

RECEIVED
DEC 22 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 21 2011

By _____ Clerk
Deputy Clerk

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

In Re SRBA	)	Water Right Claims: 29-02009A & 29-14005
	)	
Case No. 39576	)	ORDER GRANTING MOTIONS TO FILE
	)	LATE NOTICE OF CLAIMS
	)	
	)	

On August 29, 2011, Brian and Michelle Stanger filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on December 20, 2011. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated: December 21, 2011.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on December
21, 2011, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BRIAN STANGER
MICHELLE STANGER
2769 CHESTERFIELD RD
BANCROFT, ID 83217
Phone: 208-648-0822

Case 39576

Subcase 29-2009A

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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 29-2009A
Date Received: 7/27/2011
Receipt No: **Co94479**
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHELLE STANGER Phone: (208) 648-0822
2769 CHESTERFIELD RD
BANCROFT ID USA 83217

BRIAN STANGER Phone: (208) 221-9406
2769 CHESTERFIELD RD
BANCROFT ID USA 83217

2. Date of Priority: 10/01/1903

3. Source: EIGHTEENMILE CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	39E	15	NE SW	CARIBOU	

5. Description of diverting works:

DAM IN CREEK TO DITCHES TO FLOOD IRRIGATION

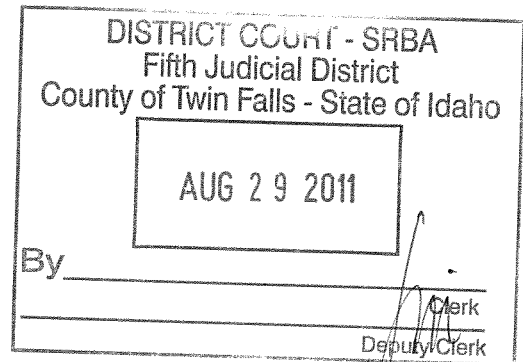
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.27	

7. Total Quantity Appropriated is:
2.27 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
07S	39E	15	NE	NW	IRRIGATION	37.6
			NW	NW	IRRIGATION	26
			SW	NW	IRRIGATION	34
			SE	NW	IRRIGATION	16
Section Acres						113.6
Total Acres						113.6

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

AWAITING ACCEPTANCE OF LATE CLAIM BY SRBA COURT.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Michelle L. Singer Date: 8/25/2011

08/25/2011 [Signature] Date:

State of Idaho)
County of Bannock) SS.

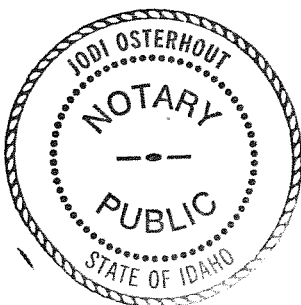
Subscribed and sworn (or affirmed) before me this 25
of August 2011

[Signature]

Notary Public

Residing at Trkone

My commission Expires 11/16/2012



Michelle & Brian Stanger
2769 Chesterfield Rd.
Bancroft, ID 83217
Phone: 208-648-0822

August 19, 2011

To Whom It May Concern:

We purchased our property at Township 07E Range 39E Section 15 on March 18, 2010.

We are filing for a Late Notice of Claim on water from 18-Mile Creek, located in Bancroft, Idaho for the use of irrigation and stock water.

We are submitting a Notice of Late Claim due to the previous owners, Lawrence and Marjorie Holbrook, failing to complete the proper paper work during the 1988 adjudication. It is our understanding that their health was failing, and that they were also elderly at the time of the adjudication, as well at the fact that the land was not being actively farmed at that time.

The property was enrolled into CRP (Conservation Reserve Program) from 1987-2009 with the USDA Farm Service Agency in Caribou County, Idaho. This Property would have not been irrigated during the Adjudication Process in 1988. Please see the attached FSA documents and crop reports.

Attached pictures show the irrigation dams, dikes, and ditches used before 1987 CRP contract. Please also find signed statements from neighbors that also state that this property was irrigated with water from 18-Mile Creek. Additionally, we have enclosed a copy of the statement of Water Rights on 18-Mile Creek, with a date of September 13, 1907 (with a priority date of October 1, 1903) from our title closing papers obtained from Alliance Title & Escrow.

We will provide any additional information before the December 20, 2011 motion hearing, or upon request.

