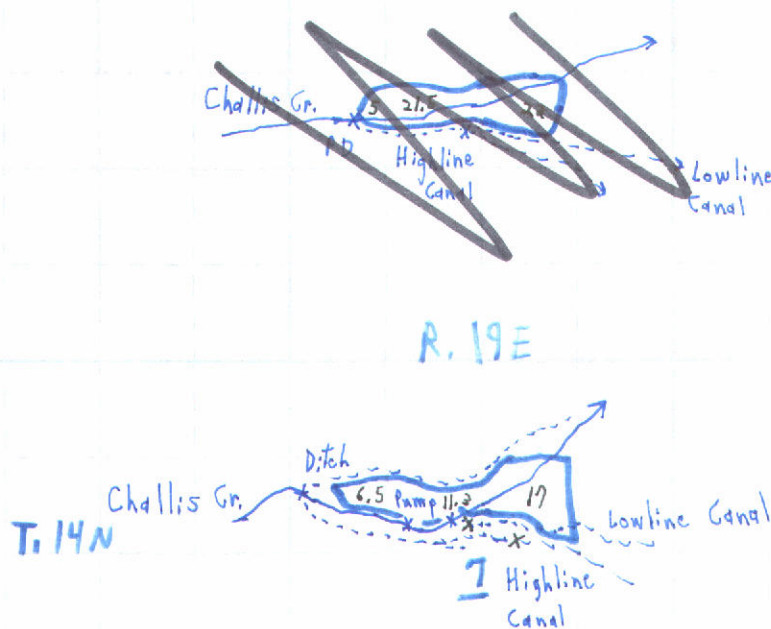


**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



**NOT FILMED**

MAR 03 1988



Department of Resources  
Region Office

OCT 16 1987

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OCT 16 1987

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Department of Resources  
Region Office

Betty Lusher

M. HAGER

35.9 ac

Y-11

B-122  
GROSS

MICROFILMED

MAR 03 1988

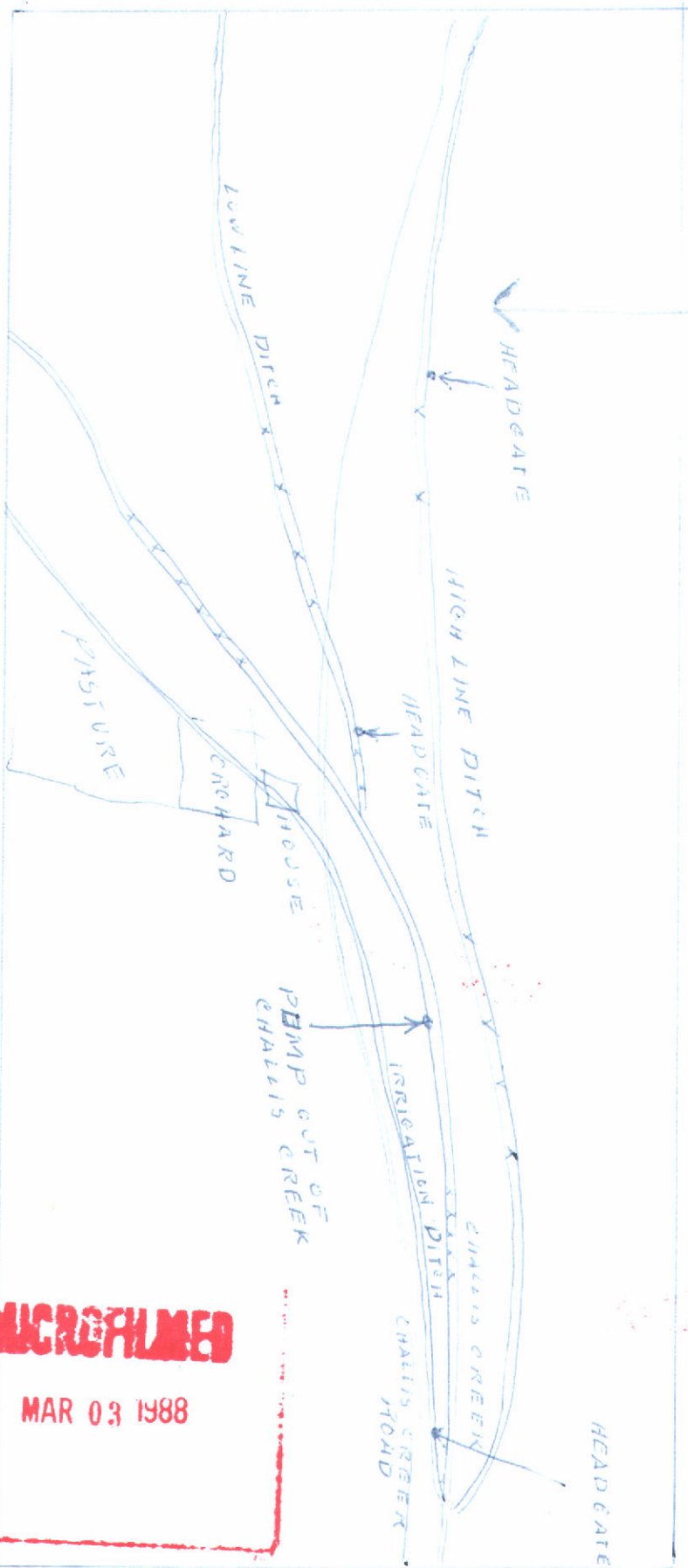
B-386  
G. RUSTIN  
54.4  
B-545  
REED  
B-546  
D. WOOLSEY  
B-547  
C. RIGBY

B-118  
W.T. & A.D. GANN  
30.3

NOT TO SCALE



SWVE  
Ditch Pipeline



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OCT 2 1987  
Department of Water Resources  
Southern Region Office



RECEIVED

OCT 2 1987



9-14-44

SWAMP  
SEMI SWNE

MICROFILMED

MAR 03 1968

98307



# AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I. Margaret Parks

Publisher of the Challis Messenger,  
a weekly newspaper, published at  
Challis, Idaho, do solemnly swear  
that the notice hereto attached and  
made a part hereof, was published  
in the regular and entire issue of  
the Challis Messenger for 2

consecutive weeks, commencing with  
the issue dated July 16  
1987 and ending with the issue  
dated July 23 1987

Margaret Parks  
Subscribed and sworn to before  
me this 28<sup>th</sup> day of July  
1987

Edith M. Beck  
Notary Public, residing at Challis,  
Idaho. My commission expires on

3-21-92

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 72-0024

Notice is hereby given that Betty  
Rustin Lusher of Challis, ID has  
applied to the Department of Water  
Resources for a change of place of  
use and add diversion points of the  
waters of Challis Creek, tributary  
to Salmon River.

