

05/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-7008B

NAME AND ADDRESS: RHODIA INC
ATTN DIRECTOR OF SITE SERVICES
CN7500
CRANBURY NJ 08512-7500

SOURCE: SPRING TRIBUTARY: ANGUS CREEK

QUANTITY: 3.330 CFS
18.500 AFY

PRIORITY DATE: 07/26/1968

POINT OF DIVERSION:
T07S R43E S11 NESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	07/01 10/31	3.330 CFS 18.50 AFY

PLACE OF USE:

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

EXPLANATORY MATERIAL: License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 27-7008B V1

WATER RIGHT NUMBER: 27-7008B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J A TERTELING & SONS INC 877 MAIN ST STE 600 PO BOX 1428 BOISE, ID 83701
Current Owner	RHODIA INC ATTN DIRECTOR OF SITE SERVICES CN7500 CRANBURY, NJ 08512-7500
Original Owner	RHONE-POULENC PO BOX 160 MONTPELIER, ID 83254

Priority Date: 07/26/1968

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING <i>Angus Cr.</i>	ANGUS CREEK <i>Blk 11 R.</i>

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	07/01 to 10/31	3.330 CFS	18.50 AF
<u>Total Diversion:</u>		3.330 CFS	18.50 AF

Location of Point(s) of Diversion

SPRING	NE1/4SW1/4	Sec. 11, Twp 07S, Rge 43E, B.M.
CARIBOU County		

Place of Use

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. 016 See remarks for additional conditions of approval.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

Remarks:

Comments:

SCANNED

MAY 15 2008

PROFILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 19, 2005

Rhodia Inc.
Attn Director of Site Services
CN 7500
Crandbury, NJ 08512-7500

RE: Preliminary Director's Reports for 27-7008A and 27-7008B

Dear Director,

Enclosed for your review is a new Preliminary Directors Report for water rights 27-7008A and 27-7008B.

Since licenses 27-7008A and 27-7008B were issued without a description of the place of use I have added township, range and section to provide a general description of where the water is used. The legal description was developed using information in the Department's files compiled during the permit and licensing procedure. A remark was also added to more specifically describe the use of the water for dust abatement.

To provide feedback on the changes I have also included new Notice of Error Reply form for each water right.

Respectfully yours,

Ernest Carlsen
Water Rights Supervisor

Enclosures: 2

SCANNED
AUG 19 2005
PROFILED

examit

05/14/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-7008B

NAME AND ADDRESS: RHODIA INC ATTN DIRECTOR OF SITE SERVICES
CN7500
CRANBURY NJ 08512-7500

SOURCE: SPRING

TRIBUTARY: ANGUS CREEK

QUANTITY: 3.330 CFS
18.50 AFY

limit of 18.5 AF with 27-7008A.

PRIORITY DATE: 07/26/1968

POINT OF
DIVERSION:

T07S R43E S11 NE3W Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

INDUSTRIAL

07/01 10/31

3.330 CFS
18.50 AFY

PLACE OF USE:

*Pouas Missing
-none listed in the data either.*

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this right is subject to control by the watermaster of State Water District No. 4 DISTRICT.

*haul road dust abatement
Pou - Water is used for road maintenance & dust abatement
on roads at the program at Wooley Valley Mine.*

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

~~See remarks for additional conditions of approval.~~

Received Time Aug. 17. 4:08PM

27-07008B

RHODIA INC ATTN DIRECTOR OF SITE SERVICES

*B27 Irrigation and Other D.R. -Prelim
Weird Legals*Land Ownership

<u>Twn</u>	<u>Rge</u>	<u>Sec</u>	<u>QQ</u>	<u>Qtr</u>	<u>Lot</u>	<u>Subcase</u>	<u>Mix</u>	<u>PVT</u>	<u>BLM</u>	<u>FS</u>	<u>OtherFed</u>	<u>State</u>
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27-07008B

☐ ☐ ☐ ☐ ☐ ☐

08/19/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-7008B

NAME AND ADDRESS: RHODIA INC ATTN DIRECTOR OF SITE SERVICES
CN7500
CRANBURY NJ 08512-7500

SOURCE: SPRING

TRIBUTARY: ANGUS CREEK

QUANTITY: 3.330 CFS
18.50 AFY

Use of this right with right no. 27-7008A is limited to a total combined annual diversion volume of 18.5 AF.

PRIORITY DATE: 07/26/1968

POINT OF DIVERSION:
T07S R43E S11 NESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	07/01 10/31	3.330 CFS 18.50 AFY

PLACE OF USE: INDUSTRIAL Within CARIBOU County

T06S R43E S33	T07S R43E S03
T07S R43E S10	T07S R43E S11
T07S R43E S13	T07S R43E S14
T07S R43E S23	T07S R43E S24
T07S R43E S25	

Water is used for haul road dust abatement program at Wooley Valley Mine.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



Close

From: Steven M Spencer [SMTP:sspencer@fs.fed.us]
To: Barbara.Payne@idwr.idaho.gov; Cindy.Bird@idwr.idaho.gov
Cc: ernie.carlsen@idwr.idaho.gov; Linda R Moore
Subject: Basin 27 Preliminary - 27-7008B
Sent: 8/17/2005 2:00 PM

Importance: Normal

Another question on the preliminary recommendations for Basin 27. 27-7008B is for phosphate mining operations on NFS land. The preliminary recommendation we have has no places of use. Can you please let me know what the recommended places of use will be? Thank you.

