

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.

Permit No. 15-7220
Name(s) of Permit Holder: JEANN JENKINS TRUST
Address: 2121 S. 5400 WEST City MALAD State ID Zip 83252
Telephone No. 208-766-4069 Date Proof is Due: ON OR BEFORE 1 July 2006

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".)

NONE

Costing \$ _____

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

Please read attached letters

Permit holder(s) request an extension to 1 July, 2007.

Jeann Jenkins Trustee for
(Signature)* Jeann Jenkins Trust
*If other than permit holder, Power of Attorney must be supplied

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 July 1, 2007.

Signed this 21st day of June, 2006

Gary Spackman
GARY SPACKMAN

1 JUNE 2006

CERTIFIED MAIL

RECEIVED

JUN 06 2006

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 EAST FRONT STREET
P.O. Box 83720
BOISE, ID 83720-0098

RE: EXTENSION OF TIME REQUEST FOR PERMIT NO. 15-7270

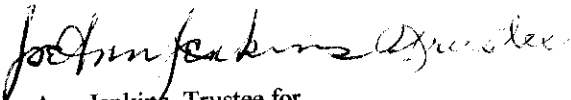
Dear Ms. Gibson:

The reason we need this consideration is, we have been unable to secure the rights to pump water from the ponds located on the property we purchased last year. We applied for a permit {NO. 15-7272 please see attached copies of correspondents } but now must re figure where the best location for the well (Permit No. 15-7270) is going to be in order for us to utilize this resource for the ground on the East side of the Samaria Water and Irrigation Company Canal.

Our son-in-love from Crestone, Colorado will be here the week of July 17, 2006, to help with this project, as Field Manager for Baca Grande Water District in Crestone we feel he is very qualified .

I hope this explanation is satisfactory and that you will consider our request.

Sincerely,



JoeAnn Jenkins, Trustee for
JoeAnn Jenkins Trust.
2121 So. 5400 West
Malad, Id. 83252
Enclosed:

\$50.00 check for filing fee
copies of letters for permit No. 15-7272

P.S. Our telephone number is (208) 766-4069

JOEANN JENKINS TRUST
2121 SOUTH 5400 WEST
P O BOX 21
MALAD, ID. 83252-0021

JUNE 1, 2006

CERTIFIED MAIL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 EAST FRONT STREET
P O BOX 83720-0098
BOISE, ID. 83720

ATTENTION: Shelley W. Keen

Dear Mr. Keen:

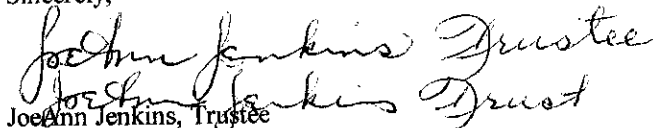
Thank you for your letter dated May 9, 2006 with regard to Permit No. 15-7272, however I am just a wee tiny bit confused about what took place. When our family met with the Samaria Water and Irrigation Company in October to discuss their protest for us to pump out of the pond they said it was o.k, only we had to use our SW&IC shares to do it and they withdrew their protest. We then waited several months for Mr. Andrew Bybee to decide what he was going to do and he finally withdrew his protest.

In your letter you stated that SW&IC filed a timely petition for reconsideration of the preliminary order issuing the permit. From October 27, 2005 to May 5, 2006 is timely?

When I received your letter with a copy of the protest from SW&IC I sought out Mr. Reel and asked him what the deal was. He said that the Board had misunderstood what we were going to do and he said he only had five days to file the protest. I asked him why he didn't discuss the issue with us before hand and he again said he only had five days to file and I was out of town. I told him that now I was back we could have a meeting anytime and I requested a copy of all minutes held about our property. He was going to Boise to the State Track Meet that week and didn't have time then but would get in touch with me the next week. I have not heard a word from him since. I therefore must ask for a hearing ASAP because apparently SW&IC have no intention of trying to resolve this matter.

The JoeAnn Jenkins Trust is not going to withdraw our application.

