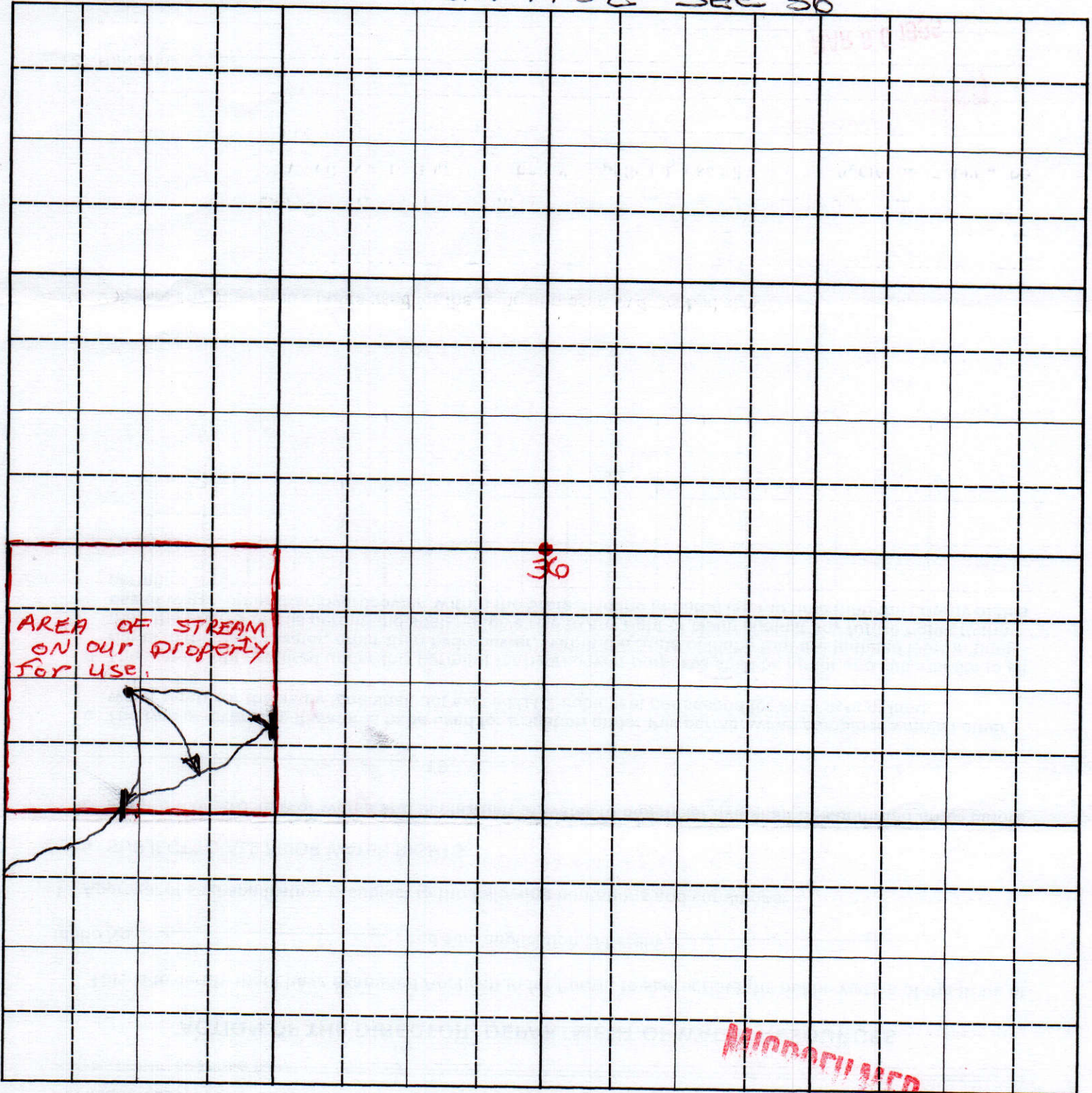


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T 31 N R 3 E SEC 36



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

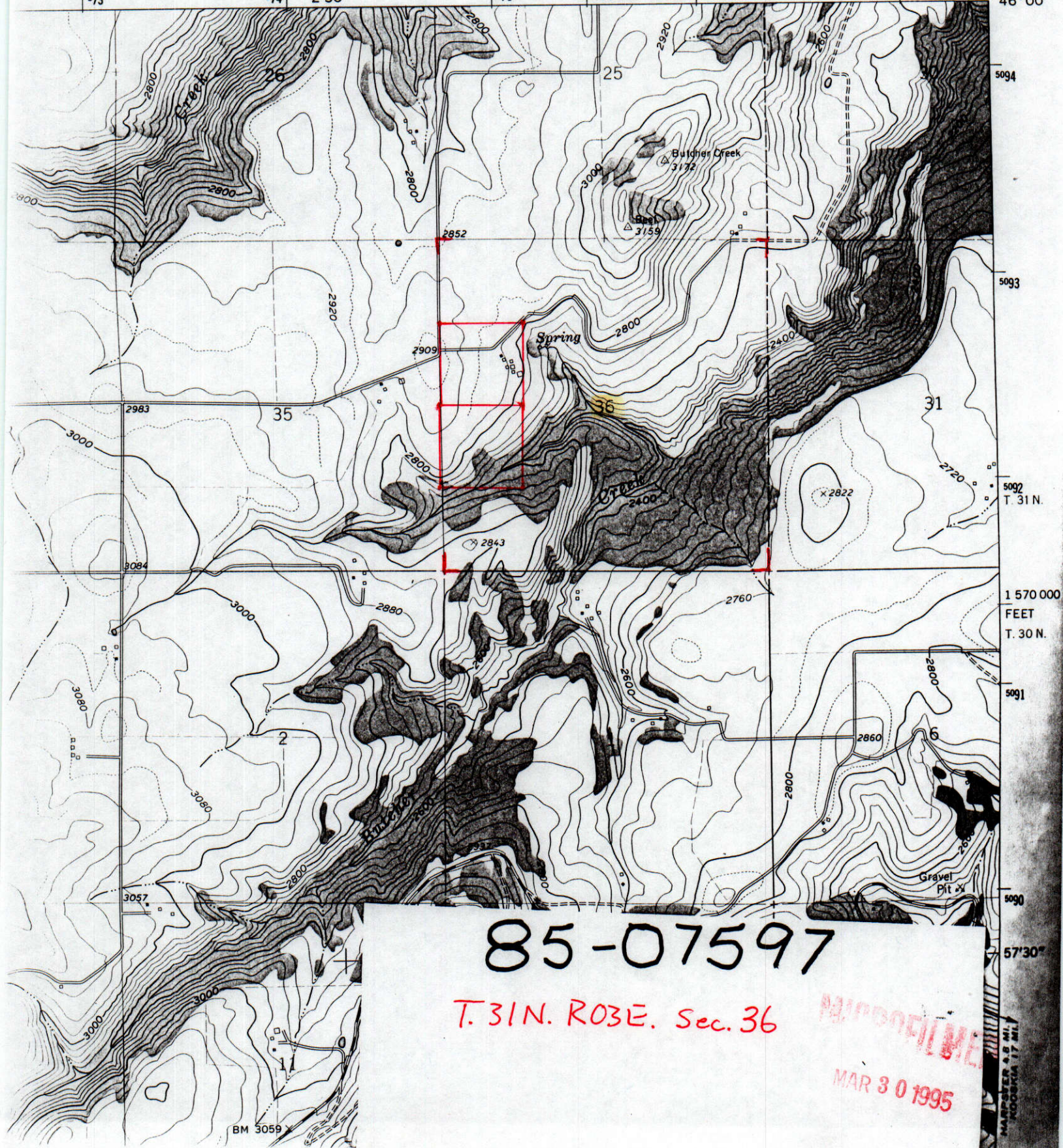
Donald L. Rubert
(Applicant)
Janet L. Rubert

RECORDED

MAR 30 1995

GRANGEVILLE EAST QUADRANGLE
IDAHO-IDAHO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

573 574 2'30" 575 430 000 FEET R. 3 E. R. 4 E. 577 116°00' 46°00'



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been
filed to appropriate the public waters of
the State of Idaho:

85-07597

RUBERT, DONALD L.

