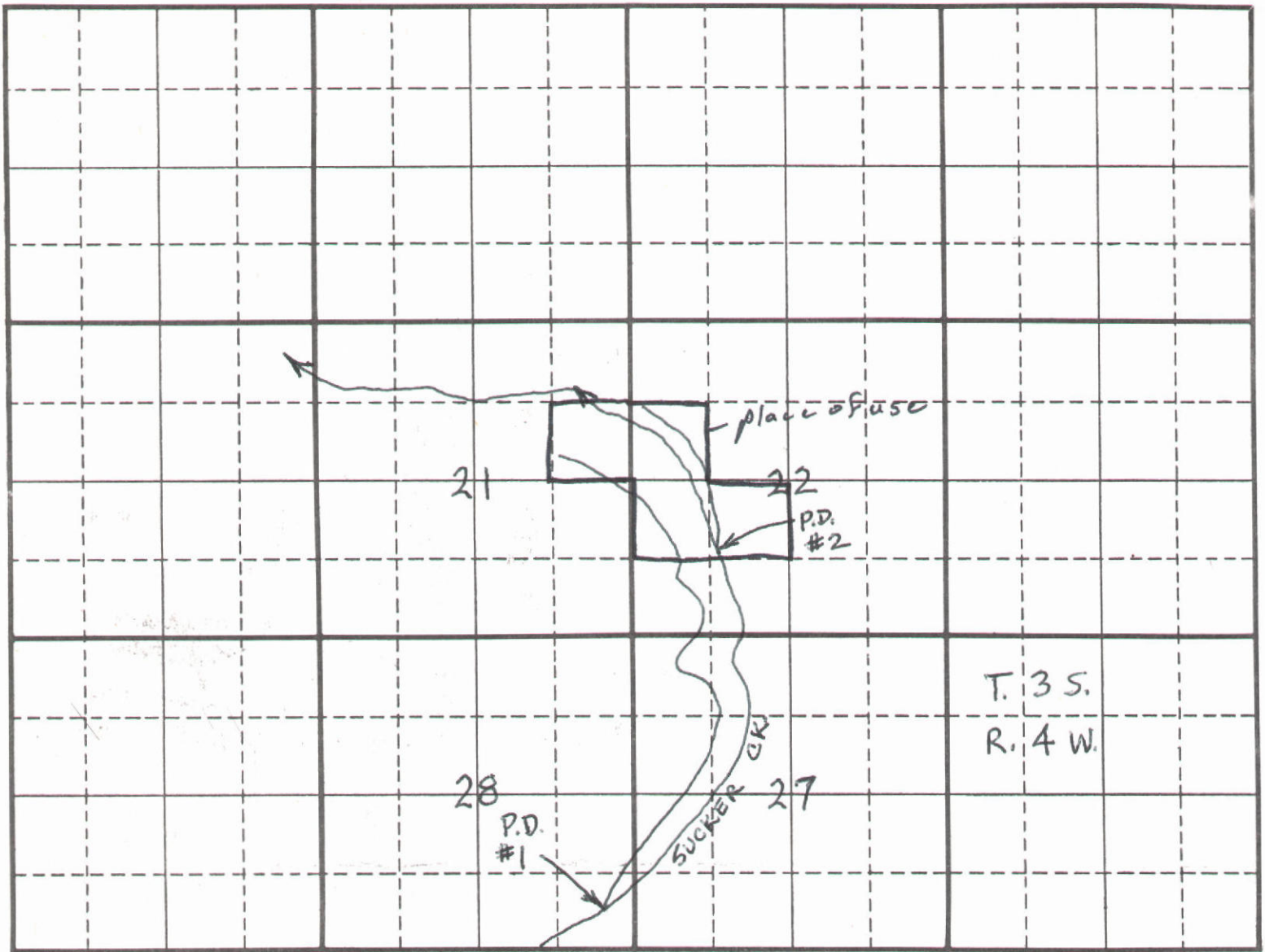


(8) Remarks See attached statement.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Canyon) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~she, they~~ subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 28th day of April

1980

Richard J. Salina
(Claimant)
Robert L. Linson
Notary Public
Residing at Nampa, Idaho.

My commission expires 'Lifetime'

FOR DEPARTMENT USE ONLY

Received by <u>ghs</u>	Date <u>4/28/80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ghs</u>	Date <u>4/24/80</u>		claimant by:	
\$20.00 fee received by <u>ghs</u>	Date <u>4/28/80 # 16265</u>			
Published in <u>ID Free Press</u>				
Dates <u>5/8-5/15/80</u>				

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
) ss.
County of Canyon)