Sincerely,


JoeAnn Jenkins, Trustee
JoeAnn Jenkins Trust

copy



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

copy

May 9, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOE ANN JENKINS TRUST
PO BOX 21
MALAD ID 83252

RE: Application for Permit 15-7272

Dear Applicant:

On April 26, 2006, IDWR issued a preliminary order issuing Permit 15-7272, which authorized you to divert 0.46 cfs of water from a pond in Oneida County for the irrigation of 23 acres. Prior to issuance of the permit, your application was protested by Samaria Water and Irrigation Company and by Andrew Bybee. Apparently as the outcome of a meeting to resolve Samaria Water and Irrigation Company's protest of your application, you and David Reel of Samaria Water and Irrigation Company signed a document stating:

Samaria Water & Irrigation Company Board of Trustees and Joe Ann Jenkins met on October 27, 2005 to resolve the matter of the filing on Permit No. 15-7272. Both parties have come to a mutual agreement and no further action is required from the Idaho Department of Water Resources.

IDWR interpreted the document to mean that Samaria Water and Irrigation Company was withdrawing its protest. When Mr. Bybee then withdrew his protest, IDWR issued Permit 15-7272 in connection with your application.

On May 5, 2006, IDWR received Samaria Water and Irrigation Company's timely petition for reconsideration of the preliminary order issuing the permit. I have enclosed a copy of the petition for you. The petition suggests that IDWR misinterpreted the statement from the previous correspondence and that rather than withdrawing its protest, Samaria Water and Irrigation Company's statement was intended to mean that your application could be withdrawn from consideration by IDWR.

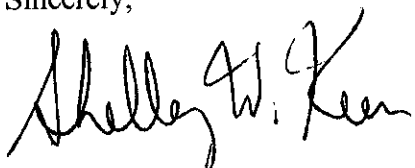
In order to have additional time to review the facts regarding Samaria Water and Irrigation Company's protest, IDWR has issued an order withdrawing the issuance of Permit 15-7272. In order for IDWR to determine how to proceed, the agency needs to know your interpretation of the statements in the document signed by you and by Samaria Water and Irrigation Company. Please explain your understanding of the statements to IDWR in writing within 30 days. If it was your intention to withdraw your application, please notify IDWR in writing. If IDWR has not received a written response from you within 30 days, your application will be voided pursuant to Idaho Code § 42-204.

copy

Joe Ann Jenkins Trust
May 9, 2006
Page 2

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

Enclosure

Cc: David Reel, Samaria Water and Irrigation Company

**Samaria Water
and
Irrigation Company**

David Reel, President
Samaria Water and Irrigation Company
5176 South 4400 West
Malad City, Idaho
83252

~ my job

RECEIVED

MAY 03 2006

DEPARTMENT OF
WATER RESOURCES

May 1, 2006

Shelley W. Keen
State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Shelley W. Keen,

The Samaria Water and Irrigation Company petition for reconsideration permit no. 15-7272. We believe that the response we mailed to the department did not clearly convey each party's intent. We (both parties) have reached a workable agreement without having to grant permit no. 15-7272. The canal company will meet with the Joeann Jenkins Trust representatives and ask that they withdraw their application. The canal company will create a written document that can be filed in the company minutes, stock certificate book and documented on Jenkins Trust Deed.

If the matter cannot be resolved we request a hearing be held.

If you have any questions, regarding our petition please contact me at (208) 766-2808.

Sincerely,



David Reel
President
Samaria Water and Irrigation Co.

copy

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 15-7272 IN THE NAME OF)
JOEANN JENKINS TRUST)
_____)

**ORDER WITHDRAWING
A PRELIMINARY ORDER**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a permit to appropriate water, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On April 26, 2006, the Department issued Permit to Appropriate Water No. 15-7272 (permit) as a preliminary order (order) of the Department pursuant to Idaho Code § 67-5243 and Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).
2. On May 5, 2006, the Department received a Petition for Reconsideration of the order (petition) pursuant to Rule 730.02.a of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a). The petitioner seeks to have the application withdrawn or voided.

CONCLUSIONS OF LAW

1. The Department can withdraw a preliminary order before it becomes final.
2. The Department needs additional information and/or time to review the application.

ORDER

IT IS HEREBY ORDERED that the preliminary order issuing Permit No. 15-7272 is **WITHDRAWN**.

Dated this 9th day of May, 2006.



GARY SPACKMAN

Copy

90m
#15-7272
pond

FSN 274
T 652 NHEL
Map R-12

8.0

2
7.3

Permit
15-7270
Wash

Map of Tract 652
Oneida County

1. permit # 15-7272
2. " " " 15-7270

JOHANN JENKINS TRUST

100 0 100 200 300 400 Feet



Map Printed: Mar 18, 2003