No. 7400029

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Western Valley Seed Company

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF seventeen YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Hustler'

In Testimony Whereof, *I have hereunto set my hand and caused the seal of the* Plant Variety Protection Office *to be affixed at the City of* Washington *this* 16th *day of* August *in the year of our Lord one thousand nine hundred and* seventy-four

Attest:

L. R. Rollin

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Earl L. Butz

Secretary of Agriculture

FORM GR-470
(12-15-72)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

FORM APPROVED
OMB NO. 40-R3712

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: *See Reverse.*

1. VARIETY NAME OR TEMPORARY DESIGNATION	2. KIND NAME	FOR OFFICIAL USE ONLY
Hustler	Peas	PV NUMBER 7400029
3. GENUS AND SPECIES NAME	4. FAMILY NAME *(Botanical)*	FILING DATE 11.7.73 / TIME 8:00 A.M.
Pisum Sativum	Leguminosae	FEE RECEIVED $250 / BALANCE DUE $ —
	5. DATE OF DETERMINATION	$250 / $ —
	August 1, 1970	$250 / $ —

6. NAME OF APPLICANT(S)	7. ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*	8. TELEPHONE AREA CODE AND NUMBER
Western Valley Seed Co	317 D Street P.O. Box 855 Lewiston, Idaho 83501	208-743-6261

9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: *(Corporation, partnership, association, etc.)*	10. STATE OF INCORPORATION	11. DATE OF INCORPORATION
Corporation	Idaho	Junuary 27, 1953

12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:

Ardie G. Gustafson, President
Western Valley Seed Co.
P.O. Box 855
Lewiston, Idaho 83501

13. **CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:**

- [X] 13A. Exhibit A, Origin and Breeding History of the Variety *(See Section 52 of the Plant Variety Protection Act.)*
- [X] 13B. Exhibit B, Botanical Description of the Variety
- [X] 13C. Exhibit C, Objective Description of the Variety
- [X] 13D. Exhibit D, Data Indicative of Novelty
- [X] 13E. Exhibit E, Statement of the Basis of Applicant's Ownership

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? *(See Section 83(a). (If "Yes," answer 14B and 14C below.)* [ ] YES [X] NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? [ ] YES [X] NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed? [ ] FOUNDATION [ ] REGISTERED [ ] CERTIFIED

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

November 1, 1973
(DATE)

Ardie G. Gustafson
(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

RECEIVED
NOV 7 1973
OF AGRICULTURE
AMS, GRAIN DIV.
PVPO

INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits, and $250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, 6525 Belcrest Road, Hyattsville, Maryland 20782. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

5 Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.

13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.

13b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.

13c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.

13d Provide complete data indicative of novelty. Seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty may be submitted. Seeds submitted may be sterile.

13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

P. O. BOX 855
LEWISTON, IDAHO 83501
U. S. A.

Western Valley SEED CO.

Cablegrams: Westvalley
Phone: (208) 743-6261

GROWERS OF CANNING AND FREEZING VARIETIES OF SEED PEAS

EXHIBIT A

Origin and Breeding History of the Variety

1. Hustler originated in Idaho in 1964 from a hand pollinated cross between an Oregon State University Line B104-1 as the male parent and Western Valley Seed Co. Scout 68354 as the female parent. (OSU B104-1 X Scout 68354).

2. This original cross was multiplied five generations through greenhouse and outside plot plantings. Pure line selections being made in the sixth generation in 1967. Pure line selections were based on maturity, vine length, growth havits, yield, and over all good freezer characteristics.

3. For five years tests were made for maturity, yield, and quality at four Europeon testing stations and two stations in New Zealand. Tests were being conducted at this same time by commercial procesors in the Mid-West. Tests were also conducted on the West Coast by Oregon State University and two Washington State University Experimental Stations.

4. Selected and stabilized in F_6. No variants appeared in following generations. Ltr. 11/20/73 [illegible]

Quotations subject to market changes, seed being unsold and F.O.B. western growing station unless otherwise specified. Western Valley Seed Co. warrants, to the extent of purchase price, that seeds sold are as described on the container, within recognized tolerances.
We give no other or further warranty, expressed or implied.

P. O. BOX 855
LEWISTON, IDAHO 83501
U. S. A.

Western Valley SEED CO.

Cablegrams: Westvalley
Phone: (208) 743-6261

GROWERS OF CANNING AND FREEZING VARIETIES OF SEED PEAS

EXHIBIT B

Botanical Description of the Variety

1. Hustler is a very early Perfection type freezer pea. Maturity being one day later than Regular Alaska.

2. The variety is a Perfection type vine, internodes zigzag, stiff straw, and open type growing habit with a height of eighteen to twenty inches. Plant will do some branching, node color is green, internode length being about two and one half ~~C.M.~~ inches. First inflorenscence being on the tenth node. Leaflets are paired two or more, medium wax, stipules are marbled, waxed, very dark green and non clasping. Flowers are white with greenish venation, bearing mostly double pods, 3¼" long which are straight and blunt. Six or eight berries per pod. Seeds being wrinkled with yellow cotyledons.

3. There appears to be no problem with genetic varients.

Quotations subject to market changes, seed being unsold and F.O.B. western growing station unless otherwise specified. Western Valley Seed Co. warrants, to the extent of purchase price, that seeds sold are as described on the container, within recognized tolerances.
We give no other or further warranty, expressed or implied.

