

APR 06 2026

DEPARTMENT OF
WATER RESOURCES

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

**BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO**

IN THE MATTER OF THE DAVID L.
 HAMAN TRUST WATER RIGHT 95-16450

**AFFIDAVIT OF RANDALL SMITH IN
 SUPPORT OF PETITION FOR
 FORFEITURE OF WATER RIGHT 95-
 16450**

STATE OF IDAHO)
 :
 COUNTY OF KOOTENAI)

I, **Randall Smith**, being first duly sworn upon oath, deposes and states:

1. My name is Randall Smith and my home address is 22424 N. Pope Rd, Athol, ID 83801.
2. I am over the age of eighteen and legally competent to testify in this matter based upon my personal knowledge of the facts and statements set forth herein.
3. Renay Smith, my wife, and I are owners of R&R Smith Properties, LLC.

4. R&R Smith Properties, LLC and Gary W. Creagle Trustee of the Survivor's Trust of the Gary W. Creagle and Karen B. Creagle 1995 are the owners of parcel nos. 07195001001A and 07195001003A and appurtenant Chilco storage water right 95-16452.
5. R&R Smith Properties, LLC is the owner of parcel nos. 0L9890010010 and 0L9890010020 and appurtenant water right 95-16453. R&R Smith Properties LLC acquired this property on October 18, 2022.
6. R&R Smith Properties, LLC is the owner of parcel no. 07520010999A, which is irrigated with Chilco storage water right 95-16452.
7. R&R Smith Family Trust is the owner of parcel no. 07195001002A (aka Serendipity Falls Lot 2, Block 1 EX RW) and appurtenant Chilco storage water right 95-18552. Renay Smith and I are trustees of R&R Smith Family Trust and have owned and resided on this property since 1993.
8. A 12" pipe exiting Chilco Reservoir running Westerly along the North line of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 8, Township 52N, Range 3W, B.M. and North Line of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$, Section 7, Township 52N, Range 3W, B.M. delivers water to Chilco storage water for irrigation and commercial use. The pipeline is depicted on Attachment 1, which is attached hereto and incorporated herein by reference.
9. Renay and I own the Smith lateral pipeline depicted on Attachment 1.
10. The Smith lateral pipeline connects to the 12" pipe at the location shown on Attachment 1.

11. The Smith lateral pipeline delivers Chilco storage water accruing to water rights 95-16452, 95-16453, 95-18552 for the irrigation of our properties listed above. Additionally, the Smith lateral pipeline delivers water accruing to Chilco storage water right 95-18533 owned by Ryan and Crystal Smith and Chilco storage water right 95-18668 owned by Gary W. Creagle. No other water rights are delivered through the Smith lateral pipeline.
12. On December 1, 2020, the CSRBA Court issued partial decree 95-16450 to The David L. Haman Trust in the amount of 6.50 AFY for irrigation of 5 acres in the SWNW and SENW of Section 8, T52N, R03E B.M. Attachment 2 attached hereto and incorporated herein by reference.
13. Water right claim for 95-16450 describes the diversion works for water right 95-16450 as "Dam & Chilco Lake-Creek to Chilco Falls – Headgate @ Falls Pipe to Property Below Falls Tap Off Main Line Aprox 200 yds from Falls Pipe to Ward Property North of Falls." Attachment 3.
14. I am personally familiar with the 12" pipeline that provides storage water from Chilco Reservoir for irrigation and commercial. As shown on Attachment 1, there are only two lateral pipelines connected to the 12" pipeline that extends from Chilco Falls to the Idaho Forest Group, LLC Chilco Mill – the Smith and Carney lateral pipelines.
15. The 12" pipeline is the only water delivery system for conveying Chilco storage water to lands located below Chilco Reservoir.
16. The David L. Haman Trust place of use does not receive storage water through the Smith lateral pipeline.

17. The David L. Haman Trust place of use is not connected to and does not receive water through the Carney lateral pipeline.
18. There is no water delivery system connecting the David L. Haman Trust place of use to the 12" pipeline.
19. Although storage water is available for distribution to Chilco storage water right The David L. Haman Trust has not diverted any storage water from Chilco Reservoir for irrigation of the place of use for more than 5 years.
20. I am not aware of any delivery of storage water under water right 95-16450 for irrigation of the place of use for more than 30 years.
21. I have not observed any use of Chilco storage water on the David L. Haman Trust place of use for over 30 years.

