

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 address. My correct address
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 address

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.*

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.

500-837
P.O. Box 93757
San Francisco, CA 94114

ADDRESS SERVICE
REQUESTED

JAN 20 1998
FBI
JAN 20 1998
U.S. POSTAGE



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

R72-000231A
BETTY RUSTIN LUSHER
ARTHUR LUSHER
PO BOX 349
CHALLIS

+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: **A72-04231A**
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: OCT 10, 1911

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 & LOW LINE CANALS, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		

7. Total Quantity Appropriated is:
0.140 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

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					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:
A72-00024, A72-00032A, A72-04231B

14. Remarks:
AC. IRR. = 57.5

OWNERSHIP SPLIT 12/14/93 BY JG.

15. Basis of Claim: BENEFICIAL USE

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: _____

State of Idaho)
) SS.
County of _____)

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)

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 _____, B.M.
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: JA

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Comments of Staff:

Original to be mailed to Idaho Department of Water Resources

A 72-04231

Lusher

58 Ac

2 cfs

[Handwritten mark]

(A)

Lusher

3.5 Ac.

.14 cfs

(B)

Peterson → Wunsch

54.5 Ac

1.86 cfs

(C)

Wunsch

31 Ac.

1.57 cfs

(D)

Thornton

23.5 Ac.

.29 cfs

Kustin Pump - West of Finstead.

7/13/72

54" Lift 4" Pipe 12' to Pump (Sucking Air?)
Cornell 6 1/4" Centrifugal Pump
10 HP (Hot) Motor 2 Φ
McGrometer Meter 4" 130 gpm

Line running West

Inlet 1200 3/16 Nozzle

Eng. 7 1/2 psi

Mobile
15 1/2 Nozzle 150 + 1000

40' spacing

Line running East

Inlet 1300

Plus surface Irr.

19 Nozzles 3/16"

Eng. 14 psi 7/32"

Central Pasture (East of House)

Grown feed - 1/2 lb per cow 9" pipe

Short Water Line (Feed near the Center) + Small hand line near - psi
7 Nozzles

End 15 psi 8 heads to water

Feed 14 psi 5 heads to feed 7/32"

13 psi 3 heads to watering

+ Flood Irr. diverter

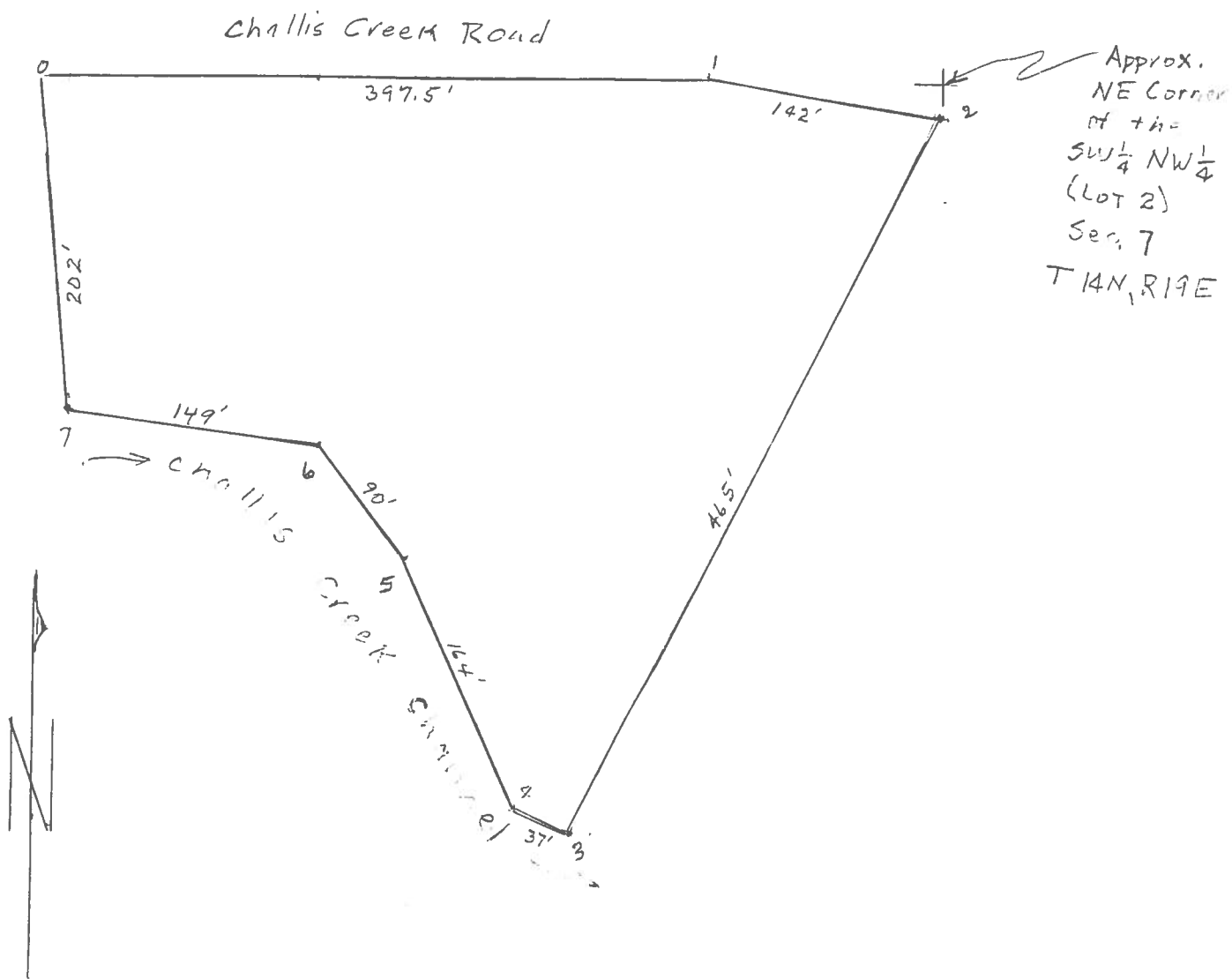
Feed Line below

Core Feed

12" pipe - 1/2 lb per cow

Small Pasture next to Road (See also diagram)