Respectfully,



Michelle L. Stanger



Brian D. Stanger

SCHEDULE B

Order No.: 3081041496KF Policy No.: 72306-80400827

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorney's fees, or expenses that arise by reason of:

1. Rights or claims of parties in possession not shown by the public records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. Taxes, including any assessments collected therewith, for the year 2010, which are a lien not yet payable.
8. Water rights, claims or title to water.
9. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
10. Right of the public in and to that portion of the premises lying within the right-of-way of Chesterfield Road.
11. The provisions contained in Deed.
Recorded: November 30, 1909.
Instrument No.: 15410 in Book 16 of Official Records.
As follows: Together with any and all water rights reserved or claimed in connection with the above described property, and particularly three and 87/100 cubic feet per second of time of the waters of Eighteen Mile Creek, as particularly described in Water License No. 237 issued by James Stephenson Jr., State Engineer for the State of Idaho and dated September 13, 1907.
12. The provisions contained in Warranty Deed.
Recorded: July 22, 1921.
Instrument No.: 85616 in Book 42 of Deeds, page 511 of Official Records.
As follows: Together with any and all water, water rights, ditches, canals and aqueducts had used and enjoyed in connection with the above described property.

TO WHOM IT MAY CONCERN:

I was witness to LAWRENCE HOLBROOK using irrigation water on the property at 2769 Chesterfield Road, in Caribou County, currently owned by Michelle & Brian Stanger. This water would have been used on the property prior to its time under CRP (Conservation Reserve Program) contract.

Name: Lore Smith

Phone Number: 648-7384

Approximate Years in the Area: 47

Signature: Lore Smith

Date: 8 Aug 11

Additional Information:

I recall that LAWRENCE Holbrook did irrigate using 18 mile water. HE used sprinkler systems and flood irrigation.

TO WHOM IT MAY CONCERN:

I was witness to LAWRENCE HOLBROOK using irrigation water on the property at 2769 Chesterfield Road, in Caribou County, currently owned by Michelle & Brian Stanger. This water would have been used on the property prior to its time under CRP (Conservation Reserve Program) contract.

Name: *Roy F. Hatch*

Phone Number: *208-648-7800*

Approximate Years in the Area: *76 years*

Signature: *Roy F. Hatch*

Date: *Aug. 8th 2011*

Additional Information:

*I remember Lawrence Holbrook
flood irrigating from the water in
eighteen mile creek.*

TO WHOM IT MAY CONCERN:

I was witness to LAWRENCE HOLBROOK using irrigation water on the property at 2769 Chesterfield Road, in Caribou County, currently owned by Michelle & Brian Stanger. This water would have been used on the property prior to its time under CRP (Conservation Reserve Program) contract.

Name: Jean Labrouche

Phone Number: 206-648-0408

Approximate Years in the Area: 6

Signature: 

Date: 8/8/11

Additional Information:

I have seen Irrigation ditches and an Irrigation well on Brian Stanger's properties

1. FARM NO. 239 2. TRACT NO. 1360 3. FARMLAND 641.7 4. PROGRAM YEAR KEY 88 5. OPERATOR NAME AND ADDRESS LAURENCE HOLBROOK ROUTE 1 BOX 1140 BANCROFT, ID 83217 6. OTHER FARMS 9831

10. PHOTO NO. - LEGAL DESCRIPTION

TRACT NO.	FIELD NO.	CROP OR LAND USE	Prac- tice 1/	CROP STATUS 2/	16. CROP OR LAND USE SUMMARY						KEY	SHARE
					WHEAT	ACR	CRP	CU	Barley			
11	12	6C WHEAT GRAIN	NI	I	31.4						17	18
		HARD RED W			31.4							
	6D	OTHER	NI	I			5.2					DEF
	7	CRP 01	NI	I	46.6							DEF
	8	CRP 01	NI	I	10.2							DEF
	9	CRP 01	NI	I	53.4							DEF
	10	CRP 01	NI	I	26.5							DEF
	11	CRP 01	NI	I	9.4							DEF
		Barley							0			
545	6EP4	Fallow	NI	T								
19	TOTAL OPERATOR REPORT				61.4	48.5	371.9	159.9	0			
20	TOTAL DETERMINED ACREAGE				61.4	48.5	371.9	159.9	0			