Steve Spencer (208) 331-5944
Boise Adjudication Team (208) 387-0842 FAX
161 E. Mallard, Suite 110 e-mail: sspencer@fs.fed.us
Boise, ID 83706

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: CBDate: 10/17/04

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☒ 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: CBDate: 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.

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 Ck.

____ 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: _____						

Other rights from this POD? _____

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

Remove Angus Ck.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A27-7008B☐ 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 their needs (27-7008B). The field exam was done in July of 1986 that stated their 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 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 their 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

5/9/85 Storage right 27-7008B.

$3.33 \text{ cfs} \times 1.984 = 6.606 \text{ AF/day.}$

18.5 AFA limit when combined with 27-7008A.

Storage ~~for~~^{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 license 27-7008B already served the use need by Rhodia.

The pond capacity according ~~to~~ 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.

Bird, Cindy

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

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Candice

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

hi Ernie,

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Cindy

INTER-DEPARTMENT MEMO

TO: Pauline
FROM: Cindy

27-70088
SUBJECT: Ownership change
DATE: Oct. 19, 2004

Please update the ownership on these preliminary
Director's Reports and resubmit 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 27-7008A & 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	(208) 331-5944
Boise Adjudication Team	(208) 387-0842 FAX
161 E. Mallard, Suite A	e-mail: sspencer@fs.fed.us
Boise, ID 83706	

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

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

"Steve Spencer (E-mail)"
<sspencer@fs.fed.us>

To

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 maintenance 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 NW @ pond & pond.

GPS 7008B 9-22-04.

N $42^{\circ} 49.538'$

10:23 Am GPS time

W $111^{\circ} 24.001'$

11:23 am watch.

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

Notes

claimed by The forest Service under 27-11506 on Angus Creek.

Licensed source unnamed Spring trib to Angus Creek.

Angus Ck trib Blackfoot is a change in the source.

The claimant is incorrect by I 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 division. Wednesday, 9/22/04. 10am.

~~Rhodia~~ - Dan Bersanti Rhodia P.O. Box 3746

Butte, MT 59702 1-406-496-2230.

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

9/21/04 Abandoned - torn down shops & building, probably mid 1990's. Rod Squire - Agrum 574-2420 ext 40.

Rhodia owns the land. Call Dan Bersanti.

9/21/04 2pm. Dan Bersanti call back, the Rhone-Poulenc property went to Rhodia and Rhodia wants to keep the w/p'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

1-8-04 Canadian Ownership: US Forest owned
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 1944 imagery and the 1987 NAPP
photography doesn't cover this area.

The POD claimed POD is different
than the licensed POD.

When did POD change?

The licensed POD has been

Claim Summary Worksheet

Claim No. 27 - 7008 B

Completion of claim is dependent on processing the following documents and/or actions.					
	Requested	Response date	Received	Completed	Notes
OWNERSHIP					
Ownership Change Form	10-17 12-24	11-14 1-25	9/24/04		located in 27-7125 file.
Warranty Deed					
Map(s)					
Is this a split? Y N					
AMENDMENT					
Notarized amended claim					
Correction in POD/Source	2-13	3-5			
Correction in POU					
Change in Priority Date					
Change in Diversion Rate					
<i>name change</i>					
ENLARGEMENT					
1. Advised claimant need to file enlargement claim					
2. Receive enlargement claim					
3. Eastern registration process					
4. Notarized claim					Enlargement Claim # -
SPLIT CLAIM		Obtain information from Eastern			Parent Right # - : CFS
Ownership					Children # - ; CFS
					Children # - ; CFS
					Children # - ; CFS
					Children Total: CFS

Children total must agree with parent right.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 27-11506

WATER RIGHT NUMBER: 27-11506

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE, ID 83724 (208)387-0835

Priority Date: 06/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANGUS CREEK	BLACKFOOT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	7/01 to 8/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

ANGUS CREEK	SE1/4SE1/4 (Beginning of Reach)	Sec. 11, Twp 07S, Rge 43E, B.M.
CARIBOU County		
ANGUS CREEK	SE1/4NE1/4 (Ending of Reach)	Sec. 34, Twp 06S, Rge 43E, B.M.
CARIBOU County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	43E	34			X	X				X	X	X							
07S	43E	3			X										X	X		X	
07S	43E	10	X																
07S	43E	11						X	X		X	X		X			X	X	
07S	43E	33													X			X	

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 27-11506

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory FOREST SERVICE RECORD ID = 040517040207160695 00 2200 Sheep

Comments:

1. CORR3 11/14/1996 COPIED FROM REMARKS

Comment: FOREST SERVICE RECORD ID = 040517040207160695 00

2. AJU5-ECA 4/29/1998 AJU5 STOCK ONLY UPDATE

Comment: USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Dates and Other Information:

Licensed Date:

Decreed Date: 4/23/1999

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 27-11465

WATER RIGHT NUMBER: 27-11465

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE, ID 83724 (208)387-0835

Priority Date: 06/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	ANGUS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	6/01 to 9/30	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4NW1/4	Sec. 1, Twp 07S, Rge 43E, B.M.
CARIBOU County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	43E	1							X										

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory FOREST SERVICE RECORD ID = 040517040207160653 00 741 Cattle

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 27-11465

Comments:

1. CORR3 11/13/1996 COPIED FROM REMARKS

Comment: FOREST SERVICE RECORD ID = 040517040207160653 00

2. AJU5-ECA 4/29/1998 AJU5 STOCK ONLY UPDATE

Comment: USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Dates and Other Information:

Licensed Date:

Decreed Date: 4/23/1999

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2004

Monty Johnson
Nu-West Industries
3010 Conda Road
Soda Springs, ID 83276

Ref: Snake River Basin Adjudication (SRBA)
Claim 27-7008B.