RUBERT, JANET L.

990 S. SILVER LAKE RD.

CASTLE ROCK, WA 98611

Source: UNNAMED STREAM Tributary:
BUTCHER CREEK

Diversion Pt: NWSW Sec 36 T 31N R
03E in IDAHO County.

Use: STOCKWATER (0.40 CFS)

Total Diversion: (.040 CFS)

Date Filed: 10/14/1993

In: IDAHO County T31N R03E S36
NWSW

For additional information concerning
the property location, call the Northern
Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the applicant and with the Director,
Dept. of Water Resources, Northern
Region, 1910 Northwest Blvd., Suite
210, Coeur d'Alene, Idaho 83814 on or
before NOVEMBER 22, 1993.

R. KEITH HIGGINSON, Director

Published: 11/4/1993 & 11/11/1993

N4-11

Andrew J. McNab, being
first duly sworn, says he is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for two weeks, being published two
times, the first publication being on the 4th day of
November, 1993, and the last
publication on the 11th day of November, 1993;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.

STATE OF IDAHO }
COUNTY OF }

On this 11th day of November in the year of 1993,
Before me, a Notary Public, personally appeared
Andrew J. McNab, known or identified to me
to be the person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

Manette Hansen
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10/8/99



RECEIVED

MAR 30 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 85-07597

Priority: October 14, 1993

Maximum Diversion Rate:

0.01 CFS

Maximum Diversion Volume:

0.1 AF

This is to certify, that DONALD L RUBERT
JANET L RUBERT

990 S SILVER LAKE RD
CASTLE ROCK WA 98611

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 14, 1993; and has submitted Proof of Beneficial Use on December 17, 1993. An examination indicates that the works have a diversion capacity of .010 cfs of water from:

UNNAMED STREAM

tributary to BUTCHER CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF

LOCATION OF POINT(S) OF DIVERSION: NWSW, Sec. 36, Township 31N, Range 03E
IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

31N 03E 36

NWSW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that may be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Stockwater use is for 5 horses.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 30TH day of JANUARY, 1995.

Acting for

R. Keith Higginson, Director

MAR 8 0 1995

RECEIVED

DEC 17 1993

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 85-07597 Telephone No. 206-274-6895

2. Name(s) of Permit Holder(s): Donald L. + Janet L. Rubert

3. Post Office Address: 990 So. Silver Lake Rd. Castle Rock, Wa. 98611

4. Source of Water: Unnamed Stream/a tributary of Butcher Cr.

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater X (No. and type of stock)

Other _____

(4) horses + 8 range cattle

6. Total rate and/or volume for which proof is submitted .04 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes X No Installed? Yes X No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes X No

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Donald L. or Janet L. Rubert 206-274-6895
Name Telephone No.

990 So. Silver Lake Rd. Castle Rock, Wa. 98611
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

12/13/93
Date

Donald Lloyd Rubert
Signature (and title if on behalf of a company or organization)

MAR 30 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 85-07597

Proposed Priority: October 14, 1993

Maximum Diversion Rate:

0.04 CFS

This is to certify, that JANET L RUBERT
DONALD L RUBERT
990 S SILVER LAKE RD
CASTLE ROCK WA 98611

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of BUTCHER CREEK

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 36, Township 31N, Range 03E
IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

31N 03E 36

NWSW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1994.
2. Subject to all prior water rights.
3. Stockwater use is for instream stockwatering of 4 horses and 8 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

6th day of December, 1993.

