box 699, Stanwood, WA 98292 Email ronk@twincityfoods.com
- The right was obtained or is evidenced by:
 - Decree to Twin City Foods, Inc. in Case of In Re SRBA, Case No. 39576
vs. _____, Dated 08-18-2005 in Idaho District Court,
Fifth Judicial District
(Name of Court)
Court, _____ County of _____ Fully describe decree
Partial decree pursuant to I.R.C.P. 54(b) for Water Right No. 85-04194
(based on beneficial use claim)
 - License No. _____ c. Claim No. 85-04194
 - SRBA No. 85-04194
- Source of water Groundwater tributary to _____
(Name of stream or source)
- Date of priority of right 09-25-1952
- Description of Right:

amount 6.95 cfs for commercial purposes from 1-1 to 12-31
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- Point of Diversion SW 1/4 NE 1/4 of Sec. 36 Twp. 36N Rge. 6W County Nez Perce
(lot 2)

8. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	6W	36		C*	C*														

C = Commercial

* = lot 2

Total Acres _____

(f Date

The information contained in this application is true to the best of my knowledge.

My commission expires _____

CARLEA HOPINGARDNER
NOTARY PUBLIC
STATE OF IDAHO

Carol H. Jil
(Notary Public)

My commission expires 5/8/2010 Residing at Borse, Idaho

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby Approved said application subject to the following conditions or reasons:

Resumption of use prior to 8-18-2015

Signed this 13th day of May, 20 10

Robert Haynes
Chief, Water Allocation Bureau Regional Manager

3/5/10 3/22/10 FOR DEPARTMENT USE ONLY

Date Received 3/5/10 FEE Received by SRF Date 3/22/10 Receipt # CD90289

Preliminary T by _____ Publication prepared by db Pub. approved by db Date 4/26/10

Published in Leicester Tribune Dates Published 4/15 & 22/10

Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for (APPROVAL) / DENIAL By Keith H. Franklin

EXTENSION OF TIME TO AVOID FORFEITURE

ANALYSIS SHEET

1. INITIAL REVIEW BY: _____
2. RIGHT NUMBER 85-4194 APPLICANT Twin City Foods Inc
3. TYPE OF RIGHT ☒ DECREE LICENSE CLAIM
4. Is reason for request extension given on application?
☒ Yes No (If No, return Application)

5. CHECK:

- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of Use
- (b) ☒ Description of Point(s) of Diversion
- (c) ☒ Description of Place of Use
- (d) ☒ Check for correct signature, Notarization, Fee

6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

- (a) Copy of Tax Notice, Deed, or other _____ in file.
- (b) ☒ County Assessor records. Date contacted 11/9/2009

- b? 7. Is the right in Watermaster District? Yes ☒ No District
(If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by _____

- (a) Is Application published correctly? ☒ Yes No
- (b) Protest Received? Yes No

RECOMMENDED ACTION

 Approve

 Deny

CONDITIONS: _____

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING
INVOICE

Sold To: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

Date: 04/22/2010
Account No. 964750
Description 14621 NOTICE OF
Times 2
Lines 67
Tab. lines
\$ 100.50
PO# 85-4194

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

14621
NOTICE OF APPLICATION
Notice is hereby given that Twin City Foods, Inc, PO Box 699, Stanwood WA 98292, has filed an Extension of Time to Avoid Forfeiture with the Department of Water Resources for water rights within Nez Perce County as listed below.

The extension is requested to avoid loss of the water right due to non-use due to economic conditions beyond owner's control. New uses for water are contemplated and owner has been actively seeking a purchaser of the property and/or water right. However, due to unusual economic conditions, owner has been unable to complete a sale. Owner continues to pursue active discussions regarding potential sale. Additional time will allow this water right to be preserved and continue to serve beneficial uses within Idaho. Water right holder has no intent to abandon or forfeit this right, and is actively striving to ensure its continued use.

Water Right No. 85-4194
Priority Date, 09/25/1952
Name: Decreed to Twin City Foods, Inc., In Re SRBA, Case No. 39576, in the Idaho District Court, Fifth Judicial District in County of Twin Falls, Idaho
Amount: 6.95 cfs
Point of Diversion: T36N R06W Sec 36, SWNE Lot 2
Nez Perce County, Idaho
Place of Use:
T36N R06W Sec 36,
L2(NWNE), L2(SWNE)
Source: Ground water
Use: Commercial

Protests may be submitted based on the criteria of Sec. 42-221, Idaho Code. Any protest against the proposed application must be filed with the Department of Water Resources, Northern Region, 7600 N Mineral Drive, Suite 100, Coeur d'Alene, ID 83815, together with a protest fee of \$25 for each application on or before May 3, 2010. The protestant must also send a copy of the protest to the applicant.
Gary Spackman,
Interim Director
Legal #
April 15 and 22, 2010 ~ Lewiston Tribune