Flow diverter from Feed Line to water - 1/2 lb per cow

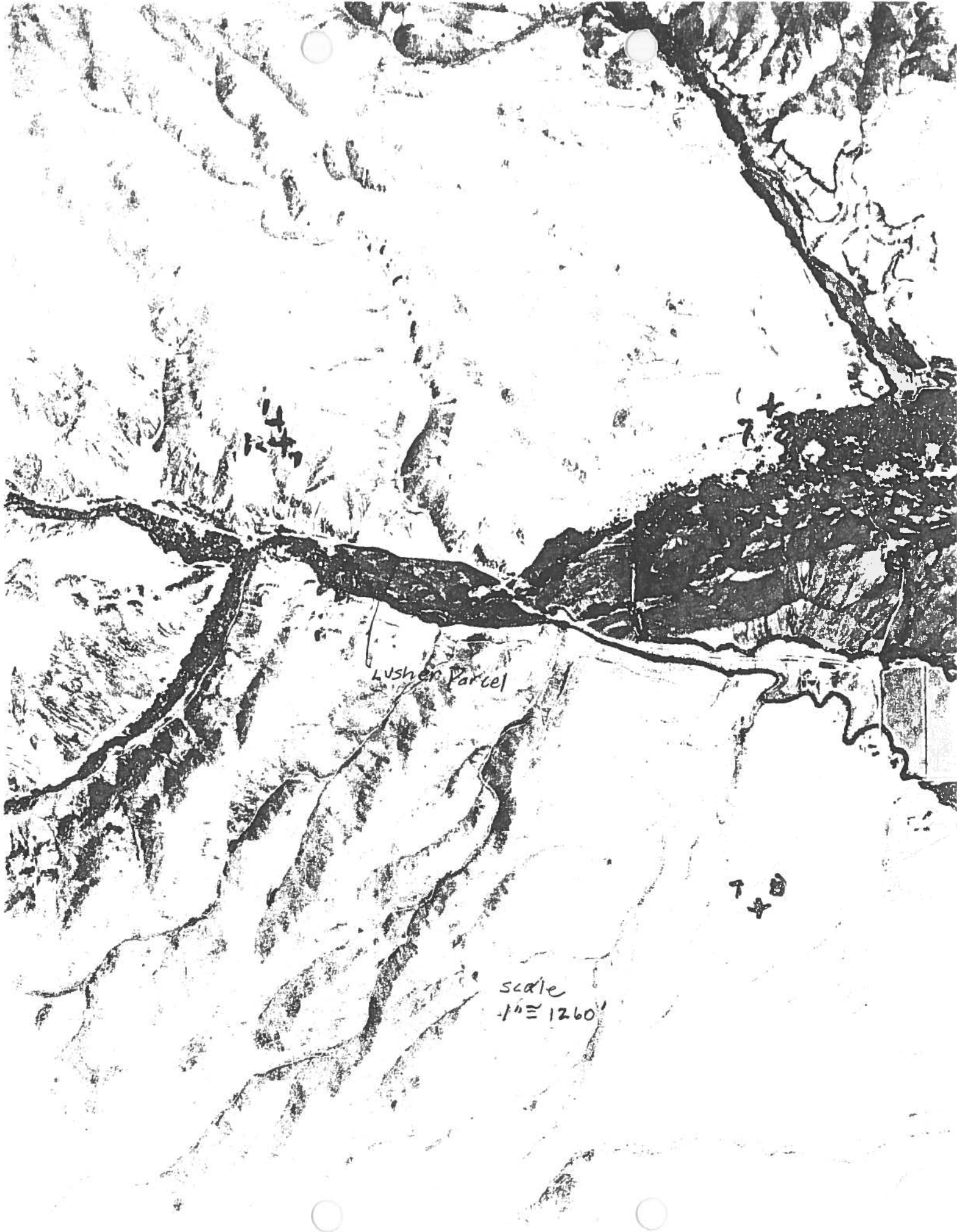


Scale 1" = 100'

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'

5001 Eugene Street

Richard A. Johnson

Registered Land Surveyor

Boise, Idaho 83703

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.

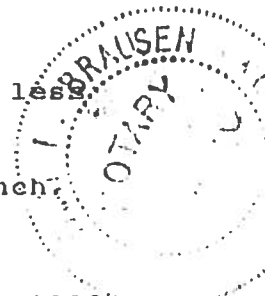
See Record of Survey No. _____ Lusher-- Wineglass Ranch

Betty Lusher

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

SUBDIVISIONS -- BOUNDARIES -- PLANNING

Don L. Brausen
Natalie Lusher
Challis 6.8.98



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.

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
—	NENE		A72-15795	BLM	K		J	01/01/1879	16	WILDLF
—	NENE		R72-10175	HAUGRUD, JACK OR G GAR	A		J	06/01/1983	43	DOMEST
—	NENE		R72-10175	STRAND, DANNIE A	C		J	06/01/1983	43	DOMEST
—	NENE		R72-10175	STRAND, SALLY L	C		J	06/01/1983	04	STOCK
—	NWNE		A72-04231	STRAND, DANNIE A	C	9	S	10/10/1911	01	IRR
—	NWNE		R72-04231	STRAND, SALLY L	C	7	J	04/15/1914	01	IRR
—	NWNE		A72-15795	LUSHER, BETTY RUSTIN	C		J	01/01/1879	04	STOCK
—	NWNE		A72-15795	LUSHER, ARTHUR	C		J	01/01/1879	16	WILDLF
—	NWNE		A72-15795	US DEPT OF INTERIOR	C		J	01/01/1879	04	STOCK
—	NWNE		A72-15795	BLM	K		J	01/01/1879	16	WILDLF
—	NWNE		A72-15795	HAUGRUD, JACK OR G GAR	A		J	01/01/1879	04	STOCK
—	NWNE		A72-15795	US DEPT OF INTERIOR	C		J	01/01/1879	16	WILDLF
—	NWNE		A72-15795	BLM	K		J	01/01/1879	16	WILDLF
—	NWNE		A72-15795	HAUGRUD, JACK OR G GAR	A		J	01/01/1879	16	WILDLF

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0604-2 Township: 14N			Range: 19E	Section: 7	Tract: SWNE			Lot: 48		
S	L	STATE	Water	Name	O	S	Max #	Records	Use	
E	O		Right	Last, First	W	T	Priority	Date	Code	Desc
L	Tract	T	No.		N	AC	G			
-	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	DOMEST
-	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	DOMEST
-		-		LUSHER, BETTY RUSTIN	C					
-		-		LUSHER, ARTHUR	C					

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0601-2 Last Name: L LUSHER

STATE

S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Desc
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 DOMEST
-	ARTHUR	C	A72-10031	12/31/1985	GROUNDWATER	0.040	43 DOMEST
-	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 Desc
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 DOMEST
-	ARTHUR	C	R72-10031	12/31/1985	GROUNDWATER	0.040	43 DOMEST
-							
-							
-							
-							
-							

SD-0604-2 Township: 14N Range: 19E Section: 7				Tract: Lot:			
S	L	Water	Name	O	S	Max #	Records
E	O	Right	Last, First	W	T	Priority	Use
L	Tract	No.		N	AC	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, ARTHUR	C	11	J 04/15/1914 01 IRR
---	SEnw		A72-00024'	LUSHER, BETTY RUSTIN	C	11	D 05/01/1879 01 IRR
---	SEnw		A72-00032A	LUSHER, ARTHUR	C	11	D 07/22/1910 01 IRR
---	SEnw		A72-04231'	LUSHER, BETTY RUSTIN	C	22	S 10/10/1911 01 IRR
---	SEnw		R72-00024	LUSHER, ARTHUR	C	11	D 05/01/1879 01 IRR
---				LUSHER, BETTY RUSTIN	C		
---				LUSHER, ARTHUR	C		

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)



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,

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



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,

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

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 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: A72-04231
Date Received: 10/26/1989
Receipt No: S010298
Received By: SCC

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: OCT 10, 1911

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 & LOW LINE CANALS, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 145.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A72-04231

Page 1

Date: 10/26/89

COPY

MAR 13 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	19E	7	NW		NE		IRR	9.0
			SW		NE		IRR	22.0
			SW		NW	2	IRR	5.0
			SE		NW		IRR	22.0
							Section Acres	58.0
							Total Acres	58.0

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:
A72-00024, A72-00032A

14. Remarks:
AC. IRR. = 57.5

15. Basis of Claim: STATUTORY CLAIM

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 Collins
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 dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04231
BETTY RUSTIN LUSHER
ARTHUR LUSHER
P.O. BOX 349
CHALLIS

ID 83226-0000

RE: Evidence of Priority

RESPONSE DEADLINE

MAY 1, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

Please submit the required evidence supporting the priority date(s) by **May 1, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 18 1993

RECEIVED

4-24-92

Dear Sir: MAY 04 1992

I am writing this letter in
response to the claim I.D. #
A 72-04231.

My late husband Manley
Rustin purchased this property
in April, 1965 & I know we
have been using water from
Challis creek to irrigate this
land since that date. I also
know the former owners used

INDIVIDUAL

STATE OF IDAHO

COUNTY OF Custer

) ss.
)

On this 24th day of April, in the year 1992, before me
a Notary Public in and for said State, personally appeared
BETTY RUSTIN LUSHER, known or identified to me to be the
person whose name is subscribed to the within instrument and
acknowledged to me that she executed the same.

