Form 42-248/42-1409(6) Rev. 1/15

RECEIVED
AUG 06 2018
Department of Water Resources
Eastern Region

STATE 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?
13-07633 ✓	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-7633 (Smith)	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-8025 (Surber)	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Wendell H. Smith
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Claudia Anita Surber and Walter Surber
New owner(s) as listed on the conveyance document — Name connector ☐ and ☐ or ☐ and/or

2913 E. Hwy 36 — Mailing address
Preston — City
ID — State
83263 — ZIP
801-647-4459 — Telephone
Claudia.surber@bluewin.ch — 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: February 10, 2011.

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.

SUPPORT DATA
IN FILE # 13-7633

   ☐ 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: _____ Signature of new owner/claimant — Title, if applicable: _____ — Date: 19. June 2018
   Signature: _____ Signature of new owner/claimant — Title, if applicable: _____ — Date: 19. June 2018

For IDWR Office Use Only:

Receipted by _____ Date 8-6-2018 Receipt No. E044263 Receipt Amt. $100.00
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 JB Processed by JB Date 8/15/2018

Home

THIS INDENTURE, made this 15t day of April

in the year of our Lord one thousand nine hundred and [illegible] between

[illegible] with his wife Christine L. Smith

of Preston County of Franklin

State of Idaho the part ies of the first part, and

[illegible] Smith

of Preston County of Franklin

State of Idaho the part ies of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of $1.00 and other good and valuable considerations

lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, ha ve granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part ies of the second part, and their heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 427 feet South of the NW corner S1/4S1/4 of Section 20, Township 14 South, Range 40 East, Boise Meridian, and running thence South 235 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods; thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the SE corner S1/4S1/4S1/4 of said Section 20; running thence East 150 feet; thence North 235 feet; thence West 40 rods to the place of beginning.

The grantors herein reserve unto themselves a life estate in and to the home and lot they are presently occupying on the above described land.

Excepting from the above described land any and all property deeded for roadway purposes, and right of way, that are now in existence.

Together with all water and water rights appertaining thereto.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part ies of the second part, and to their heirs and assigns forever. And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part ies of the second part their heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hand s and seal s the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF Hyrum W. Smith (SEAL)

Christine L. Smith (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

County of Franklin—ss.

On this 15th day of April in the year 1965, before me Ted B. Larsen a Notary Public in and for said State, personally appeared Byrne A. Smith and wife Christine L. Smith known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that the executed the same.

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

Ted B. Larsen

Notary Public, Residing at Preston, Idaho

No. 118007

WARRANTY DEED

Hyrum W. Smith Sr.

—TO—

Charles W. Smith

Dated ....., 19....

STATE OF IDAHO,

COUNTY OF FRANKLIN—ss.

I hereby certify that this instrument was filed for record at request of Star C at 40 minutes past 11 o'clock A M., this 14 day of June, A. D. 1966 in my office and duly recorded in Book 53 of Deeds at page 617

Ex-Officio Recorder

By Helen McCulloch

Fee, $ 2.00 Deputy

RECEIPT OF

Mail to [illegible]

THIS INDENTURE, made this 14th day of October in the year of our Lord one thousand nine hundred and Fifty-seven between Hyrum W. Smith and Christine Smith his wife

of Preston County of Franklin State of Idaho the part ies of the first part, and Wendell H. Smith and Wavel K. Smith, his wife

of Preston County of Franklin State of Idaho the part ies of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of - - - - - - - - - - -FIFTY AND NO/100 DOLLARS($50.00)- - - - - - - - - lawful money of the United States of America, to them in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, ha ve granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part ies of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 427 feet South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, Idaho and running thence East 160 feet; thence South 160 feet; thence West 160 feet; thence North 160 feet to the place of beginning.

Also: Commencing at a point 667 feet South and 343 feet East from the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, Idaho, which point is on the South side of the County Road right of way and running thence South 156 feet, thence East 121 feet, thence Northwesterly 176 feet, more or less, to a point 37 feet East of the place of beginning, thence West 37 feet to the point of beginning.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part ies of the second part, and to their heirs and assigns forever, And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part ies of the second part their heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hand s and seal s the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

x Hyrum W Smith (SEAL)
Christine Smith (SEAL)
(SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO,
County of Franklin, ss.—

On this 14th day of October in the year 1957, before me J. N. Larsen a Notary Public in and for said State, personally appeared Hyrum W. Smith and Christine Smith, his wife known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

[signature]
Notary Public, Residing at Preston, Idaho.

No. 101071

WARRANTY DEED

Hyrum W. Smith, et ux

—TO—

Wendell H. Smith, et ux

Dated ....., 19.....

STATE OF IDAHO,
COUNTY OF FRANKLIN—ss.

I hereby certify that this instrument was filed for record at request of Universal H. Smith at 12 minutes past 1 o'clock P. M., this 16 day of October, A.D. 1957 in my office, and duly recorded in Book 50 of Deeds at page 297

E. L. Sherman
Ex-Officio Recorder.

By [signature]
Fee, $1.00 Deputy

Mail to .....

TP14

THIS INDENTURE, made this 26th day of November

in the year of our Lord one thousand nine hundred and Forty-nine between

Hyrum W. Smith and his wife Christine Smith

of Riverdale County of Franklin

State of Idaho the part ies of the first part, and

Wendell H. Smith and his wife Wavel Smith, joint tenants by entirety with full rights vested in the survivor and not as tenants in common,

of Riverdale County of Franklin

State of Idaho the part ies of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of

$1.00 and other valuable consideration

lawful money of the United States of America, to them in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, ha ve granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part ies of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 627 feet South and 160 feet East from the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, Idaho, and running thence North 200feet; thence East 500 feet; more or less, to the 40 rods line; thence South 200 feet; ghence West 500 foot, more or less, to the place of beginning.

A right of way, running North and South through the above described land, being approximatly 375 feet East of the place of beginning, is hereby reserved for the use of the grantors herein.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part ies of the second part, and to their heirs and assigns forever, And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part ies of the second part their heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hand s and seal s the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Hyrum W Smith (SEAL)

Christine Smith (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,
County of Franklin—ss.

