



*Hand
Delivered*

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4:55 P.M.
FEB 25 2002

Department of Water Resources
Southern Region

Transmittal

(208) 736-8543
Fax (208) 736-8506

2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301

From: Chuck Brockway	Date: 2/25/02
To: Mary Baldwin, IDWR-Southern via HAND DELIVERY	
Cc: Joe Avelar via U.S. Mail	
Re: Transfer No. 69309	

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

Contents and Comments:

Mary,

Enclosed are the following documents:

1. Warranty deed from Craig Moore to Avelar, conveying the subject property and the water rights to Avelars Dairy with all appurtenances.
2. Warranty deed from Avelars Dairy to Seapac of Idaho, Inc., conveying the subject property and all water rights except 47-04287.

Please let me know if you need anything further in order to forward the application to the state office.

Chuck

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0002

THIS IS BEING RE-RECORDED TO CORRECT LEGAL DESCRIPTION

452494L

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 466
Twin Falls, Idaho 83303

*** SPACE ABOVE FOR RECORDER ***

Twin Falls County, Idaho
Recorded for
TITLEFACT
08:28am Mar 29, 2001
2001-005431
No. of Pages: 2 Fee: \$8.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CB

Twin Falls County, Idaho
Recorded for
TITLEFACT
02:49pm Mar 29, 2001
2001-005305
No. of Pages: 2 Fee: \$8.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CB

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WARRANTY DEED

FOR VALUE RECEIVED CRAIG A. MOORE and SUSAN L. MOORE, husband and wife, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto AVELARS DAIRY, a partnership hereinafter called grantees, whose address is: 3835 North 1300 East, Buhl, Idaho 83316, the following described premises, in Twin Falls County, Idaho, to-wit:

Township 10 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho

Section 1: A parcel of land being portions of the S $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ and more particularly described as follows:
COMMENCING at the Northwest corner of said Section 1, from which the West one-quarter (W $\frac{1}{4}$) corner of

Section 1 bears South 00°10'55" East 2872.83 feet;

THENCE South 00°10'55" East along the West boundary of the NW $\frac{1}{4}$ of Section 1 for a distance of 1548.95 feet to the Northwest corner of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1;

THENCE North 89°57'13" East along the North boundary of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1 for a distance of 660.82 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 89°57'13" East along the North boundary of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1 for a distance of 1985.32 feet to the Northeast corner of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1;

THENCE South 00°03'35" East along the East boundary of the W $\frac{1}{4}$ of Section 1 for a distance of 3044.23 feet to a point on the Northerly right-of-way boundary of the Union Pacific Railroad;

THENCE North 63°41'55" West along the Northerly right-of-way boundary of the Union Pacific Railroad for a distance of 329.33 feet to the point of curve of a curve left;

THENCE Northwesterly along the Northerly right-of-way boundary of the Union Pacific Railroad on the arc of the curve left for a distance of 650.28 feet to the Point of Tangent, said arc having a radius of 5729.58 feet and a long chord bearing and distance of North 66°57'00" West 655.60 feet;

THENCE North 70°12'05" West along the Northerly right-of-way boundary of the Union Pacific Railroad for a distance of 1570.26 feet;

THENCE leaving the railroad right of way on a bearing of North 00°24'46" East for a distance of 458.21 feet;

THENCE North 28°48'00" East for a distance of 344.55 feet;

THENCE North 18°57'21" East for a distance of 35.03 feet;

THENCE North 03°08'45" East for a distance of 327.89 feet;

THENCE North 01°05'25" East for a distance of 763.74 feet;

THENCE North 37°53'00" East for a distance of 283.77 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO: An easement for the use and maintenance of any and all ditches located within the boundaries of the before-described parcel.

AND

Township 10 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho

Section 1: A parcel of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ and more particularly described as follows:
COMMENCING at the Northwest corner of said Section 1, from which the West one-quarter (W $\frac{1}{4}$) corner of

Section 1 bears South 00°10'55" East 2872.83 feet;

THENCE South 00°10'55" East along the West boundary of the NW $\frac{1}{4}$ of Section 1 for a distance of 1973.70 feet to a point on the approximate center of an irrigation ditch and being the TRUE POINT OF BEGINNING

THENCE along the center of the irrigation ditch on the following courses:

North 65°01'30" East, 135.38 feet;

North 63°14'13" East, 107.41 feet;

North 63°27'50" East, 135.66 feet;

North 63°41'00" East, 106.48 feet;

THENCE leaving the center of the irrigation ditch on a bearing of South 01°05'25" West for a distance of 773.52 feet;

THENCE North 87°24'46" West for a distance of 136.55 feet;

THENCE South 01°45'05" West for a distance of 112.95 feet;

THENCE North 89°08'55" West for a distance of 278.78 feet to a point on the West boundary of the NW $\frac{1}{4}$ of Section 1;

THENCE North 00°10'55" West along the West boundary of the NW $\frac{1}{4}$ of Section 1 for a distance of 662.63 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO:

1. A 25.0-foot-wide county road easement along the most westerly boundary of the before described parcel.

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2. An easement for the use and maintenance of any and all ditches located within the boundaries of the before-described parcel.