WITNESS my hand and official seal.

MICROFILMED

MAR 18 1993

Charlotte Lusher
Notary Public for Idaho

Residing at Challis, Idaho

My commission expires: 3-16-1997

RECEIVED

4-24-92

Dear Sir: MAY 01 1992

I am writing this letter in
response to the claim I.D. #
A 72-64231.

My late husband Monley
Ruster purchased this property
in April, 1965 & I know we
have been using water from
Challes creek to irrigate this
land since that date. I also
know the former owners used
water from Challes Creek to irrigate
this land.

During my years on this
property I have talked to many
of the old timers of the area who
have told me of how the land
was irrigated in the past.

Betty Ruster Lusher

MICROFILMED

MAR 18 1993

RECEIVED

AFFIDAVIT - WATER USE

MAY 01 1992

RE: WATER RIGHT NO. A72-04231

Department of Water Resources
Southern Region Office

STATE OF IDAHO)
: ss.
County of Custer)

The undersigned, first being duly sworn, deposes and says as follows:

1. I was born in 1908 and have basically resided in Custer County my entire lifetime. During my youth I grew up on a ranch being irrigated from Challis Creek so I became very familiar with the delivery and use of Challis Creek water at an early age.

2. I am personally very familiar with lands referred to as the Lusher lands on the attached Exhibit A. Although I believe the water rights described were used on these lands for years before I have personal memory on the matter, I can state that from my best individual recollections, the described lands were being irrigated by these water rights by the irrigating season of 1924.

2. These statements are true to my best knowledge and belief.

DATED: April 17th, 1992.

Elmer Stephens
Elmer Stephens

SUBSCRIBED AND SWORN TO before me this 17th day of April, 1992.

Jane Brant
Notary Public for Idaho
Residing at: Challis Idaho
My Comm. Expires: 1-13-93

MICROFILMED

MAR 18 1993

AFFIDAVIT

Re: Idaho Department of Water Resources Adjudication Claims

Water Rights No. A72-04231

Current Owner: Betty Rustin Lusher
Art Lusher
P. O. Box 349
Challis, Idaho 83226

RECORDED

MAY 04 1992

Department of Water Resources
Eastern Region Office

Priority Date 10/10/1911, Source Challis Creek

Laura Bishop being first duly sworn, upon oath, deposes and says:

1. That I am a resident of Custer County, Idaho, and have resided there since 1910.
2. That I have personal knowledge of the location and irrigation patterns on the above-described high water right which is appurtenant to 114 acres of land on Challis Creek, 5 miles northwest of Challis, Idaho, in Custer County and presently owned by the applicant, Betty Rustin Lusher and Art Lusher.
3. I came to Challis, Idaho, Custer County, with my parents in 1910. I was 6 years old. I can remember riding by the property now owned by Betty Rustin Lusher and Art Lusher, seeing ditches with water being irrigated out of that were full. This being the spring of the year and there was plenty of water. The high water was used to supplement the low water right, much as is being done today.

Laura Bishop 4/27/92
Laura Bishop

STATE OF IDAHO)
) ss.
County of Custer)

On This 27th day of April, in the year 1992, before me Clayton Severe, a Notary Public in and for said State, personally appeared Laura Bishop, known to me to be the person whose name appears above.

WINESS my hand and official seal.

Clayton R. Severe
Notary Public for Idaho
Residing at Challis, Idaho
My commission expires: 3-16-1997

MICROFILMED

MAR 18 1993

Water Right Number - A72-04231

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
LUSHER BETTY RUSTIN
1 - P.O. BOX 349
2 -
3 -
City- CHALLIS
Phone - 208-879-2750
1 - P.O. BOX 349
2 -
3 -
City- CHALLIS
Phone - 208-879-2750
State- ID Zip- 832260000

LUSHER ARTHUR

State- ID Zip- 832260000
Phone - 208-879-2750

Priority Date - 10/10/1911
Region - 17 SOUTHERN
Stage - S - STATUTORY CLAIM
Tributary - SALMON RIVER
Status -

SOURCE - CHALLIS CREEK

TRIBUTARY - SALMON RIVER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
14N	19E	7	SM NW	2		(37)	CUSTER	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01		2.000	

Total Div. Rate - 2.000
Total Div. Volume - 145.0
Total Div. Capacity -
Total Consumptive Use -
KM Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
14N	19E	7	NW NE		9.0		01	IRRIGATION	(37) CUSTER
14N	19E	7	SW NE		22.0		01	IRRIGATION	(37) CUSTER
14N	19E	7	SW NW	2	5.0		01	IRRIGATION	(37) CUSTER
14N	19E	7	SE NW		22.0		01	IRRIGATION	(37) CUSTER

Total Acres: 58.0

Diversion Means - HIGH LINE & LOW LINE CANALS, PUMP

Non-Irrigation Use -

Other Rights for Same Use - A72-00024, A72-00032A

AC. IRR. = 57.5

Remarks

MICROFILMED
MAR 1 8 1993

Prefix Translation: ADJUDICATION CLAIM

RECEIVED
MAR 18 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 ya!

Jeanie

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 the fact 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!"

Jane

72-00024A & 72-04231A



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

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.

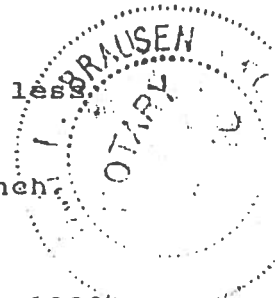
See Record of Survey No. _____ Lusher-- Wineglass Ranch

Betty Lusher

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

SUBDIVISIONS -- BOUNDARIES -- PLANNING

Wm. L. Brausen
Nataly Lusher
Challis 6.8.92



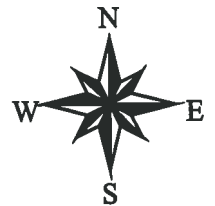
IDAHO DEPARTMENT OF WATER RESOURCES

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

[illegible]

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

AJ5809NP
No. R72-04231A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/22/99
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BETTY RUSTIN LUSHER	10/10/1911	IRRIGATION	04-01 10-31	0.120 CFS	
C	ARTHUR LUSHER PO BOX 349 CHALLIS ID 832260000 (208) 879-2750					
TOTAL DIVERSION:					0.120 CFS	

Water Source: CHALLIS CREEK

Tributary to: SALMON RIVER

Stage: BENEFICIAL USE

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	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
14N	19E	7	:																2.8
TOTAL ACRES																		2.8	

POU County: CUSTER

Other Rights: 72-00024A

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. 72-00024A 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. R72-04231A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/22/99
PAGE: 4

Comments: Date: 11/11/1998 User-ID: JROBERTS Subject: COPIED FROM REMARKS

AC. IRR. = 57.5

OWNERSHIP SPLIT 12/14/93 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 AND DIVERSION RATE
PER NOE, INCREASED ACRES TO 3.3 WHICH ALLOWED RECOMMENDATION OF
CLAIMED RATE OF .14 CFS.

Date: 11/09/1999 User-ID: CFRITSCH Subject: DECREASED ACREAGE
TO RESOLVE BLM OBJECTION 0.5 ACRES IN LOT 7 (NWNW) WAS DELETED.
HUBBLE ANALYSIS FOUND 0.07 CFS/ACRE WAS REASONABLE.
 $0.07 \text{ CFS/ACRE} \times 2.8 \text{ ACRES} = 0.196 \text{ CFS} = 0.20 \text{ CFS}$
 $72-00024A = 0.08 \text{ CFS}$
 $72-04231A = 0.12 \text{ CFS}$
TOTAL = 0.20 CFS
THEREFORE, THE DIVERSION RATE WAS REDUCED TO 0.12 CFS.

