

State of Idaho
Dept. of Water Resources
Dear Sir

RECEIVED

JAN 10 2000

Department of Water Resources

This is in response to your
letter to me concerning my correct
mailing adress. My correct adress
is Arthur or Betty Lusher

P.O. Box 349

Challis, Id. 83226

I am usually away for a few
months in the winter time and at
that time the post office does forward
my mail to my winter location.

I ask you to keep my adress
as P.O. Box 349
Challis, Id. 83226

72-08024A

+ 72-04231A

Thank You
Arthur Lusher



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Betty Rustin Lusher
Arthur Lusher
1867 Robin Ln., Apt. 3
Concord, CA 94520-3802

RECEIVED

JAN 10 2000

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Water Rights # 72-00024A & 72-04231A

Dear Water Right Holders:

*see attachment - their
changes made @ request.
1-12-*

We have been advised the address for you presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and **list any other water rights you may have** before returning this letter by January 14, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

Admission Bureau
P.O. Box 83127
San Jose, CA 95133-1270



REQUESTED

AM 2990
FEB 02 1999
1078757 U.S. POSTAGE
\$0.55

LUSH349 832263007 1A98 02 02/02/99
LUSHER
1867 ROBIN LN APT 3
CONCORD CA 94520-3802

R72-00024A
BETTY RUSTIN LUSHER
ARTHUR LUSHER
PO BOX 349
CHALLIS
ID 83226-0000

+72-04231A

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A72-00024A**
Date Received: 10/26/1989
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: BETTY RUSTIN LUSHER 208-879-2750
Address: P.O. BOX 349
CHALLIS ID 83226-0000
OR
Name: ARTHUR LUSHER 208-879-2750
Address: P.O. BOX 349
CHALLIS ID 83226-0000

2. Date of Priority: MAY 1, 1879

3. Source: CHALLIS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	7	SW	NW		2	CUSTER

5. Description of diverting works:
HIGH LINE CANAL, GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.080		

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	7	SW	NW	2	IRR	3.5

10. Place of Use: Continued

Section Acres 3.5
Total Acres 3.5

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A72-00032A, A72-04231, A72-00024B

14. Remarks:
OWNERSHIP CHANGE WITH SPLIT 12/16/93 BY JG.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

changed back to Decree 11/13/97

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: Sept. 1, 1993

RECEIVED

SEP 07 1993

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet. See attached.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A72-04231, A72-00024, A72-0032A, A72-10030, A72-10031
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): BETTY LUSHER AND/OR ARTHUR J. LUSHER
PO BOX 349
CHALLIS ID 83226
- ☐ New Owner/Claimant (Purchaser): DAVID L. PETERSON AND/OR EVELYN J. PETERSON
- ☐ New Mailing Address: PO BOX 650
CHALLIS ID 83226
- ☐ New Telephone Number: (208) 879 - 5240
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Former Claimant will retain 0.14 cfs A72-04231 and 0.08 cfs A72-00024.
Balance transfers to new Claimant in full.

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed.
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): David L. Peterson Date 8/27/93
Evelyn J. Peterson Date 8/27/93 ATF
- ☐ Signature of Former Owner/Claimant(s): Arthur J. Lusher Date 8-27-93
Betty Lusher Date _____
(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12/10/93 By: SA

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Form Numbers of Split: _____

Original to be mailed to Idaho Department of Water Resources

SD-0601-2		Last Name: LUSHER				STATE	
S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Des
L		N					
-	LUSHER	-	-	-	-	-	-
-	ARTHUR	C	A72-00032A	07/22/1910	CHALLIS CRE	0.060	01 IRR
-	BETTY RUSTIN	C	A72-04231	10/10/1911	CHALLIS CRE	2.000	01 IRR
-	ARTHUR	C	A72-04231	10/10/1911	CHALLIS CRE	2.000	01 IRR
-	BETTY RUSTIN	C	A72-10030	12/31/1969	GROUNDWATER	0.040	04 STOCK
-	BETTY RUSTIN	C	A72-00024	05/01/1879	CHALLIS CRE	0.900	01 IRR
-	ARTHUR	C	A72-00024	05/01/1879	CHALLIS CRE	0.900	01 IRR
-	BETTY RUSTIN	C	A72-00032A	07/22/1910	CHALLIS CRE	0.060	01 IRR
-	ARTHUR	C	A72-10030	12/31/1969	GROUNDWATER	0.040	04 STOCK
-	BETTY RUSTIN	C	A72-10031	12/31/1985	GROUNDWATER	0.040	43 DOMES
-	ARTHUR	C	A72-10031	12/31/1985	GROUNDWATER	0.040	43 DOMES
-	BETTY RUSTIN	C	R72-00024	05/01/1879	CHALLIS CRE	0.900	01 IRR
-	ARTHUR	C	R72-00024	05/01/1879	CHALLIS CRE	0.900	01 IRR
-	ARTHUR	C	R72-00032A	07/22/1910	CHALLIS CRE	0.060	01 IRR
-	BETTY RUSTIN	C	R72-00032A	07/22/1910	CHALLIS CRE	0.060	01 IRR
-	BETTY RUSTIN	C	R72-04231	04/15/1914	CHALLIS CRE	1.160	01 IRR

(Enter=Continue) (GOLD7=This Query) (Menu _____)

SD-0601-2		Last Name: LUSHER				STATE	
S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Des
L		N					
-	LUSHER	-	-	-	-	-	-
-	ARTHUR	C	R72-04231	04/15/1914	CHALLIS CRE	1.160	01 IRR
-	BETTY RUSTIN	C	R72-10030	12/31/1969	GROUNDWATER	0.040	04 STOCK
-	ARTHUR	C	R72-10030	12/31/1969	GROUNDWATER	0.040	04 STOCK
-	BETTY RUSTIN	C	R72-10031	12/31/1985	GROUNDWATER	0.040	43 DOMES
-	ARTHUR	C	R72-10031	12/31/1985	GROUNDWATER	0.040	43 DOMES

SD-0604-2 Township: 14N		Range: 19E		Section: 7		Tract: SWNE		Lot:	
S	L	Water	Name	O	S	Max # Records	48		
E	O			W	T	Priority	Use		
L	Tract	Right No.	Last, First	N	AC	Date	Code	Desc	
---	---	---	---	---	---	---	---	---	---
---	SWNE	A72-00024	LUSHER, BETTY RUSTIN	C	17	D	05/01/1879	01	IRR
---	SWNE	A72-00032A	LUSHER, ARTHUR	C	17	D	07/22/1910	01	IRR
---	SWNE	A72-04231	LUSHER, BETTY RUSTIN	C	22	S	10/10/1911	01	IRR
---	SWNE	A72-10031	LUSHER, ARTHUR	C		J	12/31/1985	43	DOMES
---	SWNE	R72-00032A	LUSHER, BETTY RUSTIN	C	17	D	07/22/1910	01	IRR
---	SWNE	R72-00024	LUSHER, ARTHUR	C	17	D	05/01/1879	01	IRR
---	SWNE	R72-04231	LUSHER, BETTY RUSTIN	C	25	J	04/15/1914	01	IRR
---	SWNE	R72-10031	LUSHER, ARTHUR	C		J	12/31/1985	43	DOMES
---			LUSHER, BETTY RUSTIN	C					
---			LUSHER, ARTHUR	C					

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0604-2 Township: 14N

Range: 19E

Section: 7

Tract:

Lot:

S	L		STATE		O	S	Max #	Records	48
E	O	Water	Name		W	T	Priority	Use	
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code Desc
SWNW	2	A72-04231	LUSHER, BETTY RUSTIN	C	5	S	10/10/1911	01	IRR
SWNW	2	R72-00032A	LUSHER, ARTHUR	C	7	D	07/22/1910	01	IRR
SWNW	2	R72-00024	LUSHER, BETTY RUSTIN	C	7	D	05/01/1879	01	IRR
SWNW	2	R72-04231	LUSHER, BETTY RUSTIN	C	11	J	04/15/1914	01	IRR
SENW		A72-00024	LUSHER, ARTHUR	C	11	D	05/01/1879	01	IRR
SENW		A72-00032A	LUSHER, BETTY RUSTIN	C	11	D	07/22/1910	01	IRR
SENW		A72-04231	LUSHER, ARTHUR	C	22	S	10/10/1911	01	IRR
SENW		R72-00024	LUSHER, BETTY RUSTIN	C	11	D	05/01/1879	01	IRR
			LUSHER, ARTHUR	C					

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0604-2 Township: 14N			Range: 19E	Section: 7	Tract:		Lot:	
S	L	Water	Name	O	S	Max # Records	48	
E	O			W	T	Priority	Use	
L Tract	T	Right No.	Last, First	N	AC	G	Date	Code Desc
SENE		A72-10030	LUSHER, BETTY RUSTIN	C		J	12/31/1969	04 STOCK
			LUSHER, ARTHUR	C				
SENE		A72-10276	FARM CREDIT SERVICES	C	35	J	05/01/1910	01 IRR
SENE		R72-10276	FARM CREDIT SERVICES	C	35	J	05/01/1910	01 IRR
SENE		A72-10272	FARM CREDIT SERVICES	C	35	D	05/01/1879	01 IRR
SENE		R72-10272	FARM CREDIT SERVICES	C	35	D	05/01/1879	01 IRR
SENE		R72-10030	LUSHER, BETTY RUSTIN	C		J	12/31/1969	04 STOCK
			LUSHER, ARTHUR	C				
SWNW		A72-10388	PIOTROWSKI, DENIS A.	C		J	04/01/1974	43 DOMES
			PIOTROWSKI, ROSEMARY A	C				
SWNW		R72-10388	PIOTROWSKI, DENIS A	C		J	04/01/1974	43 DOMES
			PIOTROWSKI, ROSEMARY A	C				
SWNW	2	A72-00024	LUSHER, BETTY RUSTIN	C	7	D	05/01/1879	01 IRR
			LUSHER, ARTHUR	C				
SWNW	2	A72-00032A	LUSHER, ARTHUR	C	7	D	07/22/1910	01 IRR
			LUSHER, BETTY RUSTIN	C				

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

PHONE CONVERSATION

DATE: 11/30/93 ^{AC}

FILES: A72-04231 & A72-00024

11:45 a.m. I called Mr. Peterson, New Applicant, on Change of Ownership sent to us 9/7/93. Description of the Claims - listed above - "Former Claimant will retain 0.14 cfs A72-04231 and 0.08 cfs A72-00024. Balance transfers to new Claimant in full." Total cfs for A72_04231 is 2.0; split indicates that Mr. Lusher will keep .14 cfs and transfer rest to new Claimant (owner) Mr. Peterson. Mr. Peterson says that Mr. Lusher will retain 2 acres and the rest will be transferred. When I asked about A72-00024 - Mr. Peterson said to contact Mr. Lusher's attorney - Mr. James Bennett 879-4488. I called and left message on answering service to call me and told him the files it concerned.

2:45 p.m. 11/30/93 - Mr. Bennett called to confirm that he had talked to Mr. Peterson earlier today. Mr. Bennett will send to me the information needed for the split Claims.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

07-Oct-1993 11:54

DAVID L PETERSON
EVELYN J PETERSON
PO BOX 650
CHALLIS ID 83226

RE: ADJUDICATION CLAIMS: A72-04231, A72-00024, A72-0032A, A72-10030
A72-10031 - BETTY &/OR ARTHUR J. LUSHER

Dear Mr. & Mrs. Peterson:

Thank you for submitting to this Department the above-referenced Adjudication Claims for Change of Ownership. However, A72-04231 and A72-00024 is marked that they will be split with you and the Lushers. I will need to know the amount of acres on each one and the legal description of the split. The other rights involved are fine and I will change them when I do the splits. Enclosed please find a map of the area of your land. Please mark and return to me at this office.

Should you have questions, please don't hesitate to contact me at this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Judy Givens', is written over a horizontal line.

Judy Givens
Adjudication Secretary

Enclosure: Notice of Change of Water Right Ownership
Copy of map

c.c Custer County Title Inc - Box 370 - Challis, ID 83226

(208) 879-4488

JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. Box 36
CHALLIS, IDAHO 83226

RECEIVED

DEC 9 1993

Department of Water Resources
Southern Region Office

November 30, 1993

Judy Givens
Secretary, Adjudication
Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Re: Lusher - Peterson

Dear Judy:

I am enclosing a copy of the description of the retained parcel.
This describes what Lusher kept.

I have asked Dave to return the Deed and documents you sent to
him earlier.

Very truly yours,

James R. Bennetts

JRB:jab
Enclosure

Lusher

Richard A. Johnson

Registered Land Surveyor

Boise, Idaho 83703

5001 Eugene Street

Phone 344-9826

RECEIVED

Legal Description: **Lusher Parcel One**

DEC 03 1993

Department of Water Resources

A parcel of land situate in the Northwest one-quarter of Section 7, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho. More particularly described as follows:

Commencing at a Brass Cap marking the West 1/16 th corner of Section 7,
thence N89°08'00"E a distance of 466.50 feet to a 5/8 inch iron pin;
thence continuing N89°08'00"E a distance of 50.94 feet to an aluminum cap marking the Southwest corner of Government Lot 8 and the Northwest corner of the Piotrowski parcel;
thence continuing N89°08'00"E a distance of 262.62 feet to an aluminum cap marking the Southwest corner of Government Lot 7 and the Northeast corner of the Piotrowski parcel, the Real Point of Beginning:

thence continuing along the 1/16th line N89°08'00"E a distance of 397.52 feet to a point 25.00 feet Southerly of the centerline of the existing county road;
thence S81°58'59"E a distance of 141.86 feet to a 5/8 inch iron pin which bears S27°55'58"W a distance of 25.00 feet from an aluminum cap marking the East corner of said Government Lot 7;
thence S27°55'58"W a distance of 464.94 feet to a 1/2 inch iron pin in an existing fence line and being N27°55'58"E a distance of 35.00 feet from the center of Challis Creek and the true corner position;
thence along the meanders of said Challis Creek N65°57'06"W a distance of 36.52 feet to a point;
thence N24°42'14"W a distance of 163.78 feet to a point;
thence N36°39'22"W a distance of 90.20 feet to a point;
thence N83°16'23"W a distance of 148.73 feet to a point in the center-south portion of Said Challis Creek and the Southeast corner of the Piotrowski parcel, said point being referenced by a 1/2 inch iron which bears N00°07'05"W a distance of 54.00 feet;
thence N00°07'05"W a distance of 202.02 feet to the Real Point of Beginning.

The above described parcel containing 3.23 acres more or less by actual survey.

See Record of Survey No. _____ Lusher-- Wineglass Ranch

Betty Lusher

SUBSCRIBED AND SWORN to before me this 12th day of June, 1992.

SUBDIVISIONS -- BOUNDARIES -- PLANNING

James L. Brausen
Betty Lusher
Challis 6.8.92



Kustin Pump - West of Finntead
Locals

7/13/22

54" Lift 4" Pipe 12' to Pump (Sucking Air)
Corbett 6' Centrifugal Pump
10 HP (Hot) Motor 2 Φ
McComater Meter 4" 130 gpm

Line running West

Inlet 13 psi 3/16 Nozzle

End 7 1/2 psi

1 nozzle 15 1/2 Nozzle 13 + 1/2" spacing
7

Line running East

Inlet 13 psi

Plus surface in.

