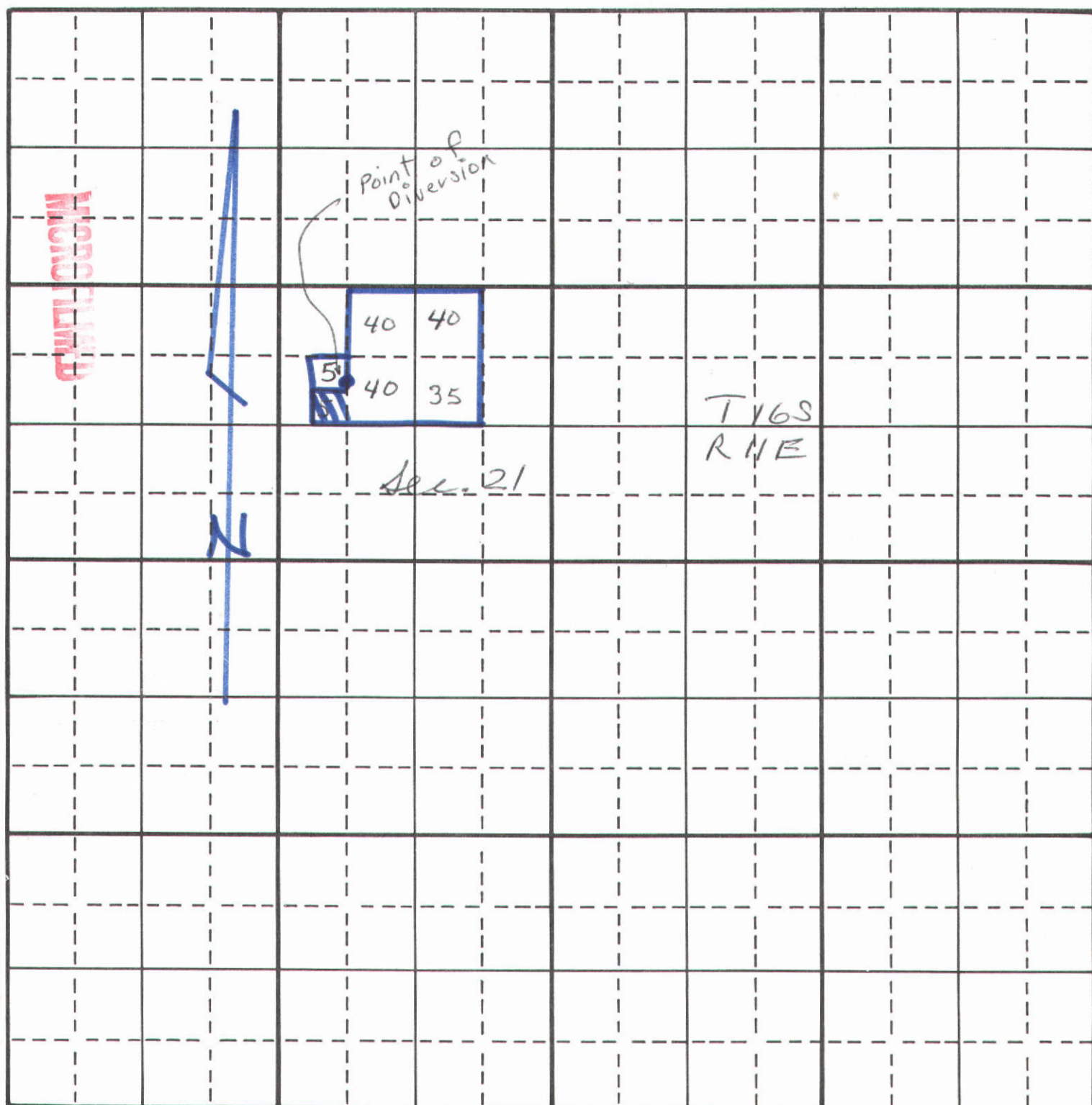


c. Describe the lands place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	11E	21		40	35		40		5	40									160

Total number of acres to be irrigated 160

4. Describe any other water rights used for the same purpose as described above. NONE.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PROOF OF PUBLICATION

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 24 day of August, 1983, and the last publication being on the 31 day of August, 1983;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.

Mick Hodges
PUBLISHER

Subscribed and sworn to before me this 31 day of

August, 1983.

