

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 9 2025

By

Clerk

Deputy Clerk

Travis L. Thompson, ISB #6168
Abby R. Bitzenburg, ISB #12198
PARSONS BEHLE & LATIMER
163 Second Ave. West
P.O. Box 63
Twin Falls, Idaho 83303-0063
Telephone: (208) 733-0700
Email: tthompson@parsonsbehle.com
abitzenburg@parsonsbehle.com

Attorneys for Kootenai Properties, Inc.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In re CSRBA

Case No. 49576

Subcase Nos. 95-18274

**DECLARATION OF TRAVIS L.
THOMPSON IN SUPPORT OF KPI's
MOTION FOR SUMMARY
JUDGMENT**

I, Travis L. Thompson, hereby declare and state as follows:

1. I am duly licensed to practice law in the State of Idaho and before this Court, and I am an attorney with the firm Parsons Behle & Latimer representing the claimant/objector Kootenai Properties, Inc. ("KPI") in this matter. I am over the age of 18 and make this declaration based upon my personal knowledge.
2. Attached hereto as **Exhibit A** are true and correct copies of the partial decrees issued by the CRSBA District Court for the following water rights to Chilco Lake Reservoir: 95-2036A, 95-2036B, 95-16447, 95-16448, 95-16449, 95-16450, 95-16451, 95-16452, and 95-16453.

3. Attached hereto as **Exhibit B** is a true and correct copy of emails between myself and IDWR deputy attorney general Lacey Rammell O'Brien dated January 20, 2025 and January 28, 2025.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

DATED this 19th day of December, 2025.

PARSONS BEHLE & LATIMER

/s/ Travis L. Thompson

Travis L. Thompson

Attorneys for Kootenai Properties, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2025, I served a true and correct copy of the foregoing *Declaration of Travis L. Thompson in Support of KPI's Motion for Summary Judgment* on the following by the method indicated:

ORIGINAL VIA HAND DELIVERY:

Clerk of the Court
CSRBA
253 3rd Ave. North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

COPIES VIA U.S. MAIL, POSTAGE PREPAID, AND EMAIL WHERE NOTED:

Curtis & Lana Carney Gary W. Creagle & Karen B. Idaho Forest Group Martha & Max Jenkins R&R Properties LLC R& Smith Family Trust Ryan & Crystal Smith Represented by: Clive Strong 14512 38 th Ave. NE Lake Forest Park, WA 98155 clivejstrong@gmail.com	IDWR Document Depository P.O. Box 83720 Boise, ID 83720-0098	The David L. Haman Trust P.O. Box 3311 Hayden, ID 83835
LK Erickson Living Trust 123 Montgomery Rd. Gillette, WY 82716	Jameson Mortgage Co. 2243 W. Dakota Ave. Hayden, ID 83835	

/s/ Jessica Nielsen
Jessica Nielsen
Assistant for Travis L. Thompson

Exhibit A

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSREA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
) Water Right 95-02036A

DISTRICT COURT - CSREA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN - 7 2021

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: KOOTENAI PROPERTIES INC
3774 W BEAN AVE
HAYDEN, ID 83835

SOURCE: CHILCO LAKE TRIBUTARY: CHILCO CREEK

QUANTITY: 145.00 APY

PRIORITY DATE: 09/03/1910

POINT OF DIVERSION: T52N R03W S08 SESW Within Kootenai County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Wildlife Storage	01-01 TO 12-31	145.00 APY
Recreation Storage	01-01 TO 12-31	145.00 APY
Aesthetic Storage	01-01 TO 12-31	145.00 APY

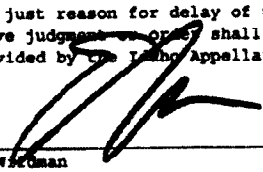
PLACE OF USE:			
Wildlife Storage			Within Kootenai County
T52N R03W S08	NESW	SESW	
	NWSE	SWSE	
S17	NWNE		
Recreation Storage			Within Kootenai County
T52N R03W S08	NESW	SESW	
	NWSE	SWSE	
S17	NWNE		
Aesthetic Storage			Within Kootenai County
T52N R03W S08	NESW	SESW	
	NWSE	SWSE	
S17	NWNE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Whitman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO. IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

DEC 10 2020

DEPARTMENT OF
WATER RESOURCES

In Re CSRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
)
) Water Right 95-020368

NAME AND ADDRESS: IDAHO FOREST GROUP LLC
687 W CANFIELD AVE STE 100
COEUR D'ALENE, ID 83815-5335

SOURCE: CHILCO LAKE TRIBUTARY: CHILCO CREEK

QUANTITY: 150.00 AFY

PRIORITY DATE: 09/03/1910

POINT OF DIVERSION: T52N R03W S08 NESESW Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial Storage	01-01 TO 12-31	150.00 AFY
	Industrial from Storage	01-01 TO 12-31	150.00 AFY

Industrial use is for wood products manufacturing.