On this 26th day of November in the year 1949, before me J. W. Larsen a Notary Public in and for said State, personally appeared Hyrum W. Smith and his wife Christine Smith known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

[signature]
Notary Public, Residing at Preston, Idaho.

No. 81079

WARRANTY DEED

Hyrum W. Smith,
et ux

—TO—

Wendell H. Smith, et ux

Dated November 26, 1949

STATE OF IDAHO,
COUNTY OF FRANKLIN—ss.

I hereby certify that this instrument was filed for record at request of Wendell H. Smith at 40 minutes past 10 o'clock A. M., this 10 day of December, A. D. 1949 in my office, and duly recorded in Book 45 of Deeds at page 275

C. L. Swanson
Ex-Officio Recorder.

By [signature]
Fees, $1.50 Deputy

Mail to

THIS INDENTURE, made this 25th day of November in the year of our Lord one thousand nine hundred and Fifty-nine between Hyrum W. Smith and Christine Smith

of Riverdale County of Franklin State of Idaho the part ies of the first part, and Wendell H. Smith and Wavel K. Smith

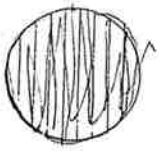
of Riverdale County of Franklin State of Idaho the part ies of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of TWO THOUSAND AND NO/100 - - - - - - - - - - - - - - - - - - - DOLLARS lawful money of the United States of America, to them in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, ha ve granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part ies of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 20 rods more or less to the section line; thence West along the section line 20 rods; thence North 8 rods; thence Northeasterly 22 rods more or less, to the point of beginning.

Also: Commencing at a point 20 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods; thence South 40 rods more or less to the North Bank of Bear River; thence westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

Also: Commencing at a point 20 rods East and 8 rods North of the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence North 372 feet; thence East 16.5 feet; thence South 372 feet; thence West 16.5 feet to the point of beginning.



TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part ies of the second part, and to their heirs and assigns forever, And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part ies of the second part ies their heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hand s and seal s the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Hyrum W. Smith (SEAL)
Christine S. Smith (SEAL)
(SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO,

County of Franklin—ss.

On this 25th day of November in the year 19 59, before me Ted Larsen a Notary Public in and for said State, personally appeared Hyrum W. Smith and Christine Smith known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that t he y executed the same.

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

Ted Larsen

Notary Public, Residing at Preston, Idaho.

No. 10-8-95

WARRANTY DEED

Hyrum W. Smith, etc.

—TO—

Wendell H. Smith, etc.

Dated ..... 19.....

STATE OF IDAHO,

COUNTY OF FRANKLIN—ss.

I hereby certify that this instrument was filed for record at request of J. N. Larsen Co. at 15 minutes past 11 o'clock A M., this 11 day of August, A.D. 1961 in my office, and duly recorded in Book 51 of Deeds at page 637

C. L. Jackson

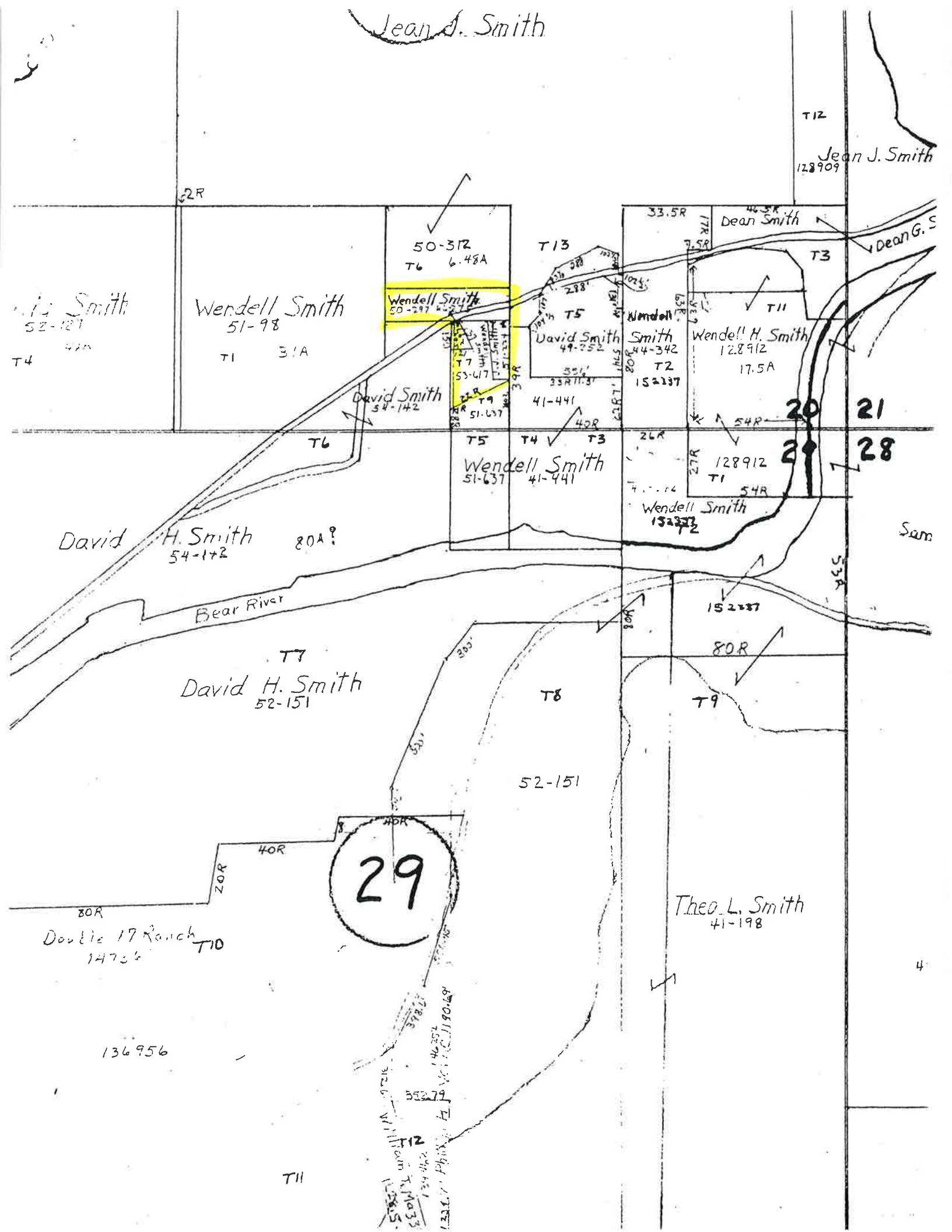
Ex-Officio Recorder.