Subject: Change in point of diversion and source

RESPONSE DATE: MARCH 5TH, 2004

Dear Claimant(s):

IDWR's initial investigation of the Notice of Claim listed above indicates that there has been a change in the source and point of diversion as described below:

Previous Source: Unnamed Spring

New Source: Angus Creek

Tributary to: Angus Creek

Tributary to: Blackfoot River

Previous point of diversion: SESE of section 11, T7S, R43E.

New point of diversion: NESW of section 11, T7S, R43E.

A water right owner who has made a change in use of a water right prior to commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the changes not result in injury to other water rights, or that the change be conditioned to prevent injury to other water rights.

Before IDWR may recommend your claim, you must provide IDWR with the date the change was made and some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change was made after November 19, 1987, then a specific date is not

necessary, and the evidence need only support that the change occurred sometime after November 19, 1987.

This notice is being sent to your office because we have been advised you're the current owner. However, my office has not received your request for an ownership change yet. This office must receive your response by the response date shown above. If no response is received then your claim to water from the new source and point of diversion **will not** be recommended to be decreed.

Respectfully,

Cindy E. Bird
Adjudication Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

24 December 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Monty Johnson
Nu-West Industries
3010 Conda Road
Soda Springs, ID 83276

Re: Snake River Basin Adjudication (SRBA)
Claim 27-7008A, 27-7008B & 27-7125

Subject: CHANGE IN OWNERSHIP

Response Date: 25 January 2004

Dear Claimant(s),

We have been advised you are the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property and water right, we need Form 42-248/42-1409(6) "Notice of Change in Water Right Ownership", completed and returned to us.

We will also need a copy of the warranty deed, plat, survey map or aerial photo with the appropriate area marked.

Please fill out the highlighted areas on the notice of change form for each claim and submit with the necessary documents by the above referenced response date.

If you have any questions not covered by this letter please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosure:

Form 42-248/42-1409(6) "Notice of Change in Water Right Ownership"
Water Right Report 27-7008A, 27-7008B, 27-7125



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Nu-West Ind.
3010 Conda Road
Soda Springs, Idaho 83276

October 17, 2003

REF: Snake River Basin Adjudication (SRBA)
Water Right Claim No (s). A27-7008A, A27-7008B, A27-7125

Subject: Change in Ownership

Response Date: November 14, 2003

Dear Claimant(s),

Caribou County records indicate that you are the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property and water right, we need form 42-248/42-1409(6) Notice of Change in Water Right Ownership, completed and returned to us.

We will also need a copy of the warranty deed, plat, survey map or aerial photo with the appropriate area marked.

Please fill out the highlighted areas on the notice of change form and submit with the necessary documents by the response date stated above.

If you have any questions not covered by this letter please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird / PB

Cindy E. Bird
Adjudication Bureau

CEB/PB

Enclosure: Form 42-248/42-1409(6) "Notice of Change in Water Right Ownership"

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that **J. A. Terteling & Sons**

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Road Maintenance	from July 1 to Oct. 31	at 3.33 cfs and	18.5 acre feet

Subject, however, to the condition that no more than 3.33 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 18.5 * acre feet per year, said waters to be diverted within the

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, Twp. 7 S, Rge. 43 E, B.M. in the County of Caribou

Description and location of place of use: Within limits of permit.

[illegible]

Total number of acres irrigated _____

* Subject to the condition that the maximum quantity diverted shall not exceed 18.5 acre feet per year when combined with License No. 27-7008A.

Subject to control of the watermaster of the Blackfoot River.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of April 19 73

Director

27 7008

- RELINQUISHED -

Ident. No. 47 7137

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Stauffer Chemical Company Phone 547-2181
Post office address P. O. Box 160, Montpelier, Idaho 83254
856, Soda Springs, Idaho 83276 % Wendell Johnson

2. Source of water supply Angus Creek which is a tributary of Blackfoot River

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3 Township 7S
Range 43E B.M. Caribou County, additional points of diversion if any: _____
(Discharged at point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6S, R. 43E, B.M. - Angus Creek)

4. Water will be used for the following purposes:
~~storage for~~
Amount 64 AF for erosion control purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 10 for mining purposes from 4/1 to 11/1 (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)

