



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 18, 2011

Walter Surber
Claudia Surber
2913 E Hwy 36
Preston ID 83263

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP FOR WATER RIGHT
NUMBER(S) 13-7633

Dear Interested Parties:

On Friday March 18, 2011, you, Bill Condi and Gayle Condi, met with Michael Holiday a water right agent here in our department. During review of all the information provided the decision was made to file an Amended Statutory Claim for water right mentioned above. After the Amended Statutory Claim is filed, correcting the discrepancies within the place of use, then an ownership change will be filed with the department. Because it was determined that the ownership change would not be completed at this time I am returning your ownership change unprocessed and requesting a refund in the amount of \$100.00 for receipt numbers E036445 (\$100.00), please find the email requesting the refund attached. A copy of the application and all the conveyance documents will be kept in the departments' records for reference purposes only.

After completion of the Amended Statutory Claim, if you wish to reinstate this request you may send the enclosed ownership change request form along with the required information and fees and we will be happy to complete the request for you.

If you have any questions about this matter feel free to contact Michael Holiday or Jonie Barg at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

RECEIVED

FEB 24 2011

Department of Water Resources
Eastern 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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
13-7633	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: WENDELL SMITH
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Walter Surber and Claudia Anita Surber
Name of each new owner as listed on the conveyance document

New owner continued ☐ Name connector ☐ and ☐ or ☒ and/or
2913 E. Hwy 36
Mailing address
Preston 10 83263
City State ZIP
208-852-3374 claudia.surber@bluewin.ch
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: FEBRUARY 10, 2011

6. 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.

7. Signature: [Signature] 2-22-2011
Signature of new owner/claimant Title, if applicable Date
Signature: [Signature] 2-22-2011
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by: [Signature] Date 2/24/2011 Receipt No. E036445 Receipt Amt. \$100.-
Approved by: _____ Processed by: _____ Date: _____

NTF-54994
Walter Surber
Dorfstrasse 28
9508 Weingarten
Switzerland

RECEIVED

JAN 10 2011

Department of Water Resources
Eastern Region

249661 1-3

Recorded at the request of

Northern Title Co.

2:45
a.m. AUG 26 2010 p.m.

WARRANTY DEED

V. ELLIOTT LARSEN, RECORDER
By Ruth Larsen Deputy
FRANKLIN COUNTY IDAHO

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

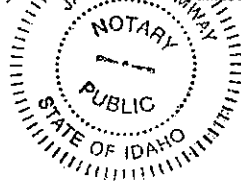
Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

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 Macmillan
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 $00^{\circ} 29' 38''$ East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; thence South $00^{\circ} 29' 38''$ 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 $89^{\circ} 17' 30''$ 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 $28^{\circ} 28' 56''$ 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 $15^{\circ} 02' 17''$ East; Thence Southwesterly along said curve to the left through a central angle of $07^{\circ} 07' 00''$ for an arc distance of 181.64 feet (cb S $71^{\circ} 24' 13''$ W $181.52'$) to a 5/8" rebar with cap tagged, "GVS PLS 9169"; thence South $89^{\circ} 14' 26''$ 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 $00^{\circ} 29' 38''$ 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 $00^{\circ} 29' 38''$ East for a distance of 653.6 feet from the Southwest corner of the Southeast quarter of said Section 20. Thence North $89^{\circ} 14' 26''$ 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 $22^{\circ} 09' 17''$ 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 $00^{\circ} 40' 41''$ for an arc distance of 17.30 feet (cb S $67^{\circ} 30' 23''$ W $17.30'$) to a 5/8" rebar with cap tagged, "GVS PLS 9169",
2. Thence South $71^{\circ} 45' 05''$ 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 $24^{\circ} 49' 58''$ East.
3. Thence Southwesterly along said curve to the left through a central angle of $12^{\circ} 59' 17''$ 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 $58^{\circ} 40' 24''$ W $331.92'$),
4. Thence South $52^{\circ} 10' 45''$ 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 $57^{\circ} 53' 23''$ West for a distance of 150.75 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169",

