IDWR Field Exam Form

04/03/2002

Contacts Data Entry Form

1-609-860-3446

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Rhodia Inc.	ATTN: Director of Site Services				
Name connector: and ___, or ___, and/or ___						
Current Owner		CN7500				
Current Owner			Cranbury, N.J.		08512-7500	

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

9/29/04 received the ownership change form.

Reviewer: CB

Date: 10/19/04

IDWR Field Exam Form

04/03/2002

Priority Date Data Entry Form

Claim Number: A27-7008B

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: 7-26-1968 Recommended Basis license

X **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

license

Reviewer: CB

Date: 10/19/04

Priority Date

Claim No. _____-_____

1. Should this water use have been included in a later court decree of the water rights from this source? Yes (___) No (X)
   If **Yes**, go to **2**
   If **No**, go to **4**

2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes (___) No (___)
   If **Yes**, go to **3a**
   If **No**, go to **4**

3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes (___) No (___)
   If **Yes**, consult the attorney assigned to the Basin. Go to **3b**
   If **No**, go to **4**

3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes (___) No (___)
   If **Yes**, go to **11**
   If **No**, go to **4**

4. Is the basis of claim a decree or license? Yes (X) No (___)
   If **Yes**, go to **5**
   If **No**, go to **7**

5. Does the decree or license have a Priority Date? Yes (X) No (___)
   If **Yes**, go to **6**
   If **No**, Consult the attorney assigned to the Basin, go to **15**

6. Did the Claimant claim the decreed or licensed Priority Date? Yes (X) No (___)
   If **Yes**, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to **15**
   If **No**, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to **15**

7. Is the basis of claim a Permit or Application? Yes (___) No (___)
   If **Yes**, go to **10e**
   If **No**, go to **8**

8. Is the basis of claim a posted notice? Yes (___) No (___)
   If **Yes**, consult the attorney assigned to the Basin, go to **15**
   If **No**, go to **9**

9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes (___) No (___)
   If **Yes**, go to **11**
   If **No**, go to **12**

10e. Will the license be issued prior to filing the Director's Report? Yes (___) No (___)
   If **Yes**, recommend the Priority Date shown on the license, go to **15**
   If **No**, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to **15**

11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes (___) No (___)
   If **Yes**, go to **12**
   If **No**, disallow with condition P01.

12. Does the claim file contain sufficient evidence of Priority Date? Yes (___) No (___)
   If **Yes**, recommend the date supported by the evidence submitted, go to **15**
   If **No**, Request additional evidence of Priority Date, go to **13**

13. Has additional evidence of priority date been submitted? Yes (___) No (___)
   If **Yes**, recommend the date supported by the evidence submitted, go to **15**
   If **No**, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to **14**

14. Can any portion of the claim be recommended as a valid water right? Yes (___) No (___)
   If **Yes**, go to **15**
   If **No**, disallow with condition P01.

15. Is the basis of claim coded correctly? Yes (X) No (___)
   If **Yes**, go to **16**
   If **No**, Enter the appropriate basis of claim. license

16. Is a Priority Date remark and/or condition required? Yes (___) No (X)
   If **Yes**, Enter the appropriate basis of claim. Priority Date review is complete
   If **No**, Priority Date review is complete.

IDWR Field Exam Form

04/03/2002

Point of Diversion and Source Data Entry Form

Claim Number: A27-700B

Water Right Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: ____

Source: ____ Tributary: ____

Claimed Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: ____

Source: ____ Tributary: ____

Recommended Point of Diversion: T 7S, R 43E, Sec. 11, ____, NE, SW. County: Caribou.

