

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 27-7008A V1

WATER RIGHT NUMBER: 27-7008A 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
Original Owner	RHONE-POULENC PO BOX 160 MONTPELIER, ID 83254
Current Owner	RHODIA INC ATTN DIRECTOR OF SITE SERVICES CN7500 CRANBURY, NJ 08512-7500

Priority Date: 07/26/1968

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKFOOT RIVER	SNAKE RIVER

<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

BLACKFOOT RIVER	NW1/4SW1/4	Sec. 25, Twp 07S, Rge 43E, B.M.
CARIBOU County		

Place of Use

Conditions of Approval:

1. E53 USE OF THIS RIGHT WITH RIGHT NO. 27-7000B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 18.5 AF.
2. 005 Use of water under this right is subject to control by the watermaster of the Blackfoot River.
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.

Remarks:

Comments:

PROFILED

RECORDED
MAY 10 2005

02/13/2004

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

RIGHT NUMBER: 27-7008A

NAME AND ADDRESS: RHONE-POULENC
PO BOX 160
MONTPELIER ID 83254

Rhodia, Inc.

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3,330 CFS
18.500 AFY

USE OF THIS RIGHT WITH RIGHT NO. 27-7000B IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 18.5 AF.

PRIORITY DATE: 07/26/1968

POINT OF DIVERSION:

T07S R43E S25 NWSW 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:

Use of water under this right is subject to control by the watermaster of
the Blackfoot River.

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.

EXPLANATORY MATERIAL: License



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

MAY 10 2 2005

PROFILED

E-Merk

06/14/2005

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

RIGHT NUMBER: 27-7008A

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

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.330 CFS
18.50 AFYUSE OF THIS RIGHT WITH RIGHT NO. 27-7000B IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 18.5 AF.

PRIORITY DATE: 07/26/1968

POINT OF
DIVERSION:

T07S R43E S25 NWSW 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: *POU Missing*
- none in the data either.
Pou remark - see 27-7008B.

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

Use of water under this right is subject to control by the watermaster of
the Blackfoot River.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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

27-07008A

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>00</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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27-07008A

☐	☐	☐	☐	☐	☐
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08/19/2005

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

RIGHT NUMBER: 27-7008A
NAME AND ADDRESS: RHODIA INC ATTN DIRECTOR OF SITE SERVICES
CN7500
CRANBURY NJ 08512-7500

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 3.330 CFS
18.50 AFY
USE OF THIS RIGHT WITH RIGHT NO. 27-7000B IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 18.5 AF.

PRIORITY DATE: 07/26/1968

POINT OF DIVERSION:
T07S R43E S25 NWSW 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:

Use of water under this right is subject to control by the watermaster of
the Blackfoot River.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

3306S43E

07S43E

3

10

11

14

13

23

24

25



Notes

5/9/05 Storage right 27-7008B.

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

18.5 AFA limit when combined with 27-7008A.

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

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

INTER-DEPARTMENT MEMO

27-7008A

TO: Pauline
FROM: Cindy

SUBJECT: Ownership Change
DATE: Oct 19, 2004

Please update the ownership on these preliminary recommendations and reprint the report.

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

10/19/04
email to Ema
on
Industrial &
Industrial Pond Storage
Road Maintenance.

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 Adjuciation 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

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

"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

Notes

Conveyed to them in the purchase agreement and get back to me. CB

1-7-04 Barbara, Please check to see who owns this property now.

1-9-04 Canadian Assessor; Roland Allen L & L owns NW SW of Sec. 25. B.S.

1-9-04 ~~US Forest Service has a stockwater claim on Angus Creek; 27-11506~~ Please send a Notice of Ownership change form to Roland Allen. Also, find out how this water is now being used or if it's being used.

1-9-04 Letter to Claimant re ownership change & nature of use B.S. Response date 2/9/04
2/12/04 recommend as claimed. CB.