Kyle L. Hodges
NOTARY PUBLIC

My commission expires 3-86

(SEAL)

RECEIVED
SEP 6 1983

Department of Water Resources
Western Regional Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 51-0112 16a

Notice is hereby given that Jose Barinaga of Rt. 1, Castleford, ID has applied to the Department of Water Resources for a change of The place of use of the water of Cherry Creek. The right sought to be changed is evidenced by Decree Number 51-0112 and is recorded as follows:

Amount: .76 cfs
Priority: 4/1/1902
Point(s) of Diversion: SWNW Section 21, T16S, R11E
The water is used for Irrigation purposes From 4/1 to 11/1 upon 160 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW, Section 21, T16S, R11E

TO BE CHANGED AS FOLLOWS

Amount: .76 cfs
Point(s) of Diversion: SWNW Section 21, T16S, R11E
The water will be used for Irrigation purposes From 4/1 to 11/1 upon 160 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SWN W Section 21, T16S, R11E

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Statehouse, Boise, ID 83720 on or before September 12, 1983.

KEN DUNN
Director

Published in the Owyhee
Nugget, Marsing, Owyhee
County, Idaho 8/24 & 8/31/83.

Transfer No. 2939Water Right No. 51-0112

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant JOSE BARINAGA Phone 537-6645Post Office address Rt 1 CASTLEFORD IDAHO 83321

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 51-0112 Decreed to BETTIS & Co. (Name)
in case of GRANDVIEW Irr. Dist. vs BRUNEAU BUCKAROO Co-op Ditch
dated in 12-8-1925 in 3RD DIST (Name of court) county of OWYHEE

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant THRUPURCHASE3. Source of water CHERRY Cr. tributary to BRUNEAU RIVER4. Date of priority 4-1-02

5. Water is used for the following purposes:

amount 0.76 for IRRIGATION purposes from 4-1 to 11-1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 0.76 cubic feet per second &/or

b. _____ acre feet per annum

7. Location of original point of diversion is SW ¼ of NW ¼ of Section 21Township 16S Range 11E, B.M., in OWYHEE County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	11E	21		40	40		40			40									160.0

Total number of acres to be irrigated 1609. Describe any other water rights used for the same purpose as described above NO10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS

omit part B)

	a	b
_____ cubic feet per second _____ &/or _____ acre feet per annum		

acre feet per annum

Range _____

Additional points

100

TWP	RANGE	SEC.	NEW				NW				SW				SE			
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%
TOTALS			NEW				NW				SW				SE			

1. General Information

1. General information

9/10

C.F.S. &/or

acre feet

STRAW WITH DITCHES

c. Describe the reasons for the proposed changes

in another 40 ac. TRACT.

2. Change in point of diversion

Point of diversion

 $\frac{1}{2}$

1/4, Section

Township

Additional points:

Range -

—, B.M.,

County

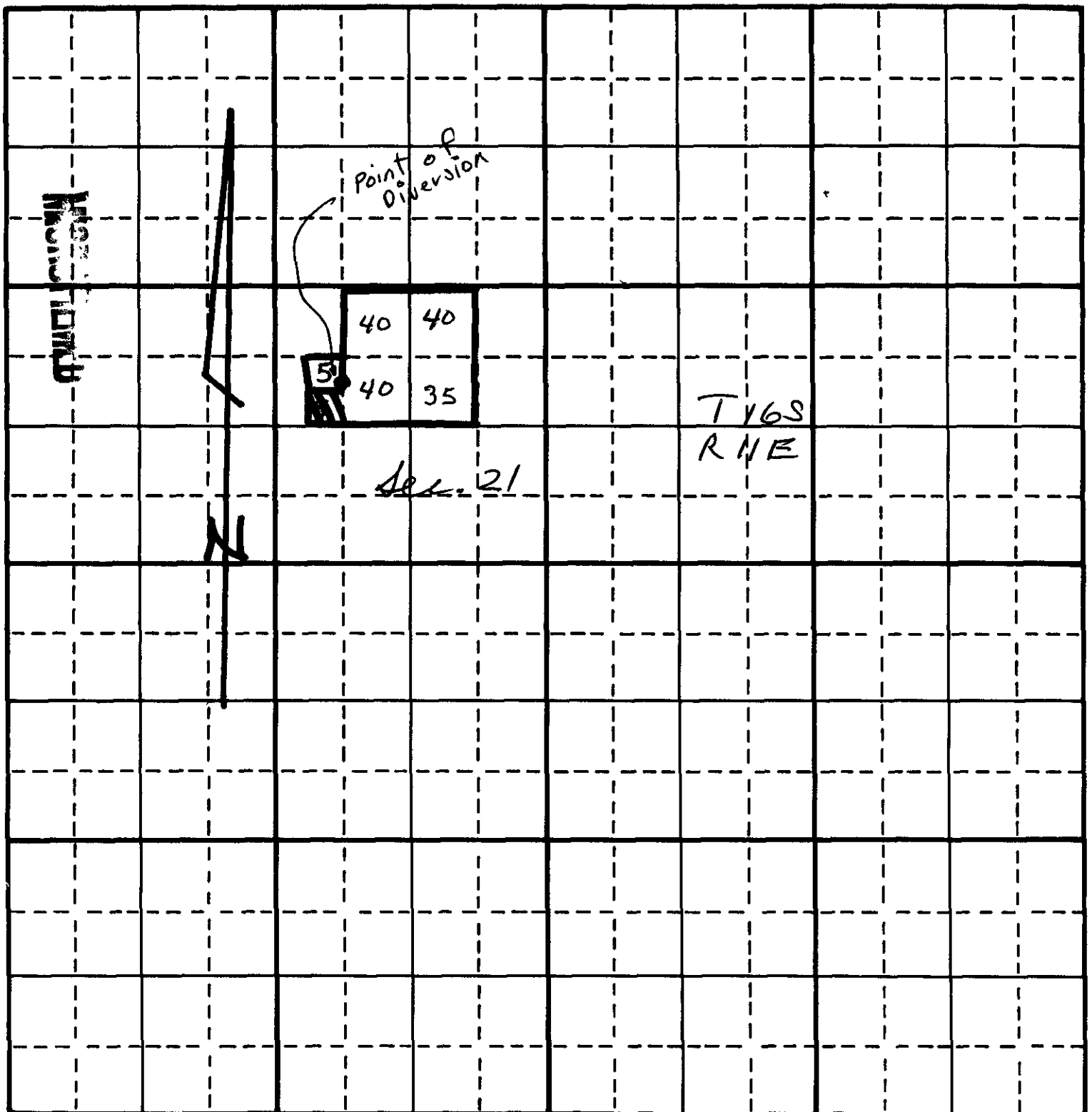
3. **Change in place of use**

c. Describe the lands place of use to which the right will be transferred:

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	11E	21		40	35		40		5	40									160

Total number of acres to be irrigated 160

- 4 Describe any other water rights used for the same purpose as described above. NONE.
- 5 Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D REMARKS

RECEIVED
JUN 28 1983

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

X Gene Berman
(Signature of Applicant)

Subscribed and sworn to before me this 24 day of June, 19 83

Mary A. Newby
(Notary Public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 51-0112 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Deparment shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 51-A, Flat, Cherry, Deer and Three Creeks.

Witness my hand this 28th day of November, 19 83

A. Glen Saxton
Chief, Operations Bureau

6-27-83 FOR DEPARTMENT USE ONLY

Received by AA Date 6/24/83 Protest filed by _____

Prelim. check by 665 Fee 30.00 20.00

Receipted by mary Date 6/24/83 # 29086 # 32906

Published in Overseas Record Copies of protest forwarded by _____

Pub. dates 8/25 E, 9/1/83 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for approval denial

_____ rec'd. _____ by DBS pm DET

HENRY J. BETTIS & JOSE RUBENACA, Co-partners

doing business under the firm names and style of BETTIS & COMPANY:
E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 21, Township 16 South, Range 11 East, Boise
Meridian, containing 160 acres. Out of Cherry Creek, tributary
of Three Creek, tributary of Bruneau River:

51 0112 38 inches as of April 1, 1902. T-#2939

BETTIS & COMPANY:- SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Township 11
Sec. 15/South, Range 9 East, Boise Meridian, containing 120 acres.
Out of the waters of Clover Creek, tributary of Three Creek,
tributary of Bruneau River:

51 0113 150 inches as of April 1, 1885.

