

Clive J. Strong, ISB No. 2207
Attorney at Law
14512 38th Ave. N.E.
Lake Forest Park, WA 98155
Telephone: (208) 850-7792
Email: clivejstrong@gmail.com

JAN 26 2026

By _____
Clerk
Deputy Clerk

Attorney for Claimant Idaho Forest Group, Gary W. Creagle, Gary W. and Karen B. Creagle 1995 Trust, Curtis and Lana Carney, R&R Properties, LLC, R&R Smith Family Trust, and Ryan and Crystal Smith

**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 No. 95-18274

**DECLARATION OF CLIVE J. STRONG
IN SUBCASE NO. 95-18274**

I, **Clive J. Strong**, declare as follows:

1. I am over the age of eighteen, and I am the Attorney for Claimant Idaho Forest Group, Gary W. Creagle, Gary W. and Karen B. Creagle 1995 Trust, Curtis and Lana Carney, R&R Properties, LLC, R&R Smith Family Trust, and Ryan and Crystal Smith.
2. I caused to be gathered true, accurate and correct copies of the following documents from the sources identified below:

Exhibit 1: Decree entered In The Matter of the Organization Of Chilco Irrigation District, In Kootenai County, Idaho, In the Eighth Judicial District of the State of Idaho, In And For The County Of Kootenai. I collected this document from the office of the Kootenai County District Court Clerk.

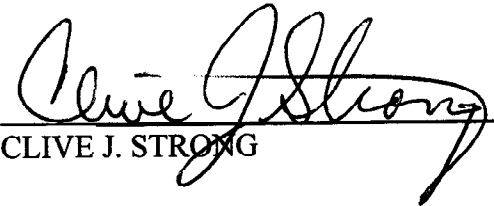
Exhibit 2: Transfer No. 3461 of 150 acre-feet of Water Right No. 95-2036 to Louisiana Pacific. I collected this document from the Idaho Department of Water Resources backfile for water right 95-2036.

Exhibit 3: Transfer No. 3566 of 300 acre-feet of Water Right No. 95-2036 to Jim Carney. I collected this document from the Idaho Department of Water Resources backfile for water right 95-2036.

Exhibit 4: Decree in W.E. Buell v. Chilco Irrigation District, In the Eighth Judicial District of the State of Idaho, In and For The County of Kootenai (December 15, 1938). I collected this document from the office of the Kootenai County District Court Clerk.

I declare under penalty of perjury under the laws of the State of Idaho that to the best of my knowledge, the foregoing is true and correct.

DATED this 19th day of January 2026.


CLIVE J. STRONG

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of January 2026, a true and correct copy of the foregoing document to be served by U.S. Mail postage prepaid addressed to the following individuals:

ORIGINAL:

Coeur d'Alene-Spokane River Basin
Adjudication Court
P.O. Box 2707
Twin Falls, ID 83303-2707

COPIES:

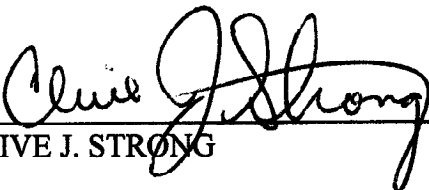
Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Travis L. Thompson
Parsons Behle & Latimer
P.O. Box 63
Twin Falls, ID 83303-0063

The David L. Haman Trust
P.O. Box 3311
Hayden, ID 83835

Jameson Mortgage Co.
2243 W. Dakota Ave
Hayden, ID 83835

LK Erickson Living Trust
123 Montgomery Rd.
Gillette, WY 82716-9155



CLIVE J. STRONG

Exhibit 1

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND
FOR THE COUNTY OF KOOTENAI.

IN THE MATTER OF THE ORGANIZATION
OF CHILCO IRRIGATION DISTRICT,
IN KOOTENAI COUNTY, IDAHO.

DECREE CONFIRMING THE PROCEEDINGS
FOR THE ORGANIZATION OF CHILCO
IRRIGATION DISTRICT.

