

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

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JAN 20 2026

By

Clerk

Deputy Clerk

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 RAND
WICHMAN IN SUPPORT OF KPI's
RESPONSE TO IRRIGATORS'
MOTION FOR SUMMARY
JUDGMENT**

I, Rand Wichman, hereby declare and state as follows:

1. My address is 2992 E. Gotham Bay Road, Harrison, Idaho 83833. I am over the age of 18 and make this declaration based upon my personal knowledge.
2. I have reviewed the motion for summary judgment, memorandum in support of motion for summary judgment, and the declarations of Ryan Fobes, Dan Hoisington, and Charles Jackman filed on behalf of the claimants Idaho Forest Group, LLC (IFG) et al. in this matter.
2. I am the project manager for Kootenai Properties, Inc. (KPI) and have assisted with operation of Chilco Lake Reservoir since 2023. I am familiar with the water supply for the reservoir, including tributary inflow from Chilco Creek. I am also familiar with the dam and its annual operations.

3. Attached hereto as **Exhibit A** is a true and correct copy of a spreadsheet prepared by Ryan Fobes, P.E. that depicts Chilco Lake storage correlated with the height on the staff gauge located on the face of the dam. Attached hereto as **Exhibit B** is a picture of the staff gauge located on the face of the dam. I took this picture on August 19, 2025. Attached hereto as **Exhibit C** is a true and correct copy of an Excel spreadsheet I created to show gauge readings, calculations and observations from 2023-2025.

4. When the reservoir is at full pool, measured at approximately 15 feet on the staff gauge, the reservoir holds approximately 396.37 acre-feet. It is my understanding that existing decreed water rights for the reservoir total 560.3 acre-feet. Table 1, *IDWR Supplemental Director's Report* at 5. Kootenai Properties, Inc.'s two decreed water rights 95-2036A (145 acre-feet) and 95-16449 (160 acre-feet) total 305 acre-feet. KPI's total decreed storage volume is approximately 54.4% of the total decreed water right storage volume in the reservoir, which equals about 214 acre-feet. When the reservoir drops to about 214 acre-feet, the staff gauge reading is close to 10.55 feet.

5. Based on my experience, the reservoir is generally operated as follows. Prior to opening of the gate valve, inspections of the dam and overflow are completed by KPI to evaluate water levels and ensure there are no issues to be addressed. IFG staff performs a similar inspection including an inspection of the 8" distribution line to ensure it is ready to receive water from the reservoir. When the irrigators are ready to receive water, typically in mid-May, IFG staff opens the gate valve at the base of the dam, which sends water through the meters and makes it available to the irrigators. During the months when irrigators are taking water, IFG staff performs weekly inspections at the dam and closes and re-opens the gate valve to exercise it and ensure its proper function. Over the course of the irrigation season, I make note of whether

overflow is occurring over the spillway, take readings of the staff gauge and water meters, take photos, and do calculations of seepage and infiltration losses, approximately monthly. As the end of the irrigation season approaches, my readings are taken more frequently. As we approach the water level that represents KPI's calculated proportionate share of the stored water, I coordinate with IFG staff on the closing of the gate valve, which historically has been done by IFG staff.

6. Once the overflow of the reservoir stops, additional inflow from Chilco Creek or other precipitation events into the reservoir is used to "offset" losses due to infiltration, seepage and evaporation. We attempt to account for losses due to seepage, infiltration and evaporation (SEI), which can be significant. We have informally used an iterative process to share in the losses, based on the percentage of our water rights. The SEI losses are calculated by considering the discrepancy on the staff gauge versus the quantity of water through the meters in the 8" pipe. For example, at the end of the 2025 season, we had losses of approximately 100.56 af or 45% of the water that came out of the reservoir from May through October. That 100.56 af was subtracted from the total water available (396.37 af) to arrive at the amount that the water right holders have available for their respective uses. For this year, that meant that only 295.81 af was actually available to all the parties with water rights in the reservoir. As a result of all of that, KPI's right for 2025 would equate to 160.9 af or a reading of about 9.07 on the staff gauge)

7. The storage water right decrees for irrigation uses at Chilco Lake Reservoir (95-16447, 95-16448, 95-16450, 95-16451, 95-16452, and 95-16453) have a defined irrigation season from March 15th through November 15th. Typically, the gate valve is opened sometime in May and then is closed sometime in October. In 2025 the gate was opened on May 19th and closed on October 17th. There are likely times when the reservoir is slightly less than full pool in

May, as evidenced by no overflow over the spillway. In my opinion based upon my experience an exceptionally dry year may not fill the reservoir completely.

8. During 2023 through 2025, the irrigation release valve has never been “on” from March 15th through November 15th.

9. KPI and IFG have installed two water meters on the 8” HDPE pipe downstream of the dam. The two meters have been used by KPI and IFG to informally allocate stored water in 2025. The 2 meters are identical models, but there is a small discrepancy between their readings. This is not unexpected. The meter discrepancy is cumulative (it gets larger over the course of the irrigation season) and for 2025, the end of season difference was 1.7%. KPI’s meter reads higher than IFG’s meter.

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

DATED this 15th day of January, 2026.