19 Nozzles 3/16"

End 14 psi 7/32"

Central Pasture (East of house)

Grass Pasture - 1/2" 7/32"

Short Water Line (End near the Ditch) + Small Hand Line 100 ft - 1/2"

End 15 psi 8 heads to water

7 Nozzles

Fee 14 psi 5 heads to End 7/32"

+ Flood Irr. diverted

13 psi 3 heads to West side

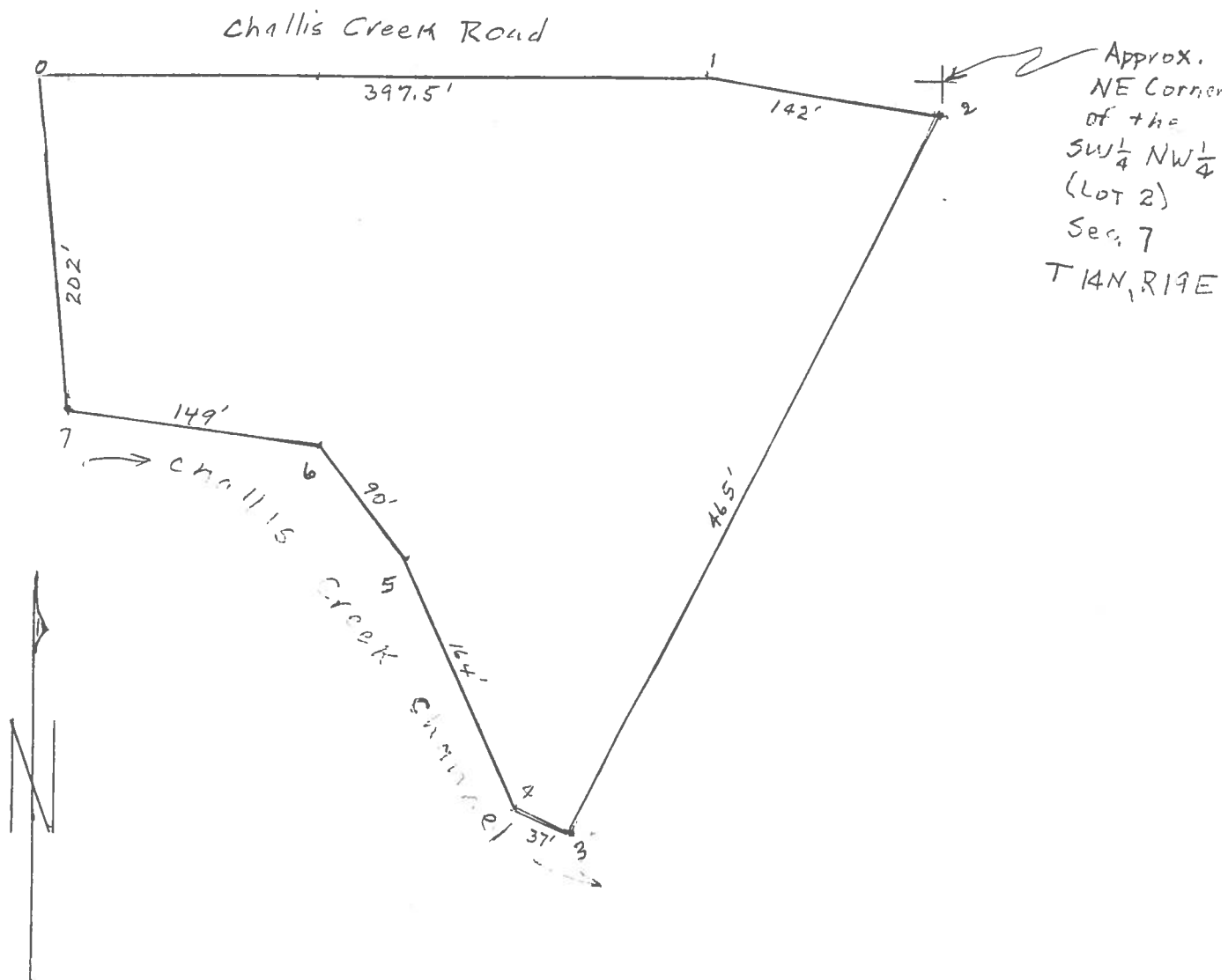
Fee 20 ft line to be

Core E-3

12' 1/2" 1/2" 1/2"

Small Pasture north to Road (East of house)

Flood irrigated from Flood to the road - 1/2" line to end

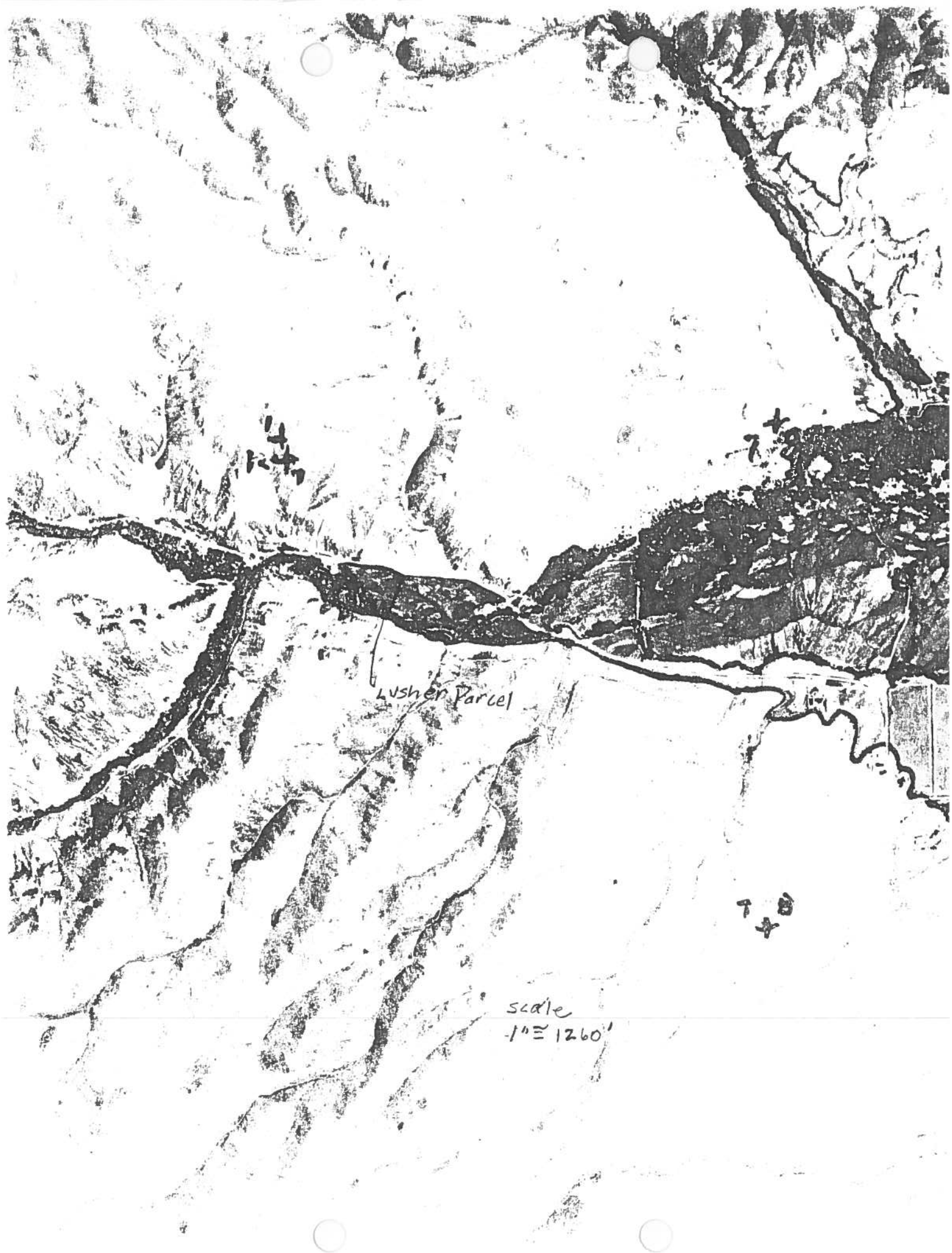


Scale 1" = 100'

Area 3.2 ac. more or less

Plot of Meets + Bounds
Description of Lusher Parcel 1
as surveyed by R.A. Johnson,
Registered Land Surveyor,
Boise Idaho 6/12/1992

Plotted by R.V. Worst. 11
12/14/1992



Lushen Parcel

scale
1" = 1260'

T 124

T 128

T 128

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A72-00024A**
Date Received: 10/26/1989
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: BETTY RUSTIN LUSHER 208-879-2750
Address: PO BOX 349
CHALLIS ID 83226-0000
OR
Name: ARTHUR LUSHER 208-879-2750
Address: PO BOX 349
CHALLIS ID 83226-0000

2. Date of Priority: MAY 1, 1879

3. Source: CHALLIS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	7	SW	NW		2	CUSTER

5. Description of diverting works:
HIGH LINE CANAL, GRAVITY

6. Water is used for the following purposes:

Purpose	From		r)	A.F.A.
IRRIGATION	04/01			

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	7	SW	NW	2	IRR	3.5

10. Place of Use: Continued

Section Acres 3.5

Total Acres 3.5

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A72-00032A, A72-04231, A72-00024B

14. Remarks:
OWNERSHIP CHANGE WITH SPLIT 12/16/93 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/ 9/1911

STEPHENS, ET. AL.
Decree Plaintiff

SHAW, ET. AL.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

Y902

A72-00024

Lusher

35 Ac.

.9 cfs

(A)

Lusher

3.5 Ac.

.08 cfs

(B)

Peterson → Wunsch

31.5 Ac.

.82 cfs

(C)

Wunsch

17 Ac.

.53 cfs

(D)

Thornton

14.5 Ac.

.29 cfs

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A72-00024
Date Received: 10/26/1989
Receipt No: S010298
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BETTY RUSTIN LUSHER 208-879-2750
Address: P.O. BOX 349
CHALLIS, ID 83226-0000

OR

Name: ARTHUR LUSHER 208-879-2750
Address: P.O. BOX 349
CHALLIS, ID 83226-0000

2. Date of Priority: MAY 01, 1879

3. Source: CHALLIS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	19E	7	SW	NW		2	CUSTER

5. Description of diverting works:
HIGH LINE CANAL, GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.900		

7. Total Quantity Appropriated is:
0.900 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 87.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	7	SW	NE		IRR	17.0
			SW	NW	2	IRR	7.0
			SE	NW		IRR	11.0
Section Acres							35.0
Total Acres							35.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A72-00032A, A72-04231

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/09/1911

STEPHENS, ET. AL.

Decree Plaintiff

vs

SHAW, ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Betty Lusher Date: 10-26-89
_____ Date: _____

State of Idaho)
County of Twin Falls) SS. .

Subscribed and sworn (or affirmed) before me this 26th day
of October 19 89 Steve Orell
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Nov. 7, 1989

Re: A72-00024
A72-00032A
A72-04231
A72-10030
A72-10031

BETTY RUSTIN LUSHER
P O BOX 349
CHALLIS ID 83226-0000

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 17 1993

Robertson, Jean

From: Robertson, Jean
Sent: Wednesday, January 19, 2000 4:20 PM
To: Denniston, Sara
Subject: 72-00024A & 72-04231A (LUSHER)

Sara,

Just wanted to let you know that I spoke with Mrs. Lusher today. She's the one who was reluctant to sign the SF5, removing .5 acre of BLM land from her 3.2 ac parcel. (I sent a copy of the maps and letter I sent to her last week for your files.) Anyway, she said she signed the papers and mailed them off, but still felt that "her parcel" should be 3.2 acres, not including the BLM land. Said she pays taxes on 3.2 acres and that is what she owns. I told her I used the deed from the survey to draw it in, but she said she was going to send me some copy of a map or something for my file and may call me again later...

She did sign the SF5 though, so it's on its way somewhere...

Maybe that .5 acre is just part of our margin of error or something...

By the way, good luck and we'll miss you!
Jeanie

7/10/00

Mrs. Lusher,

(208) 879-2750

Said she'd be in Challis for awhile and wondered if I might be able to go over some maps she has which shows her parcel is 3.2 acres, not including the .5 ac. piece on BLM ground. Said she regrets having signed the SF5. & suggested she get hold of Alan Bittner with the BLM office in Salmon and see what he thinks...

1/13/00

Sara,

These two rights are the ones Carter worked on and we sent SF5's out before the hearings in Chellis. Mrs. Lusher called me the other day and insisted her parcel was 3.2 acres and said they never watered BLM ground, which she assumed was on the other side of the road. She did not like to be put that her parcel was cut down and was reluctant to sign the SF5. This is a copy of what I sent her. Thought you might want to know and have it for your "legal files!"

Jennie

72-00024A & 72-04231A

RECEIVED

Legal Description: **Lusher Parcel One**

DEC 08 1993

Department of Water Resources

A parcel of land situate in the Northwest one-quarter of Section 7, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho. More particularly described as follows:

Commencing at a Brass Cap marking the West 1/16 th corner of Section 7,
thence N89°08'00"E a distance of 466.50 feet to a 5/8 inch iron pin;
thence continuing N89°08'00"E a distance of 50.94 feet to an aluminum cap marking the Southwest corner of Government Lot 8 and the Northwest corner of the Piotrowski parcel;
thence continuing N89°08'00"E a distance of 262.62 feet to an aluminum cap marking the Southwest corner of Government Lot 7 and the Northeast corner of the Piotrowski parcel, the Real Point of Beginning;

thence continuing along the 1/16th line N89°08'00"E a distance of 397.52 feet to a point 25.00 feet Southerly of the centerline of the existing county road;
thence S81°58'59"E a distance of 141.86 feet to a 5/8 inch iron pin which bears S27°55'58"W a distance of 25.00 feet from an aluminum cap marking the East corner of said Government Lot 7;
thence S27°55'58"W a distance of 464.94 feet to a 1/2 inch iron pin in an existing fence line and being N27°55'58"E a distance of 35.00 feet from the center of Challis Creek and the true corner position;
thence along the meanders of said Challis Creek N65°57'06"W a distance of 36.52 feet to a point;
thence N24°42'14"W a distance of 163.78 feet to a point;
thence N36°39'22"W a distance of 90.20 feet to a point;
thence N83°16'23"W a distance of 148.73 feet to a point in the center-south portion of Said Challis Creek and the Southeast corner of the Piotrowski parcel, said point being referenced by a 1/2 inch iron which bears N00°07'05"W a distance of 54.00 feet;
thence N00°07'05"W a distance of 202.02 feet to the Real Point of Beginning.

The above described parcel containing 3.23 acres more or less by actual survey.

See Record of Survey No. _____ Lusher-- Wineglass Ranch

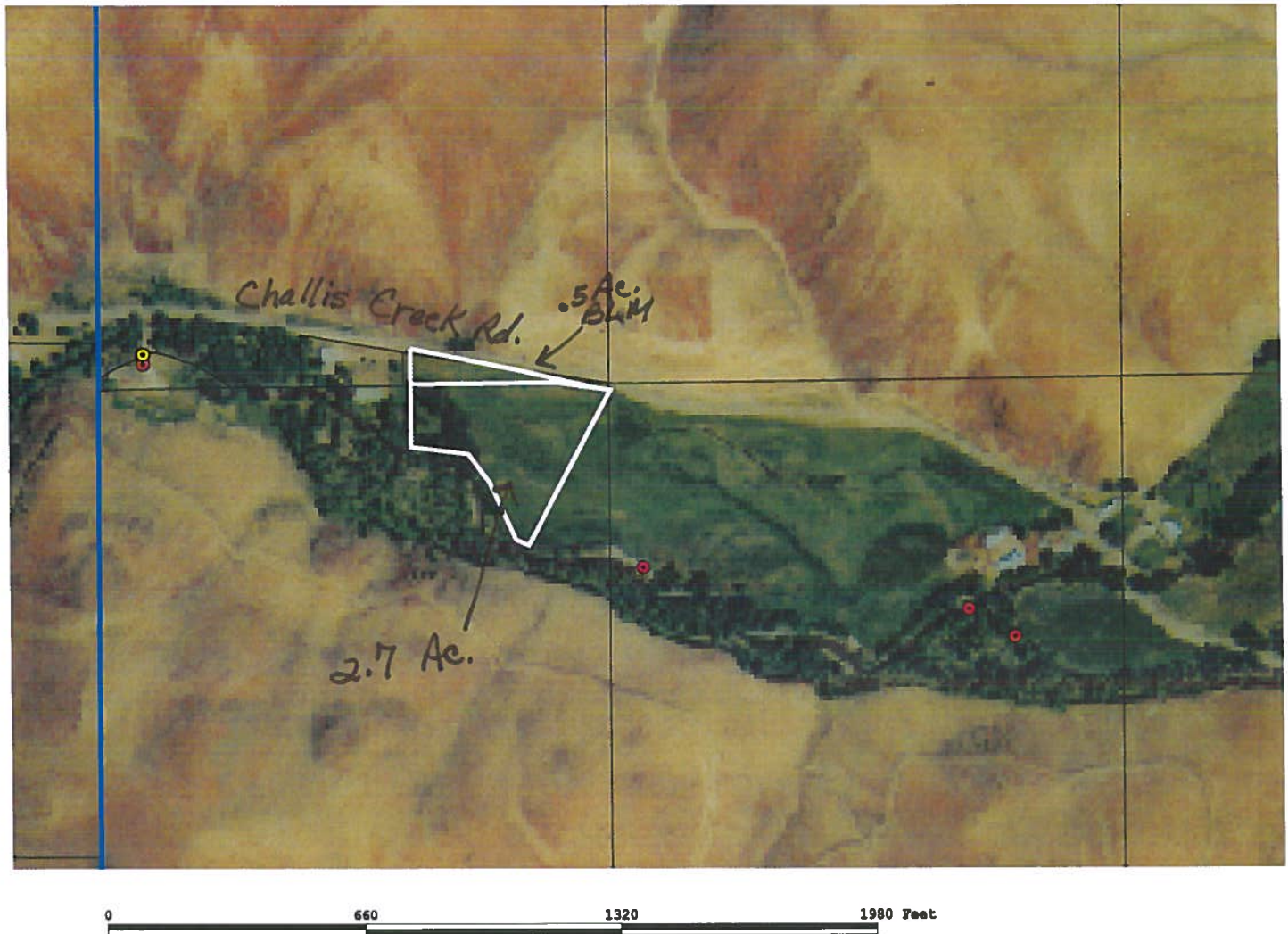
Butt Lusher

SUBSCRIBED AND SWORN to before me this 12th day of June, 1992.