R. Keith Higginson
for R. Keith Higginson, Director

RECORDED

MAR 30 1995

RECEIVED

Form 202
10/92

NOV 24 1993

STATE OF IDAHO

Ident. No. 85-7597

Department of Water Resources DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Janeth. Rubert1. Name of applicant Donald L. Rubert Phone 206-274-6895Post office address 990 South Silver Lake Rd Castle Rock, Wa 986112. Source of water supply Unnamed Creek which is a tributary of Butcher Cr.3. Location of point of diversion is _____ 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____Sec. 36 Township 31 N Range 3 E B.M. Idaho County; additionalpoints of diversion if any: Diversion for livestock watering at any point where stream is on property.

4. Water will be used for the following purposes:

Amount .04 for Livestock purposes from JAN to JAN (both dates inclusive)
(~~2~~ acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) _____ and/or (b) .04
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. IN-STREAM STOCKWATERINGb. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____

Well was drilled for (well owner) _____

MAR 30 1995

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

1 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 4 Horses, 8 head beef
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3/N	3E	36									S								~~XXXXXX~~

Total number of acres to be irrigated _____

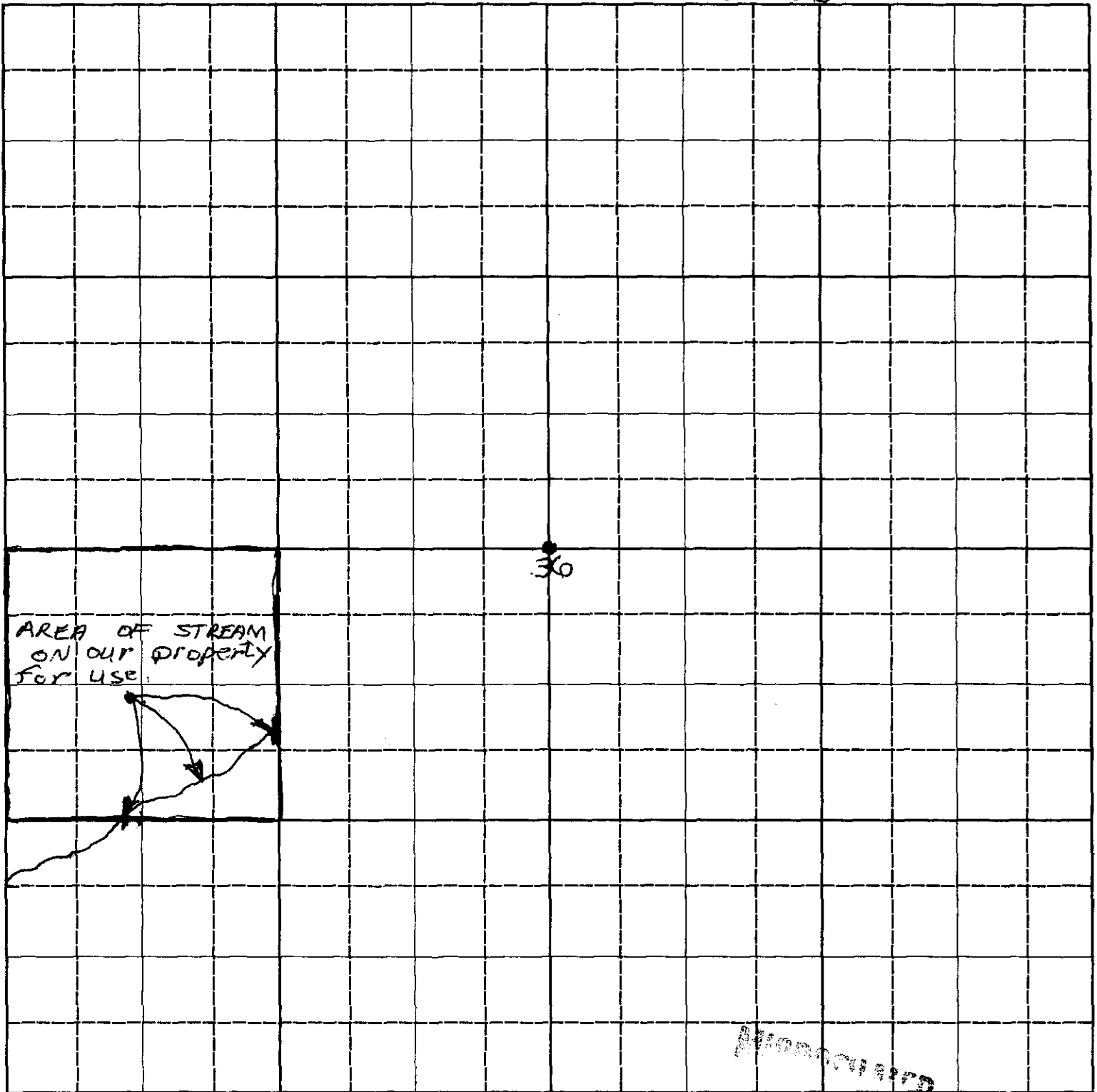
10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Donald & Janet Rubert
- b. Who owns the land to be irrigated or place of use? _____
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MAR 30 1995