21. OPERATOR'S CERTIFICATION - I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

OPERATOR'S SIGNATURE DATE OPERATOR'S SIGNATURE DATE OPERATOR'S SIGNATURE DATE

F=Failed Acreage
PP=Prevented Planted
A=Abandoned Acreage
INT=Intended Acreage
APPF=After PP or A

REPORT OF ACREAGE

1. FARM NO.	2. TRACT NO.	3. FARMLAND	CROPLAND	4. PROGRAM YR	KEY	NAMES OF OTHER PRODUCERS	ID NUMBER	OTHER FARMS
-------------	--------------	-------------	----------	---------------	-----	--------------------------	-----------	-------------

230		1360	641.7	87			8	
KEY	5. OPERATOR NAME AND ADDRESS		9831	6. Other Farms				
1	LAWRENCE HOL BROOK ROUTE 1 BOX 1140 BANCROFT, ID 83217							

10. PHOTO NO. - LEGAL DESCRIPTION

TRACT NO.	FIELD NO.	CROP OR LAND USE	Pac- tice 1/	CROP STATUS 2/	16. CROP OR LAND USE SUMMARY							KEY	SHARE
					WHEAT	ACR	CRP	CU					
11	12	13	14	15								17	18
	2	WHEAT GRAIN	NI	I	20.7							1	1.0000
	3	OTHER	NI	I				24.8				1	1.0000
	5	ACR	NI	I		45.0						1	1.0000
		RESIDUE				45.0							
	8	WHEAT GRAIN	NI	I	10.2							1	1.0000
	9	WHEAT GRAIN	NI	I	53.4							1	1.0000
	10	WHEAT GRAIN	NI	I	26.5							1	1.0000
	11	WHEAT GRAIN	NI	I	9.4							1	1.0000
	4A	FALOW	NI	I				49.1				1	1.0000
	4B	ACR	NI	I		51.3						1	1.0000
		RESIDUE				51.3							

19. TOTAL OPERATOR REPORT													
---------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--

20. TOTAL DETERMINED ACREAGE													
------------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--

21. OPERATOR'S CERTIFICATION - I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.	DATE	OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE	
--	------	----------------------	------	----------------------	------	--

F=Failed Acreage
PP=Prevented Planted
A=Abandoned
INT=Intended A.
APPF=After PP or Crop

Lawrence Holbrook

Lawrence E. Holbrook

CHESTERFIELD - Lawrence E. Holbrook, 98, of Chesterfield, passed away Wednesday, February 27, 2008, in Pocatello, Idaho. He was born August 3, 1909, to Jonathan Earl and Mamie Call Holbrook in Chesterfield, Idaho. Lawrence lived and farmed all his life in Chesterfield. In the mid-'20s, he began purchasing land in Chesterfield. He grew wheat and barley, raised cattle and sheep and repaired all his equipment.

In 1936, he married the new school teacher who came to town from Pocatello, Mary Marjorie Boyatt, and they were later sealed in the Ogden, Utah LDS Temple.