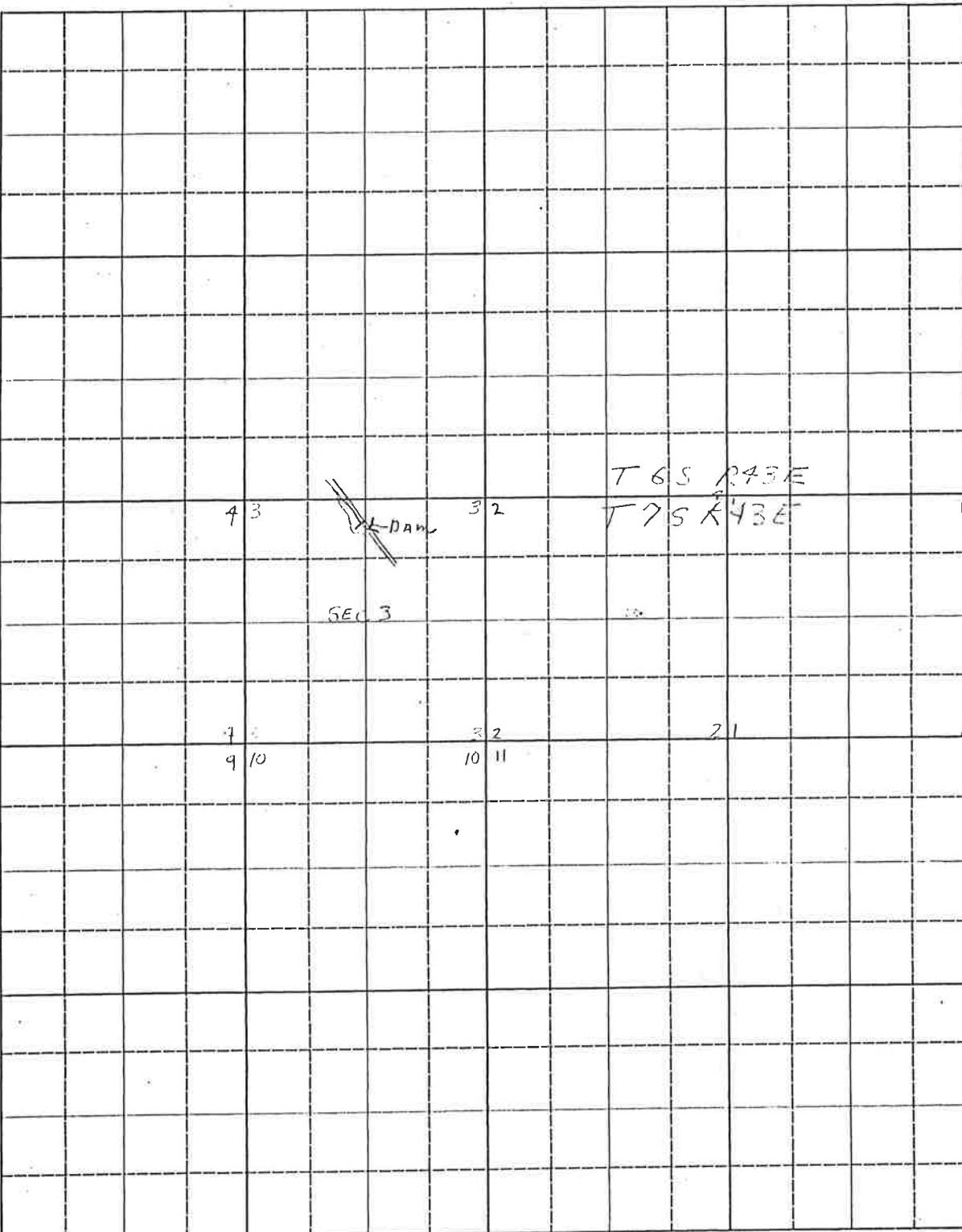
5. Total quantity to be appropriated:
a. _____ cubic feet per second and/or b. 10 acre-feet per annum.

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Dam and reservoir, 10,000 gal. storage tank and pump
b. Height of storage dam 27.02 feet, active reservoir capacity 64 acre-feet; total reservoir capacity 64 acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage 4/1 to 11/1 inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is five years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: Portion of water will be used for dust control on the mining roads.

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



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.

Stauffer Chemical Company
(Applicant)
By: *E. H. Hymowitz*
Plant Manager

RECEIVED
MAY 23 1988

Department of Water Resources

RELINQUISHMENT

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho,
all my right, title and interest in and to Permit to appropriate
the Public Waters of the State of Idaho, No. 27-7137.

Signed at MONTPELIER this 20th day
of MAY, 19 88.

STAUFFER Chemical Company
Permit Holder
by: D. L. King, Jr.

ATTEST:

Joyce Price

RECEIVED

JUN 6 1988

Department of Water Resources
Eastern District Office

OK-KW
6/3/88

November 25, 1986

Wendell Johnson
c/o Stauffer Chemical Co.
P.O. Box 160
Montpelier, Idaho 83254

Re: Permit 27-7137

Dear Mr. Johnson:

According to the proof of beneficial use submitted to the Department a measuring device has not been installed. One of the conditions of approval for the permit is a measuring device permanently installed and maintained to measure the amount of water stored in the reservoir. To have the condition removed, a written request must be made to the Department, otherwise the condition must be met before any examination for licensing can be considered complete.

The permit indicates that a 10,000 gallon tank truck is filled using a portable pump and the water is then used on the haul roads for dust control. If this is correct how often is the truck filled each day and how many days each year is the water used. If the method of use is different please explain how the water is applied for dust control.

The place of use is indicated to be a three mile long road through the mine with the legal description of SE1/4SE1/4, NW1/4NE1/4, SW1/4NE1/4 and NE1/4NW1/4, Sec. 3, T. 7S, R. 43E. However, some of the legal does not exist according to the USGS map. Enclosed is a USGS map with each quarter-quarter listed for Sec. 3, T. 7S, R. 43E and Sec. 33, T. 6S, R. 43E. Please review and indicate, in red, on the map the area of use.