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 X

M NUMBER 72-00024A DATE 10/23/98
72-04231A AGENT JB

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
IM	14N	19E	7							3.5									
S	14N	19E	7							.5	2.4	.78							
OM	14N	19E	7							.5	2.4	.78							
IM																			
S																			
OM																			
IM																			
S																			
OM																			

-DBPOU.SHP

PE NOS.

333

-DBPOD.SHP

3. DESCRIPTION

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

*amended FOU recommendation
per NDE 1-12-99 R*

*Master updated
1-19-99 R*

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

TABLES UPDATED

-DBPOU.DBF ☒

-DBPOD.DBF ☒

GLAYOUT ☒

*Master updated
11-9-99 R*

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
BRD						
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

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	?	2.933	.07	203 CFS

TOTAL ACRES 2.933 2.7 Ac.

DECREED RATE =

CLAIMED DIVERSION RATE =

MEASURED DIVERSION RATE =

* 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

72-00024A = .08
72-04231A = .12
11-11

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 72-04231A

(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)

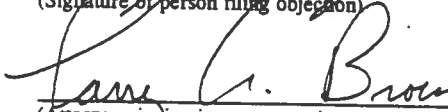
) ss.

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:

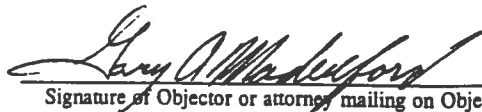
Name: Arthur & Betty Lusher
Address: PO Box 349 Challis, ID 83226
Name:
Address:
Name:
Address:
Name:
Address:

3. Copies to:

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

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

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



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-250

RIGHTS FROM: SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER
RIGHT NUMBER: 72-04231A

NAME & ADDRESS: BETTY RUSTIN LUSHER
ARTHUR LUSHER
PO BOX 349
CHALLIS ID 832260000

-POU ON BLM; USE NOT AUTHORIZED

SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.14 CFS

PRIORITY DATE: 10/10/1911

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 0.14 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S07 Lot 7 (NNWN) 0.5 Lot 2 (SWNW) 2.8 ✓
3.3 ACRES TOTAL *BLM*

USE OF THIS RIGHT WITH RIGHT NO. 72-00024A 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 - BENEFICIAL USE

AJ5856NP

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

DATE: JAN-26-1999
PAGE: A-251

RIGHTS FROM:

SOURCE: CHALLIS CREEK

TRIBUTARY: SALMON RIVER

RIGHT NUMBER:

72-04231A (CONT)

EXPLANATORY MATERIAL: (CONT)

DATE: 01/12/99
PAGE: 1

TOTAL DIVERSION: 0.14 CFS

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

NE
NE

TOTAL ACRES	3.3
-------------	-----

Other Rights: 72-00024A

C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER

-	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.	

IRRIGATION OF A COMBINED TOTAL OF 3.3 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

AJ0749NP
No. R72-04231A

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

AC. IRR. = 57.5

OWNERSHIP SPLIT 12/14/93 BY JG.

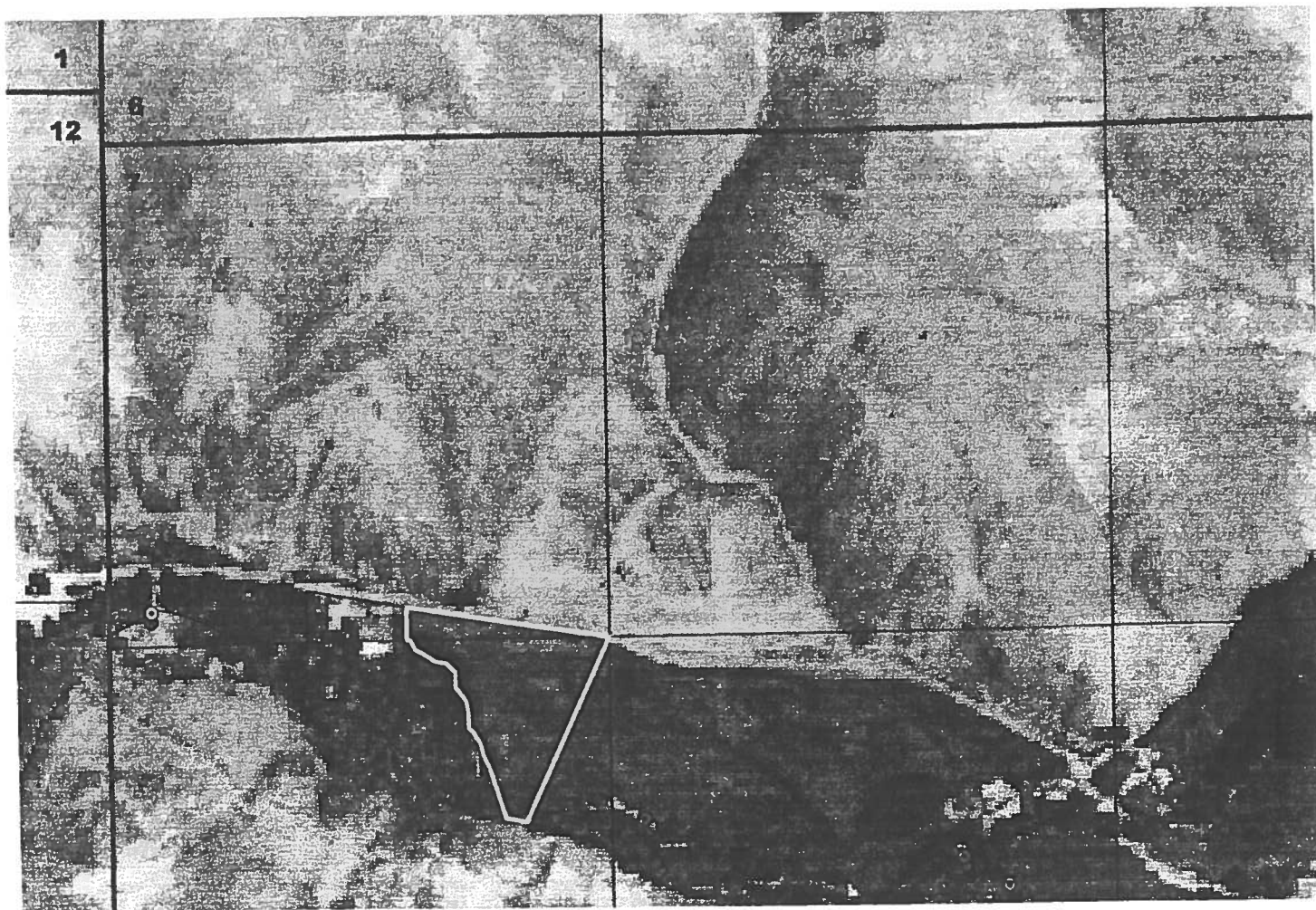
Date: 11/21/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 01/12/1999 User-ID: JROBERTS Subject: INCREASED ACREAGE AND DIVERSION RATE
PER NOE, INCREASED ACRES TO 3.3 WHICH ALLOWED RECOMMENDATION OF
CLAIMED RATE OF .14 CFS.

Audit: 01/12/99 JROBERTS

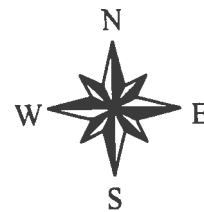
IDAHO DEPARTMENT OF WATER RESOURCES

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

RECEIVED

JAN 27 1999

Department of Water Resources
Southern Region

U.S. POSTAL SERVICE

PS FORM 3547

Order 1 fee due 50¢

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



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Postage & Fees Paid
USPS
Permit No. 155

CARRIER COLLECTS POSTAGE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1161 Fremont North, Suite 200
Twin Falls, Idaho 83101-3380

ADDRESS SERVICE REQUESTED

BETTY RUBIN LUSHER
ARTHUR LUSHER
PO BOX 349
CHALLIS ID 83226

LUSHER 032263009 1A08 04 01/23/99
LUSHER ROBIN LN APT 3
CONCORD CA 94520-3602





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

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.