By Ann P. Davis

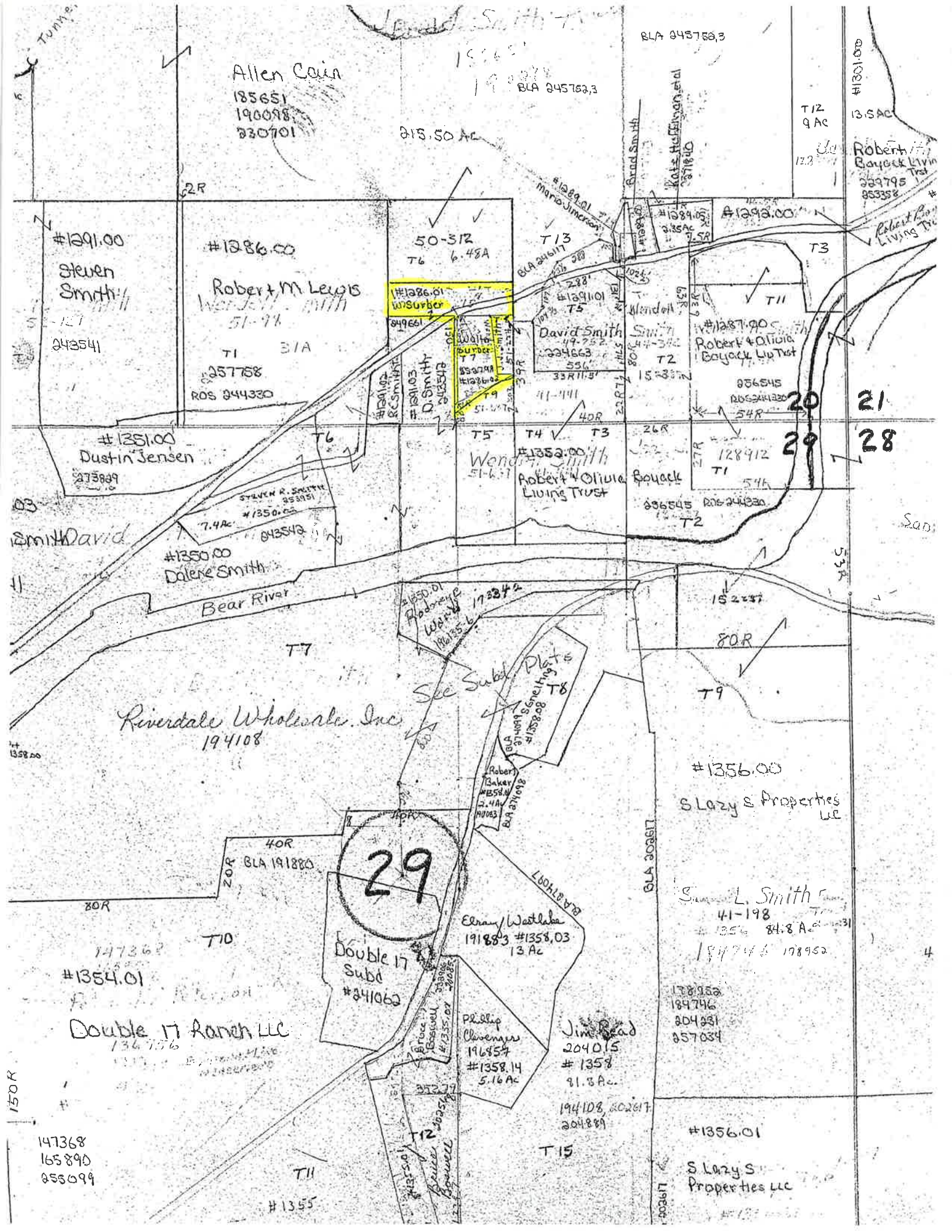
Fee, $2.40 Deputy

Mail to J. N. Larsen Co.

NORTHWEST CORNER OF SW4 SE4
627
427
160
160
500
200'
233
136
132'
709.5'
330'
660'
BEAR RIVER
330'
150'
SECTION 20
SECTION 29
2640'
#152337
#152337
1520'
1955'
980
445.5'
P.O.B.
123.75
220.5'
HIGHWAY 200
575'
#126912
#126912
670'
891'
330'
110'
1005 ±
BEAR RIVER
874.5
SOUTHEAST CORNER SECTION 20
767.25'
Z
SECTION
TOWNSHIP
RANGE



Jean J. Smith
T12
Jean J. Smith
128909
62R
33.5R
Dean Smith
Dean G. S
50-312
T6 6.48A
T13
T3
Wendell Smith
50-297
Wendell Smith
51-98
T1 31A
T4
T5
David Smith
49-252
Wendell Smith
44-342
T2
152337
T11
Wendell H. Smith
128912
17.5A
T7
53-617
T9
51-637
41-441
David Smith
54-142
T6
T5
T4
T3
40R
26R
54R
20
21
28
Wendell Smith
51-637
41-441
128912
T1
54R
Wendell Smith
152337
T2
David H. Smith
54-142
80A?
Bear River
152337
80R
T7
David H. Smith
52-151
T8
T9
52-151
40R
40R
20R
29
80R
Double 17 Ranch
T10
Theo L. Smith
41-198
136956
T12
T11