The right sought to be changed is  
evidenced by Decree No. 72-0024  
decreed to A.D. Kelley and C.H.  
Beggs in case of John Stephens, et  
al vs. C.C. Shaw, et al dated  
10/9/1911 in Sixth District Court,  
Custer County and is recorded as  
follows:

Amount: 0.90 cfs

Priority: 5/1/1879

Point of Diversion: Lot 2, SENW,  
Sec. 7, T14N, R19E.

Used for irrigation of 57.5 acres  
within W $\frac{1}{2}$ NE $\frac{1}{4}$ , Lot 2 (SWNW),  
SENW, Sec. 7, T14N, R19E.

### TO BE CHANGED AS FOLLOWS

Amount: 0.90 cfs

Point of Diversion: Lot 2  
(SWNW), SWNE, SENW, Sec. 7,  
T14N, R19E, Custer County; At the  
Highline Canal Diversion and  
pumped from the Highline Canal.

Used for irrigation of 57.5 acres  
within W $\frac{1}{2}$ NE $\frac{1}{4}$ , NWNE, Lot 2  
(SWNW), SENW, Sec. 7, T14N,  
R19E.

Any protest against approval of  
the proposed change of water right  
application must be filed with the  
Department of Water Resources,  
Southern Region, 2148 4th Avenue  
East, Twin Falls, ID 83301 on or  
before August 3, 1987.

A. KENNETH DUNN, Director  
Published: July 16 & 23, 1987.

MICROFILMED

MAR 03 1988

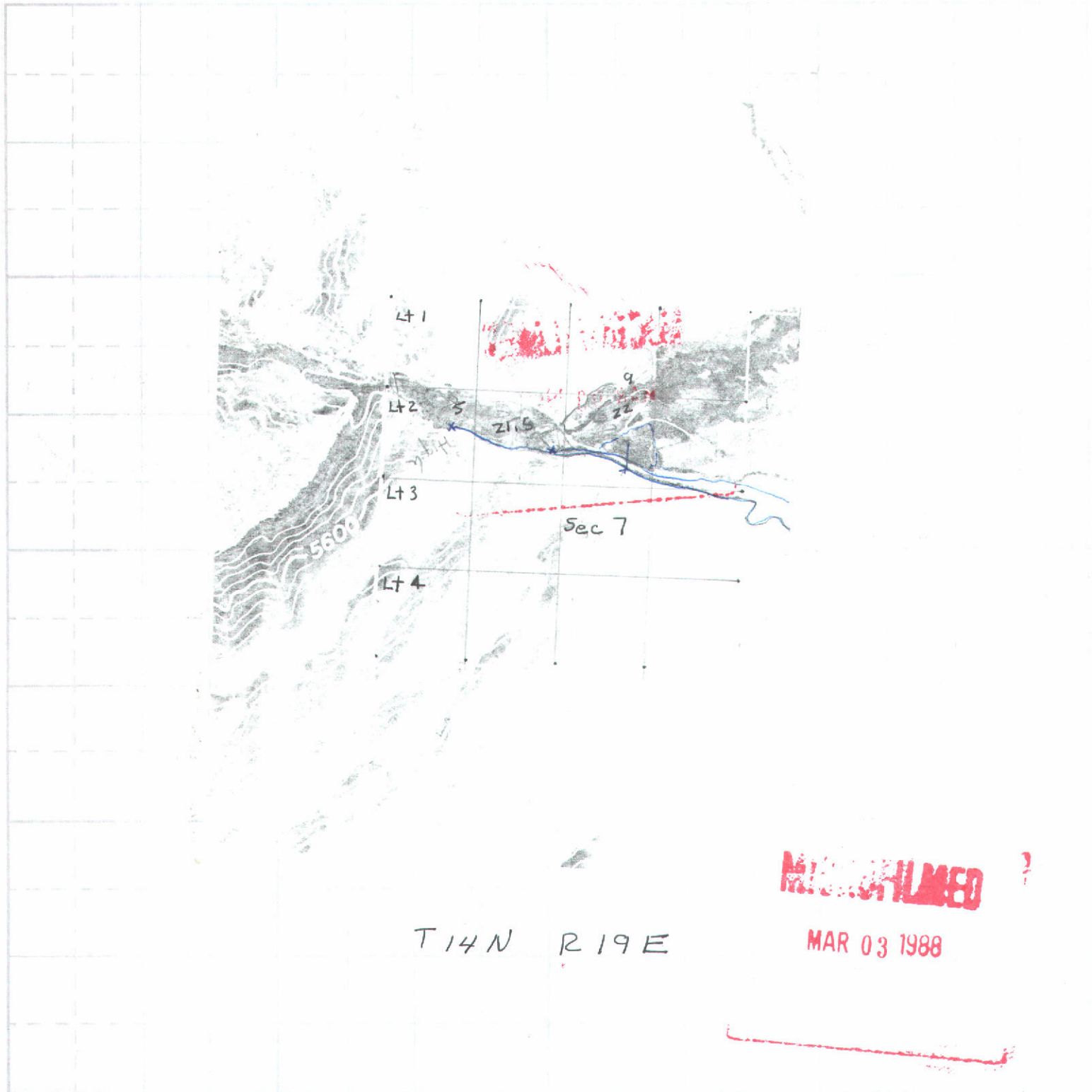
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JUL 30 1987

Department of Water Resources  
Southern Region Office

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Transfer No. 3336

AMENDED

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant Betty Rustin Lusher Phone 879-2750

Post Office address P. O. Box 349, Challis, ID 83226

### A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion      ☒ Add diversion point(s)      ☐ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes Add a pump to the diversion system. Also to remove  
BLM land from the P/U. as described in original transfer application. Also to specify  
the amount of water that is to be turned into the Highline Canal under this right.