Source: Spring Tributary: angus crk

____ **Use Claimed POD and Source as Recommended POD and Source**

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

GPS Coordinates: ____

GPS Coordinates: ____

GPS Coordinates: ____

GPS Coordinates: ____

GPS Coordinates: ____

GPS Coordinates: ____

GPS Coordinates: ____

Other rights from this POD? ____

Document how the POD and Source were verified and/or Pump and Motor data:

Remove angus crk

Transfers Changing POD ____

Reviewer: ____

Date: ____

IDWR Field Exam Form

04/03/2002

Period of Use and Quantity Data Entry Form

Claim Number: 27-7008B

__ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
	7/1	10/31	3.33	18.5

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____ Date: _____

Bird, Cindy

From: Bird, Cindy
Sent: Monday, May 09, 2005 1:28 PM
To: McHugh, Candice
Subject: RE: 27-7008

Candice,

Stauffer Chemical Company made application to the Department for an additional water right for storage and mining. Ultimately the permit was relinquished (May, 20, 1988) because they already had a license issued that would cover there needs (27-7008B). The field exam was done in July of 1986 that stated there annual diversion volume was based on the number of truck loads of water for the season would be 9.2 A.F. So the limit of the 18.5 A.F. for both the A & B rights is reasonable. According to the examiners report the capacity of the pond is 35 A.F. When they made application for permit the Fort Hall Water Users Association objected to the application. To resolve the objection and alleviate the concerns of the protestant," the Memorandum Decision and Order stated that the storage of water will primarily vary during periods of high precipitation and the stored is excess of 10 A.F./yr will be discharged in Angus Creek." One other condition of approval of the permit was a measuring device. I don't believe this right had that restriction. Would we need to add it?

Would we need to put a remark/condition on this right to include this limitation on this right?

Your right at that diversion rate they would reach there total volume under both rights in about 3 days. But does the volume limit under the relinquished permit need to be taken in to account?

thanks,
Cindy

-----Original Message-----
From: McHugh, Candice
Sent: Tuesday, January 25, 2005 1:48 PM
To: Bird, Cindy; Carlsen, Ernie
Cc: Williams, Ray
Subject: RE: 27-7008

They cannot add a use to their prior licensed water right. If the additional use occurred prior to 1987, perhaps an accomplished transfer in purpose of use could have occurred but that would require an appropriate reduction in the water right and I believe we would need to determine whether adding a storage component would cause injury.

I find the 18.5 AFA a curious limitation, however. With a 3.33 cfs diversion rate, wouldn't they be able to reach that limit in just a few hours?

Candice

-----Original Message-----
From: Bird, Cindy
Sent: Tuesday, October 19, 2004 2:19 PM
To: Carlsen, Ernie; McHugh, Candice
Subject: 27-7008

hi Ernie,
Another Rhodia claim. 27-7008 was split into an A & B on the water right side. It was licensed as Road Maintenance. In the adjudication they claimed under the A portion, Industrial use. But under the B portion they claimed Industrial Storage 50 AFA, and Industrial 3.33 cfs. The A & B portions were licensed for 3.33 cfs and an annual volume limit of 18.5 AFA for each one. The wording for the purpose of use is probably fine in the Adjudication but I was wondering about them now claiming industrial storage of 50 AFA?

Cindy

Notes

5/9/05 Storage right 27-7008B.
3.33 cfs * 1.984 = 6.606 AF/day.
18.5 AFA limit when combined with 27-7008A.

Storage ~~as~~ Purpose of use: should be.
"Storage for Industrial."
"Industrial from storage"

Exam date on 27-7137 was 7/27/86. Were the examiner established the storage use. Permit 27-7137 was later (5-20-1988) relinquished because exercise 27-7008B already served the use need by Rhodia
The pond capacity according ~~the~~ to the examiner is 35 AF.
This right however is limited 18.5 AF when combined with 27-7008A.
This would establish that the nature of use was done under an accomplished change.
The examiner determined that 9.2 AF is used during the season for dust abatement.

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Cindy

INTER-DEPARTMENT MEMO

TO: Pauline

FROM: Cindy

SUBJECT: 27-7008B Ownership change

DATE: Oct. 19, 2004

Please update the ownership on these preliminary Director's Reports and reprint it.

Rhodia Inc.
ATTN: Director of Site Services
CN 7500
Cranbury, N.J. 08512-7500
1-609-860-3446

Ownership change form in 27-7125

( ) For your information

CB
signature

Bird, Cindy

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Tuesday, October 19, 2004 9:46 AM
To: ecarlsen@idwr.state.id.us
Cc: cbird@idwr.state.id.us
Subject: Claims 27-7003A & B, 27-7125 Rhone-Poulenc

I've shortened this message, but this word I have is that Rhodia LLC is currently authorized to operate on NFS land under a valid federal mineral lease. I appreciate the Departments attention to this matter. They are authorized to conduct mining activities including dust abatement under the federal law. We haven't specifically given permission to divert water. It appears that they appropriately received that from the state by going through the licensing procedure for these two water rights. So, the only change there may need to be is that the water right holder might need to be Rhodia LLC rather than Rhone-Poulenc because Rhodia LLC is the current holder of the federal mineral lease.