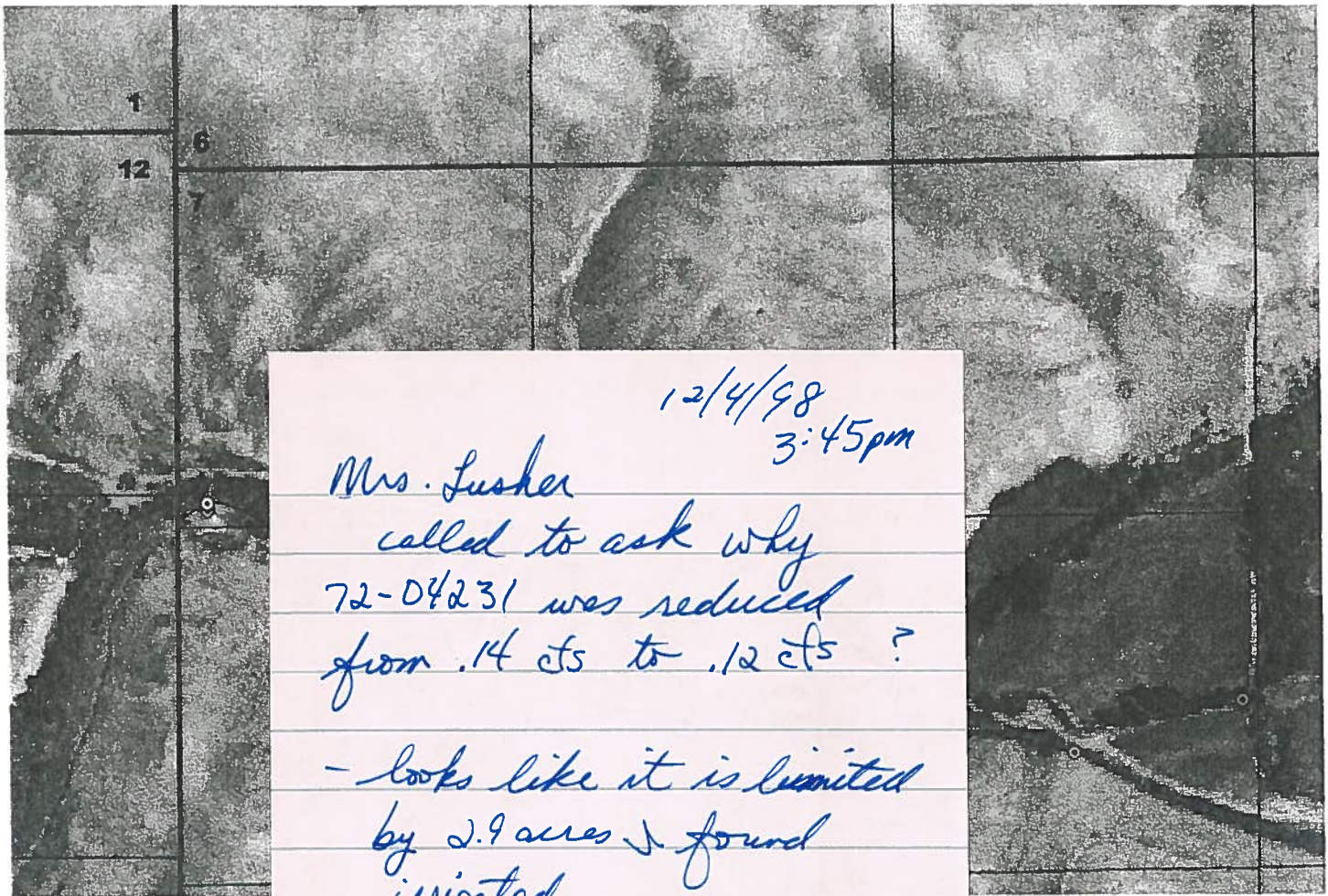
If you have any questions, please feel free to give me a call at the office.

Sincerely,

Jeanie Robertson
Senior Water Resource Agent

IDAHO DEPARTMENT OF WATER RESOURCES

72-00024A & 72-04231A

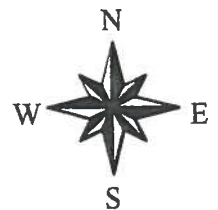


12/4/98
3:45pm

Mrs. Lusher
called to ask why
72-04231 was reduced
from .14 cfs to .12 cfs ?

- looks like it is limited
by 2.9 acres & found
irrigated

- she said she irrigates more
than 3 Ac. Told her to send
me the NOE and re-draw or
map the acres she irrigates
and I may be able to bump
it up...



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
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

(REGIONAL)

TOTAL DIVERSION:

Stage: BENEFICIAL USE

CUSTER County

NE

TOTAL ACRES

Remarks: POU1 USE OF THIS RIGHT WITH RIGHT NO. 72-00024A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2.9 ACRES IN A SINGLE IRRIGATION SEASON.

WATER DISTRICT 72-C.

Verified Date:

Presumption Flag:

REEVALUATION OF IRRIGATION RATES BASED UPON 1980 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
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	?	* 2.933 *	* .07 *	= <u>.231</u> CFS
			*	*	= CFS
			*	*	= CFS
			*	*	= CFS

TOTAL ACRES

2.933

DECREED RATE =

CLAIMED DIVERSION RATE =

MEASURED DIVERSION RATE =

72-00024A = .08
72-04231A = .14
1.22

new: 72-00024A .08
72-04231A .12

new: claimed 1.11

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						.5	2.4	2.98									2.9
RECOM	14N	19E	7						.5	2.4	2.98									2.9
																				3.28
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP

SHAPE NOS.
333

amended POU recommendation
per NDE 1-12-99 JR

B72-DBPOD.SHP

NOS. DESCRIPTION
201 14N, 19E, 7 SWNW (10)