NEIL BEATON:- NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 16, W $\frac{1}{2}$ NW $\frac{1}{4}$
Sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 9, Township 16 South, Range
11 East, Boise Meridian, containing 240 acres. Out of the waters
of Cherry Creek, tributary of Three Creek, tributary of Bruneau
River:

51 0114 213.5 inches as of April 1, 1885.

W. B. CLARK:- NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Township 16 South,
Range 11 East, Boise Meridian, SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, Town-
ship 15 South, Range 11 East, Boise Meridian, containing 240 acres.
Out of the waters of Cherry Creek, tributary of Three Creek, trib-
utary of Bruneau River:

51 0115 115 inches as of April 1, 1910.

W. S. CLARK:- SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16,
Township 16 South, Range 11 East, Boise Meridian, containing 160
acres. Out of the waters of Cherry Creek, tributary of Three
Creek, tributary of Bruneau River:

51 0116 134 inches as of April 1, 1910.

FRED WALTERS:- E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 28, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 20;
Township 15 South, Range 11 East, Boise Meridian, containing 160
acres. Out of the waters of Cherry Creek, tributary of Three Creek,
tributary of Bruneau River:

51 0117 60 inches as of April 1, 1909.

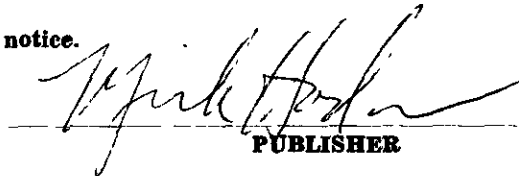
PROOF OF PUBLICATION

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

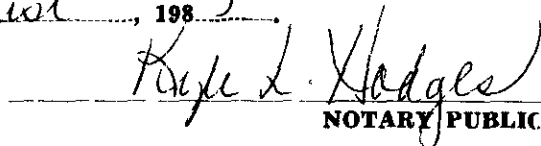
That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 24 day of August, 1983, and the last publication being on the 31 day of August, 1983;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.


PUBLISHER

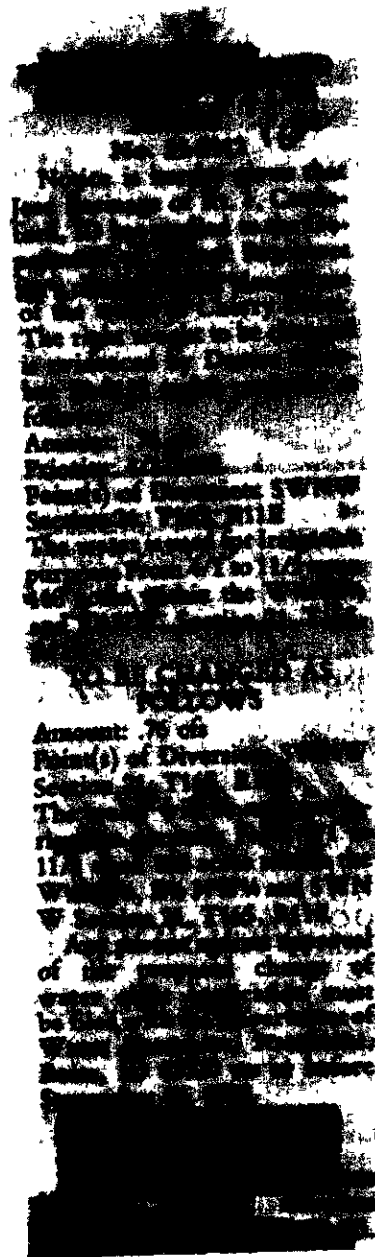
Subscribed and sworn to before me this 31 day of

August, 1983.


NOTARY PUBLIC

My commission expires 3-86

(SEAL)


The State of Idaho, County of Owyhee, ss.
I, Notary Public for said County, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of the County of Owyhee, State of Idaho.
Witness my hand and seal of office at Marsing, Idaho, this 31st day of August, 1983.
Mike L. Hodges
Notary Public

November 29, 1983

RE: Transfer of Water Right No. 51-0112

Jose Barinaga
Rt. 1
Castleford, ID 83321

Dear Mr. Barinaga:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2939). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

RECEIVED

JUN 29 1983

Department of Water Resources
Western Regional Office

INITIAL REVIEW BY: 6h5

1. Right number 51-0112 Applicant BARINAGA, Jose
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use ☒ NOT STATED

b. ☐ Description of original point of diversion. - NOT STATED

☒ Description of original place of use.