EXHIBIT C

FORM APPROVED. OMB NO. 40-R 3712

EXHIBIT C
(Pea)

FORM GR-470-14
(10-2-72)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

OBJECTIVE DESCRIPTION OF VARIETY

PEA (*PISUM SATIVUM*)

INSTRUCTIONS: See Reverse.

FOR OFFICIAL USE ONLY

PVPO NUMBER: 7400029

VARIETY NAME OR TEMPORARY DESIGNATION: HUSTLER

NAME OF APPLICANT(S): Western Valley Seed Co.

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code): 317 D Street P.O. Box 855, Lewiston, Idaho 83501

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (e.g. [0 8 9] or [0 9]) when number is either 99 or less or 9 or less.

1. TYPE:

[2] 1 = ~~TALL~~ (Internodes straight) 2 = ~~DWARF~~ (Internodes zigzag)

[1] 1 = GARDEN 2 = FIELD 3 = EDIBLE-PODDED

2. SEASON:

[1] Node number of first bloom: 1 = EARLY (8 - 12th node) 2 = MIDSEASON (13 - 24th node) 3 = LATE (Greater than 24th node)

3. MATURITY:

[ ][3] No. of days *Earlier* than ..... [2]

[ ][1] No. of days *Later* than ..... [1]

1 = ALASKA WR 2 = THOMAS LAXTON WR 3 = LITTLE MARVEL 4 = WANDO 5 = ALDERMAN WR 6 = AUSTRIAN WINTER

58

4. PLANT HEIGHT:

[0][4][6] CM. HIGH

[ ][0] Cm. *Shorter* than ..... [3]

[ ][5] Cm. *Taller* than ..... [3]

28" 18"

1 = ALASKA WR 2 = THOMAS LAXTON WR 3 = LITTLE MARVEL 4 = WANDO 5 = ALDERMAN WR 6 = AUSTRIAN WINTER

5. VINE:

[1] Habit: 1 = DETERMINATE 2 = INDETERMINATE

[2] Stockiness: 1 = SLIM (Alaska) 2 = MEDIUM (Thomas Laxton WR) 3 = HEAVY (Alderman)

[2] Branching: 1 = NONE (Alaska) 2 = 1 - 2 BRANCHES (Little Marvel) 3 = MORE THAN 2 BRANCHES (Dwarf Gray Sugar)

[1] Node Color: 1 = GREEN 2 = RED BLOTCH

[0][9] NUMBER OF NODES

[0][2] CM. INTERNODE LENGTH (Just below 1st flowering node)

6. LEAFLETS:

[3] Color: 1 = LIGHT GREEN (Alaska WR) 2 = MED. GREEN (Thomas Laxton WR) 3 = DARK GREEN (Alderman) 4 = OTHER (Specify) _____

[2] Marbling: 1 = NONE 2 = MARBLED (Alaska)

[3] Wax: 1 = NONE 2 = LIGHT 3 = MEDIUM 4 = HEAVY

[3] Number of leaflet pairs: 1 = NOT PAIRED 2 = ONE 3 = TWO 4 = THREE OR MORE

7. STIPULES:

[2] 1 = LACKING 2 = PRESENT

[1] 1 = NOT CLASPING 2 = CLASPING

[2] 1 = NOT MARBLED 2 = MARBLED

[3] Size (Compared with leaflets): 1 = SMALLER 2 = SAME 3 = LARGER

[3] Color (Compared with leaflets): 1 = LIGHTER 2 = SAME 3 = DARKER

8. FLOWER COLOR:

[1] 1 = MONOCOLOR 2 = BICOLOR

[2] Venation [1] Standard [1] Wing [1] Keel

1 = WHITE 2 = GREENISH 3 = LAVENDER 4 = PURPLE 5 = RED 6 = OTHER (Specify) _____

4

P. O. BOX 855
LEWISTON, IDAHO 83501
U. S. A.

Western Valley SEED CO.

Cablegrams: Westvalley
Phone: (208) 743-6261

GROWERS OF CANNING AND FREEZING VARIETIES OF SEED PEAS

EXHIBIT D

Data Indicative of Novelty

Novelty is based on the extreme earliness of a wrinkle seeded perfection type freezer.

Hustler most closely resembles Scout, except for being earlier, with a more slender open type vine, yet retaining high yield, potential with a good sieve size distribution.

Quotations subject to market changes, seed being unsold and F.O.B. western growing station unless otherwise specified. Western Valley Seed Co. warrants, to the extent of purchase price, that seeds sold are as described on the container, within recognized tolerances.
We give no other or further warranty, expressed or implied.

P. O. BOX 855
LEWISTON, IDAHO 83501
U. S. A.

Western Valley SEED CO.

Cablegrams: Westvalley
Phone: (208) 743-6261

GROWERS OF CANNING AND FREEZING VARIETIES OF SEED PEAS

EXHIBIT E

Statement of Applicats Ownership

Western Valley Seed Co., of Lewiston, Idaho believes it is the sole, original and first breeder of Hustler variety of pea seed for which it solicits a Certificate of Protection.

Quotations subject to market changes, seed being unsold and F.O.B. western growing station unless otherwise specified. Western Valley Seed Co. warrants, to the extent of purchase price, that seeds sold are as described on the container, within recognized tolerances.
We give no other or further warranty, expressed or implied.