I would ask that the Department consider some change in the .02 domestic use on 27-07125. This is a mining operation authorized on federal land. There is absolutely no domestic use authorized. If possible, could the .02 domestic be added to the existing .04 industrial with a remark that the water right includes use at what ever "mining" facilities they may have identified in their application or that are known from the field examination. I'm suggesting that "domestic use" at their offices, and workers complex that may include showers, drinking water and kitchen facilities is solely a function of the mining operation and would be appropriately included as such. Another thing we have done on similar situations is have the beneficial use changed to "mining - domestic", but that limits it to 2,500 gpd as a line item. If it was just consolidated to total .06 with the remark clarifying use at the mine including all operations necessary for or pursuant to authorized mining operations, that would suffice for us.

Our concern is in some instances a "domestic" water right at a mining property has been wrongly held by a company (usually the last manager on site) as the "right" for him to stay forever at the site in some building after all mining operations have ceased. Then we get into a costly contest trying to evict the gentleman after the company has pulled out of the area because we would be "taking" the domestic water right away from him. So, we try to get those "domestic" uses described as a function of the overall mining operation to cease when the mining terminates. Then we avoid a frustrating occupancy problem.

Thank you. If you have any questions about this matter, please contact me.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

Jeff
Jones/R4/USDAFS

10/19/2004 06:38 To
Steven M Spencer/R4/USDAFS@FSNOTES

AM

cc
Jamie Gough/R4/USDAFS@FSNOTES, Lee Leffert/R4/USDAFS@FSNOTES

Subject
Re: Fw: claims 27-7008A & B, 27-7125 Rhone-Poulenc(Document link: Steven M Spencer)

Steve, Rhodia LLC. is the current leaseholder for what was the Wooley Valley Mine. Their predecessors, Stauffer Chemical and later Rhone-Poulenc Chemical, operated a reservoir in the head of Angus Creek to provide sediment control for their mining operations and to provide water for dust abatement. That reservoir still exists. In 2002, the regulated dam, under Special Use Permit issued by the Forest Service was reconstructed when the spillway collapsed under the winter's ice. The overflow was lowered beneath the 10 foot pool height. It was formerly regulated by Idaho Department of Water Quality. Their records in the Idaho Falls office should reflect this change because they cooperated on the project.

This dam no serves to maintain a small pool to capture sediment and as a chemical reduction site for Se and other contaminants released from the waste dumps upgradient in the watershed.

I'm in training this week and won't return to the office until Friday.

If you have other questions, I can be reached there.

Jeffrey L. Jones
Minerals Management Specialist/CERCLA Program Manager
Caribou-Targhee National Forest
Soda Springs, Idaho 83276

e-mail: jjones13@fs.fed.us
Phone number: 208-547-4356
Cell: 208-313-7907

Steven M
Spencer/R4/USDAFS

10/14/2004 03:42 PM

To
Jeff Jones/R4/USDAFS@FSNOTES

cc
Lee Leffert/R4/USDAFS@FSNOTES, Jamie Gough/R4/USDAFS@FSNOTES

Subject
Fw: claims 27-7008A & B, 27-7125 Rhone-Poulenc

IDWR is inquiring about two licensed water rights on Soda Springs Ranger District that are licensed to Rhone-Poulenc of Montpelier. I don't know which of the staff people on the district might be administering this particular use. The water is for dust abatement for haul roads for mining. Are these folks still operating and in good standing? You may want to look at the water right information in the attachments at the end of the message string to see if you have any concerns. Absent any concerns or problems the water rights will probably continue through the SRBA as they are here in the name of Rhone-Poulenc. It appears that the current user may be Rhodia, Inc. Please contact me as quickly as you can if you have any questions or see any problems so that I can respond back to IDWR. Thank you.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A
Boise, ID 83706
(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