AND

Township 10 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho

Section 1: A parcel of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ more particularly described as follows:
COMMENCING at the Northwest corner of said Section 1, from which the West one-quarter (W $\frac{1}{4}$) corner of

Section 1 bears South 00°10'55" East 2872.83 feet;

THENCE South 00°10'55" East along the West boundary of the NW $\frac{1}{4}$ of Section 1 for a distance of 1548.95 feet to the Northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1 and being the TRUE POINT OF BEGINNING;THENCE North 89°57'13" East along the North boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1 for a distance of 560.82 feet;

THENCE South 37°53'00" West for a distance of 283.77 feet;

THENCE South 01°05'25" West for a distance of 263.74 feet;

THENCE South 03°08'45" West for a distance of 327.40 feet;

THENCE South 18°57'21" West for a distance of 35.03 feet;

THENCE North 49°58'26" West for a distance of 25.48 feet;

THENCE South 89°40'30" West for a distance of 142.02 feet;

THENCE North 01°45'03" East for a distance of 348.29 feet;

THENCE South 87°24'46" East for a distance of 136.55 feet;

THENCE North 01°05'25" East for a distance of 773.52 feet to the center of an irrigation ditch;

THENCE along the center of the irrigation ditch on the following courses:

South 63°41'00" West 106.48 feet;

South 63°27'50" West 135.66 feet;

South 63°14'13" West 107.41 feet;

South 65°01'30" West 135.38 feet to a point on the West boundary of the NW $\frac{1}{4}$ of Section 1.THENCE North 00°10'55" West along the West boundary of the NW $\frac{1}{4}$ of Section 1 for a distance of 424.75 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a non-exclusive easement for vehicle access, farm equipment, livestock access, utilities, and irrigation pipeline as reflected in Warranty Deed from Craig A. Moore and Susan L. Moore, husband and wife, to Scupac of Idaho, Inc., recorded January 21, 1998, as Instrument No. 1998-001060, records of Twin Falls County, Idaho.

SUBJECT TO:

1. A 25.0-foot-wide county road easement along the most westerly boundary of the before-described parcel
2. An easement for the use and maintenance of any and all existing ditches locate within the boundaries of the before-described parcel.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 26, 2001

Craig A. Moore
CRAIG A. MOORE

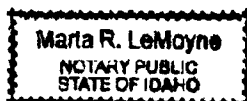
Susan L. Moore
SUSAN L. MOORE

STATE OF IDAHO
County of Twin Falls

On this 26th day of March, 2001, before me, a Notary Public in and for said State, personally appeared CRAIG A. MOORE and SUSAN L. MOORE, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Marta R. LeMoine
Notary Public for Idaho
Residing at Buhl
Commission expires: 9-9-2005



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5. Easement Agreement by and between Joseph L. Rand and Ellen M. Rand Revocable Living Trust created by Trust Instrument dated May 9, 1996; and Craig A. Moore and Susan L. Moore, husband and wife, said Agreement dated January 7, 1997, recorded January 7, 1998, as Instrument No. 1998-000268, records of Twin Falls County, Idaho, assignment of Easement from Craig A. Moore and Susan L. Moore to Seapac of Idaho, Inc. by Assignment recorded January 7, 1998, as Instrument No. 1998-000273, records of Twin Falls County, Idaho.
6. Easement Agreement between Craig A. Moore and Susan L. Moore, husband and wife, and Seapac of Idaho, Inc., an Idaho corporation, recorded January 7, 1998, as Instrument No. 1998-000272, records of Twin Falls County, Idaho.

DATED THIS 10th day of April, 2001.

"GRANTOR"

AVELAR'S DAIRY,
an Idaho PartnershipBy Joe E. Avelar
JOE E. AVELAR, PartnerBy Antonio G. Avelar
ANTONIO G. AVELAR, PartnerBy Cecilia M. Avelar
CECILIA M. AVELAR, Partner

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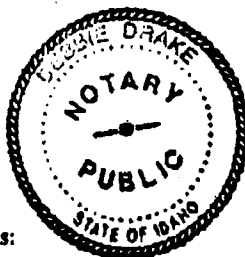
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FEB 25 2002
Department of Water Resources
Southern Region

STATE OF IDAHO)

County of Twin Falls)

On this 10th day of April, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOE E. AVELAR, a Partner of AVELAR'S DAIRY, an Idaho partnership, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same on behalf of said Partnership.