Master updated
1-19-99 JR

DBF TABLES UPDATED

B72-DBPOU.DBF ✓

B72-DBPOD.DBF ✓

JPEG LAYOUT ✓

72-00024

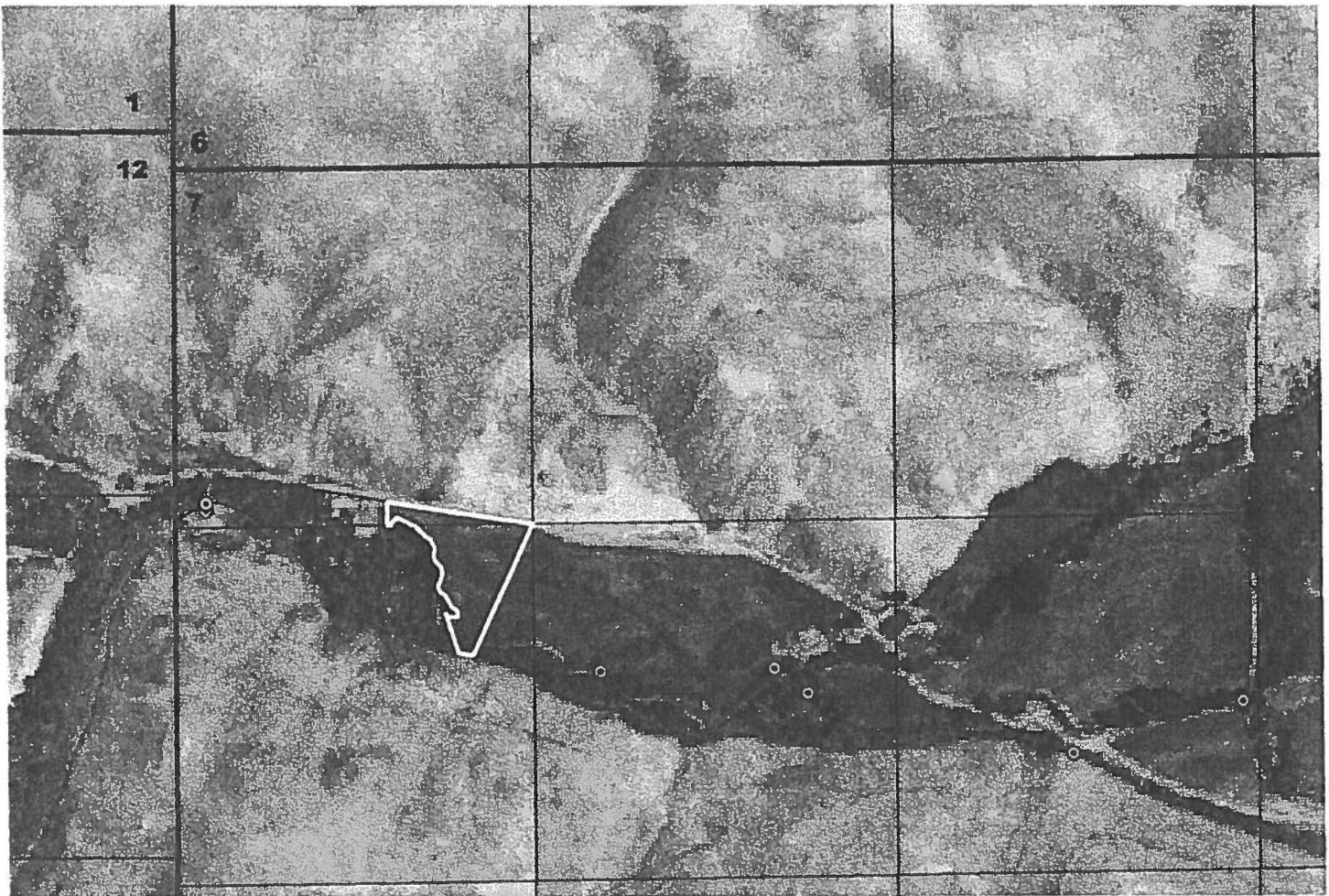


R9-12+1
7/15/93

Rustin - Pasture West of Farmstead
viewed from Challis Creek Rd looking south
toward Challis Creek. Power pole in near
the pump station

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



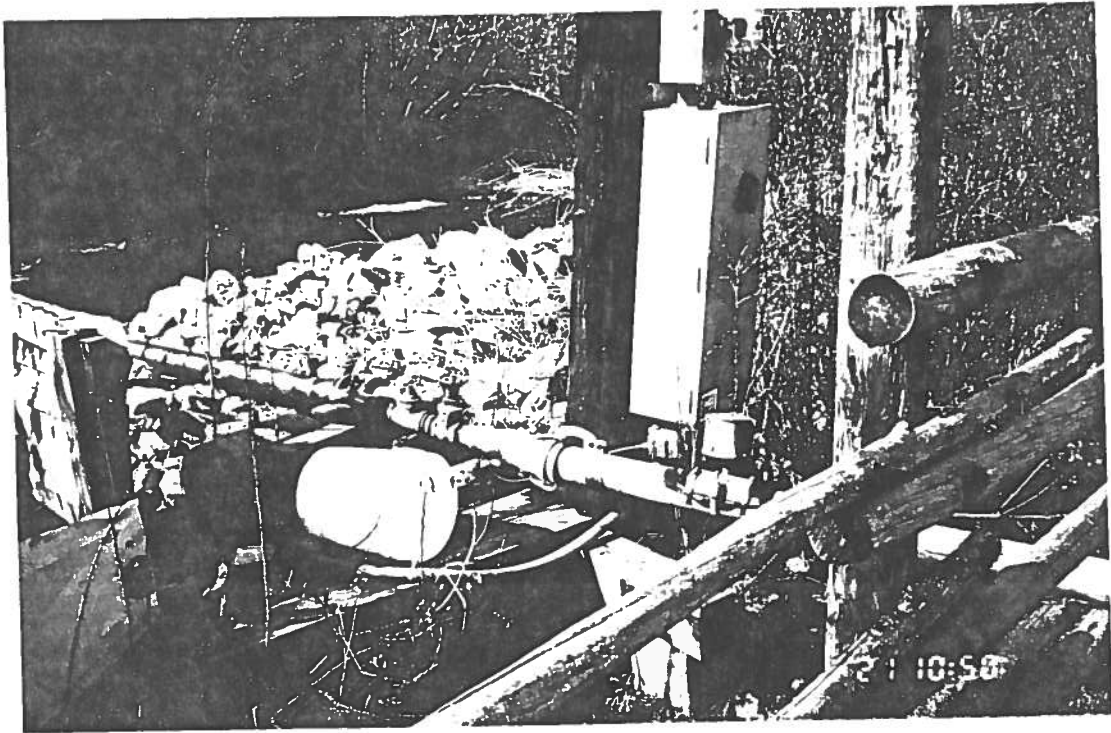
RECOMMENDED PLACE OF USE

⊙ RECOMMENDED POINT OF DIVERSION

SECTION LINES

QUARTER QUARTER LINES

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



10:50 (14) Peterson - Pump
Source Cholly's Cr

Meas Dev - 5N Commuter
Lockable gate Valve.

(OK)

STATE OF ILLINOIS
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A72-04231

03:31:30
06/05/90

USE ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SPENT/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				Y				
POINT OF DTD	Y			N				
SOURCE				N				
PLACE OF USE	Y			Y				
INT. AMOUNT CES/VOLUME				Y				
CONSUMPTIVE USE	-			N				
PURPOSES				N				
PERIOD OF USE				Y				
BASIS OF CLAIM				N				
REMARKS	Y			Y				

*VERIFIED BY CODES

TOPO MAP/ORTHO-PH = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAAPP 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.

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMUDICATION CLAIM VERIFICATION REPORT

03:31:30
06/05/93

CLAIM NUMBER: 072-04231

FACT: TUSHER
ADDRESS: P.O. BOX 349
CITY: CHALLIS
PHONE NUMBER: 208-879-2750

FIRST: BETTY RUSTIN
STATE: ID ZIP: 832260000

OWNER CODE: C

FACT: TUSHER
ADDRESS: P.O. 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

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: AC. TYP. = 57.5

A. A1 CLAIM: # A72-04231 PRIORITY DATE: 10-10-1911 STAGE: S
P. WR RECORD: # 72-04231 PRIORITY DATE: 10-10-1911 STAGE: S

C. CRED FROM REQUESTOR: _____
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) _____
DATABASE: N
FIELD EXAMINER: N

ARE THERE OVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIM? (Y/N) ()

REMARKS: 2 affidavits and a statement submitted as evidence of priority.

Mrs Louisa Bishop swore that she had seen water in the irrigation
ditches at springtime when she was a child. If this happened
when she was about 10 years old the year would be 1914.
She stated this high water flow was used
to supplement the low water right (decreed)

A.V. St.

RECOMMENDED PRIORITY DATE:
10-10-1911 1914

PREPARED BY: A.V. St. DATE: 2/19/93

A. A1 CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	ONLY
A72-04231	14N	19E	7	NW	CU	NU	2	CUSTER

OTHER A1 CLAIMS WITH SAME A1 POD

A PREFIX
A72-00015R
A72-00020H
A72-00020R
A72-00024
A72-00032A
A72-10066
A72-10083
A72-10446

F06

F01
High Line Canal.