5. Amount of land &/or water transferred:

☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

☒ Check description of point(s) of diversion. No change

☒ Check description of place of use.

☒ Check map (shows p.d. and p.u. after transfer).

☒ Check for correct signature, notarization, and fee.

☒ Check proof of ownership of right &/or land from which water is transferred.

☒ Check for expansion in use of right. Comments None

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) N/A - Soc change only

☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 51-A no active watermaster or district

FINAL PROCESSING REVIEW BY: DBS

Watermaster recommendation requested on _____ Received on _____

Is transfer published correctly? ☒ Yes ☐ No

Protest received? ☒ Yes ☒ No Overhead Message
8259 9/11/83 # 20132406
30129006

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* OIE, OS(51-A, Flat, Cherry, Deer and Three Creek
Drainages)

4. By DBS

Date 9/13/83

Department of Water Resources

Jun 11-23-83 use above conditions

* All uses within Watermaster Districts require special conditions.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 51-0112

Notice is hereby given that Jose Barinaga
of Rt. 1, Castleford, ID has applied to the Department of Water
Resources for a change of The place of use
of the water of Cherry Creek.
The right sought to be changed is evidenced by Decree
Number 51-0112 and is recorded as follows:
Amount: .76 cfs Priority: 4/1/1902
Point(s) of Diversion: SWNW Section 21, T16S, R11E
The water is used for Irrigation purposes From 4/1 to 11/1
upon 160 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW, Section 21, T16S, R11E

TO BE CHANGED AS FOLLOWS

Amount: .76 cfs
Point(s) of Diversion: swnw Section 21, T16S, R11E
The water will be used for irrigation purposes From 4/1 to 11/1
upon 160 acres within the W $\frac{1}{2}$ ^{NE}NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SWNW Section 21, T16S, R11E

Any protest against approval of the proposed change of water right
application must be filed with the Department of Water Resources,
Statehouse, Boise, ID 83720 on or before September 12, 1983.

Ken Dunn
Director

Published in the Owyhee Nugget
on 8/25 and 9/1/83

THIS INDENTURE, Made this 31st day of January
 in the year of our Lord one thousand nine hundred and Forty-Five, between
 LAURENCE BETTIS and AGNES BETTIS, Husband and Wife,
 of Gannett, County of Blaine, State of Idaho,
 the parties of the first part, and JOHN BARINAGA and JOE BARINAGA,
 of Castleford, County of Twin Falls, State of Idaho,
 the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
 ---TEN & 00/100 --- DOLLARS,
 lawful money of the United States of America,
 to them in hand paid by the said
 parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
 and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
 of the second part, and to their heirs and assigns forever, all of the following described real estate,
 situated in, County of Owyhee, State of Idaho, to-wit:

The West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$) and the
 West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$) of Section 21;

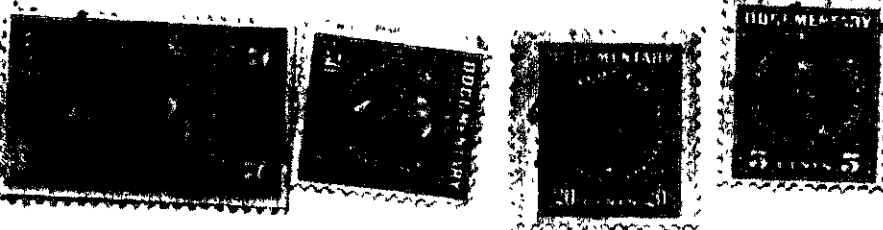
The Southwest Quarter ($SW\frac{1}{4}$) of Section 21;

The North Half of the North Half ($N\frac{1}{2}N\frac{1}{2}$) of Section 28;
 Twp. 16 South, Range 11 E. B. M., all in Section 30; 16 S R 11 E 12 N

Lots Two (2) and Three (3) in Section 31;
 Twp. 16 South, Range 12 East of the B. M.,

✓ All of Section 26, and the East Half of the Northwest Quarter
 ($E\frac{1}{2}NW\frac{1}{4}$) and the West Half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$) of
 Section 21, Twp. 16 South, Range 11 East of the B. M., in
 Owyhee County, Idaho.

The parties of the first part do hereby certify that this Deed is intended
 to convey to the said parties of the second part all the right, title and
 interest of the said parties of the first part in and to the above described
 land standing of record in the name of Bettis & Com., a Co-Partnership con-
 sisting of Laurence Bettis and Valentin Barinaga.