Allen Cain
185651
190098
230701
215.50 Ac
BLA 245752,3
#1301.00
13.5 Ac
T12
9 Ac
Robert Boyack Living Trst
229795
253358
#1289.01
Mario Jimerson
Brad Smith
Kate Hoffman etal
#1289.05
2.35 Ac
#1292.00
Robert Boyack Living Trst
#1291.00
Steven Smith
243541
#1286.00
Robert M Lewis
T1
257758
ROS 244330
50-312
T6
6.48A
#1286.01
W. Surber
249661
T13
BLA 246117
#1291.01
T5
David Smith
224663
T2
T3
T11
#1287.00
Robert & Olivia Boyack Liv Trst
256545
ROS 244330
20
21
29
28
#1351.00
Dustin Jensen
273829
T6
#1291.02
R.C. Smith
#1291.03
D. Smith
243542
T9
T5
T4
T3
#1352.00
Robert & Olivia Boyack Living Trust
T1
128912
T2
256545
ROS 244330
STEVEN R. SMITH
253951
#1350.00
7.4 Ac
243542
#1350.00
Dalene Smith
Bear River
#1350.01
Rodney Ward
173342
T7
80R
T9
See Subd Plats
T8
Riverdale Wholesale Inc
194108
#1356.00
S Lazy S Properties LLC
Robert Baker
#1358.01
2.4 Ac
40R
BLA 191880
20R
80R
29
BLA 274097
BLA 202617
Elray Westlake
191883 #1358.03
13 Ac
T10
Double 17 Subd
#241062
#1354.01
Double 17 Ranch LLC
Bruce Boswell
#1355.01
Phillip Clevenger
196857
#1358.14
5.16 Ac
Jim Read
204015
#1358
81.8 Ac
194108, 202617
204889
#1356.01
S Lazy S Properties LLC
147368
165890
255099
T12
T11
T15
#1355

NTF-54994
Walter Surber
Dorfstrasse28
9508 Weingarten
Switzerland

RECEIVED
JAN 10 2011
Department of Water Resources
Eastern Region

249661 1-3

Recorded at the request of
Northern Title Co.
a.m. AUG 26 2010 p.m. 2:45
V. ELLIOTT LARSEN, RECORDER
By Ruth Rawlings Deputy
FRANKLIN COUNTY IDAHO

WARRANTY DEED

Gayle DeAnn Smith Condie, Successor Trustee, of the Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003

Grantor(s) of Preston, County of Franklin, State of ID hereby *CONVEY AND WARRANT* to

Walter Surber and Claudia Anita Surber, Husband and Wife

Grantee(s) of Preston, County of Franklin, State of ID for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

See Exhibit A

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said Grantor(s), this August 26, 2010.

Gayle DeAnn Smith Condie, Trustee
Gayle DeAnn Smith Condie, Successor Trustee

State of Idaho)
County of Franklin)

On August 26, 2010, personally appeared before me, Gayle DeAnn Smith Condie, Successor Trustee of The Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003, the signer(s) of the within instrument, who duly acknowledged to me that he/she/they executed the same.

JANICE SHUMWAY NOTARY PUBLIC STATE OF IDAHO

Janice Shumway
Notary Public

Resides: Preston, Idaho
Expires: 3-12-2011

249661 2-3

Exhibit "A"

A parcel of land located in the Northwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, Franklin County Idaho, the same being a portion of the lands described in Correcting Quitclaim deed instrument No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap, the same being North 00° 29' 38" East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; thence South 00° 29' 38" West along the West boundary line of said Southwest quarter of the Southeast quarter for a distance of 422.90 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169", the same being the Northwest corner of the above described lands and the Southwest corner of the lands described in Warranty Deed Instrument No. 230701 as recorded in the official records of said County, the True Point of Beginning;

Thence North 89° 17' 30" East along the common boundary line of said lands for a distance of 572.79 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the Northeasterly right of way line of State Highway 36;

Thence South 28° 28' 56" West along said right of way line for a distance of 200.09 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department marking a point on a 1462.39 foot radius non tangent curve whose center bears South 15° 02' 17" East;

Thence Southwesterly along said curve to the left through a central angle of 07° 07' 00" for an arc distance of 181.64 feet (cb S 71° 24' 13" W 181.52') to a 5/8" rebar with cap tagged, "GVS PLS 9169"; thence South 89° 14' 26" West for a distance of 307.30 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southwest corner of the Northwest quarter of the Southwest quarter of the Southeast quarter of said section;

Thence North 00° 29' 38" East along the West boundary line of the Southwest quarter of the Southeast quarter for a distance of 230.76 feet to the True Point of Beginning.

Also,

A parcel of land located in the Southeast quarter of the Southwest quarter and in the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being a portion of the lands described in Warranty deed instrument No. 199144 of the David H. and Ruth P. Smith Family Trust as recorded in the official records of Franklin County , Idaho, more particularly described as follows:

Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being North 00°2938 East for a distance of 653.6 feet from the Southwest corner of the Southeast quarter of said Section 20.

Thence North 89°14'26" East along the north line of the Southwest quarter of the Southwest quarter of the Southeast quarter for a distance of 307.30 feet to a 5/8" rebar with cap tagged, GVS PLS 9169" set on the Northwesterly right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South 22°09'17" East, Thence along said right of way line for the following Six (6) courses:

1. Southwesterly along said curve to the left through a central angle of 00°40'41" for an arc distance of 17.30 feet (cb S 67°30'23" W 17.30') to a 5/8 rebar with cap tagged, "GVS PLS 9169",
2. Thence South 71°45'05" West nontangent to the previous curve for a distance of 51.38 feet to the beginning of a 1467.39 foot radius nontangent curve whose center bears South 24° 49'58" East.
3. Thence Southwesterly along said curve to the left through a central angle of 12°59'17" for an arc distance of 332.63 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department at the point of tangency (cb S 58°40'24" W 331.92'),
4. Thence South 52°10'45" West for a distance of 323.30 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department.
5. Thence South 57°53'23" West for a distance of 150.75 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169",

6. Thence South 52°10'45" West for a distance of 100.00 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department, the same being on the southeasterly boundary line of the lands described in the Correcting Quitclaim deed Instrument No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho.

Thence North 50°19'26" East along said boundary line for a distance of 652.39 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the west boundary line of the Southwest quarter of the Southwest quarter of the Southeast quarter of said Section; Thence North 00°29'38" East along said boundary line for a distance of 114.39 feet to the True Point of Beginning.