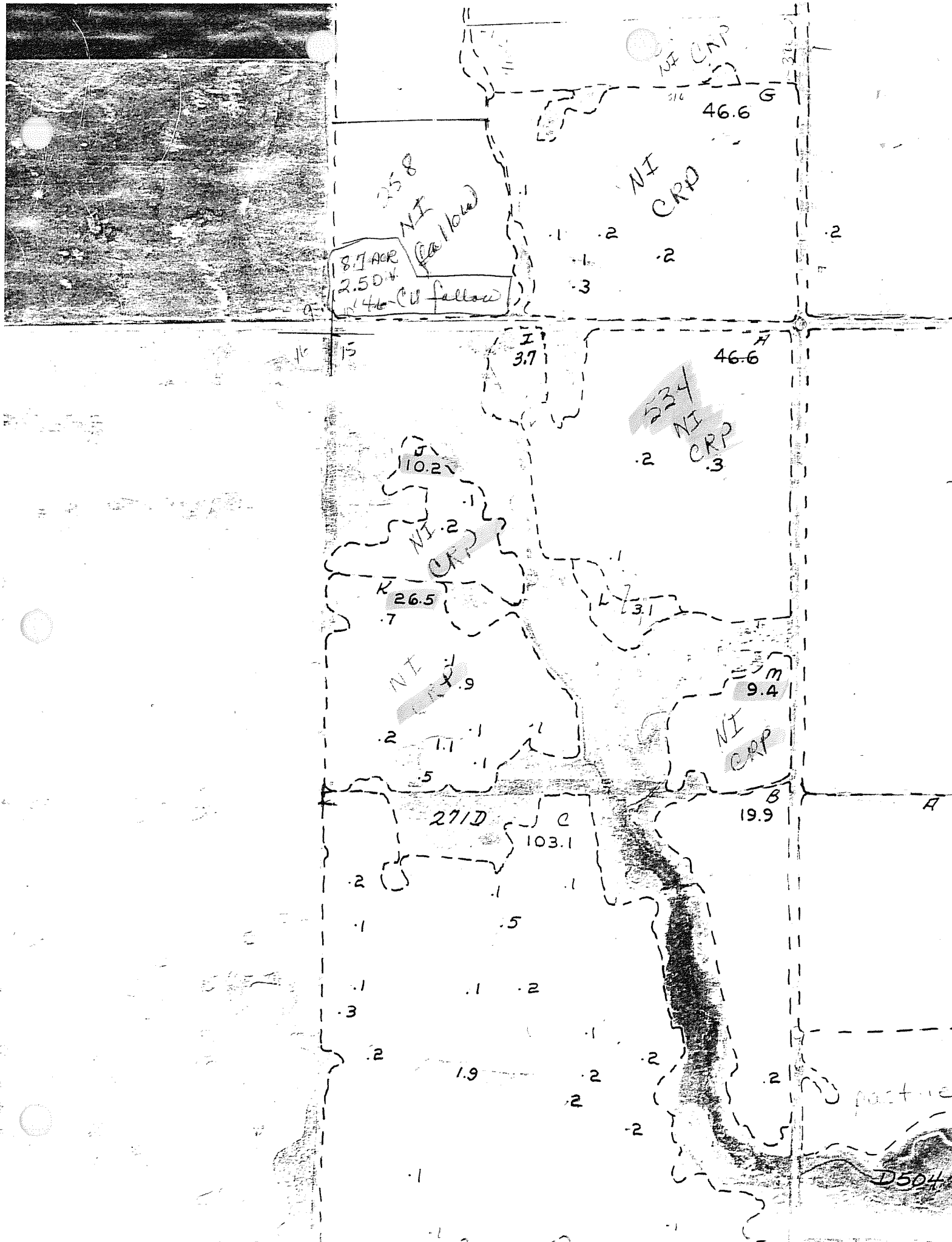
Early in life he selected the mouth organ and a Jew's harp to accompany him as he worked in the fields. Later in life, he collected and played guitar, piano, violin and other instruments for enjoyment.

He was an active member of the Church of Jesus Christ of Latter-day Saints, serving in various callings including in the bishopric of the Chesterfield Ward.

Lawrence is survived by two brothers, Cal and Elizabeth Holbrook of Ogden, Utah, Max and Theo Holbrook of Provo, Utah; two sisters, Wilda Phelps of Soda Springs, Idaho, Elaine Christensen of Kentucky; six children, Jay Mack and DeLene Holbrook of Provo, Utah, Ben and Judy Holbrook of Jerome, Idaho, Susan and Jerry Bergeman of Idaho Falls, Idaho, Sheila and Rich Mason of Olympia, Wash., Larry and Connie Holbrook, and Colleen Black of Pocatello, Idaho. Also surviving are 34 grandchildren and 96 great-grandchildren. He was preceded in death by his wife, Marjorie, two sisters, Florence and Lila, a daughter, Marlene, and a son, Charles John.

Services will be held Monday, March 3, 2008, at 11 a.m. at the Chesterfield LDS Ward Chapel in Chesterfield, Idaho. Family will meet with friends on Sunday evening, March 2 from 5 p.m. to 7 p.m. at the Sims Funeral Home in Soda Springs and on Monday morning from 10 a.m. to 10:45 a.m. at the church in Chesterfield prior to services. Burial will be at the Chesterfield Cemetery. Many thanks to the staff at Quail Ridge in Pocatello, where Lawrence resided for the last five years. He loved and enjoyed the staff and friends he met there. The family also expresses thanks to the many people who loved him and touched his life. Services are under the direction of the Sims Funeral Home. Condolences may be sent to the family on line at simsfh.com.