In this action the petition for the confirmation of the proceedings for the organization of the Chilco Irrigation District in Kootenai County, Idaho, having come regularly on for hearing, the directors of said District appearing by their attorney, Ezra R. Whitla, and no one appearing in opposition thereto. The court finds that heretofore due notice of said hearing was duly given as provided by law and the orders of this court made herein, and that due proof of the giving of said notice has been filed herein. That upon said giving of said notice the clerk of this court has entered herein the default of all persons whomsoever for the reason that no person whatsoever appeared in opposition to said petition or to contest the same or object to it in any manner. The court having heard the evidence introduced and having heretofore made and filed in this matter its Findings of Fact and Conclusions of Law, wherein it is adjudged that a decree should be entered confirming said proceedings and adjudging said Chilco Irrigation District to be duly organized under the laws of the State of Idaho.

NOW, At this day, on motion of Ezra R. Whitla, attorney for the Board of Directors of the Chilco Irrigation District:-

It is by the court ORDERED, ADJUDGED AND DECREED that the lands hereinafter particularly described, have been and are duly organized into an irrigation district as required by the Statutes of the State of Idaho, and that all things done and performed in the organization of said Chilco Irrigation District have been in compliance with law, and that all of the things required by law for the organization of said irrigation district have been complied with.

It is therefore ORDERED ADJUDGED AND DECREED that the Chilco Irrigation District, comprising the lands hereinafter described, be and the same hereby is, decreed and adjudged to be duly organized and all of the proceedings for the organization of the lands into an irrigation district under the laws of the State of Idaho, to be known as the Chilco Irrigation District are hereby confirmed.

The particular description and boundaries of said territory so adjudged and decreed to be organized into the said Chilco Irrigation District are as follows, to-wit:-

Tracts 2, and lot 5, of Tract 3, lots 5 & 6, of Tract 4, all of Tracts, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 23, 65, 66, 67, 68, 69, 70, 71, 72, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and the East half of 114, 116, 117, 118, 119, 120, less the right of way of the Spokane International Railway Company, all of said Tracts being a part of the Spokane Valley Commercial Orchards Company as shown by the plat thereof on file and of record in the office of the County Recorder of Kootenai County, Idaho, and being located on Sections 7, 8, and 18, Township 52, Range 3, W. B. M.

Dated this 25th day of November, A. D. 1922.

W. F. McNaughton District Judge.

Attest my hand and the seal of said court the day and year last above written

(Court Seal)

C. O. Sowder Clerk

By L. L. Hills Deputy

STATE OF IDAHO, County of Kootenai ss.
Filed NOV 25 1922

C. O. Sowder CLERK DISTRICT COURT
By L. L. Hills DEPUTY

Exhibit 2

Page 1 of 6

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 3461NATURE OF USE
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant LOUISIANA-PACIFIC CORPORATION Phone 208-772-6011
Post Office address P.O. Box 4000-98 Hayden Lake, Idaho 83835

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Property will be used for light industrial.
Water is needed for water supply of dust control, fire protection and log
irrigation.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

PER CONVERSATION W/ ORION FINLEY 4/4/89

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>95-2036</u>	<u>9-3-1910</u>	<u>150 182 AF</u>	<u>Industrial</u>	<u>Jan. 1 to Dec. 31</u>
<u>95-2036</u>	<u>9-3-1910</u>	<u>150 182 AF</u>	<u>FM Storage</u>	<u>Jan. 1 to Dec. 31</u>
			<u>Storage for</u>	
			<u>Industrial</u>	
				<u>to</u>
				<u>to</u>

2. Total amount of water being transferred _____ cubic feet per second and/or 182 150 acre-feet per annum.
3. Source of water Chilco Reservoir tributary to Chilco Creek
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	SW	8	52N	3W	Kootenai	Chilco Reservoir

5. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
52N	3W	7									I	I	I	I		I	I		

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Dam & reservoir with gravity flow pipeline to hand line

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land removed from crop production and used for log storage.

d. Remarks:

This transfer is from agricultural to industrial.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 95-2036B

And said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this

28th day of

July

, 19 89

J. Glen Saylor
Chief, Water Alloc. Bureau

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 no _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 150 AF for Storage for Irrigation purposes from Jan. 1 to Dec. 31
 (cfs/ac-ft)
 amount 150 AF for Storage purposes from Mar. 15 to Nov. 15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	SW	8	52N	3W	Kootenai	Chilco Reservoir

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
52N	3 W	7									20	5	20	40		20	35		140
		18					10*												10*

* Water only land retained by seller.

