

RECEIVED

JUN 03 2019

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
~~79-14108~~	Yes ☐	Yes ☐		Yes ☐	Yes ☐
79-14271	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Nick & Mary Troche
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Don & Jennifer Esslinger
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☒ and/or
- 237 Slate Creek Road White Bird ID 83554
Mailing address City State ZIP
- 208-839-2369 NO
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 5-29-2019
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
☐ \$25 per undivided water right.
☐ \$100 per split water right.
☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
8. Signature: Jennifer Esslinger 5-31-2019
Signature of new owner/claimant Title, if applicable Date
- Signature: Don Esslinger 5-31-2019
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by KT Date 6/3/19 Receipt No. W047447 Receipt Amt. 25.00

Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒

Name on W-9 / Approved by KT Processed by KT Date 6/14/19

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THIS INDENTURE, Made on this 17th day of may, 2019, by and between NICK V. TROCHE and MARY MARLENE TROCHE, husband and wife, hereinafter referred to as parties of the first part, and DON ESSLINGER and JENNIFER ESSLINGER, husband and wife, hereinafter referred to as the parties of the second part.

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That the said parties of the first part, for and in consideration of good and valuable consideration to them in hand paid by the parties of the second part, the receipt thereof is hereby acknowledged, by these presents do hereby grant, bargain, sell, convey and confirm all of their interest, unto the said parties of the second part, and to their heirs, successors and assigns forever, the following described real property situated in the County of Idaho, State of Idaho, to wit:

See Schedule "C" attached hereto and incorporated herein as if set forth in full.

SUBJECT, HOWEVER, TO:

1. General taxes for the second half of the year 2018, which are a lien, now due and payable, but not delinquent until June 21, 2019;
2. General taxes for the year 2019, which are a lien, not yet due and payable.
3. Right of Way Easement including the terms and provisions thereof, by and between MARY LARGE and THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a California corporation, recorded February 11, 1931, under Instrument No. 94938, Book 59 of Deeds, page 216, assigned to IDAHO TELEPHONE COMPANY, by Assignment of Easements, recorded September 3, 1968, under Instrument No. 232099, Book 109 page 178; records of Idaho County, Idaho.
4. Right of Way Easement including the terms and provisions thereof, by and between BEN LARGE and GEM STATE TEL. CO., recorded June 7, 1965, under Instrument No. 219747, in Book 103, page 90, and Quitclaim Deed by

[Signature]
J. A. Ciro

1 and between GTE NORTHWEST INCORPORATED, a Washington
2 corporation to CITIZENS TELECOMMUNICATIONS COMPANY OF
3 IDAHO, a Delaware corporation, recorded March 15, 1994,
under Instrument No. 373279, records of Idaho County,
Idaho.

4 5. State of Idaho Easement, including the terms and
5 provisions thereof, by and between THE STATE OF IDAHO,
6 acting by and through the State Board of Land Commission-
7 ers, first party, and STATE HIGHWAY DEPARTMENT, second
party, recorded April 28, 1967, under Instrument No.
226777, in Book 106 page 410, recors of Idaho County,
Idaho.

8 6. Easement and Restrictions, including the terms and
9 provisions thereof, as set forth in Second Judgment and
10 Decree of Condemnation, in the District Court of the
11 Second Judicial District of the State of Idaho, County of
12 Idaho, Civil Case No. 7224, THE STATE OF IDAHO, ex rel,
13 R. DOYLE SYMMS, HOWARD B. THOMASON and C.ED FLANDRO,
14 IDAHO BOARD OF HIGHWAY DIRECTORS, Plaintiff, vs. BENJAMIN
LARGE and MARGARET LARGE, husband and wife, JAMES LARGE
and CLEO LARGE, husband and wife, ALICE MAHURIN, Adminis-
tratrix of the Estate of Mamie A. Robie, deceased and THE
FEDERAL LAND BANK OF SPOKANE, a corporation, Defendants,
recorded April 28, 1969, under Instrument No. 233808 in
Book 110 page 193, records of Idaho County, Idaho;

15 7. Right of Way Easement, including the terms and
16 provisions thereof, by and between JACK J. MAREK and
17 IDAHO COUNTY LIGHT AND POWER COOPERATIVE ASSOC., INC., a
corporation, recorded October 21, 1994, under Instrument
No. 377067, records of Idaho County, Idaho.