Please respond within thirty days of the date of this letter.

Sincerely,

Keith C. Wilson
Sr. Resource Agent

KCW/md

Enclosure

FERTILIZER AND
MINING DIVISION



Stauffer Chemical Company

P. O. Box 160 / 720 Washington St. / Montpelier, Idaho 83254 / Tel. (208) 847-2185

December 3, 1986

Keith C. Wilson
Sr. Resource Agent
State of Idaho
Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

RE: Permit 27-7137

Dear Mr. Wilson:

I am writing this letter in response to your letter of November 25, 1986 regarding Permit 27-7137.

Since original application was made, conditions as to the actual purpose of the Unit III Haulroad Dam (27-7137) have changed. This year, Stauffer chemical Company (with the approval of the BLM and USFS) has converted the dam into a sediment retention basin.

A ditch has been constructed at the 6771.0 elevation between the existing reservoir and an abandoned phosphate pit. The capacity of the structure was reduced from 64 AF to 39.9 AF. Any volume of water greater than 39.9 will flow into the abandoned pit.

Because of the changes to the capacity of the structure and the present plans to transfer all water in excess of 39.9 AF into an abandoned pit where it will enter the formations as ground water or evaporate during the summer, I recommend the requirement of having a measuring device be waived since any measurements would be meaningless.

Stauffer Chemical Company has made application for 10 AF of water usage from the reservoir to sprinkle along it's haul roads for dust abatement. Six tanker loads of water per day containing 10,000 gallons each will be pumped from the reservoir for a period of 50 days during the hot summer months. The calculated yearly quantity of water usage is 9.20 AF.

RECEIVED

DEC 8 1986

Department of Water Resources
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

RECEIVED

APR 16 1987

Department of Water Resources
Eastern District Office

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 13, 1987

Wendell E. Johnson
Senior Mining Engineer
Stauffer Chemical Company
720 Washington Street
P.O. Box 160
Montpelier, ID 83254

Re: Permit to Appropriate Water No. 27-7137

Dear Mr. Johnson:

This letter is a response to your request to remove a measuring device requirement imposed as a condition under Permit No. 27-7137.

As you may recall, the permit was issued incorporating conditions from a Memorandum Decision and Order that was rendered following a conference held on July 19, 1979, by the Department of Water Resources. The conference was held to resolve a protest by the Fort Hall Water Users Association. The protestant contended that the appropriation of water would adversely affect the protestant as follows:

- (1) The proposed use would reduce the quantity of water available for existing rights, and
- (2) There would be additional expenses incurred by the Fort Hall Water Users Association for regulation by the watermaster because of the remote location of the point of diversion.

In order to 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 water stored in excess of 10 acre ft./yr. will be discharged in Angus Creek. The water right was also made subject to the control of the watermaster of State Water District No. 27, Blackfoot River.



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 22, 1987

Wendell E. Johnson
Senior Mining Engineer
Stauffer Chemical Company
720 Washington Street
P.O. Box 160
Montpelier, ID 83254

RECEIVED

JUL 24 1987

Department of Water Resources
Eastern District Office

Re: Permit to Appropriate Water No. 27-7137

Dear Mr. Johnson:

NOTICE OF PENDING ORDER VOIDING PERMIT

In April, 1987, I wrote you a letter stating that the proposed project under Permit No. 27-7137, identified as Unit III Haulroad Dam, must be modified to comply with the original memorandum decision and order. As of this date, I have not received a response to the letter.

The purpose of this letter is to inform you that, based on the findings of a field examination, that you have failed to comply with conditions of your permit, and the Department will initiate action to void the permit for noncompliance. Should you wish to contest administrative voiding of your permit, please respond to this letter within thirty (30) days, showing cause why the Department should not void your permit.

Respectfully,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Eastern Region

Eastern

RECEIVED

FEB 16 1988

Department of Water Resources
Eastern District Office

February 9, 1988

Wendell Johnson
Stauffer Chemical Company
P.O. Box 160
Montpelier, ID 83254

Dear Mr. Johnson:

RE: PERMIT 27-7137 and LICENSE 27-7008B

As a follow up to your letter dated January 15, 1988 and our telephone conversation on February 8, 1988, please find enclosed a copy of Water Right License 27-7008B which was issued in the name of J. A. Terteling & Sons (Terteling). Although the license does not specifically show it, the field examination which was conducted prior to issuance of the license shows that the water from the spring is impounded in Angus Creek Reservoir from where it is diverted for road maintenance use.

As we discussed, the right is in good standing in department records, is appurtenant to the place of use licensed and is not the personal property of Terteling. It is my understanding that Stauffer has periodically used water from Angus Creek Reservoir for road maintenance subsequent to Terteling's last use which you estimated to be in 1978. The place of use is shown on the field exam as 5 miles of road in Sections 24 and 25, Twp. 7S, Rge. 43E, B.M.

It appears this existing water right will provide the needed water to maintain the roads in connection with your operation without the right proposed under Permit 27-7137. If you agree, please complete and return the relinquishment form in connection with Permit No. 27-7137 in order that the permit can be removed from department records.