Dated 15 day of April, 2026.



RANDALL SMITH

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

On this 1 day of April, 2026, before me, the undersigned, a Notary Public, in and for said State, personally appeared Randall Smith, known to me to be the person whose name is subscribed above, and acknowledged to me that he executed this document.

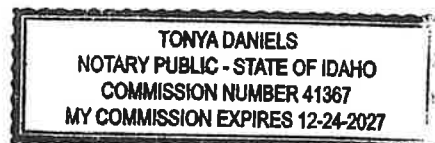
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Tonya Daniels

Notary Public of Idaho

Residing at Kensington Ave, Hayden, ID

My Commission Expires: 12/24/2027



CERTIFICATE OF SERVICE

I certify that on the 2nd day of April 2026, I served or caused to be served a copy of the *Affidavit of Randall Smith in Support of Petition for Forfeiture of Water Right 95-16450* to the parties by the following method(s):

Idaho Department of Water Resources
322 E. Front St Ste 648
P.O. Box 83720
Boise, ID 83720-2707

USPS(postage paid)
email file@idwr.idaho.gov

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

USPS Certified Mail/Return Receipt Requested

Clive J Strong

CLIVE J. STRONG

ATTACHMENT 1

Idaho Forest Group, LLC

Kootenai County, MT



Randall Smith Declaration, 95-16450 – Attachment 1

Property Ownership

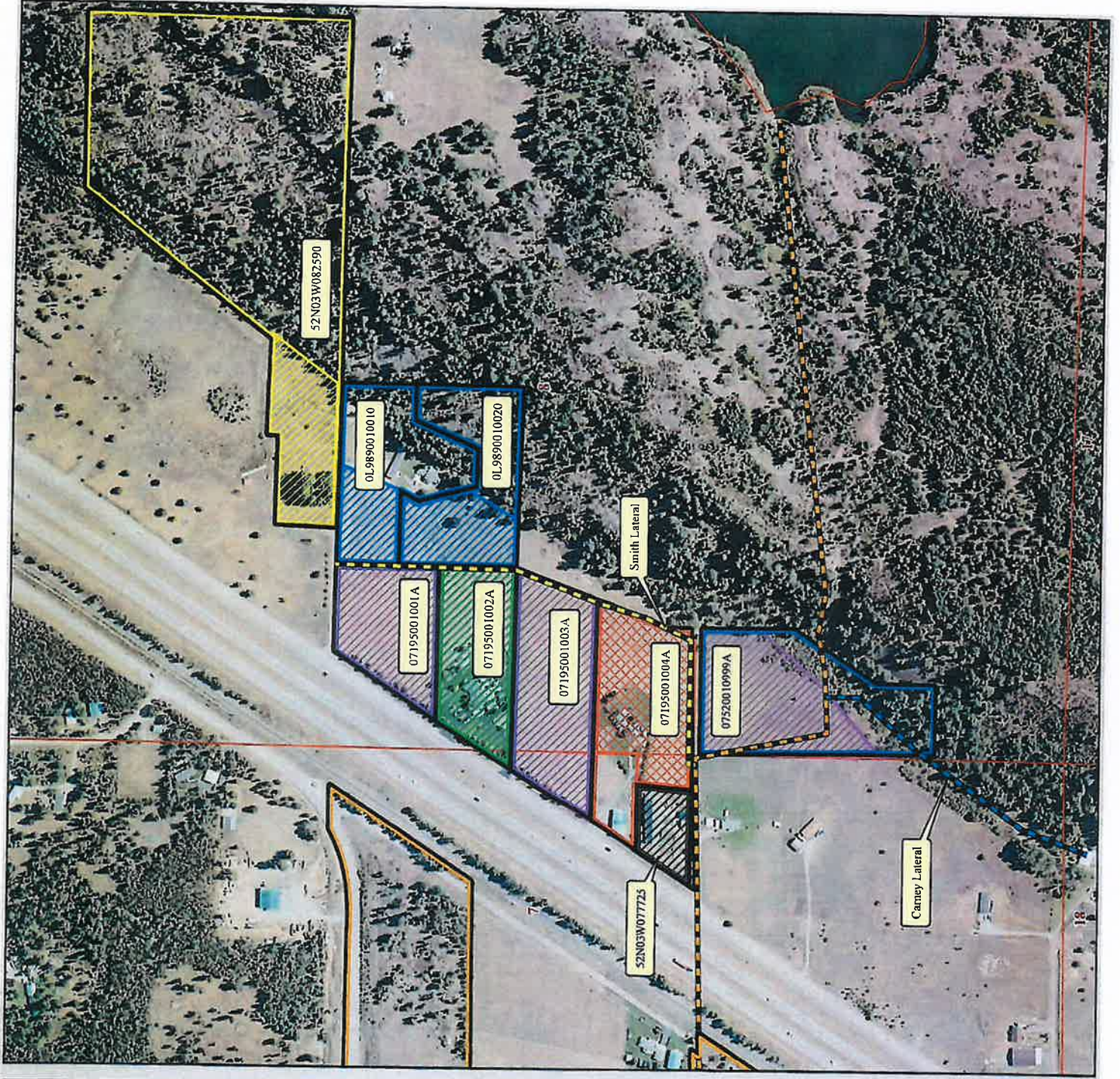
-  Idaho Forest Group, LLC
-  Gary W Creagle & Karen B Creagle 1995 Trust, R & R Smith Properties - PIN# 07195001001A, 07195001003A
-  R & R Smith Properties - PIN# 0L9890010010, 0L9890010020, 07520010999A
-  R & R Smith Family Trust - PIN# 07195001002A
-  Ryan Smith, Crystal Smith - PIN# 07195001004A
-  Gary W Creagle & Karen B Creagle I - PIN# 52N03W077725
-  David L Haman Trust - PIN# 52N03W082590
-  Water Right POUs
-  95-16452, Gary W Creagle & Karen B Creagle 1995 Trust, R & R Smith Properties, LLC
-  95-16453, R & R Smith Properties, LLC
-  95-18552, R & R Smith Family Trust
-  95-18553, Crystal Smith, Ryan Smith
-  95-18668, Gary Creagle
-  95-16450, The David L Haman Trust