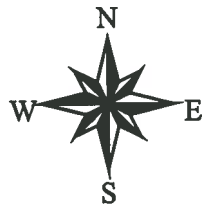
Wm. L. Johnson
Notary Public Idaho
1993

IDAHO DEPARTMENT OF WATER RESOURCES

72-00024A & 72-04231A



RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 12, 2000
TWP 14N, R19E, SEC. 7



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

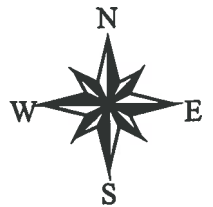
IDAHO DEPARTMENT OF WATER RESOURCES

72-00024A & 72-04231A



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 12, 2000
TWP 14N, R19E, SEC . 7



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
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GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 12, 2000

Betty and Arthur Lusher
1867 Robin Lane #3
Concord CA 94520

RE:72-00024A and 72-04231A

Dear Mr. and Mrs. Lusher,

I am writing in response to our telephone conversation last week regarding the Standard Form 5 (SF5) you were sent for these two rights. You questioned why the acreage was limited to 2.8 acres after removing the .5 acre on BLM ground. I used a copy of the enclosed deed to calculate your acreage. The deed showed approximately 3.2 acres in the parcel. When I used our computer to convert it on our map (the enclosed WHITE outlined areas), you can see that .5 acre of BLM ground lies on your side of Challis Creek Road. This is the .5 acre in question. If I remove it from my recommendation, as BLM insists, it leaves you with 2.7 acres. (The SF5 we sent actually figures your part as 2.8 acres and gives you a little more water.)

Please give me a call when you receive this letter and enclosures. We can then discuss your concerns while looking at the maps and enclosures together. The YELLOW outlined area on the other map would show your recommendation per the SF5, should you agree to sign.

Sincerely,

Jeanie Robertson
Senior Water Resource Agent

Lusher

Richard A. Johnson

Registered Land Surveyor
Boise, Idaho 83703

5001 Eugene Street

Phone 344-9826

RECEIVED

Legal Description: **Lusher Parcel One**

DEC 03 1993

Department of Water Resources

A parcel of land situate in the Northwest one-quarter of
Section 7, Township 14 North, Range 19 East, Boise Meridian,
Custer County, Idaho. More particularly described as
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Commencing at a Brass Cap marking the West 1/16 th
corner of Section 7,
thence N89°08'00"E a distance of 466.50 feet to a 5/8 inch
iron pin;
thence continuing N89°08'00"E a distance of 50.94 feet to an
aluminum cap marking the Southwest corner of Government Lot 8
and the Northwest corner of the Piotrowski parcel;
thence continuing N89°08'00"E a distance of 262.62 feet to an
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and the Northeast corner of the Piotrowski parcel, the Real
Point of Beginning:

thence continuing along the 1/16th line N89°08'00"E a
distance of 397.52 feet to a point 25.00 feet Southerly of
the centerline of the existing county road;
thence S81°58'59"E a distance of 141.86 feet to a 5/8 inch
iron pin which bears S27°55'58"W a distance of 25.00 feet
from an aluminum cap marking the East corner of said
Government Lot 7;
thence S27°55'58"W a distance of 464.94 feet to a 1/2 inch
iron pin in an existing fence line and being N27°55'58"E a
distance of 35.00 feet from the center of Challis Creek and
the true corner position;
thence along the meanders of said Challis Creek N65°57'06"W a
distance of 36.52 feet to a point;
thence N24°42'14"W a distance of 163.78 feet to a point;
thence N36°39'22"W a distance of 90.20 feet to a point;
thence N83°16'23"W a distance of 148.73 feet to a point in
the center-south portion of Said Challis Creek and the
Southeast corner of the Piotrowski parcel, said point being
referenced by a 1/2 inch iron which bears N00°07'05"W a
distance of 54.00 feet;
thence N00°07'05"W a distance of 202.02 feet to the Real
Point of Beginning.

The above described parcel containing 3.23 acres more or less
by actual survey.

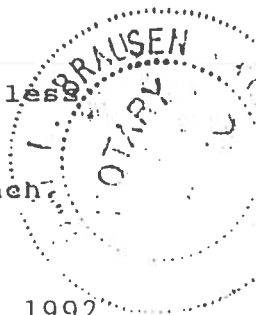
See Record of Survey No. _____ Lusher-- Wineglass Ranch

Betty Lusher

SUBSCRIBED AND SWORN to before me this 12th day of June, 1992.

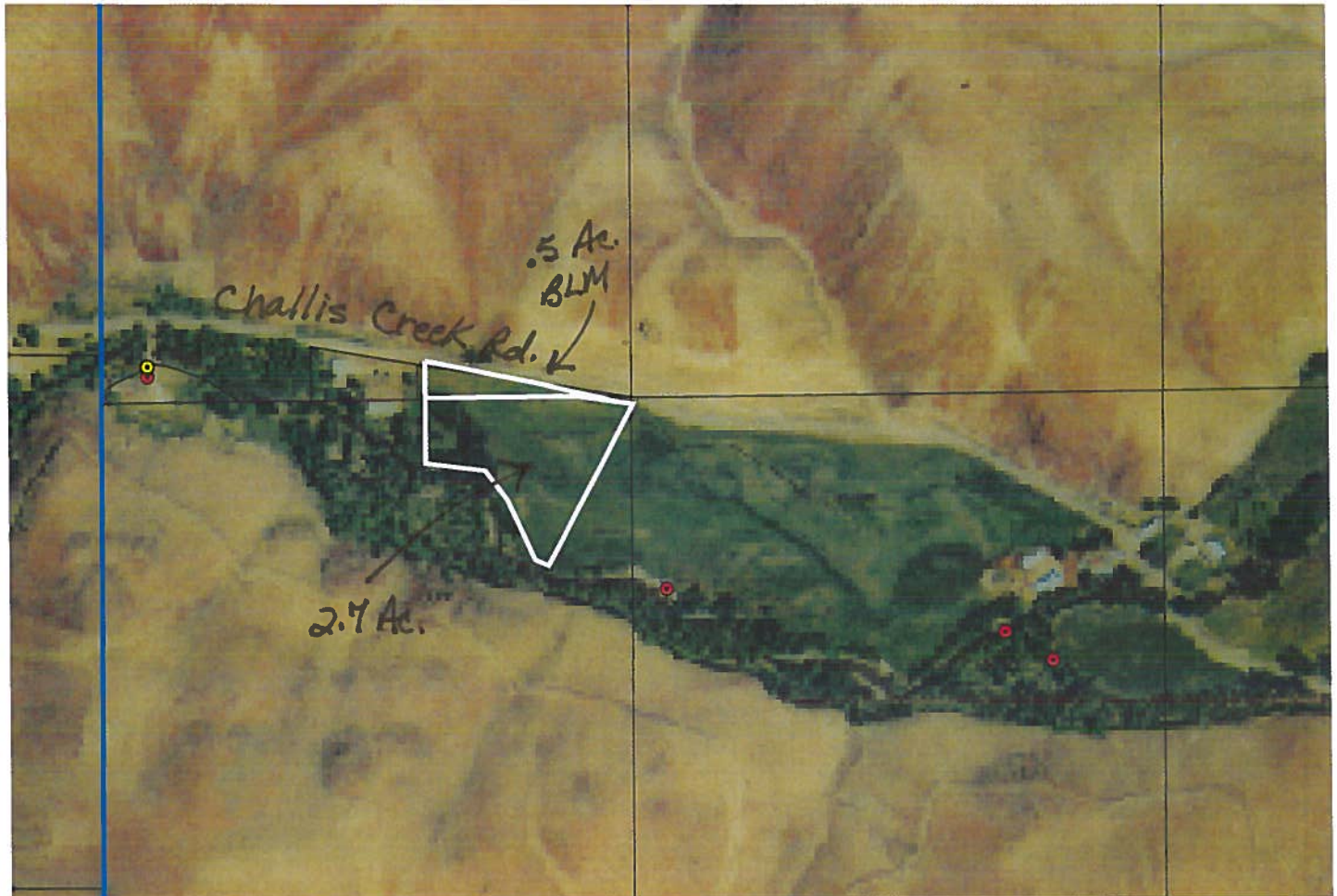
SUBDIVISIONS -- BOUNDARIES -- PLANNING

David L. Brausen
Notary Public Idaho
Challis 6-8-92



IDAHO DEPARTMENT OF WATER RESOURCES

72-00024A & 72-04231A



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 12, 2000
TWP 14N, R19E, SEC. 7



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

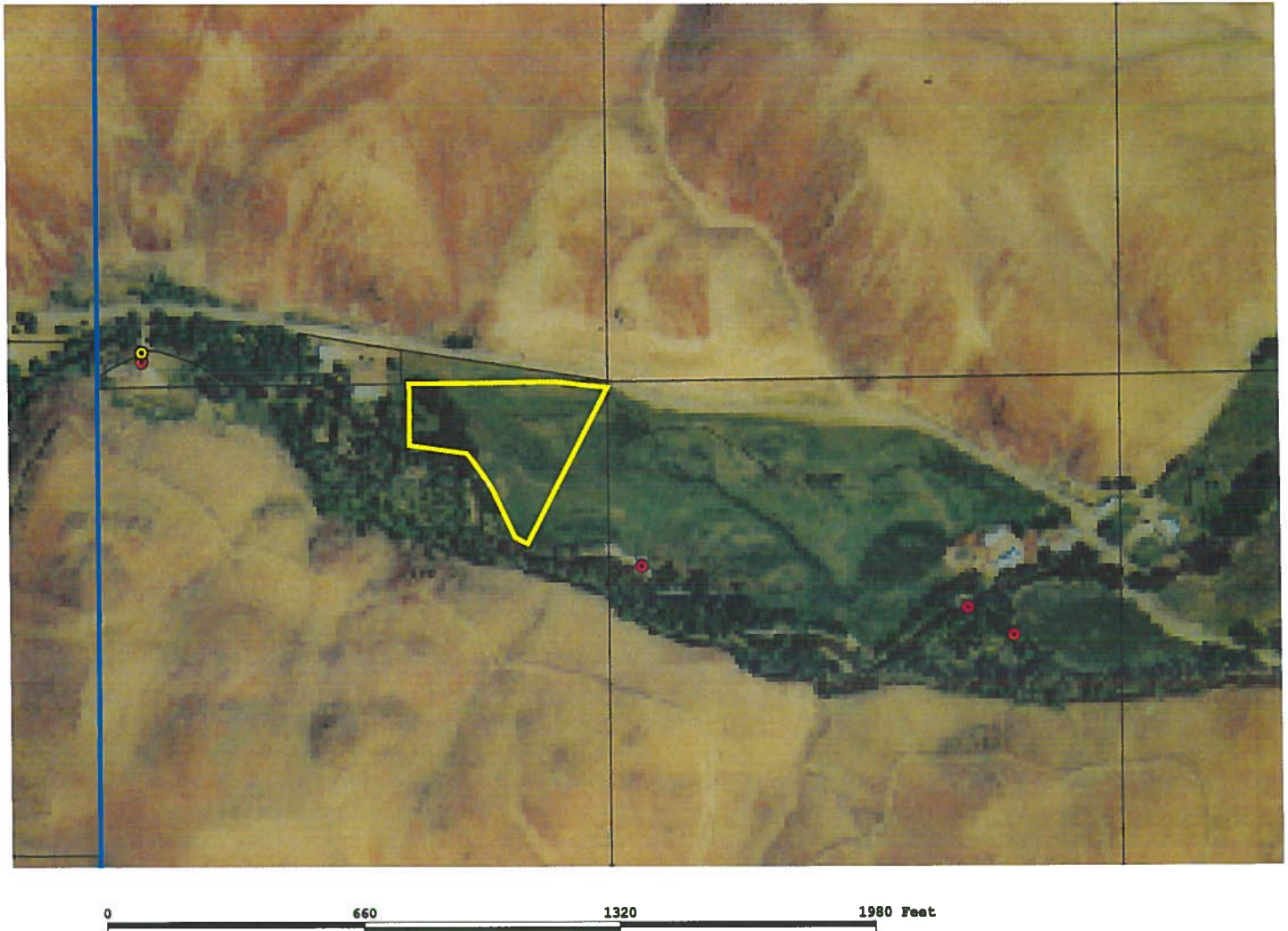
COPY of USGS Quad Map

The map displays a topographic representation of a region in Idaho, centered around Challis Creek. Key features include:

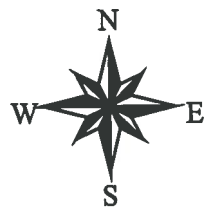
- Topographic Features:** Contour lines indicating elevation, with labels such as 5000, 5200, 5400, 5600, 5800, and 6000. Spot elevations are marked with 'x' and values like 5811, 5820, 5837, 5848, 5857, 5867, 5877, 5887, 5897, 5907, 5917, 5927, 5937, 5947, 5957, 5967, 5977, 5987, 5997, 6007, 6017, 6027, 6037, 6047, 6057, 6067, 6077, 6087, 6097, 6107, 6117, 6127, 6137, 6147, 6157, 6167, 6177, 6187, 6197, 6207, 6217, 6227, 6237, 6247, 6257, 6267, 6277, 6287, 6297, 6307, 6317, 6327, 6337, 6347, 6357, 6367, 6377, 6387, 6397, 6407, 6417, 6427, 6437, 6447, 6457, 6467, 6477, 6487, 6497, 6507, 6517, 6527, 6537, 6547, 6557, 6567, 6577, 6587, 6597, 6607, 6617, 6627, 6637, 6647, 6657, 6667, 6677, 6687, 6697, 6707, 6717, 6727, 6737, 6747, 6757, 6767, 6777, 6787, 6797, 6807, 6817, 6827, 6837, 6847, 6857, 6867, 6877, 6887, 6897, 6907, 6917, 6927, 6937, 6947, 6957, 6967, 6977, 6987, 6997, 7007, 7017, 7027, 7037, 7047, 7057, 7067, 7077, 7087, 7097, 7107, 7117, 7127, 7137, 7147, 7157, 7167, 7177, 7187, 7197, 7207, 7217, 7227, 7237, 7247, 7257, 7267, 7277, 7287, 7297, 7307, 7317, 7327, 7337, 7347, 7357, 7367, 7377, 7387, 7397, 7407, 7417, 7427, 7437, 7447, 7457, 7467, 7477, 7487, 7497, 7507, 7517, 7527, 7537, 7547, 7557, 7567, 7577, 7587, 7597, 7607, 7617, 7627, 7637, 7647, 7657, 7667, 7677, 7687, 7697, 7707, 7717, 7727, 7737, 7747, 7757, 7767, 7777, 7787, 7797, 7807, 7817, 7827, 7837, 7847, 7857, 7867, 7877, 7887, 7897, 7907, 7917, 7927, 7937, 7947, 7957, 7967, 7977, 7987, 7997, 8007, 8017, 8027, 8037, 8047, 8057, 8067, 8077, 8087, 8097, 8107, 8117, 8127, 8137, 8147, 8157, 8167, 8177, 8187, 8197, 8207, 8217, 8227, 8237, 8247, 8257, 8267, 8277, 8287, 8297, 8307, 8317, 8327, 8337, 8347, 8357, 8367, 8377, 8387, 8397, 8407, 8417, 8427, 8437, 8447, 8457, 8467, 8477, 8487, 8497, 8507, 8517, 8527, 8537, 8547, 8557, 8567, 8577, 8587, 8597, 8607, 8617, 8627, 8637, 8647, 8657, 8667, 8677, 8687, 8697, 8707, 8717, 8727, 8737, 8747, 8757, 8767, 8777, 8787, 8797, 8807, 8817, 8827, 8837, 8847, 8857, 8867, 8877, 8887, 8897, 8907, 8917, 8927, 8937, 8947, 8957, 8967, 8977, 8987, 8997, 9007, 9017, 9027, 9037, 9047, 9057, 9067, 9077, 9087, 9097, 9107, 9117, 9127, 9137, 9147, 9157, 9167, 9177, 9187, 9197, 9207, 9217, 9227, 9237, 9247, 9257, 9267, 9277, 9287, 9297, 9307, 9317, 9327, 9337, 9347, 9357, 9367, 9377, 9387, 9397, 9407, 9417, 9427, 9437, 9447, 9457, 9467, 9477, 9487, 9497, 9507, 9517, 9527, 9537, 9547, 9557, 9567, 9577, 9587, 9597, 9607, 9617, 9627, 9637, 9647, 9657, 9667, 9677, 9687, 9697, 9707, 9717, 9727, 9737, 9747, 9757, 9767, 9777, 9787, 9797, 9807, 9817, 9827, 9837, 9847, 9857, 9867, 9877, 9887, 9897, 9907, 9917, 9927, 9937, 9947, 9957, 9967, 9977, 9987, 9997, 10007.
- Water Features:** Challis Creek, and several smaller creeks and ditches.
- Grid:** A grid system with letters (A through Z) and numbers (1 through 18) marking specific locations.
- Handwritten Annotations:** The text "COPY of USGS Quad Map" is written in the top right corner. A pink rectangular area is highlighted on the right side of the map, spanning from approximately grid line 15 to 18 and 14 to 15.

IDAHO DEPARTMENT OF WATER RESOURCES

72-00024A & 72-04231A



RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 12, 2000
TWP 14N, R19E, SEC . 7



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

AJ5809NP
No. R72-00024A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/22/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BETTY RUSTIN LUSHER	05/01/1879	IRRIGATION	04-01 10-31	0.080 CFS	
C	ARTHUR LUSHER					
	PO BOX 349			TOTAL DIVERSION:	0.080 CFS	
	CHALLIS ID 832260000					
	(208) 879-2750					

Water Source: CHALLIS CREEK

Tributary to: SALMON RIVER

Stage: DECREED

Point(s) of Diversion: T14N R19E S07 Lot10(SWNWNW)

CUSTER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
14N	19E	7	:					:			02-02		:					:						2.8
																							TOTAL ACRES	2.8

POU County: CUSTER

Other Rights: 72-04231A

Conditions of Approval:

- C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN BASIN 72:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
 - CONJUNCTIVELY.