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. T 31 N R 3 E SEC 36



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Donald L. Rubert
(Applicant)
Janet L. Rubert

MAR 30 1995

Received by [Signature] Date 10/14/93 Time 12:30pm Preliminary check by _____
Fee \$ 30.00 Receipted by N7066 # N7066 Date 10/14/93
Publication prepared by [Signature] Date 10/27/93 Published in Idaho County News
Publication approved [Signature] Date 11/17/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED
MAR 30 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 1, 1995

DONALD L RUBERT
JANET L RUBERT
990 S SILVER LAKE RD
CASTLE ROCK WA 98611

RE: WATER RIGHT NO. 85-07597

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

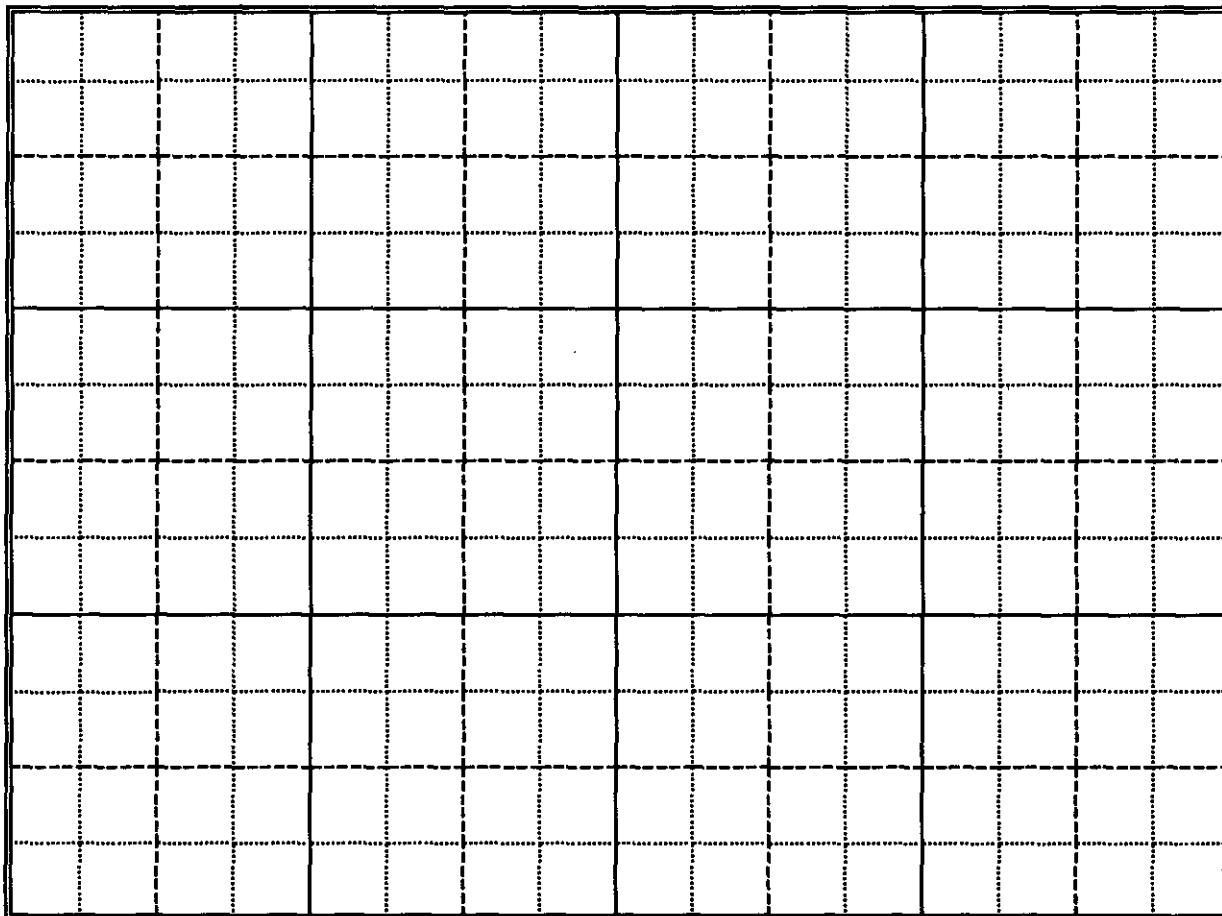
SK:rl

Enclosure

RECORDED
FEB 3 0 1995

* See attached explanation memo. BC

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for Irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
None					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. Measurements: None

MAR 30 1995

E. NARRATIVE/REMARKS/COMMENTS

On Aug. 15, 1994 I talk to Janet Rubert and she explained to me that no development of the system has started and that they have no livestock either. I asked her when is their system going to be completed and if they are going to have livestock anytime soon. She explained to me that they might have the stock and everything going in about 3 to 4 years.