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 the said property, as well
 in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
 with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever
 and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
 possession of the said parties of the second part, their heirs and assigns, against the said parties
 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.

WARRANTY DEED

FOR VALUE RECEIVED, Eulalia Barinaga, the widow of Valentin Barinaga, and Estate of Valentin Barinaga, deceased, and Barinaga & Son, a partnership consisting of Valentin Barinaga and Jose Barinaga, the Grantors, do hereby grant, bargain, sell and convey unto Jose Barinaga and Marilyn Barinaga, husband and wife, the Grantees, whose current address is Route #1, Castleford, Idaho, 83321, the following described premises in Owyhee County, Idaho, to-wit:

Township 16 South, Range 11, East of the Boise Meridian

Section 21: $W\frac{1}{2}$ and $W\frac{1}{2}$ of the $E\frac{1}{2}$

Section 25: All

Section 28: $N\frac{1}{2}$ of the $N\frac{1}{2}$

Township 16 South, Range 12, East of the Boise Meridian

Section 30: All

Section 31: Lots 2 and 3

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED October 24, 1979.

BARINAGA & SON, a partnership

By Jose Barinaga
Jose Barinaga, general partner

Eulalia Barinaga
Eulalia Barinaga

ESTATE OF VALENTIN BARINAGA

By Jose Barinaga
Jose Barinaga, Personal Representative

112

This Indenture, Made this 31st day of January
 in the year of our Lord one thousand nine hundred and Fifty-two, between
JOHN BARINAGA and STEPHANIE BARINAGA, husband and wife,
 of Buhl, County of Twin Falls, State of Idaho, the
 parties of the first part, and JOE BARINAGA, whose wife is Marilyn Barinaga,
 of Castleford, County of Twin Falls, State of Idaho, the
 party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
One and no/100 ----- DOLLARS
 and other good and valuable considerations,
 lawful money of the United States of America, to them in hand paid by the said party of
 the second part, the receipt whereof is hereby acknowledged, do by these presents Remise, Re-
 lease, and forever Quit-claim unto the said party of the second part, and to his heirs and
 assigns forever, all the following described real estate, situated in the County of Owyhee
 State of Idaho, to wit:

The West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$) and the
 West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) and the
 Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-one (21), Town-
 ship Sixteen (16) South, Range Eleven (11), E.B.M.;

The North Half of the North Half ($N\frac{1}{2} N\frac{1}{2}$) of Section
 Twenty-eight (28), Township Sixteen (16) South, Range
 Eleven (11), E.B.M.;

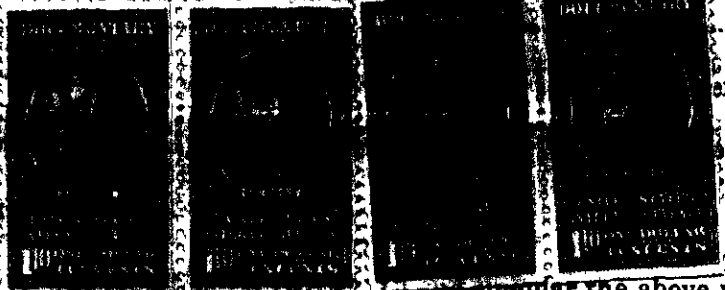
All of Section Thirty (30), Township Sixteen (16) South,
 Range Twelve (12), E.B.M.;

Lots Two (2) and Three (3) of Section Thirty-one (31),
 Township Sixteen (16) South, Range Twelve (12), E.B.M.;

All of Section Twenty-five (25), Township Sixteen (16)
 South, Range Eleven (11), E.B.M.;

East Half of the Northwest Quarter ($E\frac{1}{2} NW\frac{1}{4}$) and the West
 Half of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4}$) of Section Twenty-
 one (21), Township Sixteen (16) South, Range Eleven (11),
 E.B.M.

below
 issued



hereditaments and appurtenances thereunto
 versions, remainder and remainders, rents,

and singular the above mentioned and described premises, together
 with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their
 hand and seal on the day and year first above written.

Signed, sealed and delivered in the presence of

John Barinaga (Seal)
Stephanie Barinaga (Seal)
 _____ (Seal)
 _____ (Seal)