Suzanne Smith

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Free Press and The News-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times

in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

May 8, 15, 1980

Suzanne Smith

Subscribed and sworn to before me this 15th day of May

19 80

Janice Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1981

MAY 21 1980

Department of Water Resources
Western Regional Office

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

57-4044

GABICA, RICHARD

403 W. LINCOLN AVENUE, NAMPA, Idaho 83651

Source: SUCCOR CREEK tributary to SNAKE RIVER

Priority Date: April 15, 1952

Amount: 10.00 CFS

Diversion Point: SESE Sec 28 T 03S R 04W NESW Sec 22

T 03S R 04W, OWYHEE County

Use: IRRIGATION (10.00 CFS) from April 1 to October 31

Place of Use: SENE Sec 21 T 03S R 04W SWNW NESW NWSW

Sec 22 T 03S R 04W FOR 100 ACRES

Diversion Means: DAM AND DITCH

57-4043

GABICA, RICHARD

403 WEST LINCOLN AVENUE, NAMPA, Idaho 83651

Source: SUCCOR CREEK tributary to SNAKE RIVER

Priority Date: August 4, 1909

Amount: 3.20 CFS

Diversion Point: SESE Sec 28 T 03S R 04W, OWYHEE County

Use: IRRIGATION (3.20 CFS) from April 1 to October 31

STOCKWATER (0.05 CFS) from April 1 to December 15

Place of Use: SENE Sec 21 T 03S R 04W SWNW NESW NWSW

Sec 22 T 03S R 04W FOR 85 ACRES

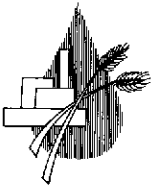
Diversion Means: DAM AND DITCH

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709.

C. STEPHEN ALLRED
Director

May 8, 15, 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Richard Gabica
(Name of Claimant)
403 W. Lincoln Ave. Nampa, Idaho 83651 Telephone No. 466-6642
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows

(1) Date of priority. (When was the water first applied to a beneficial use) April 15, 1952

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water (Name of stream, lake, spring, etc., or ground water)
Sucker Sucker Creek tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>10 cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>April 1</u> To <u>October 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 10 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion. (Location of point where water is diverted from its source)
SE ¼ SE ¼, Sec 28 Twp 3 S Rge 4W B.M., County of Owyhee
Additional points of diversion:

NE ¼ SW ¼, Sec. 22, T. 3S., R. 4W., B.M.
B) Describe means of diversion of water (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion dams and two ditches approximately one-half and two miles in length.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	4W	21				34													34
3S	4W	22							26		5	35							66

No. of acres 100

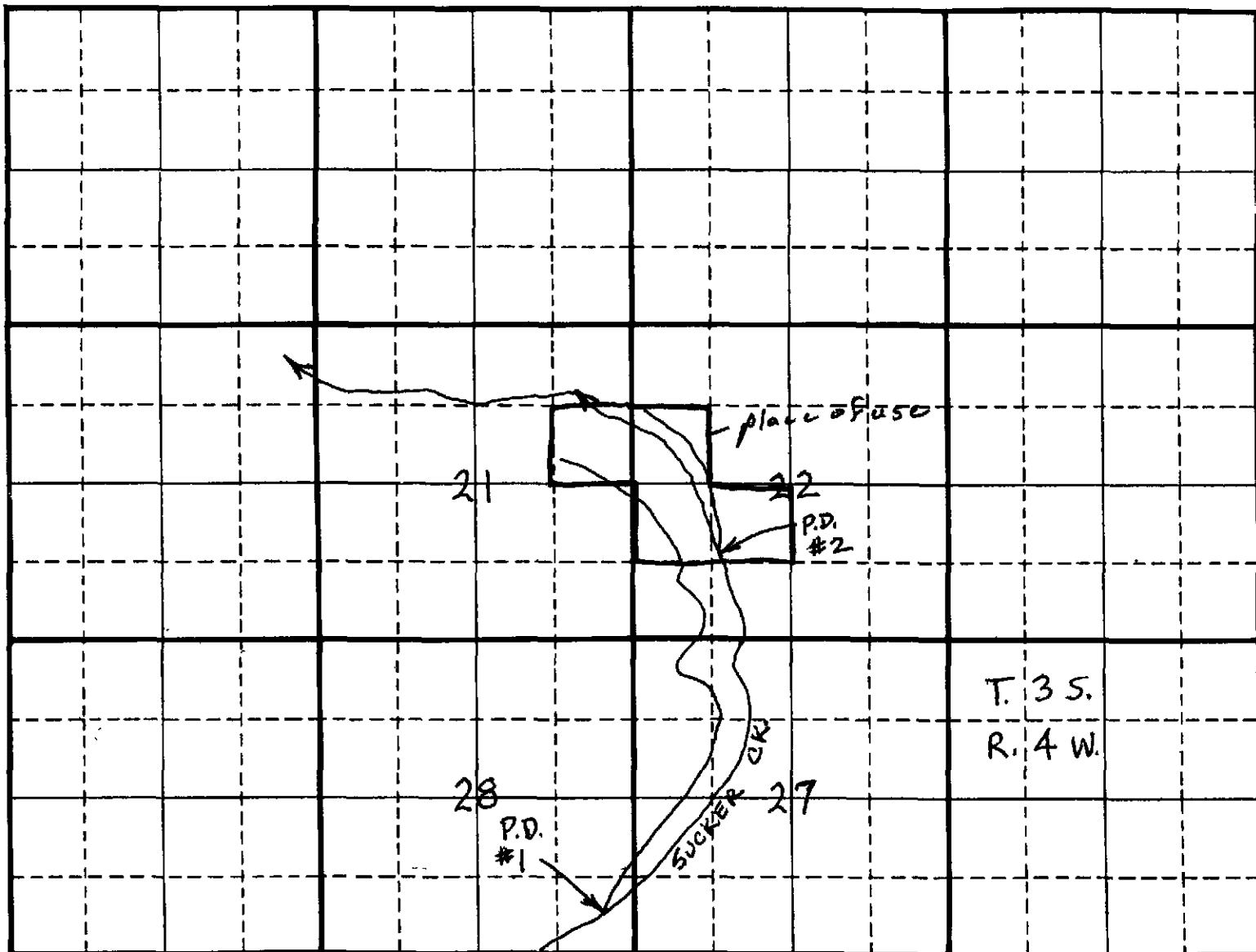
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: N.A.