**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
72-0024	5-1-1879	0.90 cfs	Irrigation	Apr 1 to Nov 1
				to
				to
				to

2. Total amount of water being transferred 0.90 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Challis Creek tributary to Salmon River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
2		SW	NW	7	14N	19E	Custer	Highline Canal & private ditch (2 pts)
		SE	NW	7	"	"	"	Pump in Challis Cr.; LowLine Canal (2 pts)
		SW	NE	7	"	"	"	Re-diversion from Highline Canal
		SE	NW	7	"	"	"	Re-diversion from Lowline Canal

**5. Lands irrigated or place of use:**

[illegible]

Total acres 34.8

PART 1

6 General Information.

a. Description of diversion system Highline & Lowline Canals, private ditch, pump. 20 inches of water are to be diverted thru the Highline Canal. Flow thru other diversion points will be as needed.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: N/A

d. Remarks:

The land in the NW<sup>1</sup>/<sub>4</sub> Sec. 7 described in the original transfer application was irrigated with this right until about 10 years ago when a survey showed it to be fed-eral land. It was not described in the original decree, and has not been irrigated for 10 years. I am therefore removing this land from the P/U for this water right.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 72-0024  
APPROVED  
And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

1. A lockable measuring device of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 72C, Chaffin's Creek.

MARK 03 1988

Witness my hand this

day of

February

19 88

Chief, Operations Bureau

*[Signature]*



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by

- a Decree No 72-0024 Decreed to A. D. Kelly & C. H. Beggs  
in case of John Stephens, et al vs C. C. Shaw, et al  
dated 10-9-1911 in 6th District county of Custer
- b. License No \_\_\_\_\_ issued by the Idaho Department of Water Resources
- c. Claim No \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d Transfer No \_\_\_\_\_ which produced this right.

2 Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Challis Cr. tributary to Salmon R.

4. Date or priority 5-1-1879

5. Water is used for the following purpose.

amount 0.90 cfs for Irrigation purposes from Apr 1 to Nov 1  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 0.90 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion Not given in decree

Lot	¼	¼	¼	Sec	Twp	Rge.	County	Local name for diversion
2		SW	NW	7	14N	19E	Custer	Highline Canal & private ditch (2 pts)
		SE	NW	7	"	"	"	Reddysditch / v/v Lowline Canal

8. Lands irrigated or place of use Actual acres irrigated

Twp.	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
14N	19E	7			17				6.5	11.3									34.8

Total acres 34.8

9 Describe any other water rights used for the same purpose as described above \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge	County	Local name for diversion

3 Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

- 1 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3 Lands irrigated or place of use

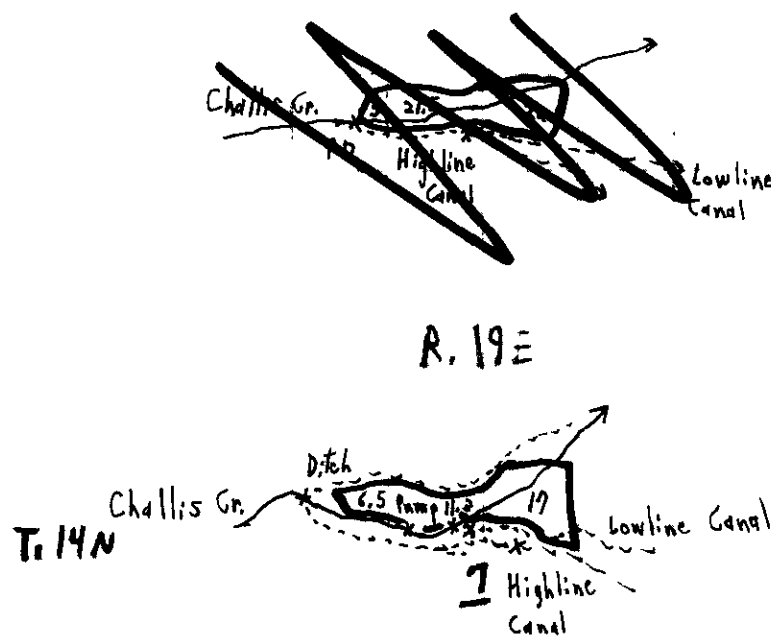
Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres \_\_\_\_\_



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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B. CHANGES IN NATURE OF USE

1 New Nature of Use

Amount  
(cfs/ac-ft)

Hours/days/year

Period of Use

PART 3

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

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

Subscribed and sworn to before me this 26th day of October, 1987.

(Signature of Applicant)

(Notary Public)

My commission expires 6-8-92

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and attachments

Received by M. Baldwin Date 10/27/87 Fee 20.00  
Prelim. check by M. Baldwin Date 11/12/87

Received by M. Baldwin Date 11/12/87  
Published in Chellis Messenger Pub dates 12/3 + 12/10/87

Watermaster recommendation requested on 11/12/87

Copy of transfer sent to lien holder 11/12/87 rec'd. 12/15/87

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Depot Resources  
Region Office