/s/ Rand Wichman

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January, 2026, I served a true and correct copy of the foregoing *Declaration of Rand Wichman in Support of KPI's Response to Irrigators' 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:

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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

CHILCO LAKE STAGE STORAGE

	Staff Guage (ft)	Elevation (ft)	Area (sf)	Incremental Volume (gal)	Cumulative Volume (gal)	Incremental Volume (AF)	Cumulative Volume (AF)
1	15.00	2,524.65	1,920,275	1,236,215	9,247,530	28.38	396.37
2	14.35	2,524.00	1,883,464	1,849,786	13,837,359	42.47	367.99
3	13.35	2,523.00	1,816,108	1,787,498	13,371,416	41.04	325.53
4	12.35	2,522.00	1,758,888	1,728,998	12,933,806	39.69	284.49
5	11.35	2,521.00	1,699,108	1,664,755	12,453,229	38.22	244.80
6	10.35	2,520.00	1,630,401	1,589,035	11,886,808	36.48	206.58
7	9.35	2,519.00	1,547,669	1,504,902	11,257,451	34.55	170.10
8	8.35	2,518.00	1,462,135	1,401,886	10,486,838	32.18	135.55
9	7.35	2,517.00	1,341,638	1,260,665	9,430,430	28.94	103.37
10	6.35	2,516.00	1,179,693	1,063,280	7,953,888	24.41	74.43
11	5.35	2,515.00	946,868	881,882	6,596,935	20.25	50.02
12	4.35	2,514.00	816,896	684,076	5,117,241	15.70	29.78
13	3.35	2,513.00	551,255	328,551	2,457,732	7.54	14.07
14	2.35	2,512.00	105,847	278,747	2,085,169	6.40	6.53
15	(2.65)	2,507.00	5,652	5,652	42,280	0.13	0.13

CHILCO LAKE MAX VOLUME

396.37 AF

Exhibit B



Exhibit C

Gauge Readings for Chilco Dam

Date	Staff Gauge	KPI Water meter (reading x 1000)	IFG meter (reading x 1000)	meter difference (%)	Usage (gals) (since last reading) (reading x 1000 for 2023 and 2024)	Usage (af)	usage (cum. / season)	% of water right used (losses) 396.37 - losses then x 46% then divide usage by that number	calculated water loss	Photos	375,851.43 gal / af gate valve initially opened per IFG	KPI - 54.4% of storage	Irrigators - 45.6% of storage
5/10/2023 ?													
5/26/2023	14.8	44356								X			
6/15/2023		53215								X			
6/23/2023	13.5									X			
6/29/2023	13.2									X			
7/14/2023	12.4	65773								X			
7/26/2023	11.8	69765								X			
8/12/2023	10.95	75897								X			
8/22/2023	10.46	79933			31541	96.8				X			
9/6/2023	9.88	85869			35577	109.18				X			
9/13/2023	9.7	87276			41513	127.4				X			
9/19/2023	9.54	88193			42920	131.7				X			
9/25/2023	9.45	88527			43837	134.53				X			
10/1/2023	9.45	88527			44171	135.56				X			
10/17/2023	9.375	88792			44436	136.36				X			
11/9/2023	9.86	88850			44494	136.55				X			
2/27/2024	15	88850			0	0				X			
4/16/2024	14.9	88850			0	0				X			
5/7/2024	14.8	88850			0	0				X			
5/21/2024	14.7	89887			1037	3.18				X			
6/18/2024	14.6	94004			5154	15.82				X			
7/17/2024	14.55	100555			6951	21.33				X			
8/20/2024	13.16	108675			7720	23.69				X			
9/13/2024	11.38	113731			5056	15.52				X			
10/7/2024	10.82	116454			2723	8.36				X			
10/11/2024	10.76	116727			273	0.84				X			
11/5/2024	10.84	unreadable								X			
12/14/2024	11.94	unreadable								X			
1/3/2025	14.1									X			
3/5/2025	15.04									X			
5/7/2025	14.8									X			
5/19/2025	14.8	new meter installed, valve opened	9							X			
5/20/2025	14.5	4201	9		4,192,000	0.028				X			
6/3/2025	14.5	10645			6,444,000	19.78				X			
6/18/2025	13.7	18333	10618	0.3	7,688,000	23.59				X			
7/7/2025	12.76	24234	18173	0.9	5,901,000	18.11				X			
8/5/2025	11.62	26789	23915	1.3	2,555,000	7.84				X			
8/19/2025	11.14	33345	26418	1.4	6,555,000	20.12				X			
9/11/2025	10.20	35363	32814	1.6	2,018,000	6.19				X			
9/23/2025	9.9	40367	34780	1.5	5,004,000	15.36				X			
10/14/2025	9.4		39673	1.7						X			
10/17/2025	Gate Valve closed / pipe disconnected for season									X			
10/28/2025	9.45	41228	40511	1.7	861,000	2.64				X			
11/25/2025	10.02									X			
12/21/2025													

water still going over spillway, headgate valve opened by IFG
water no longer running over spillway

no water over spillway, water seeping through spillway in numerous places
water over spillway approx 3"

water over spillway less than 1"

water over spillway less than 1"

no water over spillway, minor seepage through spillway

no seepage through spillway, fair amount of seepage through dam

no seepage through spillway, fair amount of seepage through dam

no discernable change in seepage

seepage through dam seemed somewhat higher than past

seepage seemed normal

benonite placed 9/26, seepage appeared to be about 50% of previous. 1.5" of rain occurred 3 days prior to reading

seepage appeared consistent with summer average, approx 1" of rain occurred since prior reading

mill indicated were having issues with gate valve in dam not fully closing

diver cleared gate valve - fully closed