PLACE OF USE:	Industrial from Storage	Within Kootenai County
	T52N R03W S07	NESW LOT 3 (NWSW)
	LOT 4 (SWSW)	SESW
	NWSE	SWSE
	SESE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRB)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
) Water Right 95-16447

NAME AND ADDRESS: JAMESON MORTGAGE CO
2243 W DAKOTA AVE
HAYDEN, ID 83835

SOURCE: CHILCO LAKE TRIBUTARY: CHILCO CREEK

QUANTITY: 5.20 APY

PRIORITY DATE: 09/03/1910

POINT OF DIVERSION: T52N R03W S08 SESW Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	5.20 APY
	Irrigation from Storage	03-15 TO 11-15	5.20 APY

PLACE OF USE: Irrigation from Storage Within Kootenai County
T52N R03W S07 SESE 4.0
4.0 Acres Total

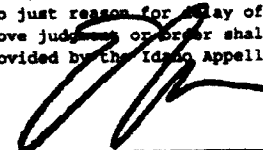
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The remainder of this right was not claimed in the Coeur d
Alene-Spokane River Basin Adjudication.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRB)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
) Water Right 95-16448

NAME AND ADDRESS: ED D JAMESON
2243 W DAKOTA AVE
HAYDEN, ID 83835

SOURCE: CHILCO LAKE TRIBUTARY: CHILCO CREEK

QUANTITY: 6.10 APY

PRIORITY DATE: 09/03/1910

POINT OF DIVERSION: T52N R03W S06 SESE Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	6.10 APY
	Irrigation from Storage	03-15 TO 11-15	6.10 APY

PLACE OF USE: Irrigation from Storage Within Kootenai County
T52N R03W S07 SESE 4.7
4.7 Acres Total

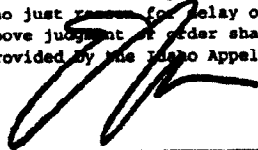
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The remainder of this right was not claimed in the Coeur d
Alene-Spokane River Basin Adjudication.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just cause for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment and order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRB)
Case No. 49576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 95-16449

NAME AND ADDRESS: KOOTENAI PROPERTIES INC
3774 W BEAM AVE
MAYDEN, ID 83835

SOURCE: CHILCO LAKE TRIBUTARY: CHILCO CREEK

QUANTITY: 160.00 APY

PRIORITY DATE: 09/03/1910

POINT OF DIVERSION: T52N R03W S08 SESW Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife Storage	01-01 TO 12-31	160.00 APY
	Recreation Storage	01-01 TO 12-31	160.00 APY
	Aesthetic Storage	01-01 TO 12-31	160.00 APY

PLACE OF USE:	Wildlife Storage		Within Kootenai County
	T52N R03W S08	NESW	SESW
		NWSE	SWSE
	S17	NWNE	
	Recreation Storage		Within Kootenai County
	T52N R03W S08	NESW	SESW
		NWSE	SWSE
	S17	NWNE	
	Aesthetic Storage		Within Kootenai County
	T52N R03W S08	NESW	SESW
		NWSE	SWSE
	S17	NWNE	

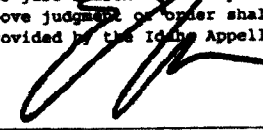
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The remainder of this right was not claimed in the Coeur d'Alene-Spokane River Basin Adjudication.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRB)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
) Water Right 95-16450

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DEC 10 2020

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: THE DAVID L HAMAN TRUST
PO BOX 3311
HAYDEN, ID 83835

SOURCE: CHILCO LAKE TRIBUTARY: CHILCO CREEK

QUANTITY: 6.50 APY

PRIORITY DATE: 09/03/1910

POINT OF DIVERSION: T52N R03W S08 SESW Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	6.50 APY
	Irrigation from Storage	03-15 TO 11-15	6.50 APY