OCT 16 1987

RECEIVED

OCT 16 1987

Resources  
Office

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Betty Lusher

M HADLE

Y-11

35.94c

B-1  
6 boxes

7  
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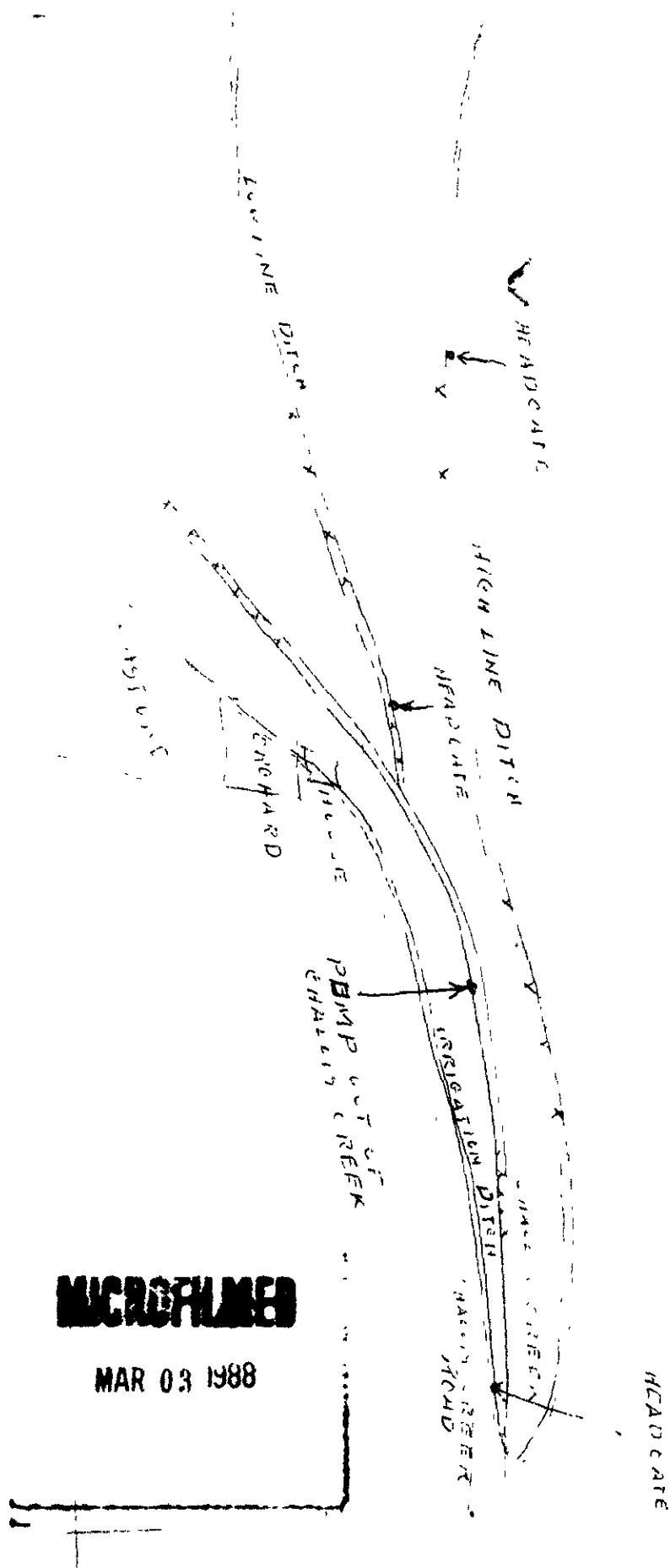
B-543  
B-545  
REED  
B-546  
B-547  
CLARK

B-118  
MT & AD GARY

NOT TO SCALE

5166 E

2000' Indian Ranch



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Department of Agriculture  
Soil Conservation Service





19-14-74

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## STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Director  
 Dept. of Water Resources  
 Southern Region  
 Twin Falls

Job No.	Date	DESCRIPTION	Amount
OK MB 8/3/87	7/27/87	Notice of Proposed Change of Water Right No. 72 0024 pub July 16 & 23, 1987 44 lines at RECEIVED JUL 30 1987 Department of Water Resources Southern Region Office	35.42

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

**NOT FILED**

MAR 03 1988



# AFFIDAVIT OF PUBLICATION

State of Idaho County of Custer ss

I Margaret Parks

Publisher of the Challis Messenger  
a weekly newspaper published at  
Challis Idaho do solemnly swear  
that the notice hereto attached and  
made a part hereof was published  
in the regular and entire issue of  
the Challis Messenger for 2

consecutive weeks commencing with  
the issue dated July 16

1987 and ending with the issue  
dated July 23 1987

Margaret Parks

Subscribed and sworn to before  
me this 28<sup>th</sup> day of July

1987 Ethel M. Beck

Notary Public residing at Challis  
Idaho My commission expires on

3-21-92.

**RECORDED**

MAR 03 1988

## NOTICE OF PROTEST CHALLIS

Notice is hereby given that Rustin Luster of Challis, ID has  
applied to the Department of Water  
Resources for a change of place of  
use and add diversion points of the  
waters of Challis Creek tributary  
to Salmon River.

The right sought to be changed is  
evidenced by Decree No. 10000  
decreed to A.D. Kelley and C.E.  
Beggs in case of State of Idaho et  
al vs. C.C. Shaw et al dated  
10/9/1911 in Sixth District Court,  
Custer County and is recorded as  
follows:

Amount: 0.90 cfs

Priority: 5/1/1873

Point of Diversion: Lot 2, SENW,  
Sec. 7, T14N, R19E.

Used for irrigation of 97.5 acres  
within W1/4NE1/4, Lot 2 (SWNW),  
SE1/4, Sec. 7, T14N, R19E.

TO BE CHANGED AS FOLLOWS:

Amount: 0.90 cfs

Point of Diversion: Lot 2  
(SWNW), SWNE, SE1/4, Sec. 7,  
T14N, R19E, Custer County. At the  
Highline Canal Diversion and  
pumped from the Highline Canal.

Used for irrigation of 97.5 acres  
within W1/4NE1/4, NW1/4, Lot 2  
(SWNW), SE1/4, Sec. 7, T14N,  
R19E.

Any protest against approval of  
the proposed change of water right  
application must be filed with the  
Department of Water Resources,  
Southern Region, 2148 4th Avenue  
East, Twin Falls, ID 83421 on or  
before August 3, 1987.

A KENNETH D. DAVIS, Director  
Published July 16 & 23, 1987.