Remarks: POU1 USE OF THIS RIGHT WITH RIGHT NO. 72-04231A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.8 ACRES IN A SINGLE
IRRIGATION SEASON.

GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 72C Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. R72-00024A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/22/99
PAGE: 2

=====

Comments: Date: 11/11/1998 User-ID: JROBERTS Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE WITH SPLIT 12/16/93 BY JG.

Date: 11/21/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 01/12/1999 User-ID: JROBERTS Subject: INCREASED ACREAGE
PER NOE ON 72-04231A, INCREASED ACRES TO 3.3.

Date: 11/09/1999 User-ID: CFRITSCH Subject: DECREASED ACREAGE
TO RESOLVE BLM OBJECTION 0.5 ACRES IN LOT 7 (NWNW) WAS DELETED.

Audit: 11/09/99 CFRITSCH

Robertson, Jean

From: Robertson, Jean
Sent: Monday, November 08, 1999 12:12 PM
To: Fritschle, Carter
Subject: RE: 72-00024A and 72-04231A

Hi Carter,

Hope this REPLY isn't too late...I took last Friday off and just got around to this email today. I pulled the file and it looks like I did a Hubble thing for this property and we could recommend a total of .07 cfs/ac. $2.7 \times .07 = .189\text{cfs}$. Giving the claimed .08 to 72-00024A would leave .109 (or .11?) for 72-04231A. Anyway, that's what I'd do, which is real close to what you proposed...Jeanie

-----Original Message-----

From: Fritschle, Carter
Sent: Friday, November 05, 1999 2:18 PM
To: Robertson, Jean
Subject: 72-00024A and 72-04231A

Hi Jeannie,

BLM wants us to remove the 0.5 acres in Lot 7 (NWNW) to resolve their objection. I assume this reduction in acreage would reduce the total diversion rate for these rights. However, since I am totally unfamiliar with this area, I wanted to check with you before I simply reduce 72-04231A by a prorated amount. My calculations show that for a total of 2.7 acres instead of 3.3 acres we would recommend a total of 0.18 cfs instead of 0.22 cfs, and 72-04231A would be reduced from 0.18 cfs to 0.10 cfs. Please let me know if this is appropriate, or if we need to factor in something else.

Thanks, Carter

P.S. They wanted this yesterday, of course.

*still needs
changes in
data-base ?*

11-9-99 J

IM NUMBER 72-00024A DATE 10/23/98 TRANSFER NUMBER _____
72-04231A AGENT JR CLAIMED ACRE TOTAL 3.5
 GIS ACRE TOTAL 2.9

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
AIM	14N	19E	7							3.5									3.5
S	14N	19E	7							~~.5~~	~~2.4~~								~~2.9~~
COM	14N	19E	7							~~.5~~	~~2.4~~								~~2.9~~
																			3.2
AIM																			2.7
IS																			
COM																			
AIM																			
IS																			
COM																			

2-DBPOU.SHP _____

APE NOS. _____

33 _____

2-DBPOD.SHP _____

OS. DESCRIPTION _____

01 14N, 19E, 7 SWNW (10) _____

IF TABLES UPDATED _____

2-DBPOU.DBF ☒ _____

2-DBPOD.DBF ☒ _____

EG LAYOUT ☒ _____

amended POU recommendation
 per NDE 1-12-99 JR

Master updated
 1-19-99 JR

removed .5 Ac. in NWNW Sec. 7
 per BLM objection
 (resulted in diversion
 rate reduction in
 72-04231.

Master updated
 11-9-99 JR

CLAIM NUMBERS

72-024A 72-04231ADATE: 11/11, 1998REVIEWED BY [Signature]

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62
BB1	.09	.09			6.09	6.17
BBD						
BC1	.16	.17			5.82	5.46
BK1	.07	.06			10.62	11.86
BT1	.18	.16			3.99	4.19
BT2	.41	.32			2.34	2.87
CB1	.06	.06			11.55	13.47
CHA	.21	.21			4.52	4.76
CP1	.36	.36			2.61	2.78
DB1	.13	.11			5.66	6.65
DBB	.13	.11			5.71	6.69
DBC	.13	.11			5.71	6.69
DMF	.18	.21			5.12	4.72
DT2	.05	.04			12.46	16.50
DWA	.14	.14			4.79	5.01
GO1	.10	.12			12.47	10.51
HAYSE						
KEG	.08	.07			8.73	10.06
MUG	.15	.14			4.54	4.98
NDL	.13	.12			5.30	6.06

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
PD2	.11	.12			5.15	4.74
RE2	.29	.21			3.15	4.74
RP1	.19	.21			4.89	4.57
SH1	.06	.05			9.37	12.10
SOC	.08	.07			7.38	8.08
SSA	.15	.14			4.79	5.01
SXF	.12	.11			6.14	6.80
TC1	.06	.06			9.82	9.55
TD1	.04	.03			12.46	16.50
WB2	.13	.13			5.37	5.43
WAA	.19	.16			3.81	4.23
WBB	.17	.14			3.36	3.84
WC1	.07	.06			11.24	13.45
WPT	.19	.15			3.16	3.69
WV1	.07	.06			11.24	13.45
XHS						
YN1	.18	.14			5.38	6.92

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
WV1	11.24	7	2.933	.07	205 CFS
			*	*	= CFS
			*	*	= CFS
			*	*	= CFS
			*	*	= CFS

TOTAL ACRES 2.933 2.7 Ac.

DECREED RATE =

CLAIMED DIVERSION RATE =

MEASURED DIVERSION RATE =

72-00024A = .08
72-04231A = .14
11-11

* after removing .5 Ac. in NWNW per BLM objection = 2.7 Ac.

* resulted in diversion rate reduction for 72-04231A

72-00024A .08 cfs
72-04231A .12 cfs
11-9-99

rec. claimed

JR

RECEIVED
JUN 29 1999
Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 72-00024A

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494
United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Arthur & Betty Lusher

Address: PO Box 349 Challis, ID 83226

Name:

Address:

Name:

Address:

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

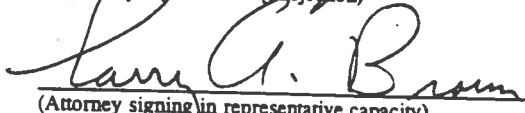
) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 1, 1999



John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 2nd, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Arthur & Betty Lusher
Address: PO Box 349 Challis, ID 83226

Name:
Address:

Name:
Address:

Name:
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JAN-26-1999
PAGE: A-122

RIGHTS FROM: SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00024A

NAME & ADDRESS: BETTY RUSTIN LUSHER
ARTHUR LUSHER
PO BOX 349
CHALLIS ID 832260000
POL ON BLM; UNAUTHORIZED USE

SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.08 CFS
PRIORITY DATE: 05/01/1979
POINT OF DIVERSION: T14N R19E S07 LOT 10 (SWNNW) BLM Within CUSTER County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 10-31 0.08 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S07 Lot 7 (NNW) 0.5 Lot 2 (SWNW) 2.8 PUT
3.3 ACRES TOTAL BLM
USE OF THIS RIGHT WITH RIGHT NO. 72-04231A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.3 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO. SOURCE
NONE NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO. SOURCE
NONE NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JAN-26-1999
PAGE: A-123

RIGHTS FROM: SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00024A (CONT)

EXPLANATORY MATERIAL: (CONT)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

January 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BETTY RUSTIN LUSHER
ARTHUR LUSHER
PO BOX 349
CHALLIS ID 83226

RE: 72-04231A

, 72-00024A

Dear Mr. and Mrs. Lusher,

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim listed above. Your NOE questioned the size of the Place of Use and the Diversion Rate.

I have re-drawn the area on the GIS map as we discussed. This allowed me to change my recommendation to 3.3 acres instead of the 2.9 acres I originally recommended. With these additional acres, I was also able to increase your diversion rate to the .14 cfs which you originally claimed.

I have enclosed a new GIS print-out for your records. You should be receiving the actual Director's Report around the first part of February, which will reflect these corrections.

If you have any questions, please feel free to give me a call at the office.

Sincerely,

Jeanie Robertson
Senior Water Resource Agent

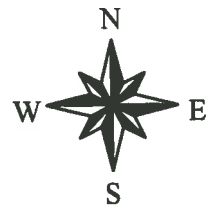
IDAHO DEPARTMENT OF WATER RESOURCES

72-00024A & 72-04231A



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN.20, 1999
TWP 14N, R19E, SEC . 7



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

AJ0749NP
No. R72-00024A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/12/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BETTY RUSTIN LUSHER	05/01/1879	IRRIGATION	04-01 10-31	0.08 CFS	
C	ARTHUR LUSHER					
					TOTAL DIVERSION:	0.08 CFS

Water Source: CHALLIS CREEK

Tributary to: SALMON RIVER

Stage: DECREED

Point(s) of Diversion:

T14N R19E S07 Lot10(SW1/4NW1/4)

CUSTER County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NE NW NE NW NE NW NE NW	SE NW NE NW NE NW NE NW	SE NW NE NW NE NW NE NW	SE NW NE NW NE NW NE NW	SE NW NE NW NE NW NE NW
14N 19E 7 :	07.5	02-02	:	:	3.3
TOTAL ACRES					3.3

POU County: CUSTER

Other Rights: 72-04231A

Conditions of Approval:

- C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN BASIN 72:
 - WATER RIGHT NO. SOURCE
 - NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE
 - ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
 - CONJUNCTIVELY.

Remarks: POU1 USE OF THIS RIGHT WITH RIGHT NO. 72-04231A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3.3 ACRES IN A SINGLE IRRIGATION SEASON.

GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 72-C.

Dates: Exam Made Date: 01/12/1999 Objection Filed Date:

Misc: Water District Number: 72C Field Inspection Flag: Presumption Flag:

AJ0749NP
No. R72-00024A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/12/99
PAGE: 2

Comments: Date: 11/11/1998 User-ID: JROBERTS Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE WITH SPLIT 12/16/93 BY JG.

Date: 11/21/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 01/12/1999 User-ID: JROBERTS Subject: INCREASED ACREAGE
PER NOE ON 72-04231A, INCREASED ACRES TO 3.3.

Audit: 01/12/99 JROBERTS

November 20, 1998

NOTICE OF ERROR
REPLY

RECEIVED

DEC 15 1998

Department of Water Resources
Southern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 72-00024A

BETTY RUSTIN LUSHER
ARTHUR LUSHER
PO BOX 349
CHALLIS ID 83226

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-8-98 SIGNATURE: Betty Rustin Lusher

Please print your name: BETTY RUSTIN LUSHER

AJ0749NP
No. R72-00024A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/11/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BETTY RUSTIN LUSHER	05/01/1879	IRRIGATION	04-01 10-31	0.08 CFS	
C	ARTHUR LUSHER PO BOX 349 CHALLIS ID 832260000 (208) 879-2750					
TOTAL DIVERSION:					0.08 CFS	

Water Source: CHALLIS CREEK Tributary to: SALMON RIVER Stage: DECREED

Point(s) of Diversion: T14N R19E S07 Lot10(SMNMW) CUSTER County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESE	
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
14N	19E	7	:	:	:	:	:	:	:
									TOTAL ACRES
									2.9
									2.9

POU County: CUSTER
Other Rights: 72-04231A

Remarks: POU1 USE OF THIS RIGHT WITH RIGHT NO. 72-04231A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.9 ACRES IN A SINGLE
IRRIGATION SEASON.

GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

Dates: Exam Made Date: Verified Date: Objection filed Date:

Misc: Water District Number: 72C Field Inspection Flag:
Presumption Flag:

CLAIM NUMBER 72-00024A
72-04231A

DATE 10/23/98
AGENT JR

TRANSFER NUMBER
CLAIMED ACRE TOTAL 3.5
GIS ACRE TOTAL 2.9

				NE				NW				SW				SE				
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	14N	19E	7							3.5										3.5
GIS	14N	19E	7							2.4278										2.9
RECOM	14N	19E	7							2.4278										2.9
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP

SHAPE NOS.
333

B72-DBPOD.SHP

Amended POH recommendation per NOE on -04231A 1-12-99 JR

NOS. DESCRIPTION

201 14N, 19E, 7 SWNW (10)

Master updated 1-21-99 JR

DBF TABLES UPDATED

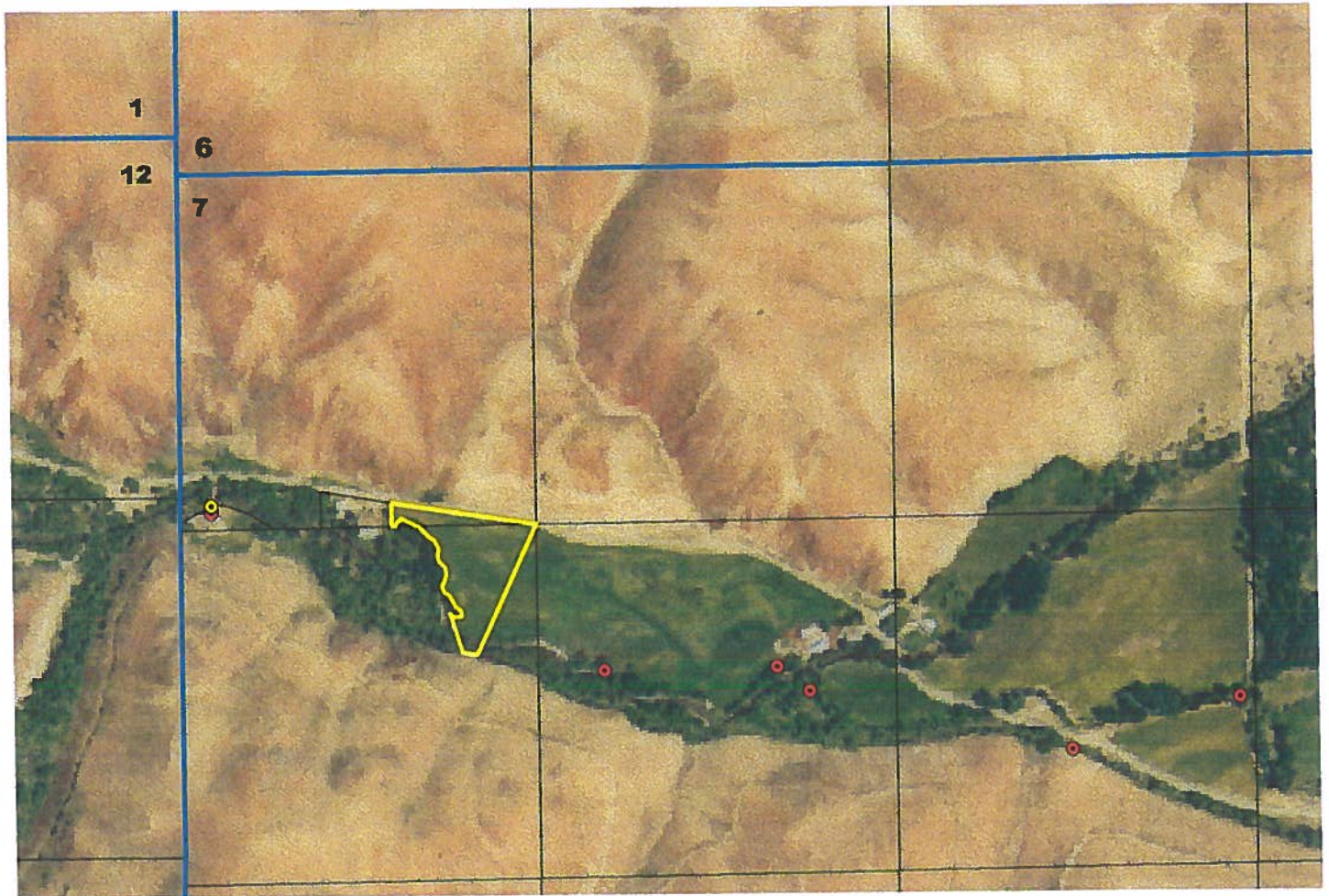
B72-DBPOU.DBF ✓

B72-DBPOD.DBF ✓

JPEG LAYOUT ✓

IDAHO DEPARTMENT OF WATER RESOURCES

72-00024A & 72-04231A



0 660 1320 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 22, 1998
TWP 14N, 19E, SEC. 7



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

RE-EVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-00024A 72-04231A

DATE: 11/11, 1998

REVIEWED BY [Signature]

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62
BB1	.09	.09			6.09	6.17
BBD						
BC1	.16	.17			5.82	5.46
BK1	.07	.06			10.62	11.86
BT1	.18	.16			3.99	4.19
BT2	.41	.32			2.34	2.87
CB1	.06	.06			11.55	13.47
CHA	.21	.21			4.52	4.76
CP1	.36	.36			2.61	2.78
DB1	.13	.11			5.66	6.65
DEB	.13	.11			5.71	6.69
DBC	.13	.11			5.71	6.69
DMF	.18	.21			5.12	4.72
DT2	.05	.04			12.46	16.50
DWA	.14	.14			4.79	5.01
GO1	.10	.12			12.47	10.51
HAYSE						
KEG	.08	.07			8.73	10.06
MUG	.15	.14			4.54	4.98
NDL	.13	.12			5.30	6.06
PD2	.11	.12			5.15	4.74
RE2	.29	.21			3.15	4.74
RP1	.19	.21			4.89	4.57
SH1	.06	.05			9.37	12.10
SOC	.08	.07			7.38	8.08
SSA	.15	.14			4.79	5.01
SXF	.12	.11			6.14	6.80
TC1	.06	.06			9.82	9.55
TD1	.04	.03			12.46	16.50
WB2	.13	.13			5.37	5.43
WAA	.19	.16			3.81	4.23
WBB	.17	.14			3.36	3.84
WC1	.07	.06			11.24	13.45
WPT	.19	.15			3.16	3.69
WV1	.07	.06			11.24	13.45
XHS						
YN1	.18	.14			5.38	6.92