Retaining unto Grantor:
A 20.00 foot wide easement for the purposes of ingress and egress located in the Southwest quarter of the Southwest quarter of the Southeast quarter and in the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, and depicted upon that record of survey instrument number 244330 in the records of Franklin County, Idaho, said easement being 10.00 feet wide on each side of the following described centerline:
Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being North 00° 29' 38" East for a distance of 653.67 feet from the Southwest corner of the Southeast quarter of said Section 20;
Thence North 89° 14' 26" East along the North line of the Southwest quarter of the Southwest quarter of the Southeast quarter for a distance of 307.30 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the Northwesterly right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South 22° 09' 17" East; thence along said right of way line Southwesterly along said curve to the left though a central angle of 00° 40' 41" for an arc distance of 17.30 feet (cd S 67° 30' 23" W 17.30') to a 5/8" rebar with cap tagged, "GVS PLS 9169", the same being a point on the centerline of an access road as presently located, the True Point of Beginning;
Thence along the centerline of said road for the following Six (6) courses;
1. Thence South 76° 31' 13" West for a distance of 82.16 feet;
2. Thence South 71° 17' 22" West for a distance of 35.17 feet;
3. Thence South 64° 33' 38" West for a distance of 34.49 feet;
4. Thence South 58° 59' 29" West for a distance of 33.91 feet;
5. Thence South 56° 21' 41" West for a distance of 158.00 feet;
6. Thence South 61° 39' 27" West for a distance of 13.68 feet to a pont on the Westerly boundary line of Parcel 7 as depicted on said record of survey the terminus of this easement.
the sidelines of this easement are to lengthen and shorten as needed to terminate on said boundary line.

Retaining unto Grantor:
A 20.00 foot wide easement for the purposes of installing, operating and maintaining a Culinary Waterline located in the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, and depicted upon that record of survey instrument No. 244330 in the records of Franklin County, Idaho, said easement being 10.00 feet wide on each side of the following described centerline:
Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap, the same being North 00° 29' 38" East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; Thence South 00° 29' 38" West along the West boundary line of said Southwest quarter of the Southeast quarter for a distance of 422.90 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169", the same being the Northwest corner of the lands described in Warranty Deed Instrument number 236762 as recorded in the official records of said county; Thence North 89° 17' 30" East along the Northerly boundary line of said lands for a distance of 504.03 feet to a point on the centerline of a Culinary Waterline as presently located, the True Point of Beginning;
Thence along said waterline for the following Four (4) courses;
1. South 11° 39' 10" East for a distance of 77.61 feet to a point 10.00 feet perpendicular distant from the Northerly right of way line of State Highway 34;
2. Thence South 28° 28' 56" West for a distance of 59.24 feet along said right of way line, parallel with and 10.00 feet perpendicular distant;
3. Thence South 78° 49' 47" West for a distance of 31.65 feet;
4. Thence South 01° 59' 57" East for a distance of 45.06 feet to a point on the Northerly right of way line of State Highway 36 the terminus of this easement,
The sidelines of this easement are to lengthen and shorten as needed to terminate on said right of way line.

251219

When recorded mail to:
Walter Surber and Claudia Anita Surber
Dorfstrasse 28
9508 Weingarten
Switzerland

Recorded at the request of
William Condie
11:25 a.m. FEB 10 2011 p.m.
SHAUNA T. GEDDES, RECORDER
By Ruth Rawlins Deputy
FRANKLIN COUNTY IDAHO

QUIT CLAIM DEED

Gayle DeAnn Smith Condie, Successor Trustee, of the Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003

Grantor(s) of Preston, County of Franklin, State of ID hereby Quit Claims to:

Walter Surber and Claudia Anita Surber, Husband and Wife

Grantee(s) of Preston, County of Franklin, State of Idaho for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

Twenty-five (25%) percent share of the Wendell H. Smith Family Trust share of IDWR Irrigation Water Right Number 13-7633 (Subject to IDWR approval)

Zero (0%) percent share of the Domestic and Stock Water, Water Right Number 13-7633

Subject to easements, restrictions and rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said grantor(s), this 4th Day of FEBRUARY 2011.

Gayle DeAnn Smith Condie, Tte
Gayle DeAnn Smith Condie, Successor Trustee

State of Utah)
County of Cache)ss:

On Feb. 4, 2011, personally appeared before me, **Gayle DeAnn Smith Condie, Successor Trustee, of the Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003,** who duly acknowledged to me that she executed the same.

NOTARY PUBLIC
SHEILA LIND
My Commission Expires
04-06-2013
COMMISSION #
578103
STATE OF UTAH

Sheila Lind
Notary Public
Expires: 4/6/13

TO: IDWR 208-525-7177
ATT: JONIE
FROM: BILL CONDIE

RECEIVED
DEC 27 2010
Department of Water Resources
Eastern Region

NTF-54994

**"THIS IS A LEGALLY BINDING CONTRACT.
IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE."**

BILL OF SALE

(WITH WARRANTIES)

Know all men by these presents:

That The Wendell H. Smith Family Trust the seller(s), for and in consideration of the sum of ten dollars and other good and valuable considerations, to them in hand paid by Walter Surber and Claudia Anita Surber the buyer(s), the receipt whereof is hereby acknowledged, have bargained, sold, assigned and transferred, and by these presents do bargain, sell, assign and transfer unto said buyer(s) that certain personal property now at:

2913 East Highway 36, Preston, ID 83263
Franklin County, State of ID

Particularly described as follows:

PROPERTY AND HOME BEING SOLD 'AS IS' WITHOUT A WARRANTY

Refrigerator
Stove
Window Coverings
25% share of the Wendell H. Smith Family Trust share of IDWR Irrigation Water Right Number 13-7633
(Subject to IDWR approval)
0% share of the Domestic and Stock Water, Water Right Number 13-7633

and the seller(s) upon the consideration recited above warrants ownership of and good title to said property, the right to sell the same and that there are no liens, encumbrances or charges thereon or against the same and to defend the title and possession transferred to the buyer(s) against all lawful claims.

