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Jun 26, 2026

DEPARTMENT OF
WATER RESOURCES

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

BEFORE THE DEPARTMENT OF WATER RESOURCES OF

THE STATE OF IDAHO

IN THE MATTER OF WATER RIGHT 95-
16448

**MOTION TO FIND LK ERICKSON
LIVING TRUST IN DEFAULT AND FOR
ENTRY OF AN ORDER DECLARING
WATER RIGHT 95-16448 FORFEITED**

INTRODUCTION

Idaho Forest Group, LLC., Curtis & Lana Carney, R&R Smith Properties LLC, Gary W. Creagle and Karen B. Creagle 1995 Trust, R&R Smith Family Trust; Gary Creagle and Ryan & Crystal Smith by and through their counsel of record, Clive J. Strong, pursuant to Idaho Code § 42-222(2) and IDAPA 37.01.01.220 hereby moves the Idaho Department of Water Resources ("IDWR") to find LK Erickson Living Trust in default for failure to appear and respond to the Petition for Forfeiture of water right 95-16448.

**MOTION TO FIND LK ERICKSON LIVING TRUST IN DEFAULT AND FOR AN
ORDER DECLARING WATER RIGHT 95-16448 FORFEITED**

Petitioners further move IDWR for entry of an Order declaring water right 95-16448 forfeited.

STATEMENT OF FACTS

The Coeur d' Alene/ Spokane River Basin Court issued Jameson Mortgage Company a partial decree for water right 95-16448 on December 1, 2020, which authorizes storage of 6.10 acre-feet per year in Chilco Reservoir for irrigation storage and irrigation from storage. Attachment 2 to the Affidavit of Randall Smith In Support of Petition for Forfeiture of Water Right 95-16448, and Attachment 2 to the Affidavit of Curtis B. Carey In Support of Petition for Forfeiture of Water Right 95-16448. The place of use of water right is 4.7 acres in the SESE of Section 7 in T52N, R03W. *Id.*

LK Erickson Living Trust is listed as the owner of water right 95-16448 in IDWR's database.¹ The Kootenai County Recorder Office's records list LK Erickson Living Trust as the current owner of parcel no. 52N03W079200, which is the place of use of water right 95-16448. Attachment 3 to the Affidavit of Randall Smith In Support of Petition for Forfeiture of Water Right 95-16448, and Attachment 3 to the Affidavit of Curtis B. Carey In Support of Petition for Forfeiture of Water Right 95-16448.

On April 20, 2026, Petitioners filed a Petition for Forfeiture of Water Right 95-16448 with IDWR. The Petition and accompanying affidavits set forth a prima facie case for forfeiture of water right 95-16448.

¹ Petitioners request that the Idaho Department of Water Resources take judicial notice of documents in its 95-16448 water right file, including but not limited to CSRBA partial decree 95-16448 pursuant to IDAPA 37.01.01.602.

LK Erickson Living Trust was served a copy of the Petition for Forfeiture of water right 95-16448 by certified mail on April 22, 2026. Attachment 4, which is attached hereto and incorporated herein by reference. As of the filing of this motion LK Erickson Living Trust has not responded to the Petition for Forfeiture.

ARGUMENT

Idaho Code § 42-222(2) provides that “rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated.” See also *State v. Hagerman Water Right Owners, Inc.* 130 Idaho 736, 743, 947 P.2d 409, 416 (1997)(“Section 42-222(2) of the Idaho Code provides for the loss of a water right for non-application to beneficial use.”). “The party asserting that a water right has been forfeited has the burden of proving the forfeiture by clear and convincing evidence.” Idaho Code § 42-222(2). As alleged in the Petition for Forfeiture there is no delivery system for conveying storage water to the place of use of water right 95-16448 nor has the right has been exercised in more than 30 years. Petition for Forfeiture and accompanying Affidavits are incorporated herein by reference. The facts alleged in the Petition and Affidavits establish a prima facie case that water right 95-16448 has been forfeited.

Despite being served with the Petition for Forfeiture over sixty days ago, LK Erickson Living Trust has failed to respond to the Petition. There is no just reason for LK Erickson Living Trust’s failure to respond to the Petition for Forfeiture.

LK Erickson Living Trust’s failure to respond to the Petition for Forfeiture is prejudicial to the Petitioners. As IDWR’s records show there is a long history of

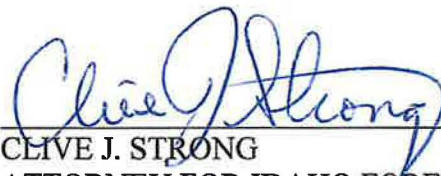
MOTION TO FIND LK ERICKSON LIVING TRUST IN DEFAULT AND FOR AN ORDER DECLARING WATER RIGHT 95-16448 FORFEITED

controversy surrounding Chilco storage rights.² Indeed, the total volume of the decreed storage rights exceeds the physical storage capacity of Chilco Reservoir. A prompt resolution of the Petition for Forfeiture will resolve in part the ongoing controversy regarding who is entitled to store and use storage water from Chilco Reservoir.

CONCLUSION

Therefore, Petitioners respectfully request that IDWR find LK Erickson Living Trust in default and declare water right 95-16448 forfeited.

DATED this 26th day of June 2026.



CLIVE J. STRONG
ATTORNEY FOR IDAHO FOREST GROUP, LLC,
GARY CREAGLE, GARY W. AND KAREN B.
CREAGLE 1995 TRUST, CURTIS AND LANA
CARNEY, R&R PROPERTIES, LLC, R&R SMITH
TRUST, AND RYAN AND CRYSTAL SMITH

² Petitioners request that the Idaho Department of Water Resources take judicial notice of documents in its files related to water rights 95-2036, 95-2036A, 95-2036B, 95-2036C, 95-16447, 95-16448, 95-16449, 95-16450, 95-16451, 95-16452, 95-16453 and 95-18274 pursuant to IDAPA 37.01.01.602

CERTIFICATE OF SERVICE

I certify that on the 26th day of June 2026, I served or caused to be served a copy of this **MOTION TO FIND LK ERICKSON LIVING TRUST IN DEFAULT AND FOR ENTRY OF AN ORDER DECLARING WATER RIGHT 95-16448 FORFEITED** on 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

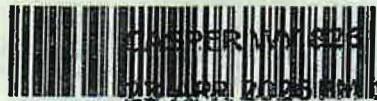
email file@idwr.idaho.gov

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

USPS (postage paid)


CLIVE J. STRONG

USPS TRACKING#



9590 9402 8930 4064 0843 09

United States
Postal ServiceFirst-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

* Sender: Please print your name, address, and ZIP+4® in this box*

Clive J. Strong
14512 38th Ave NE
Lake Forest Park, WA
98155



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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



9590 9402 8930 4064 0843 09

2. Article Number (Transfer from service label)

9589 0710 5270 2545 4498 15

Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Jan Feltner

☐ Agent
☒ Addressee

B. Received by (Printed Name)

Jan Feltner

C. Date of Delivery

4/30/26

D. Is delivery address different from item 1?

☐ Yes
☒ No

If YES, enter delivery address below:

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

ATTACHMENT 4

Hersley, Jean

From: clivejstrong@gmail.com
Sent: Friday, June 26, 2026 6:08 PM
To: IDWR File
Subject: In the Matter of Water Right 95-16448
Attachments: Motion for Default and Forfeiture of 95-16448.pdf

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.

Attached is Petitioners' Motion for finding Carl LK Erickson Living Trust in default and entry of Order declaring water right 95-16448 forfeited. This motion is to be filed In the Matter of Water Right 95-16447.

Regards,

Clive J Strong

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