WR RECORDS IN SAME 40 ACRE TRACT

72-00003
72-00006A
72-00009P
72-00018A
72-00018B
72-00020R
72-00020C
72-00021
72-00022P
72-00024
72-00025A
72-04158
72-07180
72-07445

SOURCE: CHALLIS CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

POINT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	ONLY
72-04231	14N	19E	7				2	CUSTER

OTHER WR RECORDS WITH SAME WR POD

A1 CLAIMS IN SAME 40 ACRE TRACT
A PREFIX
R PREFIX

NONE

NONE

NONE

C. FIELD EXAM REQUIRED?

TRIP: SALMON RIVER

D. FIELD EXAM REQUIRED?

DOE TO FOD DISCREPANCY? (Y/N)
DOE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
N

A. FOOT WATER RIGHT NUMBERS: A72-04231

B. FOU LISTING

TWP	RMS	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	Desk Review	FIELD EYAM	RECOMM. ACRPS
14N	19E	7	NW	NE		LUSHER, BETTY RUSTIN	A72-04231 / 9.0	72-04231 / 9.0	10.0	7		
14N	19E	7	SW	NE		LUSHER, BETTY RUSTIN	A72-04231 / 72.0	72-04231 / 72.0	25.0	25		
			SW	NE		LUSHER, BETTY RUSTIN	A72-00024 / 17.0	72-00024 / 17.0				
			SW	NE		LUSHER, ARTHUR	A72-00032A / 17.0					
			SW	NE		LUSHER, BETTY RUSTIN	A72-10031 /					
14N	19E	7	SW	NW		LUSHER, BETTY RUSTIN	A72-04231 / 5.0	72-04231 / 5.0	6.0	11		
			SW	NW		LUSHER, BETTY RUSTIN	A72-00024 / 7.0	72-00024 / 7.0				
			SW	NW	2	LUSHER, ARTHUR	A72-00024 / 7.0					
			SW	NW		PIOTROWSKI, DENIS A.	A72-10338 /					
14N	19E	7	SE	NW		LUSHER, BETTY RUSTIN	A72-04231 / 72.0	72-04231 / 72.0	21.0	15		
			SE	NW		LUSHER, BETTY RUSTIN	A72-00024 / 11.0	72-00024 / 11.0				
			SE	NW		LUSHER, ARTHUR	A72-00032A / 11.0					
TOTAL ACRES							A72-04231	59.00	59.00	62.00	58	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y/N (✓)
IF YES SEE ATTACHED SHEET.

C. FIELD EYAM EQUIPMENT

DOE TO FOU DISCREPANCY? (Y/N)

DATEBASE

FIELD
EXAMINER

FOU COUNTY: CUSTEP

Y E 12

DISCREPANCY PLACE:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

A. AT CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A72-04231 INVESTIGATION	FROM 04-01 TO 11-01	2.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.000 CFS

B. WE RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
72-04231 INVESTIGATION	FROM 04-01 TO 11-01	2.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.000 CFS

PRESUMPTION FLAG:

C. FIELD FROM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?	Y () N ()
RECOMMEND TO WP STANDARDS OR OTHER?	Y () N ()
	Y () N ()

Explain in remarks, below.

REMARKS:

New standard period of use.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(✓) N()

AT TOTAL CLAIMED DIVERSION RATE: 2.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.000 CFS

*** IF NO OR IF STATUTORY CLAIM OF 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) Y

FILED
DATABASE EXAMINED
Y✓

MEASUREMENT METHOD

FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

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

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

LIST ALL RIGHTS WITH A SAME FOU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DTU ² RATE	DTU ² RATE/ACRE	DTU ² VOL.	DTU ² VOL./ACRE
A72-00021	CHALLIS CREEK	LUSHER, BETTY RUSTIN	2.000	0.034		
A72-00024	CHALLIS CREEK	LUSHER, BETTY RUSTIN	0.900	0.025		
A72-00032A	CHALLIS CREEK	LUSHER, ARTHUR	0.060	0.001		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10021	DOMESTIC	LUSHER, BETTY RUSTIN	FROM 01-01 TO 12-31	.040 CFS	

Complete overlap

A72-04231 overlaps A72-00024 + A72-00032A totally plus it includes 7 additional acres in NW 1/4 of NE 1/4 of Sec. 7. and 16 additional acres in the other tracts.

10. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE $\times 0.02 \text{ CFS/ACRE} = 1.16 \text{ CFS}$
ACRES 58
(Taken from p/u review)

1b. CALCULATIONS

100% AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(✓) N()

11. IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(✓) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 145.0 AF/A
ACRES 58 $\times$ CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =
TOTAL CONSUMPTIVE USE 145 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-
PLPF05ESREC. PERIOD
FROM TO

RED. RLY
RATE DES

RECEIVED
JAN 11 1964
A/A

THE

IRRIGATION

~~04-01~~ ~~11-01~~

DATE 2-000
EXAMINER 1.16

DATEBASE EXAMINER

DATE: 11/15/01
PAGE: 145

TOTAL FOR THIS PAGE

2.000

REVIEWS BY:

LIFE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FIDUCIARY/GRANDSON
ADDITIONAL DIV. AMOUNT

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

D. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04231

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.000

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

-

A72-04231

2.000

-

72-04231

2.000

TOTAL CFS

2.000

2.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
Y

FIELD
EXAMINER
X

REMARKS:

AUTHENTICATION:
SIGNATURE:
NAME OF FIELD EXAMINER:

DATE:
TITLE:

Water Right Number - A72-04231

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

Last Name -

First Name -

Address -

*** C - CURRENT OWNER ***
LUSHER

BETTY RUSTIN

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

City- CHALLIS
Phone - 208-879-2750

State- ID Zip- 832260000

LUSHER

ARTHUR

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

City- CHALLIS
Phone - 208-879-2750

State- ID Zip- 832260000

SPLIT RIGHT

City- XXXXXXXX
Phone - 208-000-0000

State- ID Zip- 999999999

Priority Date - 10/10/1911

Region - 17 SOUTHERN

Stage -

Status - 2 - SEE REMARKS

SOURCE
CHALLIS CREEK
SPLIT RIGHT

Tributary - SALMON RIVER

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

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

01 - IRRIGATION

04/01

11/01

2.000

Total Div. Rate - 2.000

Total Div. Volume -

Total Consumptive Use - 145.0

KM Usage -

Trn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
14N	19E	7	NW NE		9.0	01	IRRIGATION	(37) CUSTER	
14N	19E	7	SW NE		22.0	01	IRRIGATION	(37) CUSTER	
14N	19E	7	SW NW	2	5.0	01	IRRIGATION	(37) CUSTER	
14N	19E	7	SE NW		22.0	01	IRRIGATION	(37) CUSTER	

Total Acres: 58.0

- - - Diversion Means - HIGH LINE & LOW LINE CANALS, PUMP

Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - A72-00024, A72-00032A

AC. IRR. = 57.5

SPLIT RIGHT 12/15/93 BY JG.

----- Conditions of Approval -----
 ----- No Conditions of Approval found. -----

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

+-----Adjudication Rights Dates and Flags Area-----+

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

Form 42-1409(7)

RECEIVED



NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

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 8/2/93 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

Rustin Pump - West of Farmstead
Lucca

7/13/32

- 54" Lift 4" Pipe 12' to Pump (Sucking Air?)
- Cornell 6 1/4' Centrifugal Pump
- 10 HP (Hot) Motor 2 Φ
- McGrawmeter Meter 4" 130 gpm

Line running West

Input 13 psi 3/16 Nozzle

End 7 1/2 psi

5' 11" 15 1/2' 14024 lbs + Hookup 40' spacing
7

Line running East

Input 13 psi

Plus surface Irr.