Total acres 150* / 140 Ac

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 413 AF for Storage for Irrigation/Domestic purposes from _____ to _____
 (cfs/ac-ft)
 amount 413 AF for Irrigation/Domestic purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	6	52N	03W	Kootenai	Chilco Reservoir

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
52N	3W	7			10	10									30	10		35	95
		8									27	5							32
		18	25	32	35	15	30	40	30	31	20	20		20		10	10		318

Total acres 445

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 In case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 95-2036 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Chilco Reservoir tributary to Chilco Creek

4. Date of priority 9/3/1910

5. Water is used for the following purpose:

amount 595 AF for Irrigation/Domestic purposes from Jan. 1 to Dec. 31
 (cfs/ac-ft) 595 AF for from Storage purposes from Jan. 1 to Dec. 31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right _____ cubic feet per second and/or 595 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	8	52N	3W	Kootenai	Chilco Reservoir

8. Lands Irrigated or place of use:

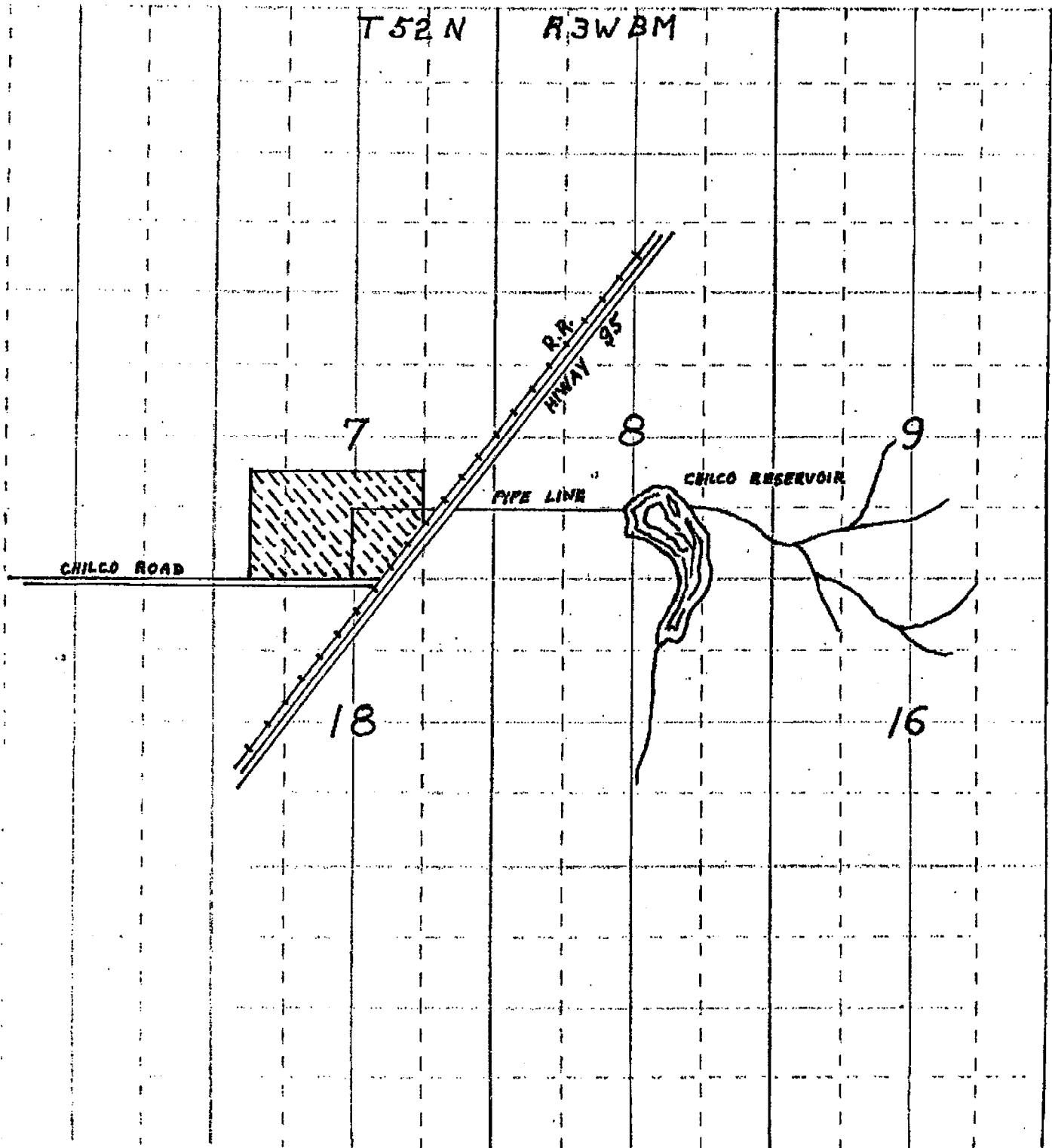
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
52N	3W	7			10	10					20	5	20	40	30	30	35	35	235
		8										27	5						32
		18	25	32	35	15	40	40	30	31	20	20		20		10	10		328