6. Thence South $52^{\circ}10'45''$ 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 $50^{\circ}19'26''$ 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 $00^{\circ}29'38''$ 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 $00^{\circ}29'38''$ East for a distance of 653.67 feet from the Southwest corner of the Southeast quarter of said Section 20; Thence North $89^{\circ}14'26''$ 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 $22^{\circ}09'17''$ East; thence along said right of way line Southwesterly along said curve to the left through a central angle of $00^{\circ}40'41''$ for an arc distance of 17.30 feet (cd S $67^{\circ}30'23''$ 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 $76^{\circ}31'13''$ West for a distance of 82.16 feet;
 2. Thence South $71^{\circ}17'22''$ West for a distance of 35.17 feet;
 3. Thence South $64^{\circ}33'38''$ West for a distance of 34.49 feet;
 4. Thence South $58^{\circ}59'29''$ West for a distance of 33.91 feet;
 5. Thence South $56^{\circ}21'41''$ West for a distance of 158.00 feet;
 6. Thence South $61^{\circ}39'27''$ 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 $00^{\circ}29'38''$ East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; Thence South $00^{\circ}29'38''$ 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 $89^{\circ}17'30''$ 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 $11^{\circ}39'10''$ 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 $28^{\circ}28'56''$ 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 $78^{\circ}49'47''$ West for a distance of 31.65 feet;
 4. Thence South $01^{\circ}59'57''$ 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.

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

251219

Recorded at the request of
William Condie
11:25 a.m. FEB 10 2011 p.m.

SHAUNA T. GEDDES, RECORDER
By Ruth Rawling 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

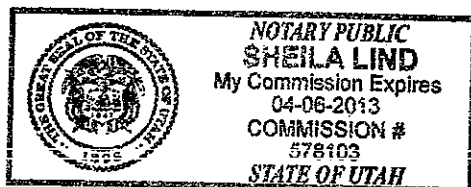
Subject to easements, restrictions and rights of way of record, and taxes for the current year and thereafter.

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

Gayle DeAnn Smith Condie, etc
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.



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

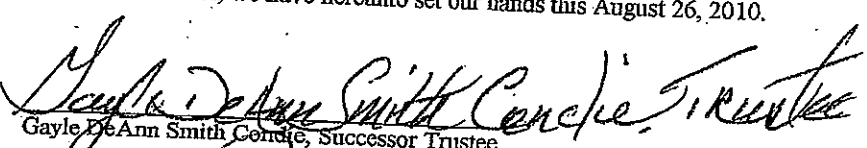
Window Coverings

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

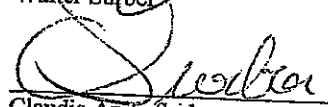
0% share of the Domestic and Stock Water, Water Right Number 13-7633

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
Dorfstrasse 28
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

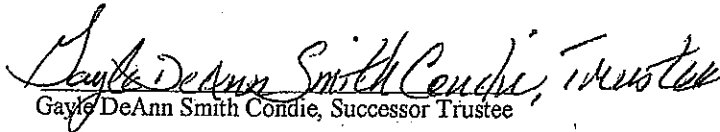
Walter Surber and Claudia Anita Surber, Husband and Wife

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

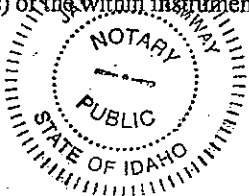
Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

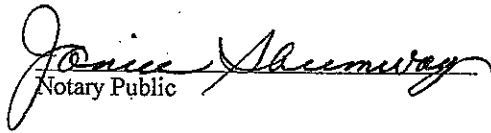
Witness, the hand(s) of said Grantor(s), this August 26, 2010.


Gayle DeAnn Smith Condie, 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

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 $00^{\circ} 29' 38''$ East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; thence South $00^{\circ} 29' 38''$ 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 $89^{\circ} 17' 30''$ 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 $28^{\circ} 28' 56''$ 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 $15^{\circ} 02' 17''$ East;

Thence Southwesterly along said curve to the left through a central angle of $07^{\circ} 07' 00''$ for an arc distance of 181.64 feet (cb S $71^{\circ} 24' 13''$ W $181.52'$) to a 5/8" rebar with cap tagged, "GVS PLS 9169";
thence South $89^{\circ} 14' 26''$ 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 $00^{\circ} 29' 38''$ 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 $00^{\circ} 29' 38''$ East for a distance of 653.6 feet from the Southwest corner of the Southeast quarter of said Section 20.