9/30/04. USFS land. north of the pond to Rasmussen mine. N $\frac{1}{2}$ NW sec. 25; all sec. 24, NE of sec. 29; Secs. 1, 2, 3, 12, 11, 13, NE, SE, E $\frac{1}{2}$ NW, & E $\frac{1}{2}$ SW of sec. 14.; SE, NE, N $\frac{1}{2}$ NW, SE NW of sec. 10. also all of sec. 36. all in T7S, R43E.

Notes

10/9/03 ownership/address needs to be verified because our SRBA mailing was returned 2-2003.

1) need license/field exam

2) copies of any transcripts

3) verify owner/address.

10-20-03 Sent ownership change to Nu West

12-4-03 Called Aquin Nu West (547-4381). The person said he wanted someone call us, either Allen Skinner or Al - Hoskins. BT

12-8-03 Called Allen Skinner. He forwarded the letter to someone else. He will call them & have them call us. BT

12-12 Monty Johnson called. Said to send the forms to him & he would get them to the proper people for action. BT

12-20-03 Letter to Nu West re ownership change. BT

1-7-04 Chuck Durcell - Nu West called to say they don't own this property but can they retain the W/R? Chuck doesn't know who owns the land. He's going to research if it was

Contacts Data Entry Form

Owner Type Full Name Address City State Zip Phone

Current Owner Rhone - Poulenc

Name connector: and _____, or _____, and/or P.O. Box 160 Montpelier VT

Current Owner _____ 83254

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:

- New owner according to the assessors
office is Roland Allen L+L.

2/12/04 No response to our request for
an ownership chg.

Recommending as claimed.

Reviewer: CB

Date: 2/12/04

Priority Date Data Entry Form

Claim Number: A27-7008A

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☒ 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: 10/2/03

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 (☒)
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 (☒) No ()
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes (☒) 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 (☒) 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 (☒) 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 (☒)
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 FormClaim Number: A27-7008A

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____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

☒ 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? none

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

license

_____Transfers Changing POD noReviewer: CBDate: 10/9/03

Point of Diversion

Claim No. _____ - _____

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the POD as shown on the Permit. Go to 10

Yes (☐) No (☐)

4. Does the parent right have a POD?

If Yes, go to 5

If No, go to 6

Yes (☒) No (☐)

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10

If No, go to 6

Yes (☒) No (☐)

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7

If No, go to 9

Yes (☐) No (☐)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9

If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes (☐) No (☐)

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10

If No, go to 9

Yes (☐) No (☐)

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10

If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes (☐) No (☐)

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete

If No, POD review is complete.

Yes (☐) No (☒)

Source**Claim No.**

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the Source as shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a Source?

If Yes, go to 5

If No, go to 7

Yes (☒) No (☐)

5. Can the claimed Source be verified using the water right file?

If Yes, recommend the Source as shown in the water right file. Go to 11

If No, go to 7

Yes (☒) No (☐)

6. Is the basis of claim a Posted Notice?

If Yes, consult the attorney assigned to the basin. Go to 7

If No, go to 7

Yes (☐) No (☐)

7. Is there evidence that there has been a change in the Source?

If Yes, go to 8

If No, go to 10

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C02, go to 10

If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

Yes (☐) No (☐)

9. Did the claimant file a transfer?

If Yes, recommend the Source as shown in the transfer. Go to 11

If No, go to 10

Yes (☐) No (☐)

10. Does the file contain all of the necessary information to verify the Source?

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11

If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

Yes (☐) No (☐)

11. Is a Source remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Source review is complete.

If No, Source review is complete.

Yes (☐) No (☒)

Place Of Use Data Entry Form

Claim Number: A27-7008A☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Not required, license

Transfers Changing POU noReviewer: CBDate: 2/12/04

Place of Use**Claim No.** -

1. Is the basis of claim a Decree or License?

If Yes, go to 2a
If No, go to 2b

Yes (☒) No (☐)

2a. Is a POU required?

If Yes, go to 5
If No, go to 14

Yes (☐) No (☒)

2b. Is a POU required?