Total acres 595

9. Describe any other water rights used for the same purpose as described above None

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Industrial from Storage	156 182 AF	24/215/year	April 15 to Nov. 15
	Storage for Industrial	156 182 AF		_____ to _____

2. Quantity and quality of return flows and location of discharge:

Approximately one half will be evaporated for cooling logs, the remainder will be absorbed into the surface soils.

3. Describe effects on other water uses resulting from the proposed change:

There will be no change in other water uses.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this

20th day of December, 19 88

(Signature of Applicant) William W. Fisher

William W. Fisher
(Notary Public)

My commission expires

12/10/93**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 4 attachmentsReceived by TK Date 12/20/88 Protest filed by nonePrelim. check by TK Fee \$50.00Receipted by TK Date 12/20/88 N2187Published in Cumtillene Press Copies of protest forwarded by _____Pub. dates 1/5-12/89 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by Sim Gary

Copy of transfer sent to lien holder _____

Exhibit 3

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3566

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Jim Carney Phone 772-5585Post Office address N. 21550 Hwy. 95 Arhol, Id. 83801**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use ☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Insufficient water for 595 acres, transfer filed to reflect changes in place of use which have occurred over the last 80 years.

RECEIVED
APR 3 1989
NORTHWEST REGION

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-----------------|-----------------|---------------|-----------------------|-----------------------------|
| <u>95-02036</u> | <u>9/3/1910</u> | <u>300 AF</u> | <u>Irr. fm. Strg.</u> | <u>3/15</u> to <u>11/15</u> |
| <u>95-02036</u> | <u>9/3/1910</u> | <u>300 AF</u> | <u>Strg. for Irr.</u> | <u>1/1</u> to <u>12/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred _____ cubic feet per second and/or 365 acre-feet per annum.
3. Source of water Chilco Reservoir tributary to Chilco Creek
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	SW	8	52N	3W	Kootenai	Chilco Reservoir

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
52N	3W	7													6		2	29	37
		8					30	5	20	40		40	11						146
		18	30	18															48

Total acres 231

PART 1**6. General Information:**

a. Description of diversion system Dam and reservoir with gravity-flow pipeline to hand line.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Most of lands listed on license have been removed from crop production and use for grazing or another source has been found.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 95-2036C

And said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 28th

day of

July

, 19 89

J. Glen Saylor
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 In case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 95-02036 Issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Chilco Reservoir tributary to Chilco Creek

4. Date or priority 9/3/1910

5. Water is used for the following purpose:

amount 595 AF for Stg. for Irr. and Domestic purposes from 1/1 to 12/31
 (cfs/ac-ft) 595 AF for Irr./Domestic purposes from 1/1 to 12/31
 (cfs/ac-ft) 595 AF for from Storage purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right _____ cubic feet per second and/or 595 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	8	52N	3W	Kootenai	Chilco Reservoir