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
WV1	11.24	?	293.3	.07	203 CFS
					CFS
					CFS
					CFS

TOTAL ACRES 293.3

DECREED RATE =

CLAIMED DIVERSION RATE =

MEASURED DIVERSION RATE =

reco: 72-00024A .08 cfs
72-04231A .12 cfs

reco as claimed 1-11-

$$5280' = 4.1''$$

$$\frac{5280}{4.1} = 1288' \text{ per } ''$$

$$\frac{(1288)^2}{43560} \times .009699 =$$

$$CA = .3694$$

$1320 \div 16.4 = 80'$ per line
 on Engin. Scale (40)
 field width - 350'

P/U
 A72-00024A
 -04231A
 Rec. Acres 3

acres appear to be
 located in NWNW, Sect 7.
 This area has been surveyed
 and re-surveyed several
 times and is govt. lots.
 Perhaps it could be
 more closely described
 as the bottom of Lot 7.
 Sect. 7 (see exhibits)

18

17

32'30"

88

ID-88AC

T74 BLM24
ID-88AC
5-8C-15
7-1-88 fct.
enlarged 156%

IRRIGATED
ACRES
FOUND

pu
↓

7+8

441414 HAP 84F

Matched

241-165

R18E

R19E

T15N

T14N

Lusher
3 Ac
Wet soil

PU

SXF

SXF

B6

WVI

WVI

WVI

WVI

BLO

XH5

BED

MUG

hed

CLAIM NO. --- A72-00024A, A72-04231A
AGENT ----- jr
DATE ----- 08/08/95

Lotus Program:
IRR-PRAC.WK3
Date form revised:
4/21/93 by KKC

SOIL CHARACTERISTICS

Soil Type = WC1 WISKISPRINGS SILT LOAM
Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	8	0.17	0.19	6.6	7.3	2	3	1	2.16	2	0.55
8	49	0.17	0.19	6.6	7.3	2	3	1	2.34		
49	54	0.13	0.14	6.6	7.8	2	3	3	6.48		
54	60	0.03	0.04	6.6	7.8	2	3	4	8.64	alternate	
								5	9.70	method	
										NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point (INCHES)	MAD	FIELD NOTES AND CALCULATIONS			
				FIELD 1	FIELD 2	FIELD 3	FIELD 4
				FIELD WIDTH	350	0	
				IRRIGATION DAYS	13		
				DRY DAYS	0		
				SET TIME(hours)	8		
				CALCULATED RUN (run = acres*43560/width)			
				RUN =	373		
				CALCULATED BORDER WIDTH (ditch length/irr days * cha			
				WIDTH =	9		
				THEORETICAL ROTATION (mad/net irr req in inches per			
				SELECTED MAD =	3.24		
				ROTATION =	12.9 DAYS		

PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
Figure No = 10-15

crop	acres	system	recomm. eff.	Net Irrigation Requirement (mm/day)						
				mar	apr	may	jun	jul	aug	sep
PASTURE		FLOOD	12.7		1.47	3.84	4.87	5.86	4.56	3.23
ALFALFA		FLOOD			1.28	4.51	5.65	6.25	4.45	2.52
OTHER	3							6.39		0.7

Summary 3

6.39

Peak Net Irrigation Requirement (mm/day) = 6.39

(Mad-3.24) $5.86 \times 1.09 = 6.39$

Program Operation based upon

"GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
HUBBLE ENGINEERING INC. OCTOBER 1991

Soil Characteristics based upon

SOIL CONSERVATION SERVICE STUDIES

Peak Irrigation Diversion based upon

ALLEN & BROCKWAY WEATHER INFORMATION 1983

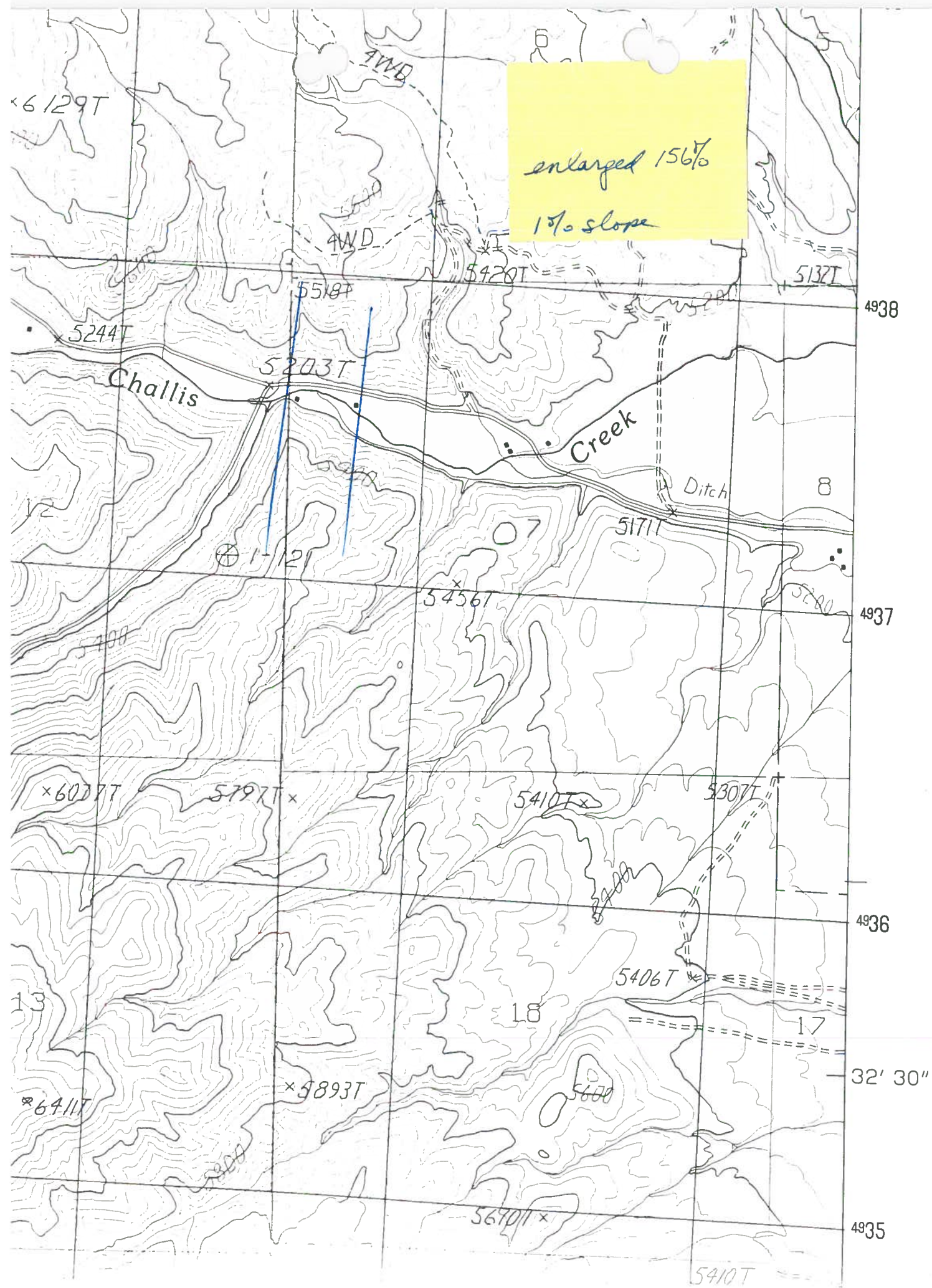
GRADED BORDER EVALUATION

Job name: A72-00024A, A72-04231A
By: JR

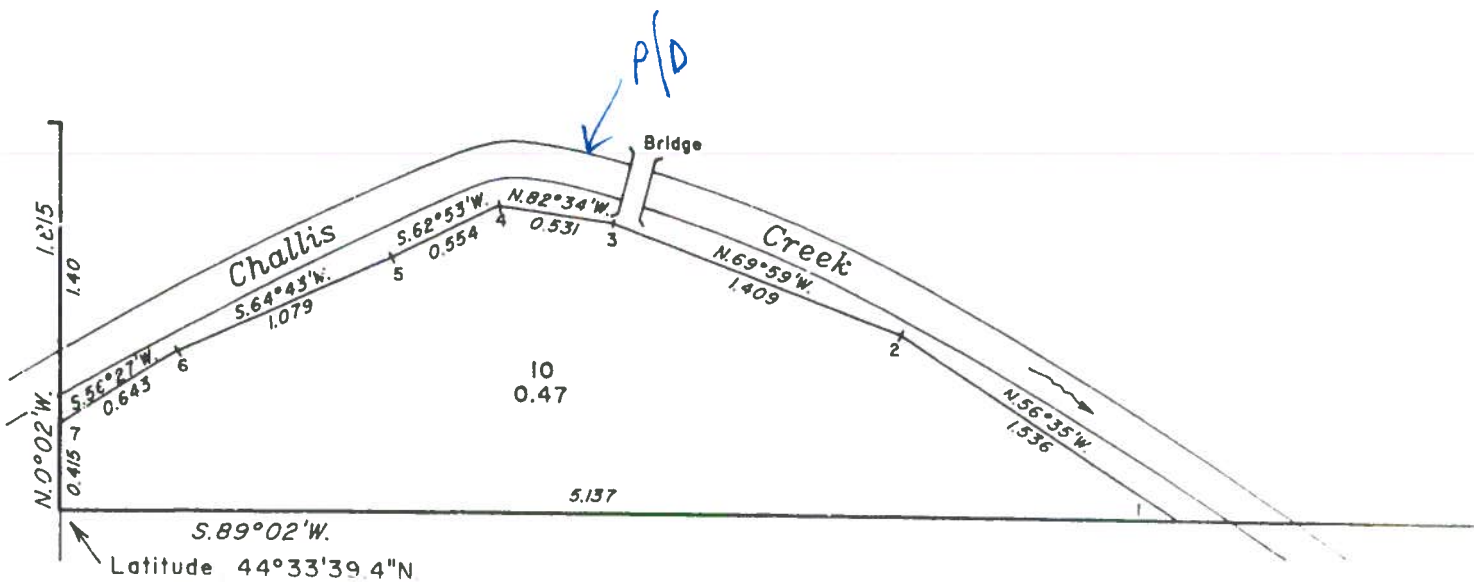
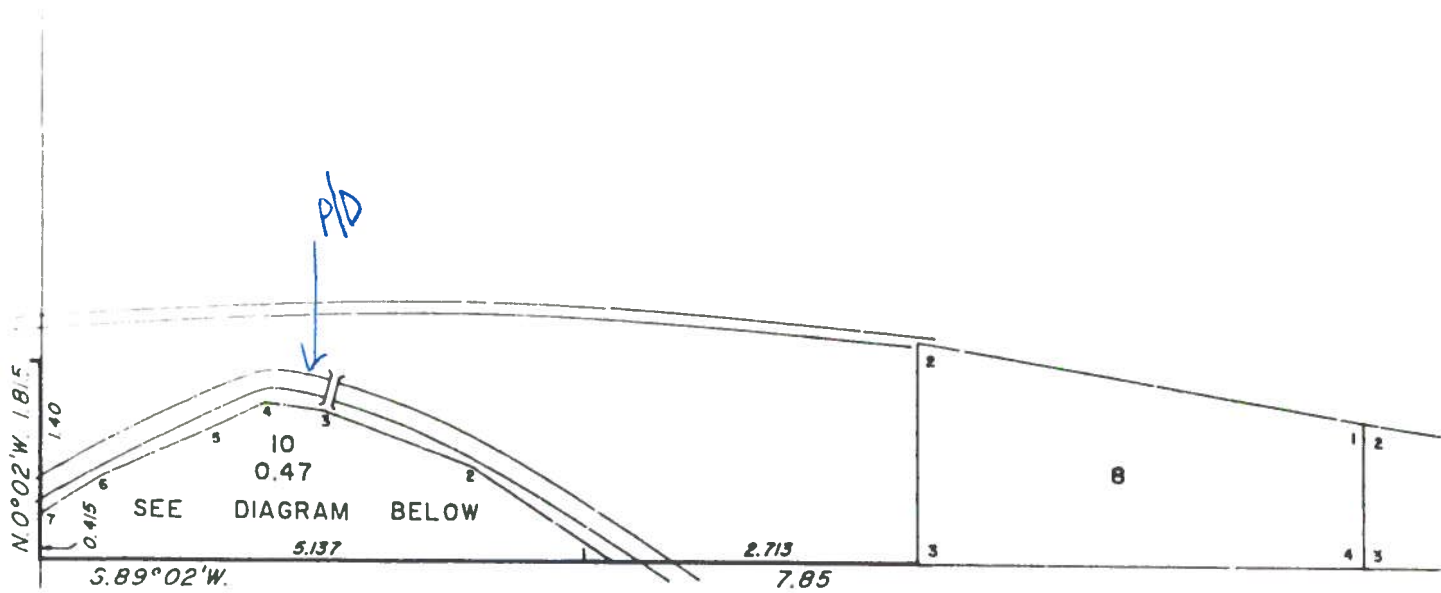
Location: 3 AC WC1 SOIL
Date: Aug 8, 1995

Roughness coefficient (n)= 0.250 Intake family (If)=2.00
Slope (S)= 0.0100 ft/ft Border width (W)= 9 ft
Net application (Fn)= 3.24 inches Border length (L)= 373 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
0.10	Gross depth is less than required gross application depth					
0.11	Gross depth is less than required gross application depth					
0.12	Gross depth is less than required gross application depth					
0.13	Gross depth is less than required gross application depth					
0.14	Gross depth is less than required gross application depth					
0.15	Gross depth is less than required gross application depth					
0.16	0.018	16.47	13.06	0.17	19.7	
0.17	0.019	17.50	13.06	1.20	18.5	
0.18	0.020	18.53	13.06	2.23	17.5	
0.19	0.021	19.56	13.06	3.26	16.6	
0.20	0.022	20.59	13.06	4.29	15.7	
0.21	0.023	21.62	13.06	5.32	15.0	
0.22	0.024	22.65	13.06	6.35	14.3	
0.23	0.026	23.68	13.06	7.38	13.7	



9
37.68



THE BOISE MERIDIAN, IDAHO.

LOT 10 IN SECTION 7

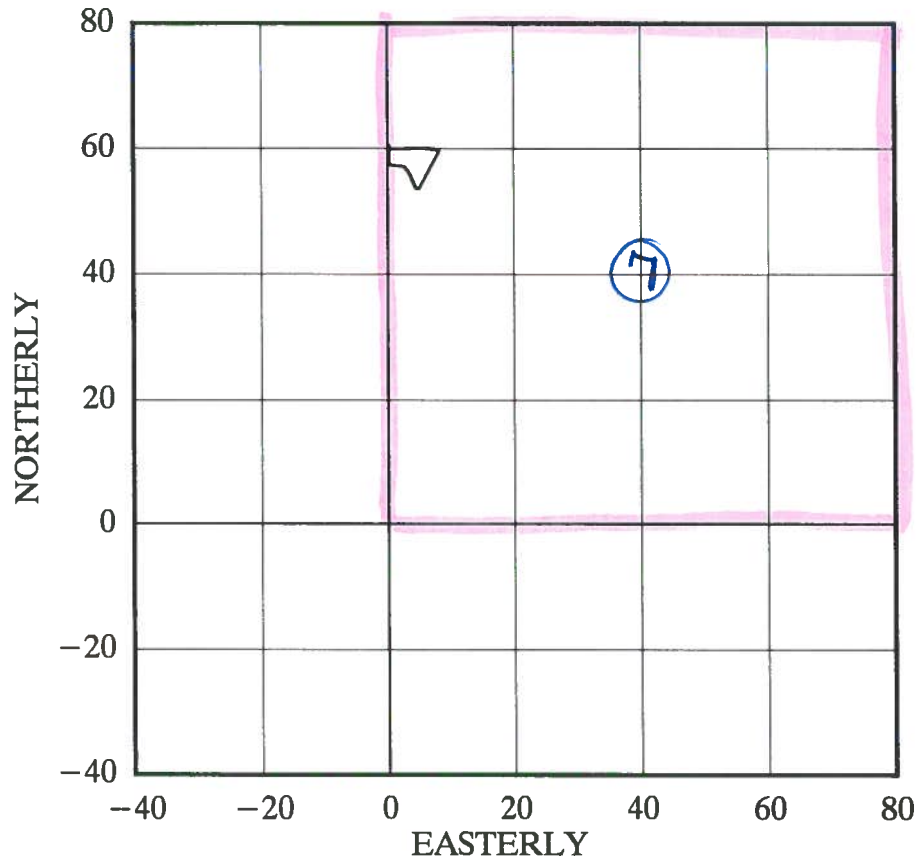


9	8		
2	Sec. 7		
3			
4			

SURVEY LOCATION DIAGRAM

Lusher - Parcel 1

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



Lusher - Parcel 1

MEETS AND BOUNDS TABLE

	X-COR	Y-COR	ANGLE			BEARING DIST (FT)	CUM ACRES
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR.	0.00	60.00					0.03
(SEE SHEET)	6.02	60.09	89.00	8.00	0.00 NE	397.52	-0.18
	8.15	59.79	81.00	58.00	59.00 SE	141.86	-4.23
	4.85	53.57	27.00	55.00	58.00 SW	464.94	-4.13
	4.35	53.79	65.00	57.00	6.00 NW	36.52	-3.26
-QUAD COEF-	3.31	56.05	24.00	42.00	14.00 NW	163.78	-2.95
IF NE, X=1,Y=1	2.49	57.14	36.00	39.00	22.00 NW	90.20	-2.91
IF SE, X=1,Y=-1	0.25	57.41	83.00	16.00	23.00 NW	148.73	-2.83
IF SW, X=-1,Y=-1	0.25	60.47	0.00	7.00	5.00 NW	202.02	-2.83
IF NW, X=-1,Y=1	0.25	60.47					-2.83

