

Skaggs, Pam

From: D. Blair Clark <dbc@dbclarklaw.com>
Sent: Saturday, September 06, 2014 1:33 PM
To: Skaggs, Pam
Cc: 'Carrie Marek'; 'Jim and Carrie Marek'
Subject: Troche water right 79-14108

Good afternoon, Ms. Skaggs. I am in receipt of the letter which you sent to Carrie Marek with regard to the water right claimed to be solely owned by Nick Troche. We believe that this matter will probably have to be adjudicated completely.

Carrie and her husband, Jim, reside in the property which you referred to as owned by Peggy Marek and have for many years. The description of "owned by Peggy" is not exactly accurate and is even less so now. Peggy was the personal representative of the estate of her late husband, Jack Marek, and Jack's will left $\frac{1}{4}$ of the ranch to each Jim and his brothers. One of his brothers died, so that brother's interest went to Peggy as his closest living relative under the Idaho probate code. His brother Bill bought out Peggy and his remaining brother, but not Jim. The various issues raised in the estate are still to be adjudicated as between Peggy, Bill and Jim. I'm sure that will have some effect on the matters here.

But the property on which the well is located was formerly owned by Jim and Carrie Marek absolutely. A few years ago, they borrowed some money from Mr. Troche, and he foreclosed on that property in 2013. But the well predated that foreclosure, and provided not only stock water for the property now owned by Troche (it was Jim and Carrie's feedlot for their sheep) but also provided domestic water for their home (which is located on the property adjacent to the now-Troche ground. The servient tenement is the Troche ground, and the dominant tenement is the Jim and Carrie Marek home parcel.

The well was constructed, maintained, and operated by Jim and Carrie. They still provide all the power for it. Troche has been feuding with them for some time and it looks like the feud still continues.

Please send me, if you would, please, all of the adjudication records and water rights pertaining to this well. As a domestic well, it is my understanding that it was not necessary to file on the well, and I'm not sure if they ever did. But this is NOT Troche's well as far as the Marek property and water rights are concerned. I'd also appreciate copies of whatever correspondence there exists between you and Mr. Troche so we can hopefully try and work to resolve ALL of this situation. Thanks in advance.

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