PLACE OF USE:	Irrigation from Storage	Within Kootenai County
	T52N R03W S08	SESW 1.0
	5.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The remainder of this right was not claimed in the Coeur d
Alene-Spokane River Basin Adjudication.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRB)
)
Case No. 49576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 95-16451

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DEC 10 2020
DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: CURTIS CARNEY
LANA CARNEY
4734 E CHILCO RD
ATHOL, ID 83801

SOURCE: CHILCO LAKE TRIBUTARY: CHILCO CREEK

QUANTITY: 50.60 APY

PRIORITY DATE: 09/03/1910

POINT OF DIVERSION: T52N R03W S08 SESW Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	50.60 APY
	Irrigation from Storage	03-15 TO 11-15	50.60 APY

PLACE OF USE:	Irrigation from Storage	Within Kootenai County
	T52N R03W S07 SESE 7.0	
	S18 NENE 22.0	NWNE 10.0
	39.0 Acres Total	

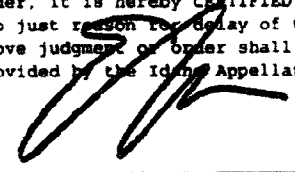
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The remainder of this right was not claimed in the Coeur d'Alene-Spokane River Basin Adjudication.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)
Case No. 49576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 95-16452

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DEC 10 2020

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: GARY CREAGLE
11173 W CRYSTAL BAY RD
POST FALLS, ID 83854

RANDALL SMITH
RENNY SMITH
22424 N POPE RD
ATHOL, ID 83801

SOURCE: CHILCO LAKE TRIBUTARY: CHILCO CREEK

QUANTITY: 31.70 APY

PRIORITY DATE: 09/03/1910

POINT OF DIVERSION: T52N R03W S08 SESE Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	31.70 APY
	Irrigation from Storage	03-15 TO 11-15	31.70 APY

PLACE OF USE:	Irrigation from Storage		Within Kootenai County
	T52N R03W S07	NESE 3.4	SESE 0.2
	S08	NWSW 16.0	SWSW 4.8
	24.4 Acres Total		

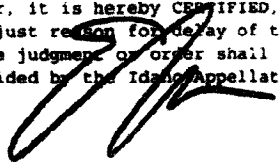
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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Alene-Spokane River Basin Adjudication.

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRB)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
) Water Right 95-16453

RECEIVED
DEC 10 2020
DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: MARTHA W JENKINS
MAX E JENKINS
3396 E WISHFUL TRAIL
ATHOL, ID 83801

SOURCE: CHILCO LAKE TRIBUTARY: CHILCO CREEK

QUANTITY: 5.20 APY

PRIORITY DATE: 09/03/1910

POINT OF DIVERSION: T52N R03W S08 SESW Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	5.20 APY
	Irrigation from Storage	03-15 TO 11-15	5.20 APY

PLACE OF USE: Irrigation from Storage Within Kootenai County
T52N R03W S08 NWSW 4.0
4.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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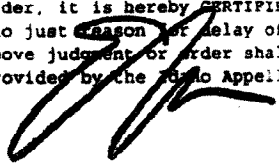

Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

Exhibit B

From: Rammell-O'Brien, Lacey <Lacey.Rammell-O'Brien@idwr.idaho.gov>

Sent: Tuesday, January 28, 2025 1:47 PM

To: Travis L. Thompson <travis.thompson@matthei-law.com>; rlveist@idwr.idaho.gov

Cc: Saxton, Craig <craig.saxton@matthei-law.com>; Gary Godde <g.godde@idwr.idaho.gov>; Kaitlin Godde <kaitlin.godde@idwr.idaho.gov>; Rand Wichman <rand.wichman@idwr.idaho.gov>; Thiel, Sandra <sandra.thiel@idwr.idaho.gov>

Subject: RE: 95-18274 - Chilco Lake

Hi Travis~

Thanks for your questions. We've included our responses below.

1. Does IDWR have any evidence of beneficial use of the total recommended volume of 650.3 af?

The sum volume authorized under the decreed rights totals 560.3 AF. IDWR relied on this as evidence of historic beneficial use of 560.3 AF.

IDWR has accepted use of the [pond analysis spreadsheet](#) to calculate evaporation & seepage losses reference on Page 4 of IDWR's [Application Processing Memo #76](#).

