

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-668
Date Received: 10/12/1988
Receipt No: M001568
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
FEB 11 2004
Department of Water Resources

1. Name of Claimant(s)

DALE MARIE HUNT Phone: (208)823-4558
PO BOX 448
CAREY ID USA 83320

2. Date of Priority: 05/15/1881

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	21E	30	NW SW SE	BLAINE	

5. Description of diverting works:

DIVERSION DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01S	21E	17	NE	SW		IRRIGATION	20
			SE	NW		IRRIGATION	13
			NE	SE		IRRIGATION	35
			NW	SE		IRRIGATION	40
			SE	NE		IRRIGATION	35
			SW	NE		IRRIGATION	37
						Total Acres	180

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PRIORITY AMENDED FROM ORIGINAL 1884 DATE BY COURT ORDER.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2004

DALE MARIE HUNT
PO BOX 448
CAREY ID 83320

Re: SRBA Claim #37-668

Dear Ms. Hunt,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copy of the computer record of the claim noting the change in claimant. Review this record and if there is an error, or you have any questions, please contact this office.

Sincerely,

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

Carrie Hahn
Office Specialist

RECEIVED

FEB 04 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-668	-			

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Bruce K & Dale H Rathke
 Box 325, Carey, ID 83320

4. New Owner/Claimant(s)

Dale Marie Hunt

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

PO Box 448

City, State and ZIP Code

Carey, ID 83320

New Telephone Number

() 823-4558

5. Date you acquired the property

8-26-1994 (divorce decree)

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Dale Marie Hunt
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by J. S. Stanton Date 2-4-04 Fee -
 Received by - Date - Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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3 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
4 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

5 DALE H. RATHKE,)

6 Plaintiff,)

7 vs.)

8 BRUCE K. RATHKE,)

9 Defendant.)
10

Case No. CV 94-1634

DECREE OF DIVORCE

11 THIS ACTION came before this Court on the 26th day of
12 August, 1994. Plaintiff, DALE H. RATHKE, appeared in person
13 with her attorney, Tracy Dunlap, Esq. of the law firm of Hogue,
14 Speck & Aanestad, P.A. Neither Defendant nor an attorney on her
15 behalf appeared. The record indicates the Complaint for Divorce
16 was filed in this Action on August 25, 1994. On August 26, 1994,
17 Defendant filed his Voluntary Appearance, Waiver of Notice and
18 Consent to Default.

19 This Court having been fully advised and informed this
20 matter was ready for Hearing, examined the pleadings on file
21 herein and heard testimony presented by and on behalf of
22 Plaintiff in open Court, and on the basis thereon, FINDS AND
23 CONCLUDES:

24 A. Plaintiff and Defendant agree this Action shall be
25 filed and decided in Blaine County, Idaho.

26 B. Plaintiff and Defendant were married on the 3rd
27

28 DECREE OF DIVORCE - 1

1 day of July, 1976, and ever since said date have been and are now
2 husband and wife.

3 C. At no time during this proceeding have Plaintiff
4 or Defendant been a member of the Armed Forces of the United
5 States and none of the provisions of the Soldiers and Sailors
6 Relief Act or amendments thereto are applicable to this Action.

7 D. There are two (2) children of this marriage,
8 namely, JESSECA RATHKE, born September 23, 1982, and LUKE RATHKE,
9 born September 1, 1977.

10 E. Plaintiff and Defendant have entered into a
11 Marriage Settlement Agreement which resolves all marital property
12 rights, and the support, maintenance, and custody rights arising
13 out of the marital relationship which is attached hereto as
14 Exhibit A and is merged herein by this reference as if restated
15 in full. The Marriage Settlement Agreement is fair and equitable
16 and is hereby approved and adopted by this Court as part of this
17 Decree of Divorce.

18 F. This Court finds the child custody provisions of
19 the Marriage Settlement Agreement are fair and equitable and are
20 in the best interests of the child on the basis of the evidence
21 presented.

22 G. This Court further concludes the child support
23 provisions of the Marital Settlement Agreement are supported by
24 the Idaho Child Support Guidelines on the basis of the evidence
25 presented. This Court therefore concludes this child support
26 arrangement conforms to the Idaho Child Support Guidelines and is

1 fair, equitable, and in the best interests of the minor child of
2 this marriage at this time.

3 H. This Court further concludes the division of
4 marital assets and liabilities set forth in the Marriage
5 Settlement Agreement is fair and equitable on the basis of the
6 evidence presented.

7 I. Irreconcilable differences have arisen creating
8 substantial reasons which have prevented and do prevent the
9 continuation of this marriage. This Court deems these reasons to
10 be substantial and sufficient for not continuing this marriage,
11 and, accordingly, concludes this marriage should be dissolved.

12 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS
13 FOLLOWS:

14 1. The bonds of matrimony heretofore and now
15 existing between Plaintiff and Defendant are dissolved and
16 forever set aside and the parties are granted a Divorce.

17 2. The Marital Settlement Agreement executed by
18 the parties and attached hereto as Exhibit A is merged and
19 incorporated fully herein and the terms thereof are adopted as
20 this Court's Order and shall be enforced as though set forth
21 fully herein.

22 NOTICE OF INCOME WITHHOLDING

23 This support order is enforceable by
24 income withholding under Chapter 12, Title
25 32, Idaho Code. Whenever there are
26 arrearages at least equal to the support
27 payment for one month, a mandatory income
28 withholding order may be issued by the court
to your employer or other person who pays you
income, without prior notice to you.