In witness whereof, we have hereunto set our hands this August 26, 2010.

Gayle DeAnn Smith Condie, Successor Trustee

Walter Surber

Claudia Anita Surber

NTF-54994
Walter Surber
Dorfstrasse28
9508 Weingarten
Switzerland

WARRANTY DEED

Gayle DeAnn Smith Condie, Successor Trustee, of the Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003

Grantor(s) of Preston, County of Franklin, State of ID hereby *CONVEY AND WARRANT* to

Walter Surber and Claudia Anita Surber, Husband and Wife

Grantee(s) of Preston, County of Franklin, State of ID for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

See Exhibit A

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said Grantor(s), this August 26, 2010.

Gayle DeAnn Smith Condie, Trustee
Gayle DeAnn Smith Condie, Successor Trustee

State of Idaho)
County of Franklin)

On August 26, 2010, personally appeared before me, Gayle DeAnn Smith Condie, Successor Trustee of The Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003, the signer(s) of the within instrument, who duly acknowledged to me that he/she/they executed the same.

NOTARY PUBLIC STATE OF IDAHO

Janice Shumway
Notary Public

Resides: Preston, Idaho
Expires: 3-12-2011

Exhibit "A"

A parcel of land located in the Northwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, Franklin County Idaho, the same being a portion of the lands described in Correcting Quitclaim deed instrument No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap, the same being North 00° 29' 38" East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; thence South 00° 29' 38" West along the West boundary line of said Southwest quarter of the Southeast quarter for a distance of 422.90 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169", the same being the Northwest corner of the above described lands and the Southwest corner of the lands described in Warranty Deed Instrument No. 230701 as recorded in the official records of said County, the True Point of Beginning;

Thence North 89° 17' 30" East along the common boundary line of said lands for a distance of 572.79 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the Northeasterly right of way line of State Highway 36;

Thence South 28° 28' 56" West along said right of way line for a distance of 200.09 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department marking a point on a 1462.39 foot radius non tangent curve whose center bears South 15° 02' 17" East;

Thence Southwesterly along said curve to the left through a central angle of 07° 07' 00" for an arc distance of 181.64 feet (cb S 71° 24' 13" W 181.52') to a 5/8" rebar with cap tagged, "GVS PLS 9169"; thence South 89° 14' 26" West for a distance of 307.30 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southwest corner of the Northwest quarter of the Southwest quarter of the Southeast quarter of said section;

Thence North 00° 29' 38" East along the West boundary line of the Southwest quarter of the Southeast quarter for a distance of 230.76 feet to the True Point of Beginning.

Also,

A parcel of land located in the Southeast quarter of the Southwest quarter and in the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being a portion of the lands described in Warranty deed instrument No. 199144 of the David H. and Ruth P. Smith Family Trust as recorded in the official records of Franklin County , Idaho, more particularly described as follows:

Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being North 00°2938 East for a distance of 653.6 feet from the Southwest corner of the Southeast quarter of said Section 20.

Thence North 89°14'26" East along the north line of the Southwest quarter of the Southwest quarter of the Southeast quarter for a distance of 307.30 feet to a 5/8" rebar with cap tagged, GVS PLS 9169" set on the Northwesterly right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South 22°09'17" East, Thence along said right of way line for the following Six (6) courses:

1. Southwesterly along said curve to the left through a central angle of 00°40'41" for an arc distance of 17.30 feet (cb S 67°30'23" W 17.30') to a 5/8 rebar with cap tagged, "GVS PLS 9169",
2. Thence South 71°45'05" West nontangent to the previous curve for a distance of 51.38 feet to the beginning of a 1467.39 foot radius nontangent curve whose center bears South 24° 49'58" East.
3. Thence Southwesterly along said curve to the left through a central angle of 12°59'17" for an arc distance of 332.63 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department at the point of tangency (cb S 58°40'24" W 331.92'),
4. Thence South 52°10'45" West for a distance of 323.30 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department.
5. Thence South 57°53'23" West for a distance of 150.75 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169",

6. Thence South 52°10'45" West for a distance of 100.00 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department, the same being on the southeasterly boundary line of the lands described in the Correcting Quitclaim deed Instrument No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho.

Thence North 50°19'26" East along said boundary line for a distance of 652.39 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the west boundary line of the Southwest quarter of the Southwest quarter of the Southeast quarter of said Section; Thence North 00°29'38" East along said boundary line for a distance of 114.39 feet to the True Point of Beginning.

Retaining unto Grantor:
A 20.00 foot wide easement for the purposes of ingress and egress located in the Southwest quarter of the Southwest quarter of the Southeast quarter and in the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, and depicted upon that record of survey instrument number 244330 in the records of Franklin County, Idaho, said easement being 10.00 feet wide on each side of the following described centerline:
Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being North 00° 29' 38" East for a distance of 653.67 feet from the Southwest corner of the Southeast quarter of said Section 20;
Thence North 89° 14' 26" East along the North line of the Southwest quarter of the Southwest quarter of the Southeast quarter for a distance of 307.30 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the Northwesterly right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South 22° 09' 17" East; thence along said right of way line Southwesterly along said curve to the left though a central angle of 00° 40' 41" for an arc distance of 17.30 feet (cd S 67° 30' 23" W 17.30') to a 5/8" rebar with cap tagged, "GVS PLS 9169", the same being a point on the centerline of an access road as presently located, the True Point of Beginning;
Thence along the centerline of said road for the following Six (6) courses;
1. Thence South 76° 31' 13" West for a distance of 82.16 feet;
2. Thence South 71° 17' 22" West for a distance of 35.17 feet;
3. Thence South 64° 33' 38" West for a distance of 34.49 feet;
4. Thence South 58° 59' 29" West for a distance of 33.91 feet;
5. Thence South 56° 21' 41" West for a distance of 158.00 feet;
6. Thence South 61° 39' 27" West for a distance of 13.68 feet to a pont on the Westerly boundary line of Parcel 7 as depicted on said record of survey the terminus of this easement.
the sidelines of this easement are to lengthen and shorten as needed to terminate on said boundary line.