Published in Idaho State Journal on February 29, 2008



SEE ATTACHED PICTURES

Stalker

Chesterfield

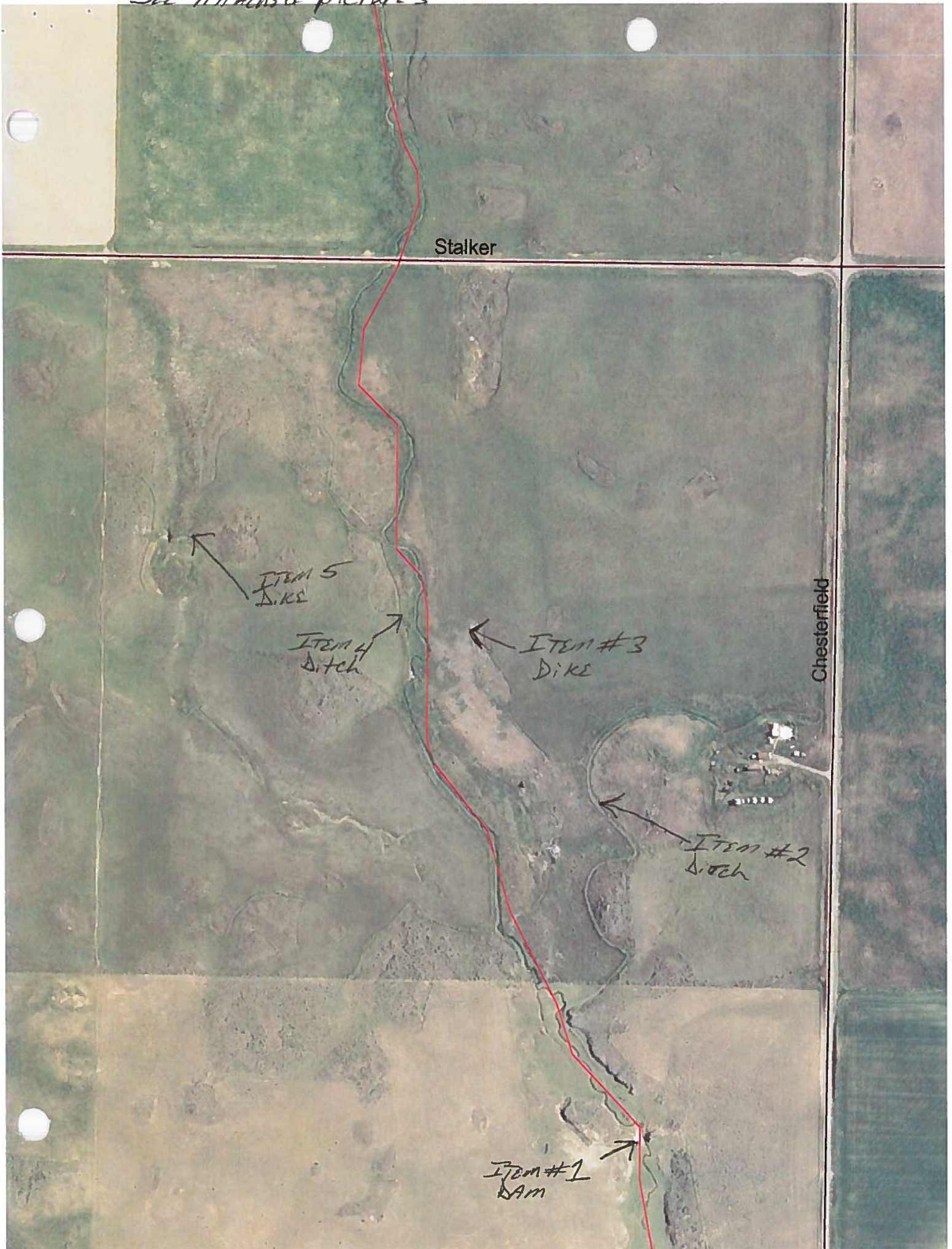
ITEM 5
DIKE

ITEM 4
DITCH

ITEM #3
DIKE

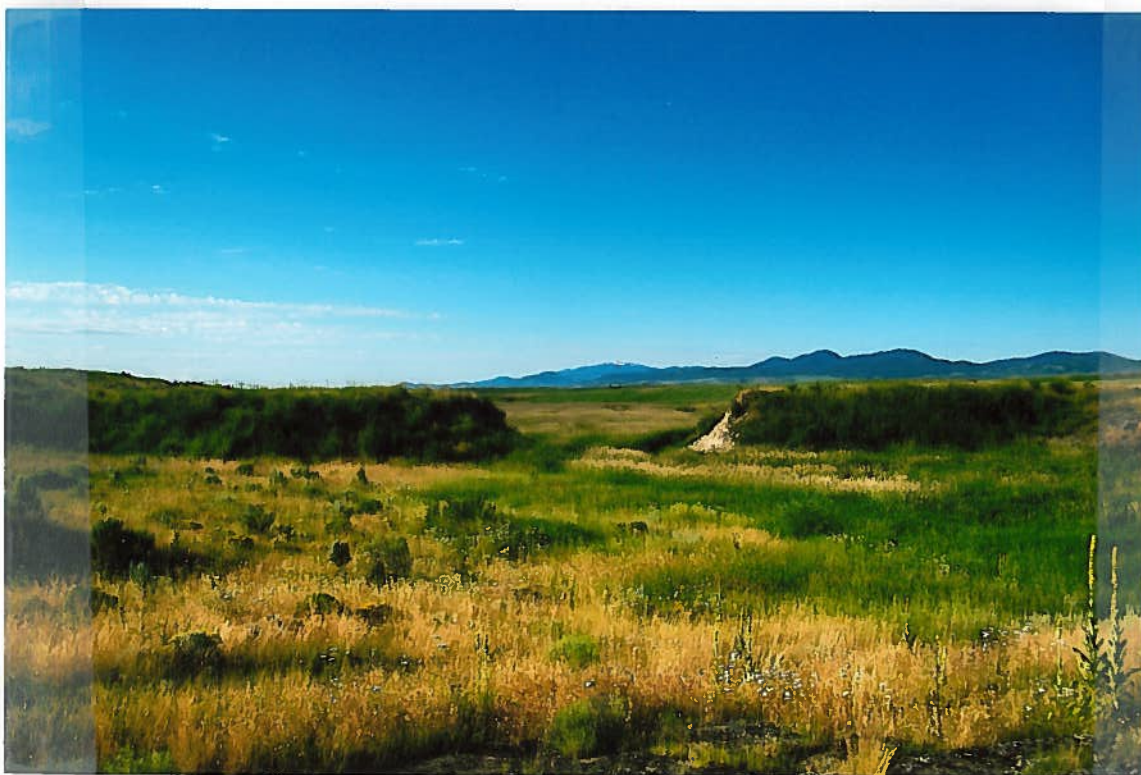