**RECORDED**

JUL 29 1987

Department of Water Resources  
Twin Falls Office

Page 1 of 6STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of applicant Betty Rustin Lusher Phone 208-879-2750  
 Post Office address Box 349 Challis, ID 83226

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes Water can be delivered by the Watermaster through existing measuring device existing headgate of Highline Canal.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 72-0024 Priority 5/1/1879 Amount (cfs/ac-ft) 0.90 Nature of Use Irrigation Period of Use 04/01 to 11/01  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_
2. Total amount of water being transferred 0.90 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Challis Creek tributary to Salmon River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
2		SW	NW	7	14N	19E	Custer	High Canal
		SW	NE	7				Red SWNE, Sec. 7, 14N, 19E
		SE	NW	7	14N	19E	Custer	Pump

## 5. Lands irrigated or place of use.

Twp	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	19E	7		4															26
14N	19E	7		5															5
14N	19E	7																	26.5

Total acres 57.5

PART 1

6. General Information.

a Description of diversion system

b Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☐ No ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes

c Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: 0.40 cfs will be delivered through the Highline Canal. 0.14 cfs will be delivered from pump. 0.36 cfs will be delivered through the Lowline.

d. Remarks.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_, subject to the following limitations and conditions: And said application is hereby \_\_\_\_\_

RECEIVED

MAR 03 1988

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_

19 \_\_\_\_\_



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1 Right evidenced by

- a. Decree No. 72-0024 Decreed to A.D. Kelly & C.H. Beggs  
in case of John Stephens, et al vs C.C. Shaw, et al  
dated 10/9/1911 in 6th county of Custer
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3 Source of water Challis Creek tributary to Salmon River

4 Date or priority 5/1/1879

5. Water is used for the following purpose

amount 0.90 for Irrigation purposes from 4/1 to 11/1  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 0.90 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7 Point(s) of Diversion. Not Shown on Decree

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
2				7	14N	19E	Custer	High Line
		SE	NW	7	14N	19E	Custer	Low Line

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	19E	7		9	22														31
									LT 2 5	21.5									26.5

MAR 03 1988

Total acres 57.5

9. Describe any other water rights used for the same purpose as described above

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2 Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3 Lands irrigated or place of use.

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



T 14 N R 19 E

**RECEIVED**

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## B. CHANGES IN NATURE OF USE

## New Nature of Use

**Amount**  
**(cfs/ac-ft)**

---

Hours/days/year

Period of Use

## 2. Quantity and quality of return flows and location of discharge.

3. Describe effects on other water uses resulting from the proposed change:

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

Subscribed and sworn to before me this \_\_\_\_\_

**(Signature of Applicant)**

day of

(Notary Public)

**My commission expires**

10/16/92

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and        attachments

9

Received by Mr. C. E. Smith Date 11/11/1911

Date 1/50/8

Prelim. check by

**Free** 5?

Received by  
K.F. 46728

77 Kigaldun

Date \_\_\_\_\_

Date 3/5/87

Published in

CH0115 511/047

**Pub. dates**

116 112 110 108 106 104 102 100 98 96 94 92 90 88 86 84 82 80 78 76 74 72 70 68 66 64 62 60 58 56 54 52 50 48 46 44 42 40 38 36 34 32 30 28 26 24 22 20 18 16 14 12 10 8 6 4 2 0

Watermaster recommendation requested on

1/2/87

rec'd \_\_\_\_\_

**λq**

**Copy of transfer sent to lien holder**

MAR 03 1988

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, ~~John J. Wilson~~, do and he is hereby awarded the right to the use of 80 inches of the flow of the waters of Challis Creek for the irrigation of her land, described as the northeast quarter of the southeast quarter of section eight and the north <sup>west quarter</sup> half 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, E. P. Wilson, do and he is hereby awarded the right to the use of 142 inches of the flow of the waters of 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, do 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 17 east Boise meridian, and also a tract of land being a portion of the unsurveyed public domain lying adjacent to and north of said <sup>one</sup> lot two and bordering on west bank of Salmon River, his right thereto to date from April 1st, 1910.

72 0024

24. That the cross complainants, A. D. Kelley and C. H. Beggs, do 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 southwest 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, do and he is hereby awarded the right to the use of 48 inches of the flow of the waters of

MAR 03 1988

ent owner  
basis of  
ssigns, h  
s and wor  
be leaving

Court of the Sixth Judicial District of the State of  
Nebraska, in and for the County of Custer.

Daniel Stephens, John W. Stephens,  
William K. Philips, Thomas Chivers,  
Mary Barker, as Administratrix of  
the estate of Walter Barker, deceased, Jonathan  
Barker, H. P. Wilson, and B. Wilson,  
as Administratrix of the estate of  
Walter Barker, deceased, Julia Frankhauser,  
William Barker, John M. Pughen,

200

Plaintiffs,

DECREES.

vs.  
George W. Simmons, J. C. Fox, Geo.  
W. Hill, and W. E. Welch,

Defendants.

Transferred

... coming on to be heard this 9th day of October, 1921.  
... sitting without a jury, Geo. E. Reyes, Esq., and P.  
... appearing as counsel for the plaintiffs and J. A. Brown  
... appearing as counsel for certain defendants, and L. E. Glendon

... by their respective counsel, in open court, submitted  
... their agreed statement of facts, and the same were by the  
... considered by the court, and from which the court has deter-  
... effect and conclusions of law, which findings and  
... been filed herein, wherein judgment has been rendered  
... accordance therewith.

... ordered, adjudged and decreed that this docket  
... as follows:

MAR 03 1922

... plaintiff, William Barker, do and he is hereby  
... the use of 150 inches of the flow of the  
... for the irrigation of his land described as the  
... quarter and one-half of the south-  
... of section nine, township fourteen north, range nineteen  
... his right thereto to date from May 1st, 1919.  
... plaintiff, Mary Barker, as Administratrix of the  
... deceased, and she hereby is awarded the  
... of the flow of the waters of the





State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

**STATE OFFICE**, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

February 4, 1988

RE: Transfer of Water Right No. 72-0024

Betty Rustin Lusher  
Box 349  
Challis, ID 83226

Dear Ms. Lusher:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3336). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosure

**MICROFILMED**

MAR 03 1988

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

DEC 15 1987

NO. 72-0024

Department of Water Resources  
Southern Region Office

RECOMMENDATION OF WATERMASTER

I, Jay W. Horton, watermaster of Challis Creek  
of Water District No. 72-C, County of Custer, State of Idaho,  
whose address is HC 61 Box 3049  
have read the attached copy of the application for transfer of water right for \_\_\_\_\_  
Betty Ruslin Teske and to the best of my knowledge believe the  
(name)  
application to be true.