* On Aug. 23, 1994 I was instructed to recommend Stockwater use for 5 horses by Allen Beardslee. Al has spoken with Don Rubert and verified that Mr. Rubert does use water during the hunting season for his horses.

* Verification of Legal Description from the Assr. Office in Idaho County is T.31N, R.03E., Sec. 36, SW 1/4, NW 1/4. And Mr. Rubert owns 20 acres in this legal description.

*** Place of use is for instream stockwatering. There is no Point of diversion.

Have conditions of permit approval been met? ☒ yes ☐ no

MAR 30 1995

Additional Computation Sheets Attached

None

None

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$
$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$
$$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} =$$

Stockwater use - 0 - 10 = .02 - .2 AFA

5 horses

1. Recommended Amounts

	Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
		From	To		
*	Stockwater	01-01	12-31	.02	.2
Totals:				.02	.2

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Don M. Kunz Date 8/15/94

Reviewer _____ Date _____

* See attached memo for explanation. BC

SEAL

MAR 30 1995

MEMORANDUM

TO: File 85-07597 / Donald L. Rubert
FROM: Brenda Chapman
DATE: September 2, 1994
RE: Adjustments Made

=====

The final recommendations for the following portion(s) of the field exam were based on the information below.

C. DIVERSION AND DELIVERY SYSTEM

2. Place of Use: P/U is the same as the p/d [NWSW $\frac{1}{4}$].

G. VOLUME CALCULATIONS

Volume recommendation reduced to coincide with the currently used Field Examiner's Handbook guideline.