Thence North $89^{\circ} 14' 26''$ 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 Northwestern right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South $22^{\circ} 09' 17''$ 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 $00^{\circ} 40' 41''$ for an arc distance of 17.30 feet (cb S $67^{\circ} 30' 23''$ W $17.30'$) to a 5/8 rebar with cap tagged, "GVS PLS 9169",
2. Thence South $71^{\circ} 45' 05''$ 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 $24^{\circ} 49' 58''$ East.
3. Thence Southwesterly along said curve to the left through a central angle of $12^{\circ} 59' 17''$ 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 $58^{\circ} 40' 24''$ W $331.92'$),
4. Thence South $52^{\circ} 10' 45''$ 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 $57^{\circ} 53' 23''$ West for a distance of 150.75 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169",

6. Thence South $52^{\circ}10'45''$ 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 $50^{\circ}19'26''$ 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 $00^{\circ}29'38''$ 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 $00^{\circ}29'38''$ East for a distance of 653.67 feet from the Southwest corner of the Southeast quarter of said Section 20;

Thence North $89^{\circ}14'26''$ 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 Northwestern right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South $22^{\circ}09'17''$ East; thence along said right of way line Southwesterly along said curve to the left through a central angle of $00^{\circ}40'41''$ for an arc distance of 17.30 feet (cd S $67^{\circ}30'23''$ 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 $76^{\circ}31'13''$ West for a distance of 82.16 feet;
2. Thence South $71^{\circ}17'22''$ West for a distance of 35.17 feet;
3. Thence South $64^{\circ}33'38''$ West for a distance of 34.49 feet;
4. Thence South $58^{\circ}59'29''$ West for a distance of 33.91 feet;
5. Thence South $56^{\circ}21'41''$ West for a distance of 158.00 feet;
6. Thence South $61^{\circ}39'27''$ 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 $00^{\circ}29'38''$ East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; Thence South $00^{\circ}29'38''$ 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 $89^{\circ}17'30''$ 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 $11^{\circ}39'10''$ 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 $28^{\circ}28'56''$ 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 $78^{\circ}49'47''$ West for a distance of 31.65 feet;
4. Thence South $01^{\circ}59'57''$ 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

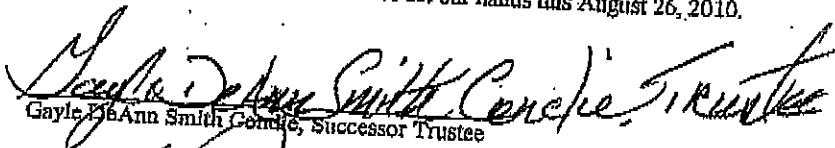
Window Coverings

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 Ann Smith Condie, Successor Trustee


Walter Surber


Claudia Anita Surber

NTR-54994
Walter Surber
Dorfstrasse 28
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

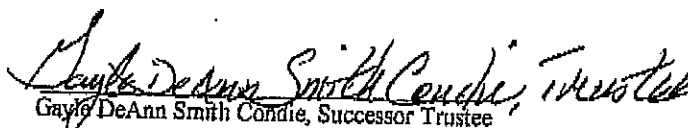
Walter Surber and Claudia Anita Surber, Husband and Wife

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

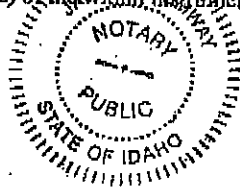
Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

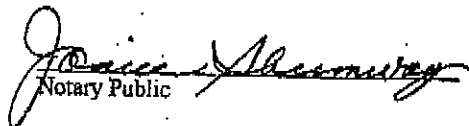
Witness, the hand(s) of said Grantor(s), this August 26, 2010.


Gayle DeAnn Smith Condie, 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

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° 29' 38" 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 $52^{\circ}10'45''$ 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 $50^{\circ}19'26''$ 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 $00^{\circ}29'38''$ 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 $00^{\circ}29'38''$ East for a distance of 653.67 feet from the Southwest corner of the Southeast quarter of said Section 20;

Thence North $89^{\circ}14'26''$ 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 Northwestern right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South $22^{\circ}09'17''$ East; thence along said right of way line Southwesterly along said curve to the left through a central angle of $00^{\circ}40'41''$ for an arc distance of 17.30 feet (cd S $67^{\circ}30'23''$ 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 $76^{\circ}31'13''$ West for a distance of 82.16 feet;
2. Thence South $71^{\circ}17'22''$ West for a distance of 35.17 feet;
3. Thence South $64^{\circ}33'38''$ West for a distance of 34.49 feet;
4. Thence South $58^{\circ}59'29''$ West for a distance of 33.91 feet;
5. Thence South $56^{\circ}21'41''$ West for a distance of 158.00 feet;

6. Thence South $61^{\circ}39'27''$ 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 $00^{\circ}29'38''$ East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; Thence South $00^{\circ}29'38''$ 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 $89^{\circ}17'30''$ 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 $11^{\circ}39'10''$ 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 $28^{\circ}28'56''$ 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 $78^{\circ}49'47''$ West for a distance of 31.65 feet;
4. Thence South $01^{\circ}59'57''$ 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.