Retaining unto Grantor:
A 20.00 foot wide easement for the purposes of installing, operating and maintaining a Culinary Waterline located in the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, and depicted upon that record of survey instrument No. 244330 in the records of Franklin County, Idaho, said easement being 10.00 feet wide on each side of the following described centerline:
Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap, the same being North 00° 29' 38" East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; Thence South 00° 29' 38" West along the West boundary line of said Southwest quarter of the Southeast quarter for a distance of 422.90 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169", the same being the Northwest corner of the lands described in Warranty Deed Instrument number 236762 as recorded in the official records of said county; Thence North 89° 17' 30" East along the Northerly boundary line of said lands for a distance of 504.03 feet to a point on the centerline of a Culinary Waterline as presently located, the True Point of Beginning;
Thence along said waterline for the following Four (4) courses;
1. South 11° 39' 10" East for a distance of 77.61 feet to a point 10.00 feet perpendicular distant from the Northerly right of way line of State Highway 34;
2. Thence South 28° 28' 56" West for a distance of 59.24 feet along said right of way line, parallel with and 10.00 feet perpendicular distant;
3. Thence South 78° 49' 47" West for a distance of 31.65 feet;
4. Thence South 01° 59' 57" East for a distance of 45.06 feet to a point on the Northerly right of way line of State Highway 36 the terminus of this easement,
The sidelines of this easement are to lengthen and shorten as needed to terminate on said right of way line.

TO: IDWR 208-525-7177
ATT: JONIE
FROM: BILL CONDIE

NTF-54994

**"THIS IS A LEGALLY BINDING CONTRACT.
IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE."**

BILL OF SALE

(WITH WARRANTIES)

Know all men by these presents:

That The Wendell H. Smith Family Trust the seller(s), for and in consideration of the sum of ten dollars and other good and valuable considerations, to them in hand paid by Walter Surber and Claudia Anita Surber the buyer(s), the receipt whereof is hereby acknowledged, have bargained, sold, assigned and transferred, and by these presents do bargain, sell, assign and transfer unto said buyer(s) that certain personal property now at:

2913 East Highway 36, Preston, ID 83263
Franklin County, State of ID

Particularly described as follows:

PROPERTY AND HOME BEING SOLD 'AS IS' WITHOUT A WARRANTY

Refrigerator
Stove
Window Coverings
25% share of the Wendell H. Smith Family Trust share of IDWR Irrigation Water Right Number 13-7633
(Subject to IDWR approval)
0% share of the Domestic and Stock Water, Water Right Number 13-7633

and the seller(s) upon the consideration recited above warrants ownership of and good title to said property, the right to sell the same and that there are no liens, encumbrances or charges thereon or against the same and to defend the title and possession transferred to the buyer(s) against all lawful claims.

In witness whereof, we have hereunto set our hands this August 26, 2010.

Gayle DeAnn Smith Condie, Trustee
Gayle DeAnn Smith Condie, Successor Trustee

Walter Surber

Claudia Anita Surber

NTF-54994
Walter Surber
Dorfstrasse28
9508 Weingarten
Switzerland

WARRANTY DEED

Gayle DeAnn Smith Condie, Successor Trustee, of the Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003

Grantor(s) of Preston, County of Franklin, State of ID hereby *CONVEY AND WARRANT* to

Walter Surber and Claudia Anita Surber, Husband and Wife

Grantee(s) of Preston, County of Franklin, State of ID for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

See Exhibit A

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said Grantor(s), this August 26, 2010.

Gayle DeAnn Smith Condie, Trustee
Gayle DeAnn Smith Condie, Successor Trustee

State of Idaho)
County of Franklin)

On August 26, 2010, personally appeared before me, Gayle DeAnn Smith Condie, Successor Trustee of The Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003, the signer(s) of the within instrument, who duly acknowledged to me that he/she/they executed the same.

NOTARY PUBLIC STATE OF IDAHO

Notary Public

Resides: Preston, Idaho
Expires: 3-12-2011

Exhibit "A"

A parcel of land located in the Northwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, Franklin County Idaho, the same being a portion of the lands described in Correcting Quitclaim deed instrument No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap, the same being North 00° 29' 38" East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; thence South 00° 29' 38" West along the West boundary line of said Southwest quarter of the Southeast quarter for a distance of 422.90 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169", the same being the Northwest corner of the above described lands and the Southwest corner of the lands described in Warranty Deed Instrument No. 230701 as recorded in the official records of said County, the True Point of Beginning;

Thence North 89° 17' 30" East along the common boundary line of said lands for a distance of 572.79 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the Northeasterly right of way line of State Highway 36;

Thence South 28° 28' 56" West along said right of way line for a distance of 200.09 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department marking a point on a 1462.39 foot radius non tangent curve whose center bears South 15° 02' 17" East;

Thence Southwesterly along said curve to the left through a central angle of 07° 07' 00" for an arc distance of 181.64 feet (cb S 71° 24' 13" W 181.52') to a 5/8" rebar with cap tagged, "GVS PLS 9169"; thence South 89° 14' 26" West for a distance of 307.30 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southwest corner of the Northwest quarter of the Southwest quarter of the Southeast quarter of said section;

Thence North 00° 29' 38" East along the West boundary line of the Southwest quarter of the Southeast quarter for a distance of 230.76 feet to the True Point of Beginning.

Also,

A parcel of land located in the Southeast quarter of the Southwest quarter and in the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being a portion of the lands described in Warranty deed instrument No. 199144 of the David H. and Ruth P. Smith Family Trust as recorded in the official records of Franklin County , Idaho, more particularly described as follows:

Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being North 00°2938 East for a distance of 653.6 feet from the Southwest corner of the Southeast quarter of said Section 20.