H. RECOMMENDATIONS

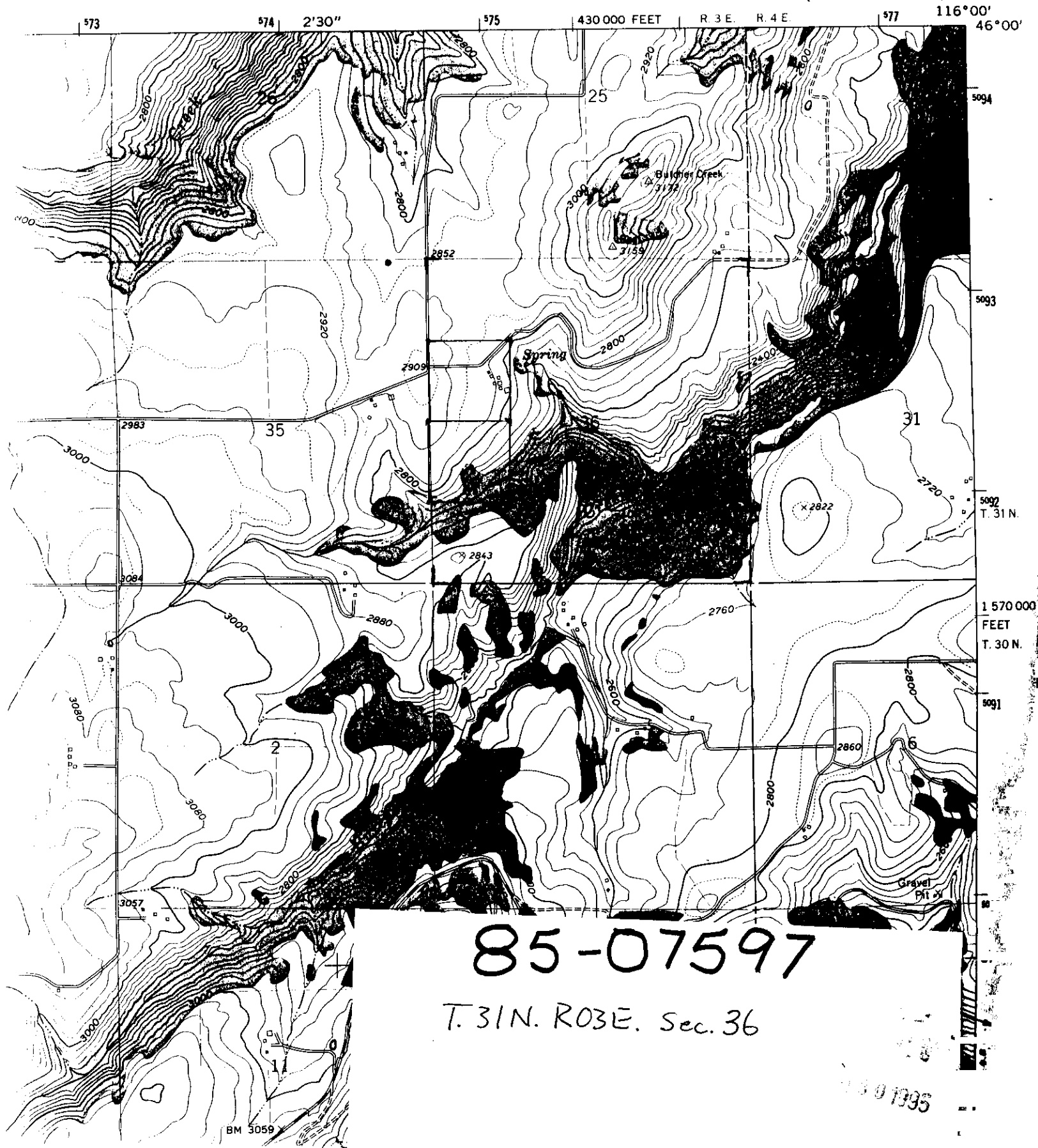
1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Stockwater	1-01 to 12-31	.01	.1

See item G.