Evaporation and seepage loss calculations using IDWR's Pond Analysis spreadsheet found 99 AF of seepage losses.

IDWR reiterates that the total volume recommended under 95-18274 is 650.3 AF but actual calculations for total volume should have been 659.3 AF (560.3 AF + 99 AF).

2. Can IDWR confirm whether the reservoir has ever refilled 164.3 af of empty space in a given year?

No. We don't have records with this information.

3. Does IDWR have any additional information supporting its recommendation beyond the memo and calculations for seepage/evaporation?

IDWR's dam safety records show that the storage capacity of the reservoir has decreased over time. The Phase 1 Inspection Report, attached, states that the reservoir capacity was 600 AF on or around 1956 and 1957 when the dam was reconditioned (pg 62 of 95-2036-(1973)-Prelim Engineering Report.pdf, attached). That same 1973 report lists the current storage capacity somewhere between 400-595 AF (pg 11 of 95-2036-(1973)-Prelim Engineering Report.pdf, attached). By 2008 (the commencement of the Coeur d'Alene-Spokane River Basin Adjudication), a 2008 dam safety report (attached) shows the capacity at 400 AF (pg 1 of 95-2036-(2008-9-18)-IR.pdf, attached). This indicates that the historic storage capacity of the reservoir more closely equated to the sum of the volumes decreed to those rights authorized to use

Chilco Lake storage water. Over time, perhaps due to silting or other factors, that capacity of the reservoir decreased and in order to satisfy the decreed water rights, a certain level of refill must be occurring.

IDWR has dam safety records that support historic reservoir capacity of "around 600 AF", which more closely matches the sum of the volume of the decreed rights from the reservoir (560.3 AF). See backfile for [95-2036](#) and associated water rights for additional information.

4. **If the reservoir capacity is approximately 396 af, and the decreed rights total 560 af, wouldn't the reservoir be entitled to fill under the initial decreed rights (up to 560 af) to cover any losses from seepage/evaporation, and ensure a first fill of the decreed rights (by respective %)?**

We don't understand the question. Are you asking if the volume above the initial 396 AF would cover seepage and evaporation losses?

5. **Does IDWR consider the claim an "enlargement" water right similar to the refill claims filed in Basin 01 in the SRBA?**

No.

Thanks,
-Lacey-



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From: Travis L. Thompson <tthompson@montana.gov>

Sent: Monday, January 20, 2025 3:24 PM

To: Rammell-O'Brien, Lacey <Lacey.Rammell-OBrien@idwr.idaho.gov>; dylan.strom@ppl.com

Cc: Saxton, Craig <Craig.Saxton@idwr.idaho.gov>; Gary Godde <GGodde@idwr.idaho.gov>; Kaitlin Godde <kaitlin.godde@idwr.idaho.gov>; Rand Wichman <rand.wichman@idwr.idaho.gov>

Subject: RE: 95-18274 - Chilco Lake

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dear Lacey,

Thank you I received the emails with the memo and quantity calculations for claim 95-18274. After reviewing with my client we have the following questions:

1. Does IDWR have any evidence of beneficial use of the total recommended volume of 650.3 af?
2. Can IDWR confirm whether the reservoir has ever refilled 164.3 af of empty space in a given year?
3. Does IDWR have any additional information supporting its recommendation beyond the memo and calculations for seepage/evaporation?

Based on the dam staff gauge readings and calculations the past two years (2023/24) it looks like the seepage component is in the neighborhood of 83-90 af range. Given that the 90 af seepage/evaporation volume looks appropriate, but I cannot see how an additional 164 af, let alone another 390 af could ever be proven based upon actual beneficial use.

Next, if the reservoir capacity is approximately 396 af, and the decreed rights total 560 af, wouldn't the reservoir be entitled to fill under the intiai decreed rights (up to 560 af) to cover any losses from seepage/evaporation, and ensure a first fill of the decreed rights (by respective %)?

Finally, does IDWR consider the claim an "enlargement" water right similar to the refill claims filed in Basin 01 in the SRBA?

Thanks

Travis

Travis L. Thompson

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 **MARTEN LAW**

From: Rammell-O'Brien, Lacey <lacey.robrien@idwr.idaho.gov>

Sent: Friday, January 3, 2025 1:24 PM

To: Travis L. Thompson <travis@martens-law.com>; travis@martens-law.com

Cc: Saxton, Craig <craig.saxton@idwr.idaho.gov>