ITEM #2
DITCH

ITEM #1
DAM



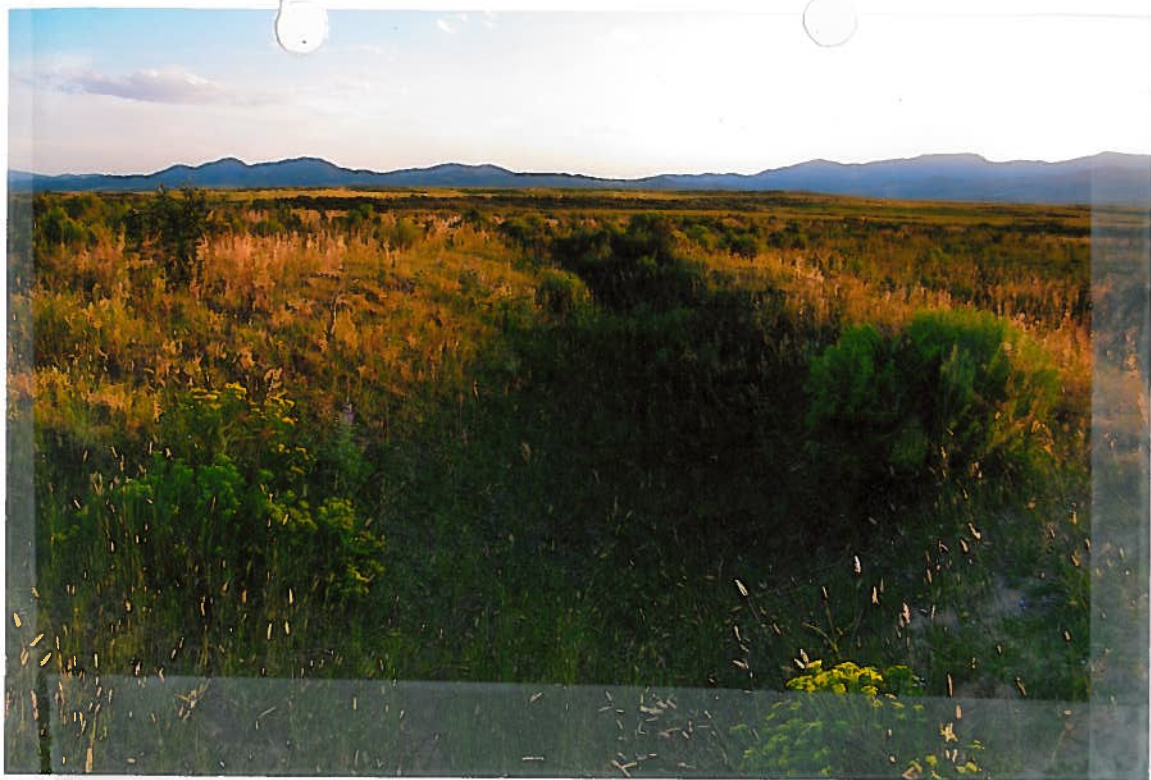


18-Mile Creek, south of our property



Map Location 1 Original Dam¹

¹ See attached map



Map Location 2 Irrigation Ditch