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
52N	3W	7			10	10					20	5	20	40	30	30	35	35	235
		8										27	5						32
		18	25	32	35	15	40	40	30	31	20	20		20		10	10		328

Total acres 595

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 300 AF for Irr. fm. Strg. purposes from 1/1 to 12/31
 (cfs/ac-ft) 300 AF for Strg. for Irr. purposes from 1/1 to 12/31
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	SW	8	52N	3W	Kootenai	Chilco Reservoir

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
52N	3W	7																35	35
		8									27	5							32
		18	20	32	35	15	40	40	30	31									243
**** MINUS 10 ACRE FEET USED IN NENW SEC. 18 T52N R3W ****																			

" TOTAL 300AF Total acres 310

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount ²⁹⁵230 AF for Strg. for purposes from 1/1 to 12/31
 (cfs/ac-ft) ²⁹⁵230 AF for Irr./Domestic purposes from 1/1 to 12/31
 amount 230 AF for Irr./Domestic purposes from 1/1 to 12/31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	SW	8	52N	3W	Kootenai	Chilco Reservoir

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
52N	3W	7			10	10					20	5	20	40	30	30	35		200
		18	5				10*	10*			20	20	20			10	10		85
* WATER ONLY, LAND RETAINED BY OWNER.																			

TOTAL 295 AF & Total acres 285

PART 3**B. CHANGES IN NATURE OF USE**

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 10 day of April, 1989

(Signature of Applicant)

Robert J. Haynes
(Notary Public)

My commission expires

11/10/92**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by nonePrelim. check by _____ Fee \$50.00Receipted by [Signature] Date 4/18/89Published in Cedar-Rillman Press Copies of protest forwarded by _____Pub. dates 5/18-25/89 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. by Jim Gary

Copy of transfer sent to lien holder _____

Exhibit 4

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

W. E. BUELL,

Plaintiff

vs

CHILCO IRRIGATION DISTRICT, a
municipal corporation of the State
of Idaho; MILO M. HOLLISTER, GRANT
REISLAND and N. A. IHLY, the last
known and last elected Directors of
said District and all persons having
any interest in or claim against
said Irrigation District,

Defendants

STATE OF IDAHO
COUNTY OF KOOTENAI
FILED
Jas. A. Foster
9.3.27

D E C R E E

This cause having come regularly on for hearing the plaintiff appearing by his attorneys Whitla & Knudson but the defendants did not appear neither did anyone appear to contest the case. The Court finds that due and personal service of the summons and complaint was made upon Grant Reiland and N. A. Ihly, two of the last known directors of said district and that due service was made by publication upon Milo M. Hollister who the Court finds is a non-resident of the State of Idaho and upon all persons having any interest in or claim against said District. The default of the defendants for their failure to appear and answer was duly entered by the Clerk of this Court. After hearing the evidence introduced the Court made Findings of Fact and Conclusions of Law which are hereby referred to and adopted as a part of this Decree wherein it was ordered that judgment and decree be entered in favor of the plaintiff as prayed for in plaintiff's complaint.

NOW, THEREFORE on this day on motion of Whitla & Knudson, attorneys for the plaintiff;

IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED that Chilco Irrigation District duly and legally existed and caused to be issued its bonds in the par value of \$20,000 which were and are valid outstanding obligations of said District dated the 1st day of July, 1922 and payable

at the maturity provided by law with interest thereon at the rate of 7% per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Chilco Irrigation District at all the times mentioned in plaintiff's complaint was and still is an irrigation district duly organized and existing under and by virtue of the laws of the State of Idaho.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Irrigation District duly and regularly caused an assessment to be made in the sum of \$55.50 per acre upon all of the land within said district for the purpose of paying said bonds and IT IS ORDERED, ADJUDGED AND DECREED that said lien was at the time of the commencement of this action and still are outstanding, unpaid and undischarged and that the land within said District which is covered by said lien is as follows, to-wit:

Tracts 2 and Lot 5 of Tract 3, Lots 5 and 6 of Tract 4, all of tracts 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120 less the right of way of the Spokane International Railway Company, all of said Tracts being a part of the Spokane Valley Commercial Orchards Company as shown by the plat thereof on file and of record in the office of the County Recorder of Kootenai County, Idaho, and being located on Sections 7, 8 and 18, Township 52, Range 3 W.B.M. together with the West Half of Block 14 and all of Block 15 of the Spokane Valley Commercial Orchards Company, which were incorporated into said District after the organization thereof

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff is the owner and holder of all of said bonds and that none thereof have been paid and that interest has been paid thereon to January 1, 1927 and that \$91.00 was paid on the interest due July 1, 1927 leaving a balance of the interest due July 1, 1927 of \$609.00 AND IT IS ORDERED, ADJUDGED AND DECREED that all of said bonds and the subsequent interest thereon is due, owing and unpaid from Chilco Irrigation District to the plaintiff and that said bonds and all the interest thereon constitutes a good, valid and outstanding obligation of said district and a lien upon the property hereinbefore described in the sum of \$55.50 per acre.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT THE SAID Chilco Irrigation District has failed to function and that there are now no officers qualified or acting and that the said District has been abandoned and that no one has acted for said District for more than two years immediately preceding the commencement of this action, AND IT IS ORDERED, ADJUDGED AND DECREED that said Chilco Irrigation District be and the same hereby is dissolved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said bonds outstanding against said Irrigation District hereinbefore described, shall be and remain a valid subsisting obligation on all of the property within said Chilco Irrigation District, including all ditches, pipe lines, water permit upon Chilco Lake and the entire system of said Chilco Irrigation District used for the purpose of furnishing water to said land, all of which said water system is adjudged to be appurtenant to said land and a part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County Commissioners of Kootenai County, Idaho shall hereafter make assessments for the purpose of paying said bonds and all interest in the same manner and in the same way as upon the dissolution of villages as provided by the laws of the State of Idaho, AND IT IS ORDERED, ADJUDGED AND DECREED that such levy be made by them for the purpose of collecting taxes and assessments with which to pay said bonds and that from such collection said Commissioners of Kootenai County shall first cause to be paid the cost of making said collection and thereafter shall pay all money collected to the plaintiff. Said levy shall be made upon the lands hereinbefore in this decree described and that should the assessments thereon not be paid said land shall be sold for taxes in the same manner as is required for the sale of land for the failure to pay any other taxes thereon and that the Commissioners of Kootenai County, Idaho, take deed to said land in the name of Kootenai County and shall hold and retain said deed for and on behalf of and for the benefit of the plaintiff and shall sell and dispose of said land for and on behalf of the plaintiff

and shall sell and dispose of said land for and on behalf of the plaintiff AND IT IS ORDERED, ADJUDGED AND DECREED that if the plaintiff desires he may purchase said land at such sale so made by the County Commissioners of Kootenai County, Idaho and may apply bonds held by the plaintiff in payment of the purchase price of said land, except that the plaintiff shall pay in cash to the Commissioners of Kootenai County, Idaho such sums as may be required by law to pay the expense of such sale.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT IF THE said plaintiff is required to pay any state and county taxes for the purpose of preserving said land and to prevent the same from going to deed to Kootenai County for state and county taxes due and owing thereon that such sum shall be added to the amount due hereunder and that the plaintiff may also use the amount of such payments to be applied upon the purchase price of any of said land, if he so desires so to do.

Dated this 15th day of December, A.D. 1938.

Bert A. Reed
District Judge.

Attest my hand and the seal of said court the day and year last above written.

Jas. A. Foster
Clerk

By _____
Deputy



STATE OF IDAHO }
COUNTY OF KOOTENAI }

THIS IS TO CERTIFY THAT THE FOREGOING IS
A TRUE COPY OF THE ORIGINAL NOW ON
FILE OR RECORD IN THIS OFFICE.

SEALED ON THIS 20th DAY OF Dec 2025
JENNIFER LOCKE, CLERK OF THE DISTRICT
COURT BY Bert A. Reed

Deputy

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