If Yes, go to 3
If No, go to 14

Yes (☐) No (☐)

3. Is the basis of claim a Permit or Application?

If Yes, go to 4
If No, go to 7

Yes (☐) No (☐)

4. Has the License been issued?

If Yes, go to 6
If No, recommend the POU as shown on the Permit. Go to 14

Yes (☐) No (☐)

5. Does the parent right have a POU?

If Yes, go to 6
If No, go to 7

Yes (☐) No (☐)

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14
If No, go to 7

Yes (☐) No (☐)

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8
If No, go to 13

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13
If No, go to 9

Yes (☐) No (☐)

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10
If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes (☐) No (☐)

10. Was an enlargement claim filed?

If Yes, go to 13
If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes (☐) No (☐)

11. Did the claimant file an enlargement claim?

If Yes, go to 13
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14
If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes (☐) No (☐)

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POU review is complete.
If No, POU review is complete.

Yes (☐) No (☒)

Purpose of Use Data Entry Form

Claim Number: 27-7008A☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

License

Transfers Changing Purpose of Use noReviewer: CBDate: 2/12/04

Purpose of Use

Claim No. _____

1. Is the basis of claim a Decree or License?

Yes (☒) No (☐)

If Yes, go to 4

If No, go to 2

2. Is the basis of claim a Permit or Application?

Yes (☐) No (☐)

If Yes, go to 3

If No, go to 6

3. Has the License been issued?

Yes (☐) No (☐)

If Yes, go to 5

If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

4. Does the parent right have a Purpose of Use?

Yes (☒) No (☐)

If Yes, go to 5

If No, go to 6

5. Can the claimed Purpose of Use be verified using the water right file?

Yes (☒) No (☐)

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13

If No, go to 6

6. Is there evidence that there has been a change in the Purpose of Use?

Yes (☐) No (☐)

If Yes, go to 7

If No, go to 11

7. Can the change be verified as an accomplished transfer?

Yes (☐) No (☐)

If Yes, add condition C04, go to 11

If No, go to 8

8. Does the change include an enlargement of the Purpose of Use?

Yes (☐) No (☐)

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9

If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

9. Was an enlargement claim filed?

Yes (☐) No (☐)

If Yes, go to 11

If No, Notify claimant that an enlargement claim is necessary. Go to 10

10. Did the claimant file an enlargement claim?

Yes (☐) No (☐)

If Yes, go to 11

If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

11. Does the file contain all of the necessary information to verify the Water Use?

Yes (☐) No (☐)

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

12. Did the claimant file a transfer?

Yes (☐) No (☐)

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13

If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

13. Is a Purpose of Use remark and/or condition required?

Yes (☐) No (☒)

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.

If No, purpose of Use review is complete.

Period of Use and Quantity Data Entry Form

Claim Number: 27-7008A☐ 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
Industrial	7/1	10/31	3.33	18.5

Overall Diversion Rate 3.33 Overall Diversion Volume 18.5

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

License

Reviewer: CBDate: 2/12/04

Period of Use

Claim No.

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes ☒ No ☐
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes ☐ No ☐
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
Yes ☐ No ☐
4. Does the parent right have a Period of Use?
If Yes, go to 5
If No, go to 6
Yes ☒ No ☐
5. Can the claimed Period of Use be verified using the water right file?
If Yes, go to 14
If No, go to 6
Yes ☒ No ☐
6. Is there evidence that there has been a change in the Period of Use?
If Yes, go to 7
If No, go to 12
Yes ☐ No ☐
7. Does the change include an enlargement in the Period of Use?
If Yes, go to 9
If No, go to 8
Yes ☐ No ☐
8. Can the change be recommended as an accomplished transfer?
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11
Yes ☐ No ☐
9. Was an enlargement claim filed?
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
Yes ☐ No ☐
10. Did the claimant file an enlargement claim?
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes ☐ No ☐
11. Was a transfer filed?
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes ☐ No ☐
12. Does the file contain all of the necessary information to verify the Period of Use?
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
Yes ☐ No ☐
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?
If Yes, go to 14
If No, go to 15
Yes ☐ No ☐
14. Is irrigation claimed as a purpose of use?
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
Yes ☐ No ☒
15. Is irrigation claimed as a purpose of use?
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18
Yes ☐ No ☐
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
Yes ☐ No ☐
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
Yes ☐ No ☐
18. Is a Period of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
Yes ☐ No ☒