(A) I hereby endorse the above numbered Application for Transfer and recommend  
that the Director of the Department of Water Resources approve the transfer subject to  
the following conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-  
quested for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at Challis, Idaho, this 14 day of Dec 1987.

Jay W. Horton  
(signature)

MICROFILMED

MAR 03 1988

Please use reverse side if needed.



# United States Department of the Interior

RECEIVED

## BUREAU OF LAND MANAGEMENT

Salmon District

P.O. Box 430

Salmon, Idaho 83467

DEC 4 1987

Department of the Interior  
Southern Region Office

IN REPLY  
REFER TO 2000 (046)

December 3, 1987

Loren O. Holmes, P.E.  
Southern Region Manager  
2148 4th Ave. East  
Twin Falls, Idaho 83301

Dear Mr. Holmes:

Re: Application for transfer of water right 72-0024 by Betty Rustin Lusher.

We have reviewed Mrs. Lusher's amended application and I find no conflicting problems.

Sincerely,

Robert H. Hale  
Challis Area Manager

RECEIVED

MAR 03 1988

AMENDED NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 72-0024

Notice is hereby given that Betty Rustin Lusher of Challis, ID has applied to the Department of Water Resources for addition of diversion points to decreed water rights.

The right sought to be changed is evidenced by Decree No. 72-0024 decreed to A.D. Kelly & C.H. Beggs in case of John Stephens, et al vs C.C. Shaw, et al dated October 9, 1911 in 6th District Court, Custer County and is recorded as follows:

Amount: 0.90

Source: Challis Creek tributary to Salmon River

Priority: May 1, 1879

Point of Diversion: Lot 2 (SW1/4NW1/4), Highline Canal & private ditch (2 points); SE1/4NW1/4, Sec. 7, T14N, R19E, Custer County; Diverted via Highline & Lowline Canals, private ditch and pumped from Challis Creek.

Used for irrigation of 34.8 acres within SW1/4NE1/4, Lot 2 (SW1/4NW1/4), SE1/4NW1/4, Sec. 7, T14N, R19E.

TO BE CHANGED AS FOLLOWS

Amount: No change

Point of Diversion: Lot 2 (SW1/4NW1/4), Highline Canal & private ditch (2 points); (SE1/4NW1/4), Lowline Canal (2 points), pump in Challis Creek; (SW1/4NE1/4), Re-diversion from Highline Canal; (SE1/4NW1/4), Re-diversion from Lowline Canal.

Use: No change

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, ID 83301 on or before December 21, 1987.

R. Keith Higginson, Director

Published in Challis Messenger on 12/3 & 12/10/87.

**MICROFILMED**

MAR 03 1988



RECEIVED

THURSDAY, DECEMBER 3, 1987  
DEC 4 1987

OK  
MB  
12/4/87

Department of Water Resources  
Southern Region Office

*ie People's Right To Know*

**AMENDED NOTICE  
OF PROPOSED CHANGE  
OF WATER RIGHT  
NO. 72-0024**

Notice is hereby given that Betty Rustin Lusher of Challis, ID has applied to the Department of Water Resources for addition of diversion points to decreed water rights.

The right sought to be changed is evidenced by Decree No. 72-0024 decreed to A.D. Kelly & C.H. Beggs in case of John Stephens, et al vs C.C. Shaw, et al dated October 9, 1911 in 6th District Court, Custer County and is recorded as follows:

Amount: 0.90

Source: Challis Creek tributary to Salmon River

Priority: May 1, 1879

Point of Diversion: Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Highline Canal & private ditch (2 points); SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 7, T14N, R19E, Custer County; Diverted via Highline & Lowline Canals, private ditch and pumped from Challis Creek.

Used for irrigation of 34.8 acres within SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Lot 2 (SW $\frac{1}{4}$ -NW $\frac{1}{4}$ ), SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 7, T14N, R19E

**TO BE CHANGED AS FOLLOWS**

Amount: No change

Point of Diversion: Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Highline Canal & private ditch (2 points); (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ), Lowline Canal (2 points), pump in Challis Creek; (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), Re-diversion from Highline Canal; (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ), Re-diversion from Lowline Canal.

Use: No change

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, ID 83301 on or before December 21, 1987.

R. Keith Higginson  
Director

Pub: Dec. 3 & 10, 1987

NOT RECORDED

MAR 03 1988



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Southern Region

CECIL D. ANDRUS  
Governor

November 19, 1987

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

R. KEITH HIGGINSON  
Director

Betty Rustin Lusher  
P.O. Box 349  
Challis, ID 83226

RE: Amended Application for Transfer No. 72-0024

Dear Ms. Lusher:

The Department of Water Resources acknowledges receipt of your Amended Application for Transfer.

This office will be advertising the application in the Challis Messenger on 12/03 and 12/10/87. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

A copy of the Amended Application will be sent to the protestant for review. If the filing of the Amended Application does not resolve the protest, we will proceed to conference and/or hearing.

Enclosed please find your receipt No. 44339 for the amount of \$20.00.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P.E.  
Southern Region Manager

LOH:MB

Enclosure

RECEIVED

MAR 13 1988



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Southern Region

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

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

November 12, 1987

Custer Publishing Company  
P.O. Box 405  
Challis, ID 83226

Re: Amended Notice of Proposed Change, 72-0024 (Lusher)

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin  
Sec/Office Coord.

Encl:

RECEIVED  
NOV 15 1987

NOV 15 1987



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

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

November 16, 1987

Robert H. Hale  
Challis Area Manager  
USDI Bureau of Land Management  
P.O. Box 430  
Challis, ID 83467

Dear Mr. Hale:

Re: Application for transfer of water right 72-0024  
by Betty Rustin Lusher

Enclosed is a copy of an amended application for transfer  
filed subsequent to your protest of the original application.

Please advise this office whether amendment of the  
application resolves the concerns addressed in your protest.