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 14621 NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

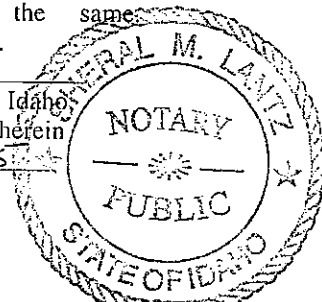
2 time(s). Publication being on 04/15, or once a week, the first publication thereof being on the 04/15/2010, and the last publication thereof being on the 04/22/2010, and said 14621 NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

State of Idaho
S.S.
County of Nez Perce

On this 23rd day of April in the year of 2010, before me, a Notary Public, personally appeared Karen J. Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheryl M. Santos
Notary Public in and for the State of Idaho
residing at Lewiston, therein
Commission Expires 6/04/15



RECEIVED
APR 26 2010
IDWR / NORTH

Ball, Dianne

From: Ball, Dianne
Sent: Friday, April 09, 2010 11:49 AM
To: Legal Notices-Lewiston Tribune - Karen Lewis
Subject: Notice Application for Extension of Time to avoid Forfeiture

A happy day to you, Karen,

Please publish the enclosed legal notice on the dates indicated, April 15 and 22, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.



LegalNotice
14-02-10 LT e-mail..

Please send a proof/preview copy for my review before this goes to press. This is a little different from our normal legal notice. Trusting that copy and paste will work for you.

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 5/3/2010. Your cooperation is greatly appreciated.

If you have any questions, please either call me or reply to this e-mail.

Thanks for all your terrific help!

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

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Nez Perce County, Idaho

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L2(NWNE), L2(SWNE)

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Gary Spackman, Interim Director

Legal #

April 15 and 22, 2010 ~ Lewiston Tribune



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 1, 2010

CHRISTOPHER H MEYER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701

Re: Twin City Foods Request for Extension of Time to Avoid Forfeiture of a Water Right

Dear Mr. Meyer: *Chris*

In order to process the Extension of Time to Avoid Forfeiture of Twin City Foods Inc Water Right No. 85-4194, we will need some sort of documentation such as a copy of a Tax Notice, Deed or some other form of documentation, proving ownership of the property is still in the name of Twin City Foods Inc.

Please send that to our office, to my attention, at your earliest convenience.

Thanks you,

Robert G. Haynes, P.E.
Regional Manager

RH/db

MAR 22 2010

DEPARTMENT OF
WATER RESOURCES

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

CHRISTOPHER H. MEYER
DIRECT DIAL: (208) 388-1236
CELL: (208) 407-2792
EMAIL: ChrisMeyer@givenspursley.com

Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Elizabeth M. Donick
Kristin Bjorkman Dunn
Thomas E. Dvorak
Jeffrey C. Fereday
Justin M. Fredin
Martin C. Hendrickson

Steven J. Hippler
Donald E. Knickrehm
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Emily L. McClure
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller

Patrick J. Miller
Judson B. Montgomery
Deborah E. Nelson
Kelsey J. Nunez
W. Hugh O'Riordan, LL.M.
Angela M. Reed
Justin A. Steiner
Conley E. Ward
Robert B. White

RETIRED
Kenneth L. Pursley
James A. McClure
Raymond D. Givens (1917-2008)

March 19, 2010

Emalee Rushing
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: *Water Right No. 85-4194 – Application for Extension of Time*

Dear Emalee:

As we discussed on the telephone this afternoon, enclosed is a check in the amount of \$100 as the filing fee for Twin City Foods, Inc.'s *Application for Extension of Time to Avoid Forfeiture of a Water Right*, the original of which was mailed to Aaron Marshall on March 4, 2010.

Please let me know if you need anything else. Thanks for your assistance.

Sincerely,



Caralea Hopingardner
Legal Assistant to Christopher H. Meyer

Encl: Application for Extension of Time form dated 3-4-2010 (copy)
Check No. 005809

10273-3_823007_1.DOC

MAR 05 2010

DEPARTMENT OF
WATER RESOURCES

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

CHRISTOPHER H. MEYER
DIRECT DIAL: (208) 388-1236
CELL: (208) 407-2792
EMAIL: ChrisMeyer@givenspursley.com

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March 4, 2010

Aaron Marshall
Water Allocation Bureau
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

MAR 10 2010

IDWR/North

Re: *Water Right No. 85-4194 – Application for Extension of Time*

Dear Aaron:

On behalf of my client, Twin City Foods, Inc., I am enclosing an original *Application for Extension of Time to Avoid Forfeiture of a Water Right* and a *Special Power of Attorney for Water Rights*. Also enclosed is a copy of the application to be conformed and returned to my office in the postage-paid envelope provided for your use.

A partial decree for this water right was issued on August 18, 2005, from which date the five year forfeiture clock runs. Paragraph 10 explains the reasons for the request for extension to August 18, 2015.