NOTE Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization. N.A.

MICROFILMED

(8) Remarks See attached statement.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Canyon)

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~she, they~~ subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 28th day of April

1980

Richard J. Linton
(Claimant)
Robert J. Linton
Notary Public
Residing at Nampa, Idaho.

My commission expires 'Lifetime'

FOR DEPARTMENT USE ONLY

Received by <u>6hs</u>	Date <u>4/28/80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>6hs</u>	Date <u>4/28/80</u>		claimant by	
\$20.00 fee received by <u>6hs</u>	Date <u>4/28/80</u>	# <u>16265</u>		
Published in <u>ID Free Press</u>				
Dates <u>5/8 - 5/15/80</u>				

Remarks to Accompany Claim to Water Right

This claim is filed for the "flood waters" on Sucker Creek that have been used for irrigation each year since 1952. It is necessary to use this excess water to get enough soil moisture stored because of the topography and soil conditions.

Water is only available for diversion and use up to about mid-July in a typical year, and after that the stream flow is very low or dries up.

Diverting some flood waters in spring produces some return flow that can maintain some stream flow longer in the season that would otherwise occur. If the flood flows are not beneficially used this way, this short-term excess water simply runs off to the Snake River.

RECORDED

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
) ss.
County of Canyon)

Suzanne Smith

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Free Press and The News-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times

in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

May 8, 15, 1980

Subscribed and sworn to before me this
15th day of May

19 80

Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th 1981

NOTICE OF WATER RIGHTS
Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

57-4044

GABICA, RICHARD
403 WEST LINCOLN AVENUE, NAMPA, Idaho 83651
Source: SUCCOR CREEK tributary to SNAKE RIVER
Priority Date: April 15, 1952
Amount: 10.00 CFS
Diversion Point: SESE Sec 28 T-03S R 04W NESW Sec 22 T 03S R 04W, OWYHEE County
Use: IRRIGATION (10.00 CFS) from April 1 to October 31
Place of Use: SENE Sec 21 T 03S R 04W SWNW NESW NWSW Sec 22 T 03S R 04W FOR 100 ACRES
Diversion Means: DAM AND DITCH
57-4043

GABICA, RICHARD
403 WEST LINCOLN AVENUE, NAMPA, Idaho 83651
Source: SUCCOR CREEK tributary to SNAKE RIVER
Priority Date: August 4, 1909
Amount: 3.20 CFS
Diversion Point: SESE Sec 28 T 03S R 04W, OWYHEE County
Use: IRRIGATION (3.20 CFS) from April 1 to October 31
STOCKWATER (0.05 CFS) from April 1 to December 15
Place of Use: SENE Sec 21 T 03S R 04W SWNW NESW NWSW Sec 22 T 03S R 04W FOR 85 ACRES
Diversion Means: DAM AND DITCH
Any objection to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709.

C. STEPHENSON
Director

May 8, 1980

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: 665

Right Number 57-4044 Applicant Richard Gabica

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By DBS Date 5/27/80

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By Hansen Date 5/29/80

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52-4044

GABICA, RICHARD

403 W. LINCOLN AVENUE, NAMPA, ID 83651

Source: SUCCOR CREEK tributary to SNAKE RIVER

Priority Date: 04/15/1952

Amount: 10.00 CFS

Diversion Point: SESE Sec 28 T 03S R 04W NESW Sec 22 T 03S R 04W,
OWYHEE Co.

Use: IRRIGATION (10.00 CFS) from 04/01 to 10/31

Place of Use: SENE Sec 21 T 03S R 04W SWNW NESW NSW Sec 22 T 03S R 04W
FOR 100 ACRES

Diversion Means: DAM AND DITCH

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

MAY 28, 1980

RICHARD GABICA
403 W. LINCOLN AVENUE
Nampa

ID 83651

RE: Claim No. 57-4044

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

MICROFILMED