Thence North 89°14'26" East along the north line of the Southwest quarter of the Southwest quarter of the Southeast quarter for a distance of 307.30 feet to a 5/8" rebar with cap tagged, GVS PLS 9169" set on the Northwesterly right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South 22°09'17" East, Thence along said right of way line for the following Six (6) courses:

1. Southwesterly along said curve to the left through a central angle of 00°40'41" for an arc distance of 17.30 feet (cb S 67°30'23" W 17.30') to a 5/8 rebar with cap tagged, "GVS PLS 9169",
2. Thence South 71°45'05" West nontangent to the previous curve for a distance of 51.38 feet to the beginning of a 1467.39 foot radius nontangent curve whose center bears South 24° 49'58" East.
3. Thence Southwesterly along said curve to the left through a central angle of 12°59'17" for an arc distance of 332.63 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department at the point of tangency (cb S 58°40'24" W 331.92'),
4. Thence South 52°10'45" West for a distance of 323.30 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department.
5. Thence South 57°53'23" West for a distance of 150.75 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169",

6. Thence South 52°10'45" West for a distance of 100.00 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department, the same being on the southeasterly boundary line of the lands described in the Correcting Quitclaim deed Instrument No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho.

Thence North 50°19'26" East along said boundary line for a distance of 652.39 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the west boundary line of the Southwest quarter of the Southwest quarter of the Southeast quarter of said Section; Thence North 00°29'38" East along said boundary line for a distance of 114.39 feet to the True Point of Beginning.

Retaining unto Grantor:
A 20.00 foot wide easement for the purposes of ingress and egress located in the Southwest quarter of the Southwest quarter of the Southeast quarter and in the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, and depicted upon that record of survey instrument number 244330 in the records of Franklin County, Idaho, said easement being 10.00 feet wide on each side of the following described centerline:
Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being North 00° 29' 38" East for a distance of 653.67 feet from the Southwest corner of the Southeast quarter of said Section 20;
Thence North 89° 14' 26" East along the North line of the Southwest quarter of the Southwest quarter of the Southeast quarter for a distance of 307.30 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the Northwesterly right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South 22° 09' 17" East; thence along said right of way line Southwesterly along said curve to the left though a central angle of 00° 40' 41" for an arc distance of 17.30 feet (cd S 67° 30' 23" W 17.30') to a 5/8" rebar with cap tagged, "GVS PLS 9169", the same being a point on the centerline of an access road as presently located, the True Point of Beginning;
Thence along the centerline of said road for the following Six (6) courses;
1. Thence South 76° 31' 13" West for a distance of 82.16 feet;
2. Thence South 71° 17' 22" West for a distance of 35.17 feet;
3. Thence South 64° 33' 38" West for a distance of 34.49 feet;
4. Thence South 58° 59' 29" West for a distance of 33.91 feet;
5. Thence South 56° 21' 41" West for a distance of 158.00 feet;
6. Thence South 61° 39' 27" West for a distance of 13.68 feet to a point on the Westerly boundary line of Parcel 7 as depicted on said record of survey the terminus of this easement.
the sidelines of this easement are to lengthen and shorten as needed to terminate on said boundary line.

Retaining unto Grantor:
A 20.00 foot wide easement for the purposes of installing, operating and maintaining a Culinary Waterline located in the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, and depicted upon that record of survey instrument No. 244330 in the records of Franklin County, Idaho, said easement being 10.00 feet wide on each side of the following described centerline:
Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap, the same being North 00° 29' 38" East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; Thence South 00° 29' 38" West along the West boundary line of said Southwest quarter of the Southeast quarter for a distance of 422.90 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169", the same being the Northwest corner of the lands described in Warranty Deed Instrument number 236762 as recorded in the official records of said county; Thence North 89° 17' 30" East along the Northerly boundary line of said lands for a distance of 504.03 feet to a point on the centerline of a Culinary Waterline as presently located, the True Point of Beginning;
Thence along said waterline for the following Four (4) courses;
1. South 11° 39' 10" East for a distance of 77.61 feet to a point 10.00 feet perpendicular distant from the Northerly right of way line of State Highway 34;
2. Thence South 28° 28' 56" West for a distance of 59.24 feet along said right of way line, parallel with and 10.00 feet perpendicular distant;
3. Thence South 78° 49' 47" West for a distance of 31.65 feet;
4. Thence South 01° 59' 57" East for a distance of 45.06 feet to a point on the Northerly right of way line of State Highway 36 the terminus of this easement,
the sidelines of this easement are to lengthen and shorten as needed to terminate on said right of way line.

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 16, 2018

Walter Surber
Claudia Surber
2913 E Hwy 36
Preston ID 83263

RE: Change of Ownership for Water Rights 13-7633 (Split into 13-7633 & 13-8025)

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the changes and has enclosed computer-generated reports for your records.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosures

cc: Wendell Smith
Water District 11

McKenzie & McKenzie, P.A.

Attorneys and Counselors At Law
Licensed in Idaho and Utah

August 2, 2018

RECEIVED
AUG 06 2018
Department of Water Resources
Eastern Region

James Cefalo
State of Idaho
Department of Water Resources
Eastern Region
900 North Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Notice of Change in Water Right Ownership Application
Water Right No. 13-07633

Dear James:

I have enclosed a new Notice of Change in Water Right Ownership for the Departments review. As per your e-mail, I have done some additional research to trace ownership of the property back to Hyrum Smith. As such, enclosed with the application and the letter, are the Deeds transferring ownership of the property in question from Hyrum W. Smith to Wendell H. Smith.

The first group of deeds are the indentures from Hyrum to Wendell. There are four (4) separate Warranty Deeds. Each deed has a circle, which provides reference to the map on the back, identifying which legal description each deed goes to and where it is placed on the section map. The deeds and map are helpful in referencing the location of the property, which the Surber's are subsequent owners of a portion. Also attached and included with this letter is a map, which is a plat map from the County, showing the previous ownership of the property by Wendell H. Smith, as well as an updated map showing the property now owned by the Surber's. These documents are submitted to you for reference in locating the property for purposes of updating the ownership right for the Surber's. Also enclosed is the required fee for the water right.

Upon review of these documents, please notify my office if there are any additional questions or concerns you have. Thank you very much for your cooperation in this matter.

Very truly yours,

ADAM J. MCKENZIE
Attorney at Law

AJM/em
Enclosures

mandmlaw1981@gmail.com 102 North State Street - Suite 1 Preston, ID 83263 (208) 852-3500 fax (208) 852-3502