Please feel free to contact me if you have questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Encl: 2

✓ c. E. Region

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 27-7137 IN THE NAME)
OF STAUFFER CHEMICAL COMPANY)

ORDER ADOPTING
PROPOSAL FOR DECISION

WHEREAS, C. Stephen Allred, Director of the Department of Water Resources having issued and served a copy on the parties thereto on September 25, 1979, a Proposal for Decision in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than 15 days have past since the service of the Proposal for Decision; and,

WHEREAS, no exceptions to the Proposal for Decision have been received;

IT IS, THEREFORE, HEREBY ORDERED That said Proposal for Decision be adopted and issued as the Final Decision and Order and that Application for Permit No. 27-7137 be APPROVED subject to the conditions of the Proposal for Decision and an additional conditions which states: Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1984.

Dated this 13 day of November, 1979.


C. STEPHEN ALLRED
Director

RECEIVED

DEC 10 1979

Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 27-7137 IN THE
NAME OF STAUFFER CHEMICAL COMPANY

PROPOSED
MEMORANDUM DECISION
AND ORDER

On May 7, 1979, Stauffer Chemical Company filed with the Department of Water Resources Application No. 27-7137 for a permit to appropriate sixty-four (64) acre feet of water for industrial purposes and ten (10) acre feet of water for mining purposes to be diverted from Angus Creek, a tributary of the Blackfoot River, from April 1 to November 1; with the point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 7S, Rge. 43E, B.M., Caribou County. The proposed place of use was designated as the SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 7S, Rge. 43E B.M.

Notice of this application was published in the Caribou County Sun on May 17 and 24, 1979. A protest against the approval of this applicaion was received from Roy F. Miller, Secretary for the Fort Hall Water Users Association on June 5, 1979. This protest was submitted on the grounds that the water which is asked for in the application has already been appropriated by the Fort Hall Irrigation Project.

On July 19, 1979, the Department conducted a conference in the matter at Soda Springs, Idaho. The applicant was present and represented by Wendell Johnson. The protestant, Fort Hall Water Users Association, was present and represented by John Spanbauer, Chairman. There were two main issues presented on behalf of the protestants which they wished to have the Department consider before taking action on this application for permit:

- 1) The proposed use would reduce the quantity of water available for existing water rights.
- 2) There would be additional expenses incurred by the Fort Hall Water Users Association for regulation by the watermaster because of the remote location of the point of diversion.

Wendell Johnson explained that the run-off water from the mining area could not meet E.P.A. regulations for point source discharge contamination. In order to comply with these regulations, Stauffer Chemical proposed to temporarily impound water behind a road-fill where it would be treated and then allowed to flow into Angus Creek once it met water quality standards. The site in questions had the capability of storing sixty-four (64) acre feet of water, ten (10) acre feet per

5) The water district will incur some additional administrative expense if the collection and use of the water impounded by the applicant is regulated by the watermaster of Water District No. 27.

6) There is water available for appropriation during certain periods of the year.

CONCLUSIONS OF LAW

1) Water stored without a use to which the water will be beneficially applied cannot and will not establish a water right.

2) The issue of the increased cost in administering this water is not a proper issue to be considered by the Director in his consideration of an application for permit to appropriate water.

3) The applicant is entitled to a permit from the Department of Water Resources.

ANALYSIS

A water right must have certain characteristics; two of which are a physical point of diversion and a beneficial use to which the water is applied. The water which will be stored, treated and then released to the natural channel as anticipated in this application does not afford the option of showing the water has been beneficially used. The water is simply the medium by which some unrelated action takes place such as removing or treating something suspended in or an artificial part of the water but is not the medium in and of itself applied and used beneficially.

Physically the seventy-four (74) acre feet may be stored and then released as proposed, but a water right can only be developed for the portion of the water which will be applied to a beneficial use.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 27-7137 is APPROVED subject to the following conditions:

1) The storage of water is contingent upon certification by the Department of Water Resources of the applicant's dam under the dam safety provisions of the Idaho State Code, authorizing storage.

2) Measuring devices of a type approved by this Department shall be permanently installed and maintained to measure the amount of water stored in the reservoir.

3) Use of water under this permit is subject to the control of the watermaster of State Water District No. 27, Blackfoot River.

4) The issuance of this permit in no way grants any right-of-way or

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Permit No. 27-7137

Phone No. 547-2481

1. Owner: STAUFFER CHEMICAL COMPANY
Current Address: P.O. BOX 160

2. Accompanied by: _____ EXAM. DATE: 7/27/86

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: unnamed stream tributary to Angus Creek

4.	Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		N/A				

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Dam + Reservoir, 10,000 gal storage tank
+ pump on track, six tanker loads per day for 50 days during summer months

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Plan meter						

7. Measurements STORAGE CAPACITY ☐ Additional data/computation sheets attached

35 ac-ft from Dam Sifty Information

8. Point(s) of Diversion:	Indicate Method of Determination
---------------------------	----------------------------------

Ident #	¼	¼	¼	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks
	SE	SW	SE	33	6S	43E		Caribou	
		SE	NW	3	7S	43E	Cor Lot 3	Caribou	
	NE	NE	SW	3	7S	43E		Caribou	
	NW	NW	SE	3	7S	43E		Caribou	

9. **Place(s) of Use:** Irrigation - give acres served by system at time of exam.
Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	43E	33														X			
7S	43E	3			X				X						X	X	X		
					L2				L3										
		10	X			X									X				
		11									X	X							
		14					X	X											
Total Acres _____																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

27-7137
Permit No.