Very Truly yours,

Loren O. Holmes, P. E.  
Southern Region Manager

LOH:mb

**RECEIVED**

MAR 03 1988



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Southern Region

---

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

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

November 12, 1987

Jay Horton, Watermaster  
Water District #72-C  
Challis, ID 83226

Re: Amended Application for Transfer of Water Right 72-0024,  
Lusher

Dear Mr. Horton:

Enclosed is a copy of an Amended Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES  
Southern Region Manager

LOH:MB

Encl:

*[Handwritten signature]*

MAR 11 1988



*Amended - TR*  
*72-0024*

STAFF ANALYSIS SUPPLEMENT

1) Water District 72-C *Basin #* 72

2) Local Description: (of one P/D)

☐ At the above street address

☐ \_\_\_\_\_ miles N/S \_\_\_\_\_ and \_\_\_\_\_ miles E/W \_\_\_\_\_  
of \_\_\_\_\_ (City or landmark).

☒ Other (describe) \_\_\_\_\_

Diverted via Highline, Lowline Canals, private ditch and pumped  
from Challis Creek.



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Southern Region

---

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

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

October 20, 1987

Betty Rustin Lusher  
P.O. Box 349  
Challis, ID 83226

Re: Application for Transfer of Water Right 72-0024

Dear Mrs. Lusher:

Per our recent conversations, we have prepared an Amended Application for Transfer of your water right. If this is satisfactory, please sign the transfer before a notary. We are returning your filing fee of \$20.00, as it is against our policy to hold checks. The signed transfer and filing fee should be returned to this office for processing.

We have received written confirmation that the Bureau of Land Management will withdraw its protest if the land in the NW1/4NE1/4, Sec. 7 is withdrawn from your Amended Transfer. This has been done.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

James E. Stanton  
Sr. Water Resource Agent

JS:MB

Enclosures

*[Handwritten signature]*

*[Handwritten text]*



IN REPLY  
REFER TO

/000

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Salmon District  
P.O. Box 430  
Salmon, Idaho 83467

RECEIVED

OCT 11 1987

Department of Resources  
Southern Region Office

October 7, 1987

Mr. Loren O. Holmes  
Department of Water Resources  
Southern Regional Supervisor  
2148 4th Ave. East  
Twin Falls, ID 83301

Dear Mr. Holmes:

Re: Betty Rustin Lusher Transfer of Right #72-0024

Mrs. Lusher came to our office on 9/28/87 to discuss our protest to the transfer of her water right. I explained that a private individual could not attach a water right to public land, and she doesn't want to. Evidently, the original water right was in error in listing any portion of the NW1/4NE1/4 of Section 7, T. 14 N., R. 19 E.. This 40-acre tract has always been in Federal ownership and has never been deeded land.

We do not have any problem with Mrs. Lusher's transfer if she deletes this tract when she refiles.

Sincerely,

Robert H. Hale  
Challis Area Manager

RECEIVED

MAR 03 1988



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Southern Region

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

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

September 28, 1987

Betty Rustin Lusher  
Box 349  
Challis, Id 83226

Dear Ms. Lusher:

Re: Transfer of Right No. 72-0024

Enclosed is a copy of a protest filed against the approval of a transfer pursuant to your above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for transfer (Section 42-222, IDAHO CODE):

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Does the change conflict with the local public interest?

If this office can be of any further assistance or if you need additional information, please contact us.

Very truly yours,

Loren O. Holmes  
Southern Region Supervisor

LOH:MB

Encl:

*[Handwritten signature]*

MAK 10, 1987



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Southern Region

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

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

September 28, 1987

Robert H. Hale  
Challis Area Manager  
USDI-Bureau of Land Management  
P.O. Box 430  
Salmon, ID 83467

Dear Mr. Hale:

Re: Betty Rustin Lusher Transfer of Right #72-0024

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for transfer (Section 42-222, IDAHO CODE):

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Does the change conflict with the local public interest?

If this office can be of any further assistance or if you need additional information, please contact us.

Very truly yours,

Loren O. Holmes  
Southern Region Supervisor

LOH:MB

Encl:





IN REPLY  
REFER TO 2000

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Salmon District  
P.O. Box 430  
Salmon, Idaho 83467

RECEIVED

SEP 11 1987

Deputy Director, Resources  
Region Office

September 2, 1987

Department of Water Resources  
Southern Region  
2148 4th Avenue East  
Twin Falls, ID 83301

Dear Sir:

In reference to a recent Public Notice in the Challis Messenger, Ms. Betty Rustin Lusher has applied for a change of Water Right of Decree #72-0024.

I wish to inform the department that those lands that Ms. Lusher has identified for irrigation in the NWNE Sec. 7., T.14N., R.19E., B.M., are government land and administered by the Bureau of Land Management.

We protest the attachment of a water right to public land.

Sincerely,

*Robert H. Hale acting*

Robert H. Hale  
Challis Area Manager

RECEIVED

MAR 03 1988

**INTER-DEPARTMENT MEMO — 1**

**FROM** Jim Stanton

**DATE** 8-27-87

**TO** File

**SUBJECT** Betty Lusher Transfer, 72-0024

Today I spoke with Bob Hiam of the Salmon BLM office. He stated that the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 7 T. 14N R. 19E is and always has been federal land. This tract is not listed as part of the original P/U in the Stephens vs Shaw decree. To date we have not received proof of ownership from Mrs. Lusher; this should definitely be required before we approve this transfer. Mr. Hiam of the BLM has stated that Mrs. Lusher has trespassed on the ground in question before, and that the BLM is very opposed to her getting a water right on their land. They will be sending us a letter on this. It looks like we should not approve this transfer as filed.

**MICROFILMED**

MAR 03 1988

  
\_\_\_\_\_  
**SIGNATURE**

Date 8/27 Time 3:09

WHILE YOU WERE OUT

Bob Hitem - BLM

of \_\_\_\_\_  
Phone 756-5400

Telephoned		Please call	<input checked="" type="checkbox"/>
Called to see you		Will call again	<input type="checkbox"/>
Wants to see you		Returned your call	<input type="checkbox"/>

Message 72-0024

Betty Lusher

BLM  
NWNE  
W $\frac{1}{2}$ NE

Operator

Lusher has  
filed this TR  
on BLM land.