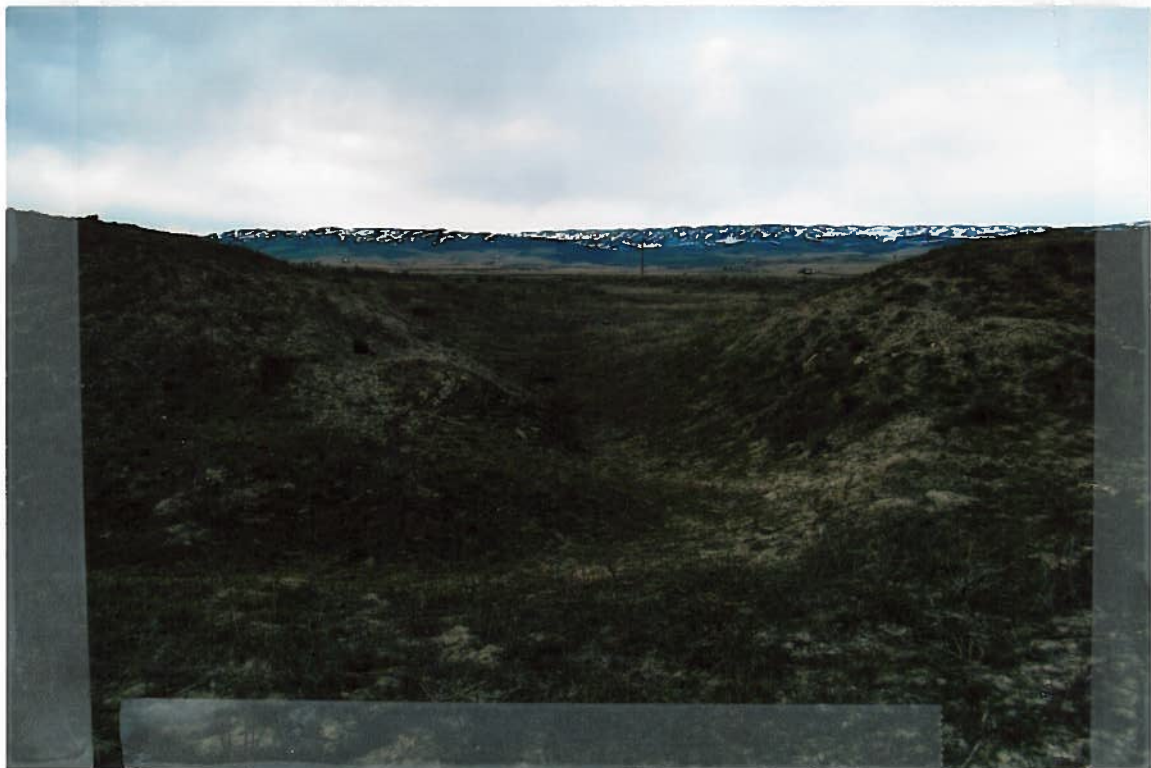


Map Location 3 Irrigation Ditch & Small Dike

See Attached Map



Map Location 4 Irrigation Ditch



Map Location 5 Dike

See Attached Map

Shows irrigation ditch's and locations