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



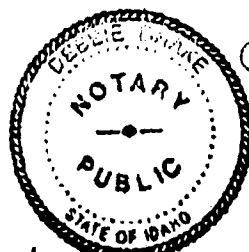
Jerome Drake
NOTARY PUBLIC for Idaho
Residing at: Jerome
Commission Expires: 4-13-05

STATE OF IDAHO)

County of Twin Falls)

On this 10th day of April, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ANTONIO G. AVELAR, a Partner of AVELAR'S DAIRY, an Idaho partnership, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same on behalf of said Partnership.

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



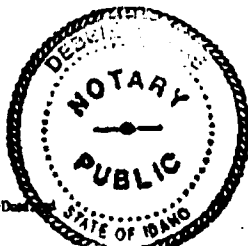
Jerome Drake
NOTARY PUBLIC for Idaho
Residing at: Jerome
Commission Expires: 4-13-05

STATE OF IDAHO)

County of Twin Falls)

On this 10th day of April, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CECILIA M. AVELAR, a Partner of AVELAR'S DAIRY, an Idaho partnership, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same on behalf of said Partnership.

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



Jerome Drake
NOTARY PUBLIC for Idaho
Residing at: Jerome
Commission Expires: 4-13-05

WARRANTY DEED - 3

C:\msdoin\Case\Moore.mlg\Avelar\Warr\Deed

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Department of Water Resources
Southern Region

Exhibit "A"

Township 10 South, Range 15 East, Boise Meridian Twin Falls County, Idaho

Section 1: A parcel of land being portions of the S $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$, and more particularly described as follows:

Commencing at the Northwest corner of said Section 1, from which the W $\frac{1}{4}$ corner of Section 1 bears South 00°10'55" East 2872.83 feet;
Thence South 00°10'55" East along the West boundary of the NW $\frac{1}{4}$ of Section 1 for a distance of 1548.95 feet to the Northwest corner of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1;
Thence North 89°57'13" East along the North boundary of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1 for a distance of 660.82 feet to the TRUE POINT OF BEGINNING;
Thence continuing North 89°57'13" East along the North boundary of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1 for a distance of 1985.32 feet to the Northeast corner of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1;
Thence South 00°03'35" East along the East boundary of the W $\frac{1}{4}$ of Section 1 for a distance of 3044.23 feet to a point on the Northerly right of way boundary of the Union Pacific Railroad;
Thence North 63°41'55" West along the Northerly right of way boundary of the Union Pacific Railroad for a distance of 329.33 feet to the point of curve of a curve left;
Thence Northwesterly along the Northerly right of way boundary of the Union Pacific Railroad on the arc of the curve left for a distance of 660.28 feet to the Point of Tangent, said arc having a radius of 5729.58 feet and a long chord bearing and distance of North 66°57'00" West 655.60 feet;
Thence North 70°12'05" West along the Northerly right of way boundary of the Union Pacific Railroad for a distance of 1570.26 feet;
Thence leaving the railroad right of way on a bearing of North 00°24'46" East for a distance of 458.21 feet;
Thence North 28°48'00" East for a distance of 344.55 feet;
Thence North 18°57'21" East for a distance of 35.03 feet;
Thence North 03°08'45" East for a distance of 327.60 feet;
Thence North 01°05'25" East for a distance of 763.74 feet;
Thence North 37°53'00" East for a distance of 283.77 feet to the TRUE POINT OF BEGINNING

AND

Township 10 South, Range 15 East, Boise Meridian Twin Falls County, Idaho

Section 1: A parcel of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, and more particularly described as follows:

Commencing at the Northwest corner of said Section 1, from which the W $\frac{1}{4}$ corner of Section 1 bears South 00°10'55" East 2872.83 feet;
Thence South 00°10'56" East along the West boundary of the NW $\frac{1}{4}$ of Section 1 for a distance of 1973.70 feet to a point on the approximate center of an Irrigation ditch and being the TRUE POINT OF BEGINNING;
Thence along the center of the irrigation ditch on the following courses:
North 65°01'30" East, 135.38 feet;
North 63°14'13" East, 107.41 feet;
North 63°27'50" East, 135.66 feet;
North 63°41'00" East, 106.48 feet;
Thence leaving the center of the irrigation ditch on a bearing of South 01°05'25" West for a distance of 773.52 feet;
Thence North 87°24'46" West for a distance of 136.55 feet;
Thence South 01°45'05" West for a distance of 112.95 feet;
Thence North 89°08'55" West for a distance of 278.78 feet to a point on the West boundary of the NW $\frac{1}{4}$ of Section 1;
Thence North 00°10'55" West along the West boundary of the NW $\frac{1}{4}$ of Section 1 for a distance of 662.63 feet to the TRUE POINT OF BEGINNING.

(TF28643.PFD/TF28643/16)