19 Nozzles 3/16"

End 14 psi 7/32"

Central Pasture (East of House)

0.31' 202
Growth Feet - Hi Line Canal 3" Pipe

Short Wheel Line (End near the Center) + Small Hand Line near - psi

← End 15 psi 8 heads to motor 7 heads

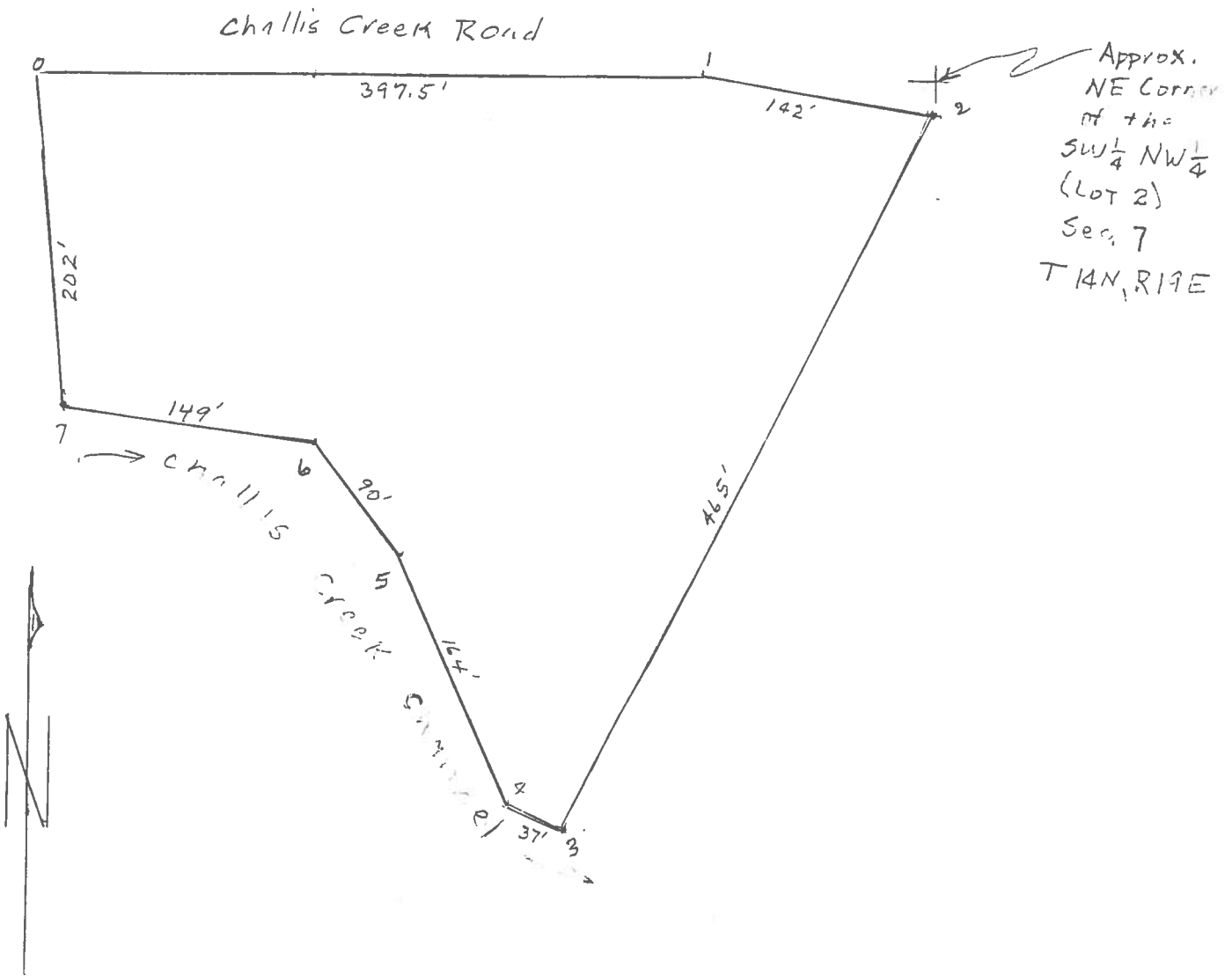
Feed 14 psi 5 heads to Feed 7/32"

13 psi 3 heads to West end

+ Flood Irr. diverted from Lo Line below Co RE End 12" pipe + 12' spacing

Small Pasture next to Road (SE cor of property)

Flood irrigated from Fossil Fuel source - Hi Line Canal



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. J. Johnson
12/14/1992

Scale
1" = 1260'

Lusher Parcel

7
8
L

7
8
L

7
8
L

Lusher

Richard A. Johnson

Registered Land Surveyor

Boise, Idaho 83703

5001 Eugene Street

Phone 344-9826

RECEIVED

Legal Description: **Lusher Parcel One**

DEC 01 1993

Department of Water Resources

A parcel of land situate in the Northwest one-quarter of Office
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.

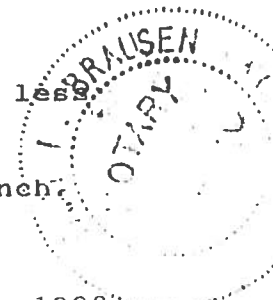
See Record of Survey No. _____ Lusher-- Wineglass Ranch

Betty Lusher

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

SUBDIVISIONS -- BOUNDARIES -- PLANNING

Wm. L. Brausen
Betty Lusher
Challis
6.8.92



Water Right Number - R72-04231

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
LUSHER

BETTY RUSTIN

1 - P.O. BOX 349

State- ID Zip- 832260000

LUSHER

ARTHUR

2 -
3 -
City- CHALLIS
Phone - 208-879-2750

1 - P.O. BOX 349

State- ID Zip- 832260000

2 -
3 -
City- CHALLIS
Phone - 208-879-2750+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/15/1914 17 SOUTHERN J - BENEFICIAL USESource - - - - -
CHALLIS CREEKTributary - - - - -
SALMON RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

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

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

01 - IRRIGATION

04/15 10/15

1.160

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.160 145.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County14N 19E 7 NW NE 7.0 01 IRRIGATION (37) CUSTER
14N 19E 7 SW NE 25.0 01 IRRIGATION (37) CUSTER
14N 19E 7 SW NW 11.0 01 IRRIGATION (37) CUSTER
14N 19E 7 SE NW 15.0 01 IRRIGATION (37) CUSTER

Total Acres: 58.0

+ - - Diversion Means - HIGH LINE & LOW LINE CANALS, PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 72-00024 & 72-00032A

MICROFILMED

MAR 18 1993

Water right number - R72-04231

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 58 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00024 & 72-00032A.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 58 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 72-000188, 72-00020M, 72-00020Q,
72-00024, 72-00032A, 72-10066, 72-10083 & 72-10446.
WATER IS DELIVERED THROUGH THE HIGH LINE & LOW LINE CANALS.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - - Decree Plaintiff - - - - - + - - - - - Decree Defendant - - - - - +
Decree Date - - - - - +
00/00/0000+ - - - - - Comments - - - - - +
Date: 02/19/1993 User Id: WORSTELL Subject: COPIED FROM REMARKSAC. IRR. = 57.5
Date: 02/19/1993 User Id: WORSTELL Subject: HIGH WATER USE
LAURA BISHOP'S AFFIDAVIT REFERS TO THIS USE AS A HIGH WATER SOURCE USED TO SUPPLEMENT THE LOW WATER (DECREED) RIGHT.+ - - - - - Audit Fields - - - - - +
02/19/93 WORSTELL+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 10/26/1989 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 -
Notice of Error Flag -

MICROFILMED

MAR 18 1993