

RECEIVED

Form No. 204
10/07

APR 22 2009

DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY:
\$50 Fee Received by SRF
Date 4-24-09
Receipt No. 0088539**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 of beneficial use of water. There is a **FILING FEE** of \$50.00 to be included with this form when filed with IDWR.

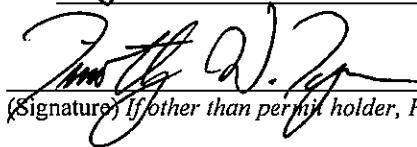
Permit No. 37-21719 Date Proof is Due: JUNE 1, 2009
Name(s) of Permit Holder: WILD WEST, INC.
Address: 410 HIGHWAY 75 City SHOSHONE State ID Zip 83352
Telephone No. 208-544-7743 Email: WILDWESTBP@QWESTOFFICE.NET

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".)

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 JUNE 15, 20 11.


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

4-17-09

(Date)

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, 2011.

Signed this 15th day of May, 20 09.


JEFF PEPPERSACK, BUREAU CHIEF
WATER ALLOCATION BUREAU



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

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DEPARTMENT OF
WATER RESOURCES

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

April 17, 2009

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 and a letter from Deb Pierson of the Idaho Transportation Department in support of this request. 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. This Request for Extension of Time is for the remaining two years of the initial five year term.

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.

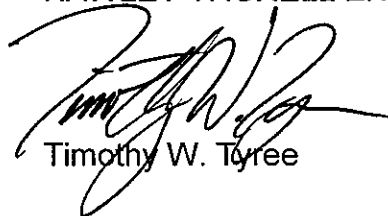
Reason for Delay.

The Idaho Transportation Department is planning to widen Highway 75. The widening of Highway 75 will require the taking of 2.133 acres of Wild West's developed property. The taking of Wild West's property is supported by the letter from Deb Pierson from the Idaho Transportation Department. Should you need additional information supporting the take, please advise. Wild West has delayed taking further action to develop the property and its water right until the Highway 75 improvements are complete. This has proven to be a wise decision since ITD has recently decided to move the centerline of Highway 75 over 15 feet into Wild West's property, further impacting the property from what was originally contemplated when the first portion of the building was constructed. The additional taking of the property affects the building location due to required landscaping, parking, and drive aisle set backs and widths. 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.

For the reasons stated above, please issue Wild West an extension for full initial period of five years until June 15, 2011 in order to develop its water right for beneficial use.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY LLP



Timothy W. Toney

**IDAHO TRANSPORTATION DEPARTMENT**

216 S. Date Street
Shoshone, ID 83352

(208) 886-7800
itd.idaho.gov

Project Number: «PROJECT_NO»
Key Number: «KEY_NO»
Parcel Id: 0044426
Parcel Number: 11
Project Name: «LOCATION»

Wild West Inc.
Jerry Turco Jr
525 Riverside Ave
Lyndhurst, New Jersey 07071

Dear Mr. Turco,

The above project has been programmed for construction by the IDAHO TRANSPORTATION DEPARTMENT. A portion of your property is required for construction. The property needed has been appraised to determine the fair market value payable to you. A qualified review appraiser has established the just compensation. As a Right of Way Agent for the State, I have been authorized to purchase the portion of your property that is required for this project.

The Just Compensation being offered to you is **\$49,527.00** to purchase the fee simple interest in your property.

If our offer to acquire is accepted within 45 calendar days of receipt of this offer letter you will receive an incentive payment for an additional **\$4,953.00**. After 45 days, the incentive payment no longer applies.

The offer is detailed as follows:

2.133 acres of land	\$40,527.00
Improvements	<u>\$ 9,000.00</u>
JUST COMPENSATION	\$49,527.00
45 Day Incentive Payment	\$ 4,953.00
Total Consideration	\$54,480.00

Project Number: «PROJECT_NO»
Key Number: «KEY_NO»
Parcel Id: 0044426
Parcel Number: 11
Project Name: «LOCATION»

Enclosed is an acquisition packet containing the following items:

- Right of Way Contract (Original and one copy)
- Memorandum of Contract of Sale
- Corporation Warranty Deed
- Project Plan Sheet(s)
- Acquisition Brochure
- Copy of Appraisal
- Advice of Rights Form
- Claim for Right of Way Payment
- Affidavit of Title and Indemnity
- W-9 Request for Taxpayer Identification Number

The deed and legal description identify the property being acquired and the interests therein. The Right of Way Contract shows the breakdown of the just compensation being offered. If this offer is satisfactory, please sign and complete the original documents and forms accordingly. Also, sign the copy of the Right of Way Contract, which will be executed and returned to you for your records. Return these items to this office and I will process them for the payment.

Normal processing takes about 30 days. If there are other parties of interest (liens, mortgages etc.) on your property, the necessary clearances will have to be obtained prior to making the acquisition payment. This can cause some delay, but generally does not present a problem. The State will obtain the clearances, title insurance and pay closing and recording fees.

If I do not hear from you within «No_of_days_before_call» days, I will contact you by phone to answer any questions you may have or to set up a meeting date with you. If you wish to contact me, please call «OFFICE_PHONE» or email me at deb.pierson@itd.idaho.gov and I should be able to answer any questions you might have.

Your cooperation and prompt attention to this matter is appreciated.

Sincerely,

Idaho Transportation Department

«INDIV_NAME»
«TITLE»

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 07009

My commission expires: _____

SPECIAL POWER OF ATTORNEY

MARYANN GINGERELLI-YANIGA

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Jan. 30, 2013