Created 3/18/2026
Aerial Imagery: 2023 NAIP



0 0.07 0.15
Miles

Geographic features displayed on the map have not been surveyed by DMS and should not be construed as surveyed. This map includes publicly available data obtained from third-party sources. DMS makes no warranties as to the accuracy of data obtained from third-party sources.



ATTACHMENT 2

2020 DEC 01 PM 02:00
DISTRICT COURT - CSRB
TWIN FALLS CO., IDAHO
FILED

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 95-16450

RECEIVED
DEC 10 2020
DEPARTMENT OF
WATER RESOURCES

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

SOURCE: CHILCO LAKE TRIBUTARY: CHILCO CREEK

QUANTITY: 6.50 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	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 SWNW 4.0 SEWN 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 Cosur 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 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. Wildman
Presiding Judge of the
Cosur d'Alene-Spokane River Adjudication

ATTACHMENT 3

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D' ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 95-16450

Date Received: 7/7/19

Receipt No: NO21351

Received By: [Signature]

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) KENT WAARD Phone (208) 676-3158

Mailing Address 21160 WISHFUL TRL ARIZONA 10 ZIP 83801
Street or Box City State

2. Date of Priority (Only one (1) per claim) 9/03/1910
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) CHILCO LAKE
which is tributary to (b) CHILCO CREEK

4. a. Location of Point of Diversion is: Township 52N, Range 03W, Section 8
NE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of _____

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. DAM @ CHILCO LAKE - CREEK

TO CHILCO FALLS - HEADGATE @ FALLS PIPE TO
PROPERTY BELOW FALLS TAP OFF

MAIN LINE APPROX 200 YDS FROM FALLS PIPE
TO WAARD PROPERTY NORTH OF FALLS

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)
For IRRIGATION purposes from 3/15 to 10/31 amount _____ or 6.5
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 6.5 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>52N</u>	<u>03W</u>	<u>8</u>						<u>4</u>	<u>1</u>										<u>5</u>

Parcel (PIN) no(s). -2590

Total number of acres irrigated 5

10. In which county (ies) are lands listed above as place of use located? Kootenai

11. Do you own the property listed above as place of use? Yes (☒) No ()
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

13. Remarks: _____

Last Name

WARD

Identification No. _____

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License (X) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 95-2036C

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Rene Ward Date: 7-15-09

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Identification No. _____