QuantityClaim No. -

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11Yes (☐) No (☐)

4. Does the parent right have a diversion rate and/or volume?

If Yes, go to 5
If No, go to 7Yes (☒) No (☐)

5. Can the claimed diversion rate and/or volume be verified using the water right file?

If Yes, go to 8
If No, go to 7Yes (☒) No (☐)

6. Is the basis of claim a posted notice?

If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7Yes (☐) No (☐)

7. Is a flow measurement required?

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9Yes (☐) No (☐)

8. Does the parent right have an annual diversion volume limit?

If Yes, go to 10
If No, go to 9Yes (☒) No (☐)

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

If Yes, go to 10
If No, go to 11Yes (☐) No (☐)

10. Is irrigation a purpose of use?

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12Yes (☐) No (☒)

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12Yes (☐) No (☐)

12. Is a Quantity remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.Yes (☒) No (☒)

Summary

Claim No. _____

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

If Yes, go to 2

If No, go to 3

Yes (☒) No (☐)

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4

If No, status will be set as Active. Go to 5

Yes (☐) No (☒)

3. Is the water being used for all of the purposes claimed and to the extent claimed?

If Yes, status will be set as Active. Go to 5

If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

Yes (☐) No (☐)

4. Is any portion of the claim being recommended?

If Yes, status will be set as Active. Go to 5

If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

Yes (☐) No (☐)

5. Is an additional remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Go to 6

If No, go to 6

Yes (☒) No (☐)

6. Would you like to view the recommended right?

If Yes, go to 7

If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes (☒) No (☐)

7. Is this a "split" or "combined" right?

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8

If No, go to 8

Yes (☒) No (☐)

8. Do you have documents you would like to attach or link to the file?

If Yes, go to PowerDOCS and profile the documents. Go to 9

If No, go to 9

Yes (☐) No (☒)

9. Would you like to set the verification date?

If Yes, the review is complete.

If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes (☒) No (☐)

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

E05 Qty R. 27-7000B 18.5 AF.

005 Gen Cond. Subject to control of the watermaster
of the Blackfoot River.

Split or Combined Right Analysis:

27-7008

A

B.

Attached Field Notes or Other Documents:

Claim No.: 27-7008A

Reviewer

CB

Date

2/12/04



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

January 9, 2004

Roland Allen Land & Livestock Inc.
2020 Conant Ave.
Burley, ID 83318

Reference: Snake River Basin Adjudication (SRBA)
Claim A27-7008A

Subject: Ownership change, nature of use change.

Response Date: February 9, 2004

Dear Claimant(s):

Rhone-Poulenc filed an SRBA claim in January of 1990 for water from the Blackfoot for the use of Industrial. The Caribou County Assessors office has advised us that you are the new owner of this property. Was the water right conveyed to you when the property was purchased? Is the water still being used for Industrial? Has the use changed?

A water right owner who has made a change in use of a water right prior to commencement of the SRBA without obtaining IDWR approval may claim the change in the SRBA. IDWR may recommend the 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 a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987.

If the water was conveyed and still being used then the enclosed change of ownership form 42-248/42-1409(6) needs to be filled out and return to my office by the above response date. Please fill out the yellow highlighted areas, sign and return it my office with a copy of your warranty deed and either a copy of a plat map, survey map or aerial photography with the area marked.