Water Right Number - A72-00024

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - +

+ - - - -

*** C - CURRENT OWNER ***
LUSHER

BETTY RUSTIN

LUSHER

ARTHUR

1 - P.O. BOX 349
2 -
3 -
City- CHALLIS
Phone - 208-879-2750
1 - P.O. BOX 349
2 -
3 -

State- ID Zip- 832260000

City- CHALLIS
Phone - 208-879-2750
1 -
2 -
3 -
City- XXXXXXXX
Phone - 208-000-0000

State- ID Zip- 832260000

SPLIT RIGHT

State- ID Zip- 8888888

+ - Priority Date - - +
05/01/1879

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - +
Z - SEE REMARKS

+ - - Source - - - - +
CHALLIS CREEK
SPLIT RIGHT

+ - - Tributary - - - - +
SALMON RIVER

+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot Rflg County
14N 19E 7 SW NW 2 (37) CUSTER

+ - - - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.900

+ - Total Div. Rate - + - Total Div. Volume - +
0.900 + - Total Consumptive Use - + - KW Usage - +
87.5

+ - - - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
14N 19E 7 SW NE 17.0 01 IRRIGATION (37) CUSTER
14N 19E 7 SW NW 7.0 01 IRRIGATION (37) CUSTER
14N 19E 7 SE NW 11.0 01 IRRIGATION (37) CUSTER

Total Acres: 35.0

+ - - Diversion Means - HIGH LINE CANAL, GRAVITY

+ - - Non-Irrigation Use -

Adjudication Rights Dates and Flags Area			
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000
Claim Received Date	- 10/26/1989	Last Amended Date	- 00/00/0000
		Receipt Number	- X777777
		POU Ownership Flag	- Y
		Name Connector	- OR
		Civil Case Number	- 39576
		Old Case Number	-
		Old Judicial District	-
		Temporary Right	- P
		Water District	- 72C
		Federal/State Indicator	- S
		Presumption Flag	-
		Notice of Error Flag	-

Form 42-1409(7)



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type
(see instructions on back of page)

RECEIVED

SEP 07 1993

Department of Water Resources
Southern Region Office

DATE OF CLOSING: Sept. 1, 1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet. See attached.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A72-04231, A72-00024, A72-0032A, A72-10030, A72-10031
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): BETTY LUSHER AND/OR ARTHUR J. LUSHER
PO BOX 349
CHALLIS ID 83226
- ☐ New Owner/Claimant (Purchaser): DAVID L. PETERSON AND/OR EVELYN J. PETERSON
- ☐ New Mailing Address: PO BOX 650
CHALLIS ID 83226
- ☐ New Telephone Number: (208) 879 - 5240
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Former Claimant will retain 0.14 cfs A72-04231 and 0.08 cfs A72-00024.
Balance transfers to new Claimant in full.

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed.

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) David L. Peterson Date 8/22/93
Evelyn J. Peterson Date 8/22/93 ATF
- ☐ Signature of Former Owner/Claimant(s): Arthur J. Lusher Date 8-27-93
Betty Lusher Date _____
(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date _____ By: SA

Further Action Needed:

Further Action Taken
Date _____ By: _____

Final Review and Data-Entry
Date _____ By: _____

Original to be mailed to Idaho Department of Water Resources

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226

(208) 879-4488

RECEIVED

DEC 03 1993

Department of Water Resources
Southern Region Office

November 30, 1993

Judy Givens
Secretary, Adjudication
Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Re: Lusher - Peterson

Dear Judy:

I am enclosing a copy of the description of the retained parcel.
This describes what Lusher kept.

I have asked Dave to return the Deed and documents you sent to
him earlier.

Very truly yours,

James R. Bennetts

JRB:jab
Enclosure

Lusher

Richard A. Johnson

Registered Land Surveyor
Boise, Idaho 83703

5001 Eugene Street

Phone 344-9826

RECEIVED

Legal Description: **Lusher Parcel One**

DEC 08 1993

Department of Water Resources

A parcel of land situate in the Northwest one-quarter of Section 7, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho. More particularly described as follows:

Commencing at a Brass Cap marking the West 1/16 th corner of Section 7,
thence N89°08'00"E a distance of 466.50 feet to a 5/8 inch iron pin;
thence continuing N89°08'00"E a distance of 50.94 feet to an aluminum cap marking the Southwest corner of Government Lot 8 and the Northwest corner of the Piotrowski parcel;
thence continuing N89°08'00"E a distance of 262.62 feet to an aluminum cap marking the Southwest corner of Government Lot 7 and the Northeast corner of the Piotrowski parcel, the Real Point of Beginning:

thence continuing along the 1/16th line N89°08'00"E a distance of 397.52 feet to a point 25.00 feet Southerly of the centerline of the existing county road;
thence S81°58'59"E a distance of 141.86 feet to a 5/8 inch iron pin which bears S27°55'58"W a distance of 25.00 feet from an aluminum cap marking the East corner of said Government Lot 7;
thence S27°55'58"W a distance of 464.94 feet to a 1/2 inch iron pin in an existing fence line and being N27°55'58"E a distance of 35.00 feet from the center of Challis Creek and the true corner position;
thence along the meanders of said Challis Creek N65°57'06"W a distance of 36.52 feet to a point;
thence N24°42'14"W a distance of 163.78 feet to a point;
thence N36°39'22"W a distance of 90.20 feet to a point;
thence N83°16'23"W a distance of 148.73 feet to a point in the center-south portion of Said Challis Creek and the Southeast corner of the Piotrowski parcel, said point being referenced by a 1/2 inch iron which bears N00°07'05"W a distance of 54.00 feet;
thence N00°07'05"W a distance of 202.02 feet to the Real Point of Beginning.

The above described parcel containing 3.23 acres more or less by actual survey.

See Record of Survey No. _____ Lusher-- Wineglass Ranch.

Betty Lusher

SUBSCRIBED AND SWORN to before me this 12th day of June, 1992.

SUBDIVISIONS -- BOUNDARIES -- PLANNING

Harold Brausen
Notary Public Idaho
Challis
6-8-92

Rustin Pump - West of Frinstead
Linn.

7/13/32

54" Lift 4" Pipe 12' to Pump (Sucking Air?)
Cornell 6" Centrifugal Pump
10 HP (Hot) Motor 2 Φ
McComater Meter 4" 130 gpm

Line running West

Input 13 psi 3/16 Nozzle

End 7 1/2 psi

1 Nozzle
Pipes 15 1/2 Nozzle psi + leakage 40' spacing

Line running East

Input 13 psi

Plus surface irr.

19 Nozzles 3/16"

End 14 psi 7/32"

Central Pasture (East of house)

Green Past - 41' Line 3/16" Nozzle

Short Wheel Line (Fed near the South) + Small Hand Line near - psi

End 15 psi 8 heads to motor

7 Nozzles

Feed 14 psi 5 heads to Feed 7/32"

+ Flood Irr. diverted

13 psi 3 heads to West end

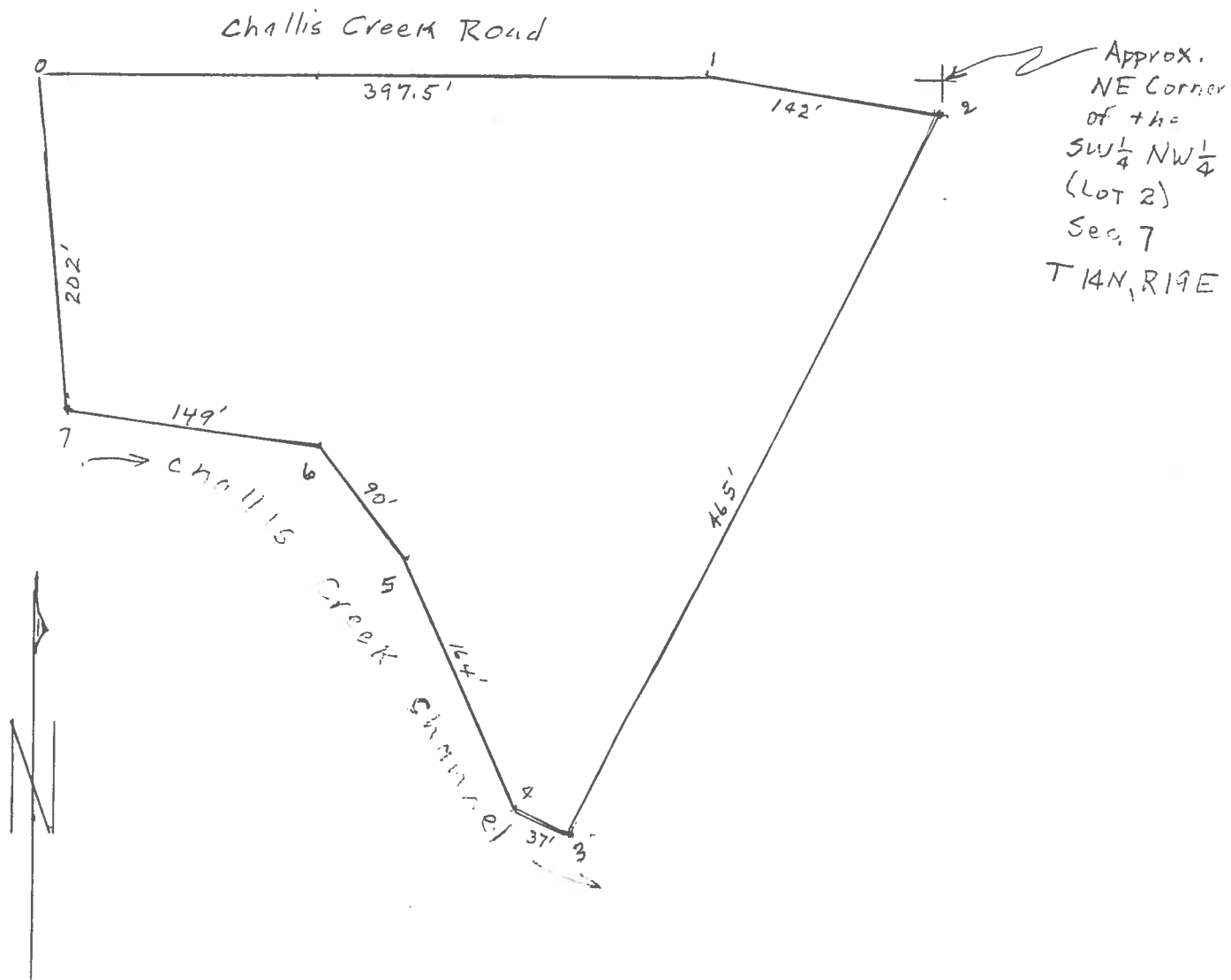
from 40' Line below

Co Re End

12' pipe + 1/2" Nozzle

Small Pasture next to Road (East of house)

Flood irrigated from Feed Line near house - 41' Line End



Scale 1" = 100'

Area 3.2 ac. more or less

Plot of Meets + Bounds
Description of Lusher Parcel 1
as surveyed by R A Johnson,
Registered Land Surveyor,
Boise Idaho 6/12/1992

Plotted by R. V. Worrell
12/14/1992



Lusher Parcel

scale
1" = 1260'



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

16-Dec-1993 13:19

DAVID L PETERSON
EVELYN J PETERSON
PO BOX 650
CHALLIS ID 83226

RE: ADJUDICATION CLAIM(S) A72-04231, A72-00024, A72-00032A
A72-10030, A72-10031

Dear Claimant(s):

Pursuant to the notification that you have purchased property with the above-referenced Adjudication Claims, we have changed the Department's record(s) as you have requested. As per the NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP (copy enclosed) the split was made on A72-04231 and A72-00024. Please review the record(s) for accuracy.

Should you have any questions, please feel free to contact me at this office.

Sincerely,

Judy Givens
Adjudication Secretary

/jg

c.c. James R Bennetts
Attorney at Law
PO Box 36
Challis ID 83226



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

16-DEC-1993

BETTY LUSHER
ARTHUR J LUSHER
PO BOX 349
CHALLIS ID 83226

Re: Ownership Split for Adjudication Claim No.(s) **A72-04231A**,
A72-00024A, A72-00032A, A72-10030, A72-10031

Dear Claimant(s):

Pursuant to the notification that you have split the above-referenced Adjudication Claim(s), the Department has changed the records of the current owner as you requested. Please find enclosed a copy of the computer record of the claim(s) noting the change in claimant.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

c.c. James R. Bennetts
Attorney at Law
PO Box 36
Challis ID 83226

IN THE MATTER OF: ROGER RANCH
AFFIDAVITS TO SHOW WATER USAGE

JERRY HAGEN

AFFIDAVIT

State of Idaho

County of CUSTER

JERRY HAGEN

being first duly sworn,

deposes and says:

During the Summer Season (5) between
the years 1983 - 1986 I irrigated 105 acres
on the Betty Rogers Ranch. During most
years, the irrigation began in May and
ended after the first week of September.

Jerry G. Hagen
(signature)

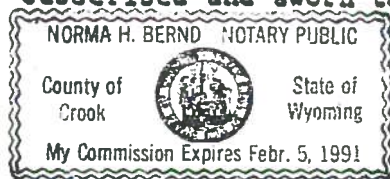
Subscribed and sworn to before me this

3rd

day of

January

19 91



Norma Bernd
(notary public)

Residing at

My commission expires

IN THE MATTER OF: ROGER RANCH

AFFIDAVITS TO SHOW WATER USAGE

AFFIDAVIT

State of Idaho

County of _____

BETTY RUSTIN LUSHER

being first duly sworn,

deposes and says:

We purchased the Rodgers Ranch on Challis Creek Road on Feb. 1976 and sold same to Betty Rodgers on 12-11-79. All during this time the ranch was irrigated by us to produce two alfalfa crops each year.

Betty Rustin Lusher
(signature)

Subscribed and sworn to before me this 3rd day of January 19 91

Michelle Flowers
(notary public)

Residing at CONCORD, CA
My commission expires 10/16/92



IN THE MATTER OF: Roger [redacted])
AFFIDAVITS TO SHOW WATER USAGE)

AFFIDAVIT

State of Idaho)
County of CUSTER)

Patsy Kindt

being first duly sworn,

deposes and says: K.D.K. Oulfitter used water for irrigation
purposes on the Rogers Ranch approximately years of
1980 + 1981.

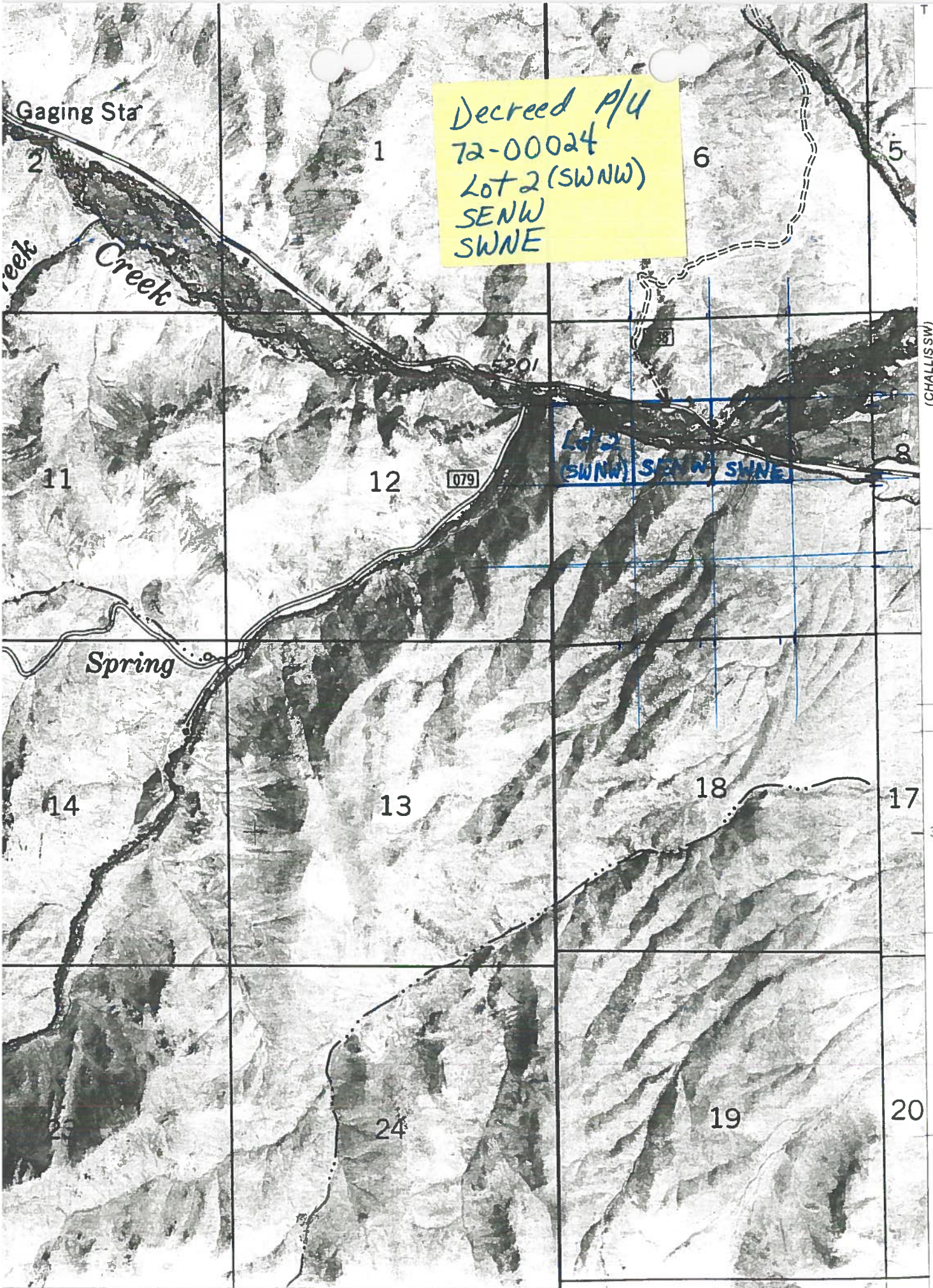
Patsy Kindt
(signature)

Subscribed and sworn to before me this 27th day of December 1990.