RECEIVED
MAR 30 1995

GRANGEVILLE EAST QUADRANGLE
IDAHO-IDAHO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



December 20, 1993

JANET L RUBERT
DONALD L RUBERT
990 S SILVER LAKE RD
CASTLE ROCK WA 98611

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 85-07597

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
MAR 30 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 6, 1993

JANET L RUBERT
DONALD L RUBERT
990 S SILVER LAKE RD
CASTLE ROCK WA 98611

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07597

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

MAR 8 0 1995

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

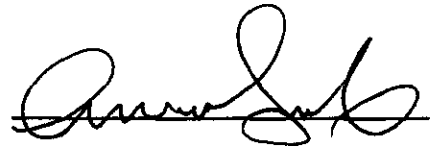
The following information has been
sent to appropriate authorities of
the State of Idaho:

SS 07897
ROBERT, DONALD
FARMER, JAMES
CASTLE ROCK, IDAHO
Sawyer, James L. General Manager
BUTTE COUNTY
Division of Agriculture See SS T SAN R
OREGON COUNTY
Linc. 870-0000
Tomb, Charles L. Editor
Sawyer, James L. General Manager
IDAHO County TSM 7000 000
NORRIS
For further information concerning
the project, contact the IDAHO
Department of Agriculture at (208) 755-1000.
The permit will be subject to all other
rules and regulations of the
IDAHO Department of Agriculture
and the IDAHO Department of
Agriculture, 1910 N. Main St., Suite
210, Boise, ID 83725-1000.
L. J. McNamee, Notary
Public, 1100 S. 10th St., Boise, ID 83725-1000

N4-11

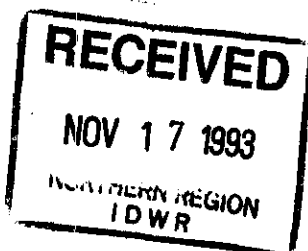
Andrew J. McNab, being
first duly sworn, says he is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for two weeks, being published two
times, the first publication being on the 4th day of
November, 1993, and the last
publication on the 11th day of November, 1993;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.

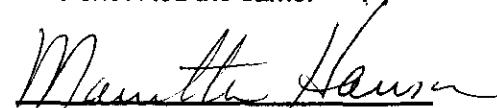
11/7/93



STATE OF IDAHO }
COUNTY OF }

On this 11th day of November in the year of 1993,
Before me, a Notary Public, personally appeared
Andrew J. McNab, known or identified to me
to be the person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10/8/99

85-07597

RUBERT, DONALD L
RUBERT, JANET L
990 S SILVER LAKE RD
CASTLE ROCK, WA 98611

Source: UNNAMED STREAM

Tributary: BUTCHER CREEK

Diversion Pt: NWSW Sec 36 T 31N R 03E in IDAHO County.

Use: STOCKWATER (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 10/14/1993

In: IDAHO County
T31N R03E S36 NWSW



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 ~~(208) 769-1450~~ ~~(208) 769-1450~~ Fax (208) 769-1454

CECIL D. ANDRUS

October 27, 1993

R. KEITH HIGGINSON
Director

Mr. and Mrs. Donald Rubert
990 S. Silver Lake Rd.
Castle Rock, Wa. 98611

Dear Mr. and Mrs. Rubert:

Subject: Water Application for Permit Number 85-7597.

The Idaho Department of Water Resources hereby acknowledges receipt of the above-referenced Application for Permit to Appropriate the Public Waters of the State of Idaho. Enclosed is Receipt Number N7066. Please refer to your Application for Permit Number in future matters concerning this water right application.

Your Application for Permit is currently being prepared for advertising in the local county newspaper. The advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for submittal of protests.

If your application is not protested, it will be forwarded to Boise for processing. Normal processing time is approximately 3 to 4 months, if the application is not protested. If your Application for Permit is protested, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before your Application for Permit can be approved. If the protest is not resolved, this Department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State Office in Boise.

If your Application for Permit is for a well (groundwater) that was constructed after July 1, 1987, you must apply for a well drilling permit upon approval of your Application for Permit if no permit was obtained by previous owners to construct the well. Well Drilling Permits can only be issued by this office to holders of approved Applications for Permit.

If I can be of further assistance, please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resource Agent

Enc. - Receipt