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$\frac{(10000 \text{ gal/Tanker load}) (6 \text{ loads/day}) (50 \text{ days/season})}{325850 \text{ gal/ac-ft}} = 9.2066 \text{ ac-ft}$$

$$= 9.21 \text{ ac-ft}$$

b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

c) Volume Calculations for Other Uses:

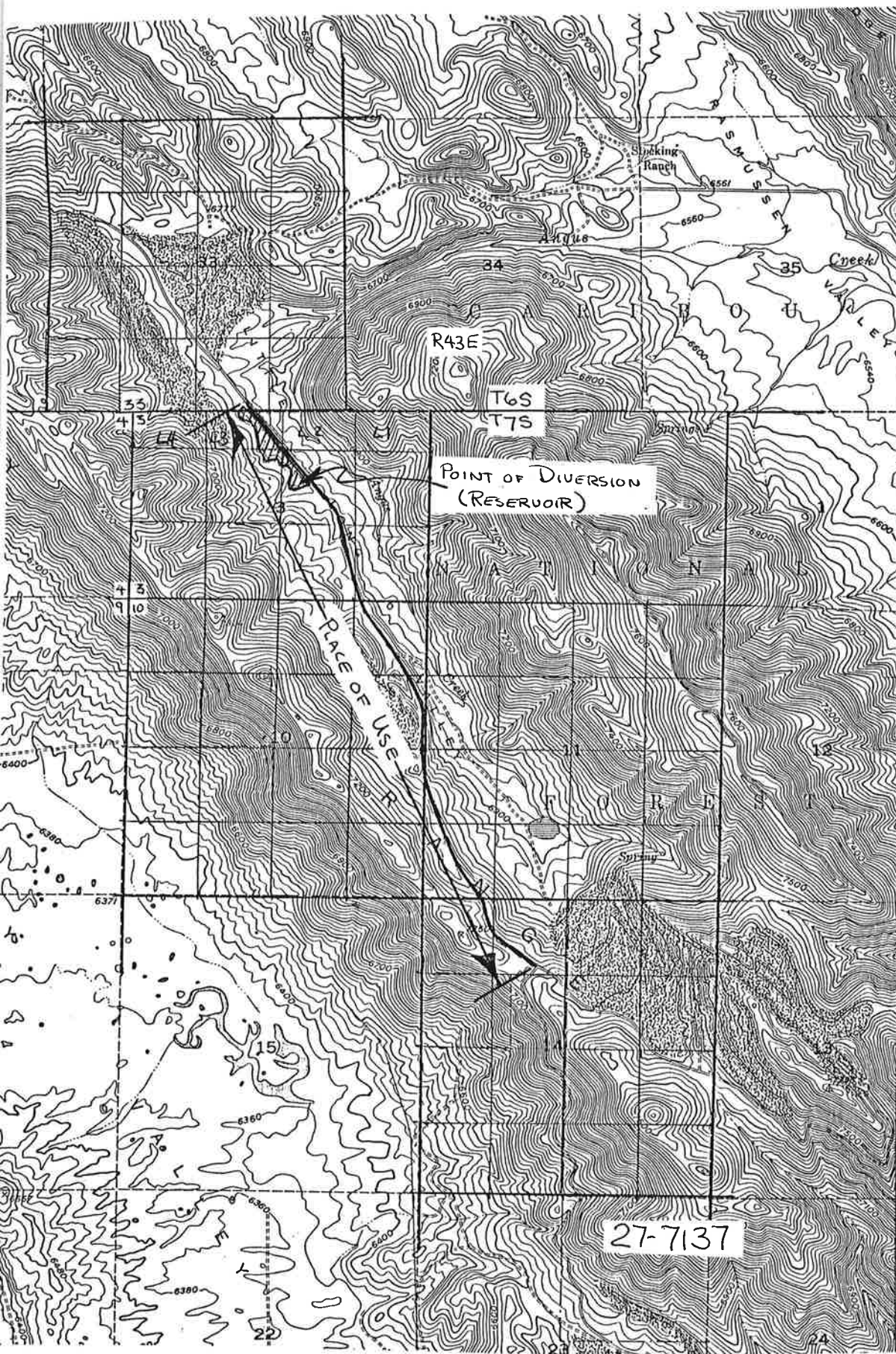
$$V_{OL} = 9.21 \text{ ac-ft/ann}$$

2. Overlap Review

a) Other water rights with same place of use: NONE

b) Other water rights with same point of diversion: NONE

c) Analysis:



SCANNED

JUL 18 2001

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: A27-07008B

Date Received: 1/30/1990

Receipt No: E011992

Received By: Kew

ASSISTED BY Kew

RECEIVED

FEB - 6 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RHONE-POULENC 208-847-2185
Address: P.O. BOX 160
MONTPELIER, ID 83254

2. Date of Priority: JUL 26, 1968

3. Source: SPRING Trib. to: ANGUS CREEK
ANGUS CREEK BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	43E	11	NE SW		CARIBOU

5. Description of diverting works:
DIVERSION DAM FOR POND PUMP TO HAUL TRUCKS FOR DUST ABATEMENT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	07/01	10/31	3.330		
INDUSTRIAL STORAGE	01/01	12/31			50.00

7. Total Quantity Appropriated is:
3.330 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/ROAD MAINTENANCE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

A27-07008B

Page 1

Date: 01/30/90

A2707008B



MICROFILMED

NOV 12 1992

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

13. Other Water Rights Used:
27-7008A.

14. Remarks:

P/U WITHIN LIMITS OF PERMIT.