Joan Wendell
(notary public)

Residing at Challis, Idaho
My commission expires 7-15-92.

Decreed p/4
72-00024
Lot 2 (SWNW)
SENW
SWNE



(CHALLIS SW)

awarded the right to the use of 160 inches of the flow of the waters of Challis Creek, for the irrigation of his land, described as the southeast quarter of the southeast quarter of section eight and the east half of the northeast quarter and the northeast quarter of the southeast quarter of section seventeen, all in township 14 north, range 19 east Boise meridian, his right thereto to date from February 27th, 1909.

72.0021 21. That the plaintiff, Ida B. Wilson, be and she is hereby

Trans. awarded the right to the use of 80 inches of the flow of the waters of
42167 Challis Creek for the irrigation of her land, described as the north-
east quarter of the southeast quarter of section eight and the north
west quarter
~~west quarter~~ of the southwest quarter of section nine, all in township 14 north
range 19 east Boise meridian, her right thereto to date from May 1st,
1879.

72.0022 22. That the plaintiff, W. P. Wilson, be and he is hereby awar-

Trans. ded the right to the use of 142 inches of the flow of the waters of
42167 Challis Creek for the irrigation of his land, described as the south
half of the northwest quarter of section nine and the south half of
the northwest quarter of section eight, township 14 north, range 19
east Boise meridian, his right thereto to date from May 1st, 1879.

72.0023 23. That the plaintiff, William Stephens, be and he is hereby
awarded the right to the use of 33 inches of the flow of the waters of
Challis Creek, for the irrigation of his land, described as Lot five
of section two and Lot one of section three, in township 14 north,
range 19 east Boise meridian, and also a tract of land being a portion
of the unsurveyed public domain lying adjacent to and north of said
Lot ^{one} ~~two~~ and bordering on west side of the river, his right thereto
to date from April 1st, 1906.

72.0024 24. That the cross complainants, A. D. Kelley and C. H. Beggs,
be and they are hereby awarded the right to the use of 45 inches of the
flow of the waters of Challis Creek for the irrigation of their land,
described as Lot two and the southeast quarter of the northeast quarter
and the southeast quarter of the northwest quarter of section seven,
township 14 north, range 19 east Boise meridian, their right thereto
to date from May 1st, 1879.

72.0025 25. That the cross complainant, A.L. Harper, be and he is hereby
7-868 awarded the right to the use of 48 inches of the flow of the waters of

Water Right Number - 72-00024

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +
*** C - CURRENT OWNER ***
LUSHER+ - First Name - - - +
BETTY RUSTIN+ - - - - Address - - - - +
1 - P.O. BOX 349
2 -
3 -
City- CHALLIS
Phone -

State- ID Zip- 832260000

*** O - ORIGINAL OWNER ***
KELLEY

A. D.

1 -
2 -
3 -
City-
Phone - 208-000-0000

State- ID Zip-

BEGGS

C. H.

1 -
2 -
3 -
City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - +
05/01/1879+ - - - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - +
CHALLIS CREEK+ - - Tributary - - - - +
SALMON RIVER+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County

14N 19E 7 SW NW 2 (37) CUSTER

+ - - - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.900

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.900

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	19E	7	SW NE		17.0	01	IRRIGATION	(37) CUSTER
14N	19E	7	SW NW	2	7.0	01	IRRIGATION	(37) CUSTER
14N	19E	7	SE NW		11.0	01	IRRIGATION	(37) CUSTER

Total Acres: 35.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

Prefix translation: WATER RIGHT

	Remarks
No Remarks found.	

+ - - - - Conditions of Approval - - - - -

R01 - A measuring device of a type approved by this Department shall

- be maintained as a part of the diverting works.

R02 - A lockable device subject to the approval of the Department

- shall be maintained on the diverting works in a manner that will
- provide the watermaster suitable control of the diversion.

R04 - Use of water under this water right will be regulated by the

- watermaster of State Water District No. &DISTRICT.

Decree Plaintiff	Decree Defendant	Decree Date
STEWART, ET. AL.	SHAW, ET. AL.	10/09/1911

----- Comments -----
 ----- No comments Found -----

+ - - Audit Fields - 00/00/00

[illegible]

2:37 (42) Peterson / Lusher WPPER

Division across Chellis Cr. from
High line division.

Head gate OK

(FIX)

new roll #6

Parrshall flume submerged.
Probably needs lifted.

10:40

" New roll. Either clean lower side
or raise device.

(43)

High line gate needs repaired.

At bottom of adjustment, and cannot
be closed all the way. Dubois
is working on it.

10:50

(44)

Peterson - Pump
Some Chellis Cr

Meas Dev - \$N Commuter

Lockable gate Valve.

(OK)

10:58

(45)

Peterson - Middle

Gate needs pin - may need
some repair.

(FIX)

Parrshall flume OK

11:00

(46)

Low Line / Hughs

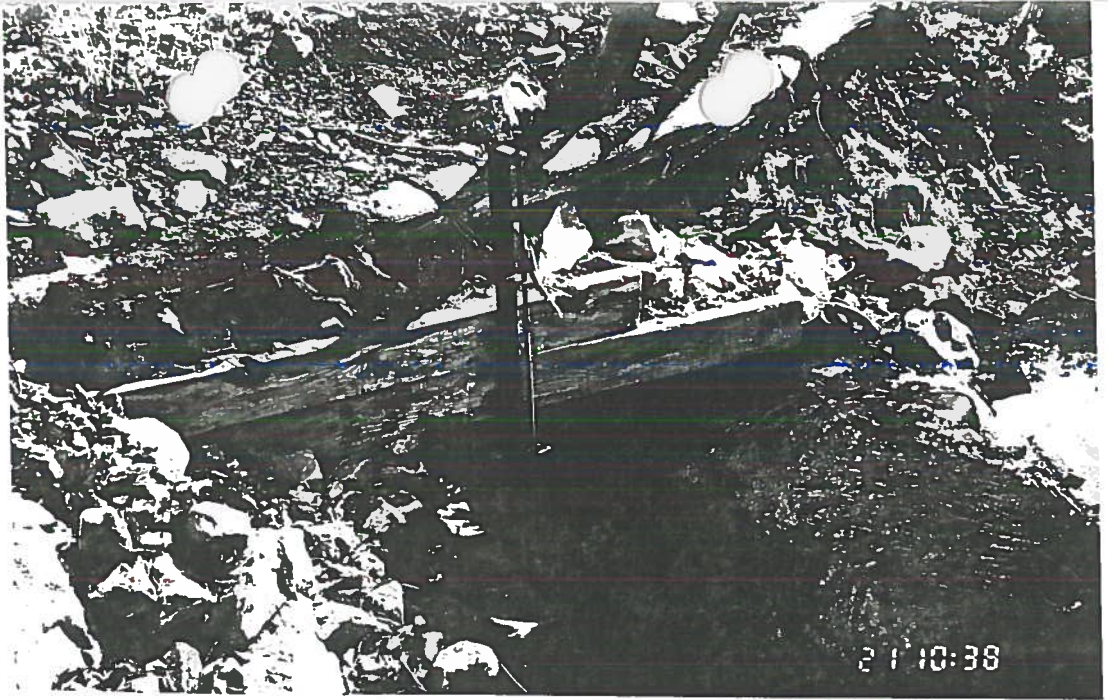
Head gate OK

Cipoletti weir OK

background of 2nd photo

(OK)

42



42



High
Div

←
Chall
Cre

Lushe
Peter
Div

42



Meas
Flum
←

72-00024



R1-13

PARSHAL MEASURING FLUME FOR RUSTIN
AND STRAND

3/31/93
RVW.

RECEIVED

JAN 27 1999

Department of Water Resources
Southern Region

U.S. POSTAL SERVICE

PS FORM 3547

return to sender fee due 50¢

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



First-Class Mail
Postage & Fees Paid
USPS
Permit No. 10

CARRIER COLLECTS POSTAGE

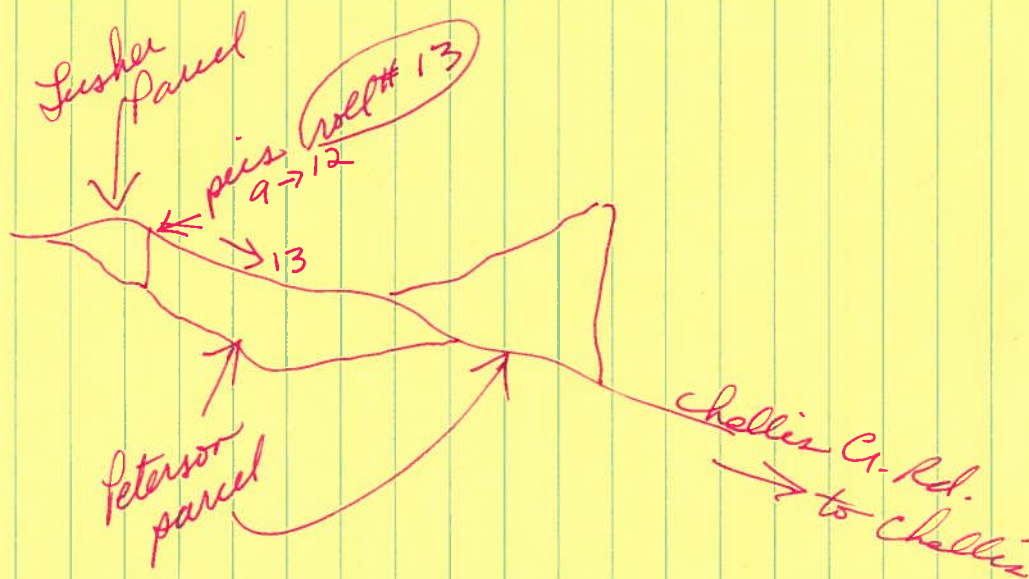
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

ADDRESS SERVICE REQUESTED

BETTY RUSTIN LUSHER
ARTHUR LUSHER
PO BOX 349
CHALLIS ID 83226

LUSH349 632263009 1A98 04 01/23/99
FORM 3547

LUSHER
1667 ROBIN LN APT 3
CONCORD CA 94520-3602



72-00024



R10-3
7/15/93

Rustin Pasture East of House * Below Challis
Creek Rd. Power Pole is from former pump
installation. Sprinklers now used from a low gravity
pressure pipe line. Supplemented by surface
flooding



R10-1
7/15/93

Rustin Diversion from Low Line Canal
to supplement gravity pressure
Sprinkler system



R10-2
7/15/93

Rustin Metal Dividing box. Water Flows right to
Small Flood irrigated Pasture and also Flows into
a pipe for gravity pressure canal



WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N				
POINT OF DIV	Y			N				
SOURCE				N				
PLACE OF USE	Y			N				
DIV. AMOUNT CES/VOLUME				Y				
CONSUMPTIVE USE	-			N				
PURPOSES				N				
PERIOD OF USE	Y			Y				
BASIS OF CLAIM				N				
REMARKS				Y				

VERIFIED BY CODES

TOPO MAP/ORTHO-PG = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

LAST: LUSHER
ADDRESS: P.O. BOX 349
CITY: CHALLIS
PHONE NUMBER: 208-879-2750

FIRST: BETTY RUSTIN
STATE: ID ZIP: 832260000

OWNER CODE: C

LAST: LUSHER
ADDRESS: P.O. BOX 349
CITY: CHALLIS
PHONE NUMBER: 208-879-2750

FIRST: ARTHUR
STATE: ID ZIP: 832260000

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM

FIELD EXAMINER
DATABASE
N

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

PHONE NUMBER: () -

TIME IN
DATE TIME ZONE
IN
DATE TIME ZONE
A() P()
DATE TIME ZONE
DATE TIME ZONE

PHONE NUMBER: () -
 AREA CODE CITY STATE ZIP

A. AJ CLAIM: # A72-00024

PRIORITY DATE: 05-01-1879

STAGE: D

B. WR RECORD: # 72-00024

PRIORITY DATE: 05-01-1879

STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(✓)

REMARKS:

RECOMMENDED PRIORITY DATE:

05-01-1879

REVIEWED BY

DATE

2/18/93

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
					SW	NW	2	CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
NONE

72-00003
72-00006A
72-00009B
72-00018A
72-00018B
72-00020B
72-00020C
72-00021
72-00022B
72-00025A
72-04158
72-07180
72-07445

F06

SOURCE: CHALLIS CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
					SW	NW	2	CUSTER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

72-00003
72-00006A
72-00009B
72-00018A
72-00018B
72-00020B
72-00020C
72-00021
72-00022B
72-00025A
72-04158
72-07180

A72-00002C
A72-00004I
A72-00004K
A72-00004L
A72-00004N
A72-00005A
A72-00020E
A72-00020G
A72-00020H
A72-00020I
A72-00020L
A72-00022A
A72-00032S
A72-00032L
A72-04231
A72-10066
A72-10204
A72-10263
A72-10267

NONE

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

FIELD EXAMINER
DATABASE
Y
N

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4 LOT COUNTY

SOURCE: CHALLIS CREEK TRIB: SALMON RIVER

REVIEWED BY: DATE:

A. ROOT WATER RIGHT NUMBERS: A72-00024

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	DESK REVIEW	FIELD EXAM.	REC'D ACRES
T4N	19E	7	SW	NE		LUSHER, BETTY RUSTIN	A72-00024 / 17.0	72-00024 / 17.0	25.0		17	
			SW	NE		LUSHER, ARTHUR	A72-00032A / 17.0	-				
			SW	NE		LUSHER, BETTY RUSTIN	A72-04231 / 22.0	72-04231 / 22.0				
			SW	NE		LUSHER, BETTY RUSTIN	A72-10031 /	-				
T4N	19E	7	SW	NE		LUSHER, BETTY RUSTIN	A72-00024 / 7.0	72-00024 / 7.0	6.0		7	
			SW	NE		LUSHER, ARTHUR	A72-00032A / 7.0	-				
			SW	NE	2	LUSHER, BETTY RUSTIN	A72-04231 / 5.0	72-04231 / 5.0				
			SW	NE		PIOTROWSKI, DENIS A.	A72-10388 /	-				
T4N	19E	7	SE	NE		LUSHER, BETTY RUSTIN	A72-00024 / 11.0	72-00024 / 11.0	21.0		11	
			SE	NE		LUSHER, ARTHUR	A72-00032A / 11.0	-				
			SE	NE		LUSHER, BETTY RUSTIN	A72-04231 / 22.0	72-04231 / 22.0	49.0 76791			
TOTAL ACRES							A72-00024	35.00	52.00	35		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER POU COUNTY: CUSTER

K06

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

2 ac Decided
3 ac

PURPOSES REVIEW SHEET

A. AJ CLAIMED USES:

PURPOSES
A72-00024 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
" 900 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

" 900 CFS

B. WR RECORDED USES:

PURPOSES
72-00024 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
" 900 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

" 900 CFS

RESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY?	N		
DUE TO DIVERSION RATE DISCREPANCY?	N		
DUE TO PERIOD FROM/TO DISCREPANCY?	Y		

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()
Y() N()

Explain in remarks, below.