18 8. Any claim arising from the difference in mean high
19 water line of the Salmon River and the meander line as
shown by Government Survey or the State of Idaho.

20 9. Rights and easements in favor of the public for
21 recreational uses of the Salmon River.

22 10. Any and all liens and encumbrances of record.

23 TOGETHER WITH ALL AND SINGULAR, the tenements, hereditaments
24 and appurtenances thereunto belonging or in anywise appertaining.

25 TO HAVE AND TO HOLD, all and singular, the above mentioned and
26 described premises, together with the appurtenances, unto the said
27 parties of the second part, and to their heirs, successors and
28 assigns forever.

1 And parties of the first part and their heirs, successors and
2 assigns, hereby covenant to and with said parties of the second
3 part and their heirs, successors and assigns the parties of the
4 first part are lawfully seized in fee simple of the above granted
5 premises free from all encumbrances and that the parties of the
6 first part will warrant and defend the above premises against all
7 and every person and persons whomsoever lawfully claiming or to
8 claim the same.

9 IN WITNESS WHEREOF, the parties of the first part have
10 hereunto set their hands and seals in the day and year hereinabove
11 first written.

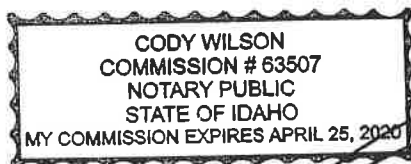
12 Nick V. Troche
13 NICK V. TROCHE

14 Mary Marlene Troche
15 MARY MARLENE TROCHE

16 STATE OF IDAHO)
17) ss.
18 County of Ada)

19 On this 17 day of May, 2019, before me, the
20 undersigned a Notary Public in and for the said State, personally
21 appeared NICK V. TROCHE and MARY MARLENE TROCHE, husband and wife,
22 known to me to be the persons whose names are subscribed to the
23 within and foregoing instrument, and acknowledged to me that they
24 executed the same.

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



[Signature]
Notary Public in and for the
State of Idaho;

My commission expires: April 25, 2020

MAIL DEED TO:

DON ESSLINGER
JENNIFER ESSLINGER
237 Slate Creek Rd.
Whitebird, ID 83554

MAIL TAX NOTICES TO:

DON ESSLINGER
JENNIFER ESSLINGER
237 Slate Creek Rd.
Whitebird, ID 83554

SCHEDULE C

Township 27 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 25:

That portion of Government Lot 1 lying between the North and South Highway (Old State Highway No. 95) right-of-way as described in Right of Way Deed, recorded as Instrument No. 68452, Book 49 pages 406 and 407 and U.S. Highway No. 95 Project No. F-4113 (37) right-of-way as described in Second Judgment and Decree of Condemnation, recorded as Instrument No. 233808, Book 110 pages 193 through 197.

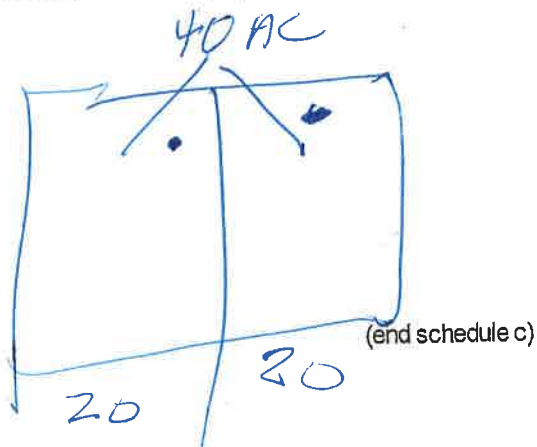
Section 26:

That portion of Government Lot 5 lying between the North and South Highway (Old State Highway No. 95) right-of-way as described in Right of Way Deed, recorded as Instrument No. 68452, Book 49 pages 406 and 407 and U.S. Highway No. 95 Project No. F-4113 (37) right-of-way as described in Second Judgment and Decree of Condemnation, recorded as Instrument No. 233808, Book 110 pages 193 through 197 and lying southeasterly of said U.S. Highway No. 95 right-of-way being a line bearing N 40°39'16" E from Station 910+85.88.

Section 36:

Beginning at the meander corner on the right bank of the Salmon River on the line between Sections 25 and 36, said Township and Range;
thence S 89°46' E on said line 507.86 feet to the center line of the North and South Highway (Old State Highway No. 95);
thence on said centerline, S 47°07' E, 173.7 feet to P.C. Station 637+33.7;
thence left on a 12° curve 188.1 feet to P.T. Station 639+21.8;
thence S 69°41' E, 92.2 feet to P.C. Station 640+14.0;
thence right on a 28°00' curve 46.0 feet to a point whence a stone with a chiseled cross bears S 85°44' E, 102.0 feet;
thence leaving the centerline N 85°44' W, 578.0 feet to a 1" iron pipe 2 feet long;
thence N 54°57' W, 396.0 feet on a meander line to aforesaid meander corner, and the Place of Beginning.
Sometimes known as Assessor's Tax No. 70.

Excepting the North and South Highway (Old State Highway No. 95), right of way as described in Right of Way Deed, recorded as Instrument No. 68454, Book 49 page 409. Also excepting U.S. Highway No. 95 Project No. F-4113(37) right of way as described in Second Judgment and Decree of Condemnation, recorded as Instrument No. 233808, Book 110 pages 193 through 197.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 5, 2019

DON AND JENNIFER ESSLINGER
237 SLATE CREEK ROAD
WHITEBIRD, ID 83554

RE: Notice of Change in Water Right Ownership: Water Right No: 79-14108

Dear Applicants:

The Idaho Department of Water Resources received your Change in Water Right Ownership on June 3rd, 2019. The purpose of this letter is to notify you that we are unable to process your request.

The water right written on the submitted form (79-14108) does not match the legal description on the deed. The owner of the claimed water right (79-14108) is also different, Peggy J Marek, than the owners listed on the deed and notice of change in water right form, who are Nick and Mary Troche. Upon further research, another water right number (79-14271) was found that did match the legal description of the deed. The current owners of this water right are Nick and Mary Troche which does match the deed and the form.

A map and computer generated report have been included for the different water right number 79-14271. Since this other water right number matches the deed and legal description, the department believes that this is the correct water right to claim instead of 79-14108.

In order to finish processing this request, please cross out the other water right number (79-14108) that does not match the legal description from the deed and put in the correct water right number (79-14271). Once the form has been returned, the department will process the ownership change. If the form is not returned in 30 days (7/5/19), then the department will issue a refund of \$25.00.

Because the Department cannot process this request at this time, we are returning a copy of the Change in Water Right Ownership to you. The Department will process your Change in Water Right Ownership once we receive the last of the documentation. If documentation is not received within 30 days (by 6/22/19), the department will refund the ownership change and cancel the application. If you have any questions regarding this matter please contact this office at 208-334-2190.

Sincerely,

Kensie Thorneycroft
Office Specialist II
Western Regional Office

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 14, 2019

DON ESSLINGER
JENNIFER ESSLINGER
237 SLATE CREEK RD
WHITE BIRD ID 83554-5041

Re: Change in Ownership for Water Right No(s): 79-14271

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,

Kensie Thorneycroft
Office Specialist 2

Enclosure(s)