Please let me know if anything further is required. I would appreciate hearing from you to discuss the status of this application once you have had an opportunity to review it.

Sincerely,



Christopher H. Meyer

Encl: Application for Extension of Time form dated 3-4-2010 (original and 1 copy)
Special Power of Attorney dated 11-12-2009 (copy)

cc: Ronald Keolker, Twin City Foods, Inc.
Scott N. King, SPF Water Engineering, LLC

CHM:ch
10273-3_809507_1.DOC

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

Twin City Foods, Inc. whose mailing address is P.O. Box 699, Stanwood, WA 98292, hereby appoints the attorneys of Givens Pursley LLP, 601 West Bannock Street, P.O. Box 2720, Boise, ID, 83701 as its true and lawful attorneys for the purpose of signing on its behalf the following forms, pleadings, and other documents for submission to the Idaho Department of Water Resources ("IDWR"), the Idaho Water Supply Bank, and/or any Court undertaking an adjudication or judicial review of water rights held by Twin City Foods, Inc.

IDWR Forms

1. Affidavit for Water Rights To Be Used for Power Purposes;
2. Application for Amendment of Permit to appropriate the Waters of the State of Idaho;
3. Application for Exchange of Water;
4. Application for Extension of Time to Avoid Forfeiture of a Water Right;
5. Application for Permit to appropriate the Waters of the State of Idaho;
6. Application for Temporary Approval of a Water Application;
7. Application for Transfer of a Water Right;
8. Assignment of Permit To Change the Ownership of a Permit;
9. Change of Address;
10. Notice of Change in Water Right Ownership;
11. Notice of Diversion as an Alternative to Instream Stockwater Use;
12. Notice of Resumption of Beneficial Use;
13. Notice of Protest;
14. Notice of Security Interest in a Water Right – Request for Notification of Change in Ownership or Action to Amend, Transfer or Modify a Water Right
15. Request for Extension of Time to Provide Additional Time in Which to Submit Proof of Beneficial Use for a Water Right Permit;
16. Proof of Beneficial Use;
17. Relinquishment of Permit;
18. Statement of Completion for Submitting Proof of Beneficial Use;
19. Statutory Claim to a Water Right;
20. Temporary Change Application;

21. Withdrawal of Application for Amendment of Permit;
22. Withdrawal of Application for Permit;
23. Withdrawal of Application for Transfer of Water Right(s);

Idaho Water Supply Bank

24. Application to Rent Water from the Water Supply Bank (including a rental pool);
25. Application to Sell or Lease a Water Right to the Water Supply Bank (including a rental pool); and

Adjudication or Judicial Review

26. Any Notice of Claim to a Water Right (including late claims and/or amendments of claims), petition, pleading, motion, notice, objection, petition, brief, stipulation, or settlement submitted to any Court undertaking a general or special adjudication of water rights held by Twin City Foods, Inc.;
27. Any petition, pleading, motion, notice, objection, petition, brief, stipulation, or settlement submitted to any Court undertaking a judicial review or appeal of any action by IDWR respecting any water rights held by Twin City Foods, Inc.;

Miscellaneous

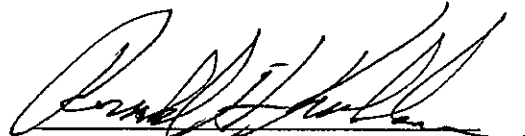
28. Any other pleading or document in support, furtherance, or settlement of any of the above.

All may rely on such authority. This Special Power of Attorney shall be effective until revoked in writing by Twin City Foods, Inc.

For purposes of the exercise of the powers herein granted, the facsimile or pdf signature of said attorneys shall be lawful and binding and any person may rely upon such facsimile or pdf signature as if it were an original

IN WITNESS WHEREOF, the undersigned has executed this Special Power of Attorney effective as of the last date noted.

Dated: Nov. 12, 2009

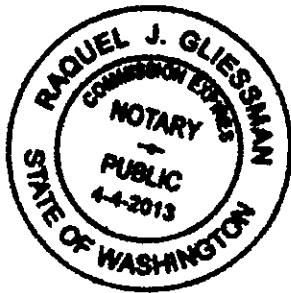

Ronald H. Keolker
Vice President, Finance
And Secretary
Twin City Foods, Inc.

ACKNOWLEDGMENT

State of Washington)
County of Snohomish) ss.

On this 12th day of November, 2009, before me, the undersigned, a notary public in and for said county and state, personally appeared Ronald H. Keolker, known or identified to me (or proved to me on his/her oath) to be the Vice President of Finance and Secretary of Twin City Foods, Inc., the corporation that executed the above instrument, or the person who executed the instrument on behalf of said corporation, 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.



Raquel J. Gliessman
Notary Public for Washington
Residing at Arlington
My Commission Expires 04/04/13