REMARKS:

New Standard period of use

DIVERSION AMOUNT REVIEW SHEET

Y() N()

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.900 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.900 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD DATABASE EXAMINER
Y

FLOW MEASUREMENT

MEASUREMENT METHOD

, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A72-00032A, A72-04231

K06

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-00024	CHALLIS CREEK	LUSHER, BETTY RUSTIN	0.900	0.025		
A72-00032A	CHALLIS CREEK	LUSHER, ARTHUR	0.060	0.001		
A72-04231	CHALLIS CREEK	LUSHER, BETTY RUSTIN	2.000	0.034		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10031	DOMESTIC	LUSHER, BETTY RUSTIN	FROM 01-01 TO 12-31	.040 CFS	

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
 ACRES 35 $\times$ 0.02 CFS/ACRE = 0.70 CFS
 (Taken from p/v review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(☒) N(☐)

*** IF YES ADDITIONAL WATER USE FORM FILLED AND ATTACHED? Y(☐) N(☒) ***

2. IRRIGATION CONSUMPTIVE USE
 CLAIMED CONSUMPTIVE USE = 87.5 AF/A
 ACRES 35 $\times$ CONSUMPTIVE VOL. AF/A FOR AREA ~~2.5~~ 2.5 =
 TOTAL CONSUMPTIVE USE 875 AF/A

3. IRRIGATION DIVERSION VOLUME
 CLAIMED DIVERSION VOLUME = AF/A N/A
 ACRES $\times$ DIVERSION VOL. AF/A FOR AREA =
 TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
 SEE ATTACHED SHEET? Y(☐) N(☐)

REMARKS: (Include limitations on consumptive use for combined rights.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	~~04-01~~ 15 ~~11-01~~ 10-15	DATABASE EXAMINER 0.900 0.70	DATABASE EXAMINER -----	DATABASE EXAMINER 87.5 87.5
TOTAL FOR THIS RIGHT		0.900		87.5

REVIEWED BY:

DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00024

TOTAL DIVERSION RATE OF WR SPLITS
DATABASE
0.900

EXAMINER

CFS

No Splits

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

72-00024

0.900

-

72-00024

0.900

TOTAL CFS

0.900

0.900

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:
SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

05/20/07

TOTAL DIVERSION:	0.90 CES
CONSUMPTIVE USE:	87.5 AFA

Stage: **INCREED**

CUSTER County

TOTAL ACRES

Conditions of Approval:

R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. "

01/14/1985

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-00024A

LAST: LUSHER
ADDRESS: PO BOX 349
CITY: CHALLIS
PHONE NUMBER: 208-879-2750

FIRST: BETTY RUSTIN
STATE: ID ZIP: 832260000

OWNER CODE: C

LAST: LUSHER
ADDRESS: PO BOX 349
CITY: CHALLIS
PHONE NUMBER: 208-879-2750

FIRST: ARTHUR
STATE: ID ZIP: 832260000

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE Y FIELD EXAMINER Y() N()

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: OWNERSHIP CHANGE WITH SPLIT 12/16/93 BY JG.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: BET LUSHER

PHONE NUMBER: (208) 879-2750

DATE OF FIELD EXAM: 7/13/95

APPOINTMENT MADE: Y() N()

TIME: 7:00 A() P()

ACCOMPANIED BY:

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

Betty Lusher told that some water in the hole dated 7/13/92 but she not sure when he met with. I visited the property again on 6/14/95 and took some pictures of the parcel. She retained Mr. But (study) and talked briefly with him about some discrepancies on acreage in the SDNM of Section 7. He said he will be investigating most of the parcel, except where they build their home. They will be having a domestic well dug at the time and weren't having much luck finding water.

A. AJ CLAIM: # A72-00024A PRIORITY DATE: 05-01-1879 STAGE: J

B. WR RECORD: # 72-00024 PRIORITY DATE: 05-01-1879 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☐) N(☒)

NOTES:

This claim was originally filed as a decree, somewhat during the ownership change along in 1993, it was changed to a beneficial use right. Should be based on a decree... This part "H" is the parcel retained by the settler.

RECOMMENDED PRIORITY DATE:

5 - 1 - 1879

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A72-00024A	14N	19E	7		SW	NW	2		CUSTER	

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

* 58 A PREFIX CLAIMS WITH THIS POD

** 54 R PREFIX CLAIMS WITH THIS POD

*** 31 WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: CHALLIS CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
72-00024	14N	19E	7		SW	NW	2		CUSTER	

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

***** 31 WR RECORDS WITH SAME WR POD

***** 58 A PREFIX CLAIMS IN SAME 40 ACRE TRA

***** 54 R PREFIX CLAIMS WITH THIS POD

SOURCE: CHALLIS CREEK

TRIB: SALMON RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(☒) N()F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(☒) N()

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)	Y() N()
AJ FIELD EXAM (DATE OF FIELD EXAM _____) NAME OF EXAMINER _____	Y() N()
OTHER (DESCRIBE IN NOTES BELOW)	
<i>Not signed at this time</i> <i>9/11/31/92</i> <i>23/30/31</i>	

Get printed at
Kodak

Printed by 7113/92

Sundtink & S

me 11/15/95

met 10/25/95

High Line Canal

no, not High-line
div. is across Cr.
in Highline Div.
(div. is on Creek)

DATE:

REVIEWED BY: _____ DATE: _____

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS:

R72-00024
A72-00024A

A72-00024B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14N	19E	7	SW	NW	2	LUSHER, BETTY RUSTIN	A72-00024A / 3.5	-	/	6.0	3
			SW	NW		PIOTROWSKI, DENIS A	A72-10388 /	-	/		
			SW	NW		PIOTROWSKI, DENIS A	R72-10388 /	-	/		
			SW	NW	2	PETERSON, DAVID L	A72-00032A / 7.0	-	/		
			SW	NW	2	LUSHER, BETTY RUSTIN	R72-00024 / 7.0	72-00024 / 7.0	/		
			SW	NW	2	LUSHER, BETTY RUSTIN	R72-04231 / 11.0	72-04231 / 5.0	/		
			SW	NW	2	PETERSON, DAVID L	A72-00024B / 3.5	-	/		
			SW	NW	2	LUSHER, BETTY RUSTIN	A72-04231A / 3.5	-	/		
			SW	NW	2	PETERSON, DAVID L	R72-00032A / 7.0	-	/		
			SW	NW	2	PETERSON, DAVID L	A72-04231B / 1.8	-	/		

ADDITIONAL POU FOUND

TOTAL ACRES A72-00024A

3.50

6.00

3

3

POU COUNTY: CUSTER

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y () N (X)

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-00024A	CHALLIS CREEK	LUSHER, BETTY RUSTIN	0.080	0.022		
R72-00024	CHALLIS CREEK	LUSHER, BETTY RUSTIN	0.900	0.025		
A72-00024B	CHALLIS CREEK	PETERSON, DAVID L	0.820	0.026		
R72-00032A	CHALLIS CREEK	PETERSON, DAVID L	0.060	0.001		

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-00032A	CHALLIS CREEK	PETERSON, DAVID L	0.060	0.001		
A72-04231	CHALLIS CREEK	LUSHER, BETTY RUSTIN	1.160	0.020		
A72-04231A	CHALLIS CREEK	LUSHER, BETTY RUSTIN	0.140	0.040		
A72-04231B	CHALLIS CREEK	PETERSON, DAVID L	1.860	0.033		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10388	DOMESTIC	PIOTROWSKI, DENIS A	FROM 01-01 TO 12-31	0.040 CFS	
A72-10388	DOMESTIC	PIOTROWSKI, DENIS A	FROM 01-01 TO 12-31	0.040 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y ☒ N ☐

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A72-00032A, A72-04231, A72-00024B

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A ☐ Y ☒ N ☐

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A ☐ Y ☒ N ☐

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y ☒ N ☐

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y ☐ N ☒

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A/2-00024A IRRIGATION	FROM 04-01 TO 11-01	0.080 CFS	
TOTAL DIVERSION RATE/VOLUME		0.080 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
72-00024 IRRIGATION	FROM TO	0.900 CFS	
TOTAL DIVERSION RATE/VOLUME		0.900 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(✓) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(✓) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(✓) N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N(✓)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(✓) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y(✓) N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

NOTES:

AJ CLAIM TOTAL DIVERSION RATE:

0.080 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

0.900 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A () Y () N ()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A () Y () N ()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y () N ()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y () N ()

E.

FLOW MEASUREMENT

MEASUREMENT METHOD

SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES x 0.02 CFS/ACRE = CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y () N ()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N ()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/AACRES x DIVERSION VOL. AF/A FOR AREA =TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/AACRES x CONSUMPTIVE VOL. AF/A FOR AREA =TOTAL CONSUMPTIVE USE AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

3 ft. WCI soil requires
16 cfs according to trustee
0.08 claimed (3x.02 = .06)
3x.03 = .09 5 ft. on bench
14 claimed by -042314
if I allow .08 to this st,
that leaves .08 for -042314
?

NOTES:

MR RECORD CONDITIONS/REMARKS:

- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R02 - A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 72C.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01 <u>4-15 10-15</u>	0.080		0.0
TOTAL FOR THIS RIGHT		0.080		0.0

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

*overlap condition
- other to out of same
division (Peterson)*

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00024

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.900

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	R72-00024	0.900	R72-00024	0.900	72-00024	0.900
-	-	-	-	-	-	-

TOTAL CFS

0.900

0.900

0.900

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?DATABASE
N
FIELD
EXAMINER
Y () N ()

NOTES:

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)

IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☐ ORTHOPHOTOQUAD	DATE OF PHOTO _____	IDMR ID NO. _____	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____	IDMR ID NO. _____	Y() N()
☐ MAPP	DATE OF PHOTO _____	IDMR ID NO. _____	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO _____		Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____		Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____		Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____		Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____		
☐ IDMR APPROVED TRANSFER	DATE TRANSFER APPROVED _____		
☐ SYSTEM DESCRIPTION	DATE DRAWN _____		
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____		
☐ OTHER _____	DATE _____		
☐ OTHER _____	DATE _____		

NR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BETTY RUSTIN LUSHER	05/01/1987	IRRIGATION	04/01/11-01	0.08 CFS	
C	ARTHUR LUSHER					

TOTAL DIVERSION: 4115-1915

0.08 CFS

Water Source: CHALLIS CREEK

Tributary to: SALMON RIVER

Stage: *beneficial use*

Point(s) of Diversion:

T14N R19E S07 ~~E02~~ *SW1/4 NW1/4*

CUSTER County

Place of use Legal Description for: IRRIGATION

NE	NW	SE	SW	TOTAL ACRES
T R S	14N 19E	7	10	3.5

POU County: CUSTER

Other Rights: A72-00032A, A72-04231, A72-00024B

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R02 - A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 72C.

Remarks: OWNERSHIP CHANGE WITH SPLIT 12/16/93 BY JG.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 72C Field Inspection Flag: Presumption Flag:

R PROOF
CVR
MAPS
PHOTOS
MISC





MICROFILMED

MAR 17 1993

Water Right Number - R72-00024

Prefix Translation:

RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - +

+ - - - -

*** C - CURRENT OWNER ***
LUSHER

BETTY RUSTIN

1 - P.O. BOX 349
2 -
3 -

State- ID Zip- 832260000

LUSHER

ARTHUR

City- CHALLIS
Phone - 208-879-2750
1 - P.O. BOX 349
2 -
3 -

State- ID Zip- 832260000

+ - Priority Date - - +
05/01/1879+ - - - - Region - - - - +
17 SOUTHERN+ - - - - Stage - - - - +
D - DECREED

+ - - - - Status - - - - +

CHALLIS CREEK

+ - - - - Tributary - - - - +
SALMON RIVER+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot Rflg County
14N 19E 7 SW NW 2 (37) CUSTER+ - - - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.900+ - Total Div. Rate - + - Total Div. Volume - +
0.900+ - Total Consumptive Use - + - KW Usage - +
87.5+ - - - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
14N 19E 7 SW NE 17.0 01 IRRIGATION (37) CUSTER
14N 19E 7 SE NW 7.0 01 IRRIGATION (37) CUSTER
14N 19E 7 SE NW 11.0 01 IRRIGATION (37) CUSTER

Total Acres: 35.0

+ - - - - Diversion Means - HIGH LINE CANAL, GRAVITY

+ - - - - Non-irrigation Use -

+ - - - - Other Rights for Same Use - 72-00032A & 72-04231

+ - - - - Remarks - - - - +
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF CFS, A TOTAL COMBINEDMICROFILMED
MAR 17 1993

Remarks
ANNUAL CONSUMPTIVE USE VOLUME OF [REDACTED] AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF [REDACTED] ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00032A & 72-04231.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 35 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DERIVED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 72-00018B, 72-00020M, 72-00020Q,
72-00032A, 72-04231, 72-10066, 72-10083 & 72-10466.
~~WATER IS DELIVERED THROUGH THE HIGH LINE CANAL.~~

Old Water Right Numbers - - -

Conditions of Approval

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

M02 - LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS PART OF THE DIVERTING WORKS.

+ - Decree Date - +
10/09/1911

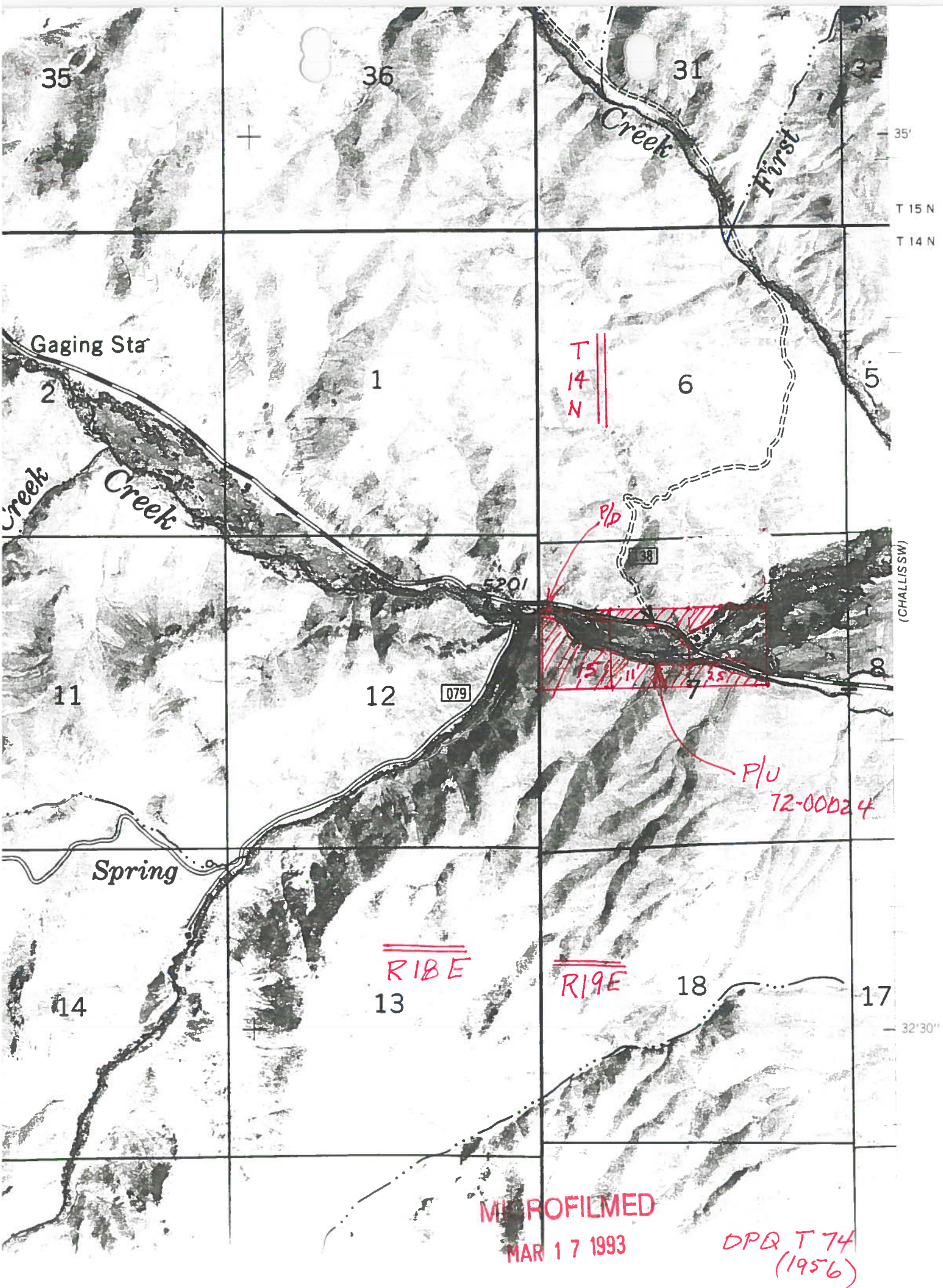
- - -Comments- -
No Comments Found

Adjudication Rights Dates and Flags Area

Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Field Inspection Flag	-	Old Case Number	-
Verified Date	- 00/00/0000	Old Judicial District	-
Last Amended Date	- 00/00/0000	Temporary Right	- P
Receipt Number	- S010298	Water District	- 72C
POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- OR	Presumption Flag	-

Civil Case Number	-	39576
Old Case Number	-	
Old Judicial District	-	
Temporary Right	-	P
Water District	-	72C
Federal/State Indicator	-	S
Presumption Flag	-	
Notice of Error Flag	-	

MICROFILMED
MAR 17 1993



35

36

31

Creek

First

35'

T 15 N

T 14 N

Gaging Sta

2

1

T
14
N

6

5

Creek

Creek

P/U

38

5201

11

12

079

15
11
7.5

(CHALLISSW)

P/U
72-00024

Spring

14

13

RIBE

RI9E

18

17

32'30"

MICROFILMED

MAR 17 1993

DPR T 74
(1956)