1 It is not necessary for the obligee to apply for
2 support enforcement services under Title IV-D of the
3 Social Security Act (42 U.S.C. 651 et seq.) to obtain
4 enforcement of this support order by means of income
5 withholding. The Social Security Numbers of the
6 parties are: Plaintiff: 518-66-7021; Defendant:
7 518-50-9546.

8 DATED this 26th day of August, 1994.

9
10 
11 _____
12 Robert J. Elgee
13 Magistrate Judge
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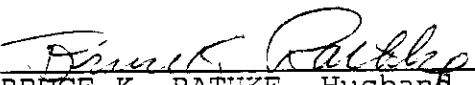
div\rathke.dec

Agreement.

19. REPRESENTATION BY COUNSEL. Each party has been represented by his or her own legal counsel and shall bear his or her respective attorneys fees and costs incurred in connection with the negotiation and preparation of this Agreement, as well as any costs and attorneys fees involved in the divorce action. No presumption shall exist in favor of or against any party to this Agreement as a result of the drafting and preparation of this document. Should it be necessary for either party to employ legal counsel to enforce of any of the provisions of this Agreement, then the losing party agrees to pay all attorneys fees and costs reasonably incurred by the prevailing party, even if litigation is not commenced.

20. AMENDMENT. No amendment of this Agreement shall be effective unless the Agreement is in writing, signed by each of the Parties, and the amendment must be presented to the court for approval and incorporation.

IN WITNESS WHEREOF, the Parties hereto have signed and received copies of this Agreement this 23rd day of AUGUST, 1994.



BRUCE K. RATHKE, Husband



DALE H. RATHKE, Wife

EXHIBIT B
(Community Property to Wife)

- (a) Farm Equipment: ditcher, sprayer, discer, tractor, diker, grain drill, land plane, two (2) harrows and other farm machinery not listed on Exhibit A.
- (b) Farm real property and all water rights appurtenant thereto as more particularly described in Exhibit F, attached to this Agreement.
- (c) 4-wheeler and trailer
- (d) Sheep and lambs
- (e) One-half of community furniture, appliances, house wares, pots, pans, dishes, bedding, towels, and miscellaneous personal property and farm items.
- (f) Wife's personal items and effects
- (g) 1989 Subaru automobile
- (h) two (2) horses (wife's and Jesseca's) and the appropriate one-half of the horse tack

EXHIBIT F

Township 1 South, Range 21 East Boise Meridian,
Section 17: SE 1/4 NW 1/4, NE 1/4 SW 1/4,
S 1/2 NE 1/4, N 1/2 SE 1/4

STATE OF IDAHO } ss

County of Blaine

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

IN WITNESS THEREOF, I have hereunto set my hand and affixed by official seal.

this 12 day of Dec. 1997

MARY GREEN
Clerk District Court

Deputy

NAME : Dale H. Rathke
ADDRESS P.O. Box 448 Carey, ID 83320
PHONE: (208) 823-4558

97 DEC 12 AM 10 21
MARY GREEN
CLERK DISTRICT COURT
BLAINE COUNTY, IDAHO

IN THE DISTRICT COURT OF THE
FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR
THE COUNTY OF Blaine.

IN THE MATTER OF;

Dale H. Rathke
PETITIONER

) CASE NO. SP-97-1426
) ORDER FOR CHANGE
) OF NAME
)
)

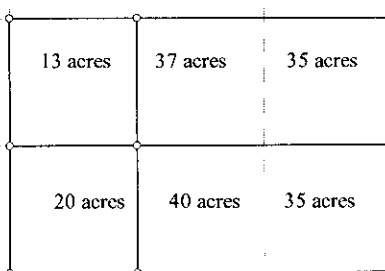
BASED UPON THE PETITION FOR NAME CHANGE, AND THE PROPER NOTICE
BEING GIVEN AS REQUIRED BY LAW, AND NO OBJECTIONS HAVE BEEN
MADE THERETO, AND GOOD CAUSE APPEARING THEREFORE;

IT IS HEREBY ORDERED, AND THIS DOES ORDER, THAT THE
PETITIONER'S NAME OF Dale Ellen Hunt Rathke BE CHANGED TO
Dale Marie Hunt, AND THAT PETITIONER HEREAFTER BE
REFERRED TO BY SAID NAME.

DATED THIS 12 DAY OF December 1997.
BBF Edg
JUDGE

ORDER FOR CHANGE OF NAME

IRRIGATED LAND



T01S R21E SEC 17

Title: Dale Marie Hunt

Date: 02-06-2004

Scale: 1 inch = 2000 feet

File: 37-668

Tract 1: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet

Tract 2: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet

Tract 3: 80.000 Acres: 3484800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 7920 Feet

Tract 4: 80.000 Acres: 3484800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 7920 Feet

001=/SE,SE,SE,17,1S,21E

012=S00W 1320.00

023=N90E 2640.00

002=/N00E 3960.00

013=N90W 1320.00

024=@0 n,se,17,1s,21e

003=/N90W 2640.00

014=N00E 1320.00

025=/SE,SE,SE,17,1S,21E

004=S00W 1320.00

015=N90E 1320.00

026=/N00E 2640.00

005=N90W 1320.00

016=@0 s,ne,17,1s,21e

027=/N90W 0.00

006=N00E 1320.00

017=/SE,SE,SE,17,1S,21E

028=S00W 1320.00

007=N90E 1320.00

018=/N00E 3960.00

029=N90W 2640.00

008=@0 ne,sw,17,1s,21e

019=/N90W 0.00

030=N00E 1320.00

009=/SE,SE,SE,17,1S,21E

020=S00W 1320.00

031=N90E 2640.00

010=/N00E 2640.00

021=N90W 2640.00

011=/N90W 2640.00

022=N00E 1320.00