SUBJECT TO THE CONDITION THAT THE MAXIMUM QUANTITY DIVERTED SHALL NOT EXCEED 18.5 AFA WHEN COMBINED WITH LIC. 27-7008A.

USE IS FOR DUST ABATEMENT ON HAUL ROADS.

SOURCE IS LISTED AS A SPRING TRIB TO ANGUS CREEK. HOWEVER THE POND IS ON ANGUS CREEK AND DIVERSION TAKES PLACE FROM THE POND

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 Organizations:

I do solemnly swear or affirm that I am General Manager Phosphate Rock Operations
Title

Rhone-Poulenc Basic Chemicals Co., that I have signed the foregoing
Organization

document in the space below as General Manager Phosphate Rock Operations
Title

Rhone-Poulenc Basic Chemicals Co. and that the statements contained in the
Organization

foregoing document are true and correct.

D. B. King Jr.
Signature of Authorized Agent

MGR. PHOSPHATE ROCK OPS. RPI BCCo.
Title and Organization

February 7, 1990
Date

State of Idaho)
County of Bear Lake) SS.

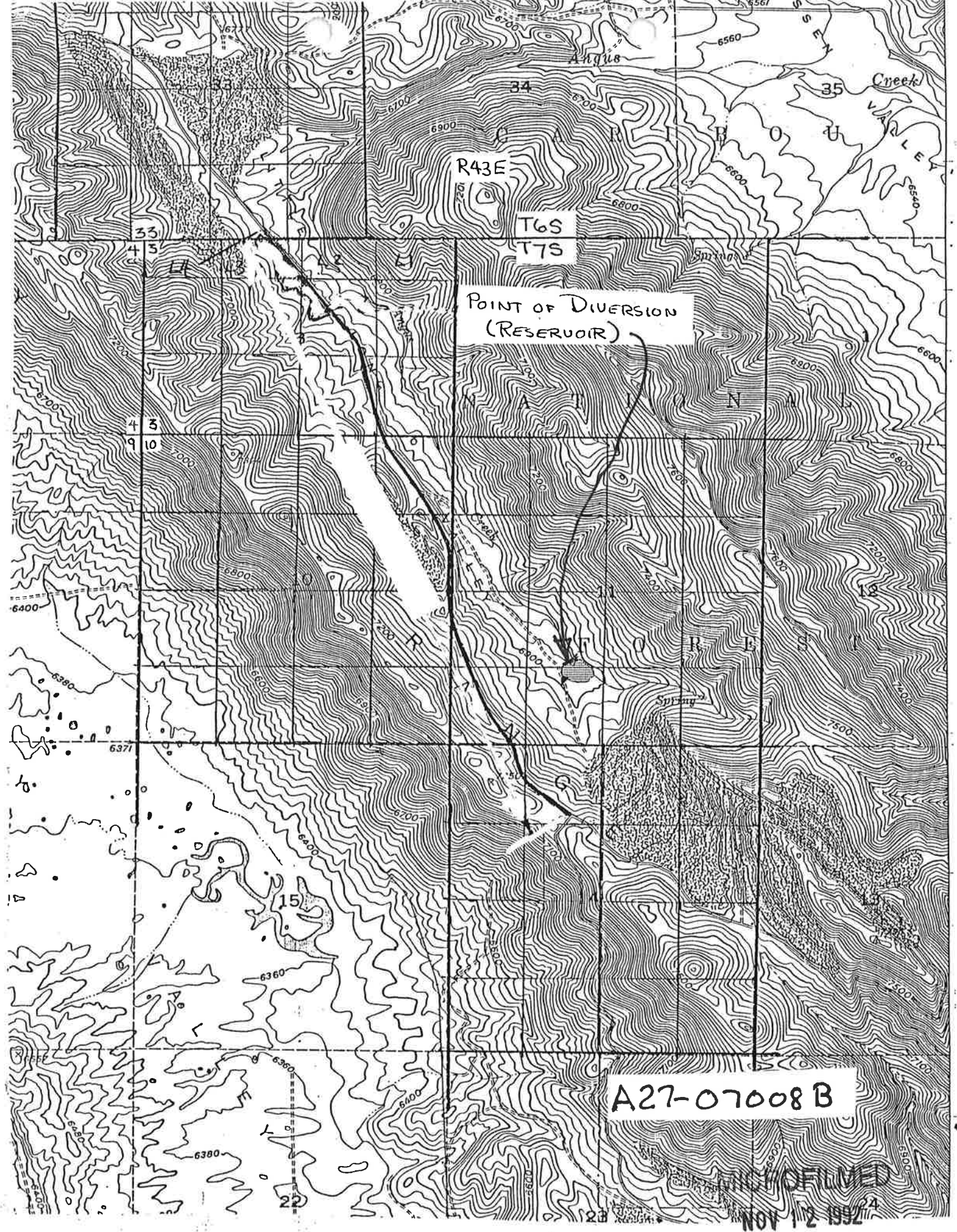
Subscribed and sworn (or affirmed) before me this 7 day

of February 19 90

Seal

Carol A King
Notary Public

Residing at 244 So 7th Montpelier Id
My Commission Expires Feb 6, 1993



A27-07008 B

NOV 12 1992