----- Forwarded by Steven M Spencer/R4/USDAFS on 10/14/2004 03:28 PM -----

"Carlsen, Ernie" <ECarlsen@idwr.state.id.us>
10/14/2004 12:38 PM

To: "Steve Spencer (E-mail)" <sspencer@fs.fed.us>
cc: "Bird, Cindy" <CindyBird@idwr.state.id.us>
Subject: FW: claims 27-7008A & B, 27-7125 Rhone-Poulenc

Steve can you tell me if the Forest Service has a current lease and or arrangement with Rhodia Inc or other entity to divert water under licenses 27-7008A and 27-7125 for dust abatement on haul roads crossing FS administered land? If not a current arrangement when did the former arrangement expire?
Thanks
Ernie

> -----Original Message-----
> From: Bird, Cindy
> Sent: Thursday, September 30, 2004 12:14 PM
> To: McHugh, Candice
> Subject: claims 27-7008A & B, 27-7125 Rhone-Poulenc
>
> good morning, Candice,
>
> In January of 1990 Rhone-Poulenc filed adjudication claims on the above
> mentioned licenses. Rhone-Poulenc is a New York firm that is no longer
> doing business in the state of Idaho. They conveyed there interest in
> Rhone-Poulenc Basic Chemicals Co. (formally know as Stauffer Chemical
> Corp.) to Rhodia Inc in 1998. In that conveyance they conveyed land that
> was owned by the company to Rhodia. None of which is described as the

POU
> or POD in the above listed claims. The legals described under the water
> rights is owned by USFS. Should we get a copy of their lease? The
> licenses were filed for road maintance on the haul roads while mining
ore.
> Will we end up with objections on these claims by the recommending them?
>
> Suggestions?
>
> Cindy

27-7008B

9/22/04 11:27 Am. Photo #1091.
Looking. NE @ storage pond.

11:27 Am #1090
Looking N @ dike of pond.

11.38 Am #1092
Looking. Nwrly @ pod & pond.

GPS 7008B 9-22-04.
N 42° 49.538' 10:23Am GPS time
W 111° 24.001' 11:23Am watch.

9/30/04. USFS. owns the land described under this right for road maintance & pod

Notes

claimed by the forest Service under 27-11506 on Angus Creek.
Licensed source unnamed Spring trib to Angus Creek.
Angus Crk trib Blackfoot is a change in the source.
The claimant is incorrect by el haven't gotten any response from new owners.
The forest Service owns the property in section 11.

9/20/04. Keith Hunsaker came in and said he spoke with Ryan Madsen, Watermaster 27, and he was going to go up to measure this diversion. Wednesday, 9/22/04. 10am.

~~Rhodia~~ - Dan Bersanti Rhodia P.O. Box 3146
Butte, Mt 59702 1-406-496-2230.

9/21/04 - Keith Hunsaker - Call Dan Squire - Agrium 574-2420 x 40.

9/21/04 Abandoned - torn down shops & building, probably Mid 1990's. Rod Squire - Agrium 574-2420 ext 40.
Rhodia owns the land. Call Dan Bersanti.

9/21/04 2pm. Dan Bersanto call back, the Rhone-Poulenc property went to Rhodia and Rhodia wants to keep the W/R's even though the mine/operation has been abandoned. He will do more research on this and get back to me.

Notes

10/9/03 Verify ownership/address.

Need a copy of the license/field exam and any transfers filed

10-20-03 Sent Ownership Change to Nu-West

12-24-03 Letter to Nu-West re ownership change. BP

1-9-04 Contact Assessor: US Forest owns Section 11. BP

1-9-04 Claim 27-11506 is a stockwater claim for the forest service on Angus Crk. Claim 27-11465 is a stockwater claim for the Forest Service on the spring trib to Angus Crk. The legal descriptions are different however.

2/12/04 If section 11 is owned by the Forest Service then

Licensed POD is SESE Sec 11, T7S, R43E.

Check to see if 27-11506 or 27-11465 lists the same POD.

The 1964 imagery and the 1987 NAPP photography doesn't cover this area.

The POD claimed POD is different then the licensed POD.

When did POD change?

The licensed POD has been