RECEIVED

SEP 3 1987

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. \_\_\_\_\_

Dep. of Water Resources  
Southern Region Office

RECOMMENDATION OF WATERMASTER

I, Ray W. Horton, watermaster of Challis Creek  
of Water District No. 72-C, County of Carter, State of Idaho,  
whose address is P.O. 61 Box 3049  
have read the attached copy of the application for transfer of water right for \_\_\_\_\_  
Beth Rusten Lucher and to the best of my knowledge believe the  
(name)  
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend  
that the Director of the Department of Water Resources approve the transfer subject to  
the following conditions: \_\_\_\_\_

NONE

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-  
quested for the following reasons: \_\_\_\_\_

Dated at Challis, Idaho, this 25 day of August 19 87

MICROFILMED

MAR 03 1988

Ray W. Horton  
(signature)

Please use reverse side if needed.



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

---

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

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

August 7, 1987

Jay Horton, Watermaster  
Water District #72-C  
Challis, ID 83226

Re: Application for Transfer of Water Right 72-0024

SECOND REQUEST

Dear Mr. Horton:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES  
Southern Region Supervisor

LOH:MB

Encl:

**MICROFILMED**

MAR 11 1988



NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 72-0024

Notice is hereby given that Betty Rustin Lusher of Challis, ID has applied to the Department of Water Resources for a change of place of use and add diversion points of the waters of Challis Creek, tributary to Salmon River.

The right sought to be changed is evidenced by Decree No. 72-0024 decreed to A.D. Kelly & C.H. Beggs in case of John Stephens, et al vs. C.C. Shaw, et al dated 10/9/1911 in Sixth District Court, Custer County and is recorded as follows:

Amount: 0.90 cfs

Priority: 5/1/1879

Point of Diversion: Lot 2, SENW, Sec. 7, T14N, R19E.

Used for irrigation of 57.5 acres within W1/2NE1/4, Lot 2 (SWNW), SENW, Sec. 7, T14N, R19E.

TO BE CHANGED AS FOLLOWS

Amount: 0.90 cfs

Point of Diversion: Lot 2 (SWNW), SWNE, SENW, Sec. 7, T14N, R19E, Custer County; At the Highline Canal Diversion and pumped from the Highline Canal.

Used for irrigation of 57.5 acres within W1/2NE1/4, NWNE, Lot 2 (SWNW), SENW, Sec. 7, T14N, R19E.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, ID 83301 on or before August 3, 1987.

A. KENNETH DUNN  
Director

Published in Challis Messenger on 7/16 & 7/23/87.

**MICROFILMED**

MAR 03 1988

**NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
NO. 72-0024**

Notice is hereby given that Betty Rustin Lusher of Challis, ID has applied to the Department of Water Resources for a change of place of use and add diversion points of the waters of Challis Creek, tributary to Salmon River

The right sought to be changed is evidenced by Decree No 72-0024 decreed to A.D. Kelley and C.H. Beggs in case of John Stephens, et al vs. C.C. Shaw, et al dated 10/9/1911 in Sixth District Court, Custer County and is recorded as follows:

Amount: 0.90 cfs

Priority: 5/1/1879

Point of Diversion: Lot 2, SENW, Sec. 7, T14N, R19E.

Used for irrigation of 57.5 acres within W $\frac{1}{2}$ NE $\frac{1}{4}$ , Lot 2 (SWNW), SENW, Sec. 7, T14N, R19E.

**TO BE CHANGED AS FOLLOWS**

Amount: 0.90 cfs

Point of Diversion: Lot 2 (SWNW), SWNE, SENW, Sec. 7, T14N, R19E, Custer County, At the Highline Canal Diversion and pumped from the Highline Canal.

Used for irrigation of 57.5 acres within W $\frac{1}{2}$ NE $\frac{1}{4}$ , NWNE, Lot 2 (SWNW), SENW, Sec. 7, T14N, R19E

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, ID 83301 on or before August 3, 1967.

A. KENNETH DUNN, Director

Published: July 15 & 22, 1967.

OK  
MB  
7/20/67



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

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

July 2, 1987

Custer Puplishing Co.  
P.O. Box 405  
Challis, ID 83226

Re: Transfer 72-0024

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin  
Sec/Office Coord.

Encl:

**MICROFILMED**

MAR 03 1988



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

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

July 2, 1987

Jay Horton, Watermaster  
Water District #72-C  
Challis, ID 83226

Re: Application for Transfer of Water Right 72-0024

Dear Mr. Horton:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES  
Southern Region Supervisor

LOH:MB

Encl:

**MICROFILMED**

MAR 03 1988



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

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CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

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

July 2, 1987

Betty Rustin Lusher  
Box 349  
Challis, ID 83226

RE: Application for Transfer No. 72-0024

Dear Ms. Lusher:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the Challis Messenger on 7/16 and 7/23/87. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P.E.  
Southern Region Supervisor

LOH:MB

*[Handwritten signature]*

MAR 03 1988



STAFF ANALYSIS SUPPLEMENT

1) Water District 72-C Basin # 72

2) Local Description: (of onr. P/D)

☐

At the above street address

☒

           miles N/S            and            miles E/W             
of                                    (City or landmark).

☒

Other (describe) At the Highline Canal Diversion  
& ~~Replaced with Pumps~~ Pumped from  
the Highline Canal.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: T. G. Blau

1. Right number 72-0024 Applicant Lusher, Betty Rustin
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use  
☐ Other \_\_\_\_\_
4. Check:
  - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
  - b. ☒ Description of original point of diversion.
  - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
  - a. ☒ All of right.
  - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
  - c. ☒ Check description of point(s) of diversion.
  - d. ☐ Check description of place of use.
  - e. ☐ Check map (shows p.d. and p.u. after transfer).
  - f. ☒ Check for correct signature, notarization, and fee.
  - g. ☒ Check proof of ownership of right &/or land from which water is transferred. N/A
  - h. ☒ Check for expansion in use of right. Comments \_\_\_\_\_
  - i. ☐ Check for existing water rights from same source, on land water is being transferred to. N/A  
Right number(s) \_\_\_\_\_
  - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No  
If yes, what district? 72-C

FINAL PROCESSING REVIEW BY: ADM

1. Watermaster recommendation requested on 7/2/87 Received on 9/3/87
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions\* R04, R01, R02

4. By ADM Date 12/17/87 DEC 21 1987

Jim 01-04-88

RECEIVED

Department of Water Resources