If you have any additional questions, please feel free to contact me in the Soda Springs office at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Form 42-248/42-1409(6)
"Notice of Change in Water Right Ownership"
Copy of the Notice of Claim on 27-7008A



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/bjp⁴

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
Road
Maintenance

Period of Use

Rate of Diversion

Annual Volume

from July 1 to Oct. 31 at 3.93 cfs and 18.5 acre feet

from to at cfs and

from to at cfs and

(both dates inclusive)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, Twp. 7 S, Rge. 43 E, B.M. in the County of Caribou

[illegible]

Subject to control of the watermaster of the Blackfoot River.

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

Director

27 7008

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 160, Montpelier
P. O. Box 856, Soda Springs, Idaho 83276 83254 % 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:
Amount 64 AF for storage 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.

43
T 6 S R 43 E
T 7 S R 43 E
32
Dam
SEC 3

7 8
9 10
3 2
10 11
21

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: L. B. Higgins
Plant Manager

MAY 23 1988

Department of Water Resources

R E L I N Q U I S H M E N T

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,

A handwritten signature in cursive script, reading "Gary Spackman", is written over a horizontal line.

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

✓ 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

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

Permit No. 27-7137
Phone No. 547-2181

Accompanied by: _____ EXAM. DATE: 7/27/86
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
Source: unnamed stream tributary to Angus Creek

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	Gov 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 _____																			

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

27-7137
Permit No.

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:

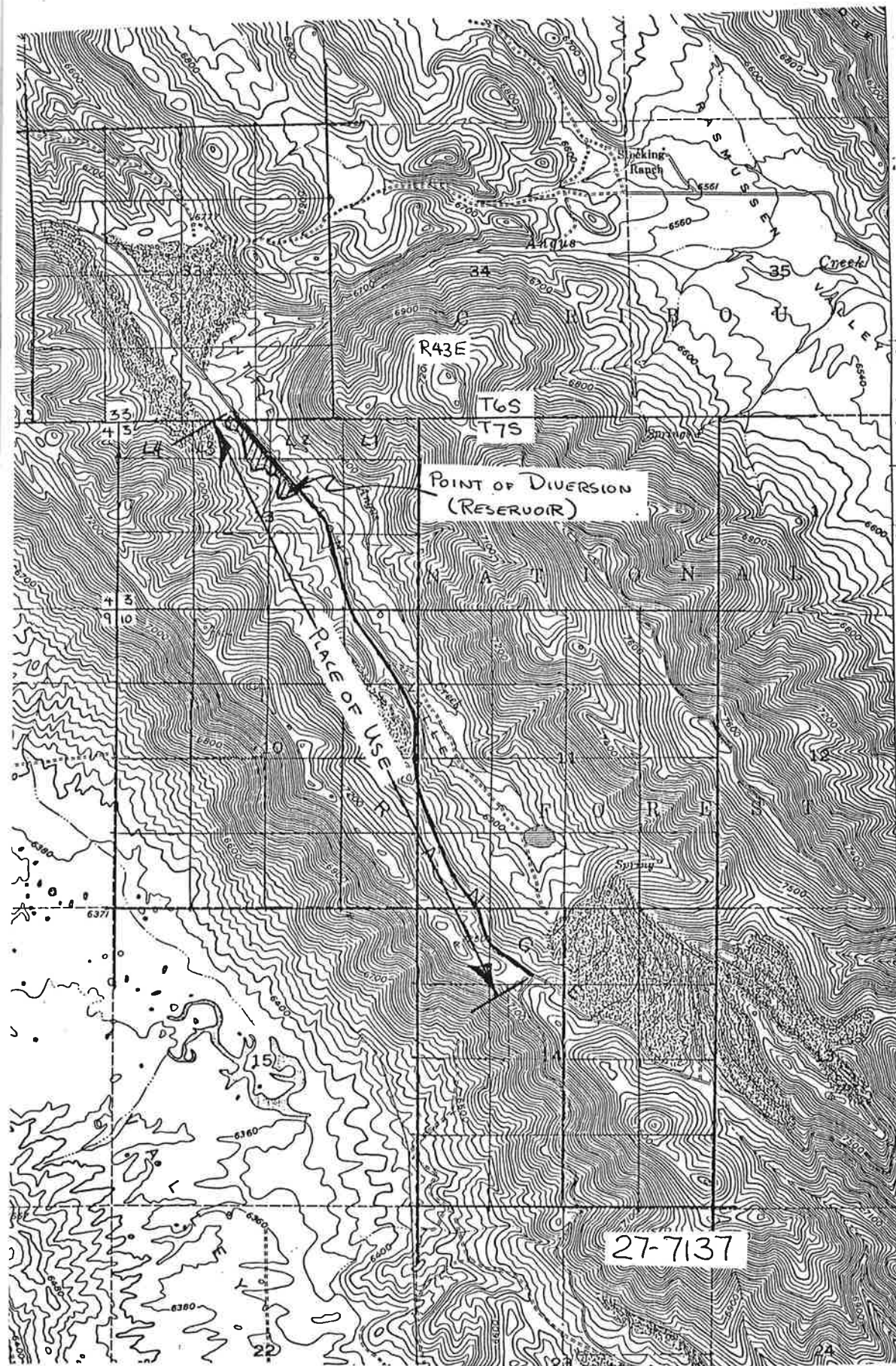
$$V_{OL} = 9.21 \text{ ac-ft/ann}$$

Overlap Review

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

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

c) Analysis:





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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2003

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 13 years ago you or your predecessor filed with the Idaho Department of Water Resources a claim to water right in the Snake River Basin. The investigation phase of this process is now focused on your area, Basin 27.

You are invited to attend a **public meeting to be held on March 11 at 7:00 p.m. in the Eastern Idaho State Fairgrounds, Needle Craft Building, at the corner of Park and Maple streets.** The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from our Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 27. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

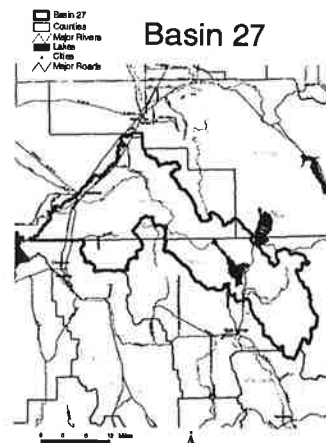
This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins including the Big Lost River, the Little Lost River, Birch Creek, Camas Creek and the Portneuf River.

Please contact the Idaho Falls Office with any questions.

Sincerely,

Ernest Carlsen
Adjudication Supervisor, Eastern Region

Enclosure: Information Brochure



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: A27-07008A

Date Received: 1/30/1990

Receipt No: E011992

Received By: KW

ASSISTED BY KW

RECEIVED

FEB - 2 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: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	43E	25		NW	SW		CARIBOU

5. Description of diverting works:
PUMP & MOTOR FROM BLACK FOOT RIVER HAUL TRUCK 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		

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
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

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

A27-07008A

Page 1

Date: 01/30/90

A2707008A



MICROFILMED
NOV 12 1992

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

14. Remarks:

P/U WITHIN LIMITS OF PERMIT.

SUBJECT TO THE CONDITION THAT THE MAXIMUM QUANTITY DIVERTED SHALL NOT EXCEED 18.5 AF/YR. WHEN COMBINED WITH LICENSE NO. 27-7008B. USE IS FOR DUST ABATEMENT ON HAUL ROADS FOR MINING

15. Basis of Claim: LICENSE

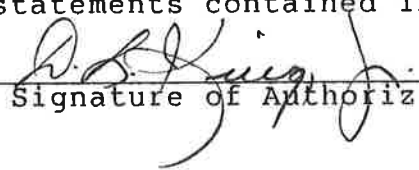
16. Signature(s)

(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 of
Title
Rhone-Poulenc Basic Chemicals Co., that I have signed the foregoing
Organization
document in the space below as General Manager Phosphate Rock Operations of
Title
Rhone-Poulenc Basic Chemicals Co. and that the statements contained in the
Organization
foregoing document are true and correct.


Signature of Authorized Agent

Title and Organization

Date

State of Idaho

County of Bear Lake

)
) SS.
)

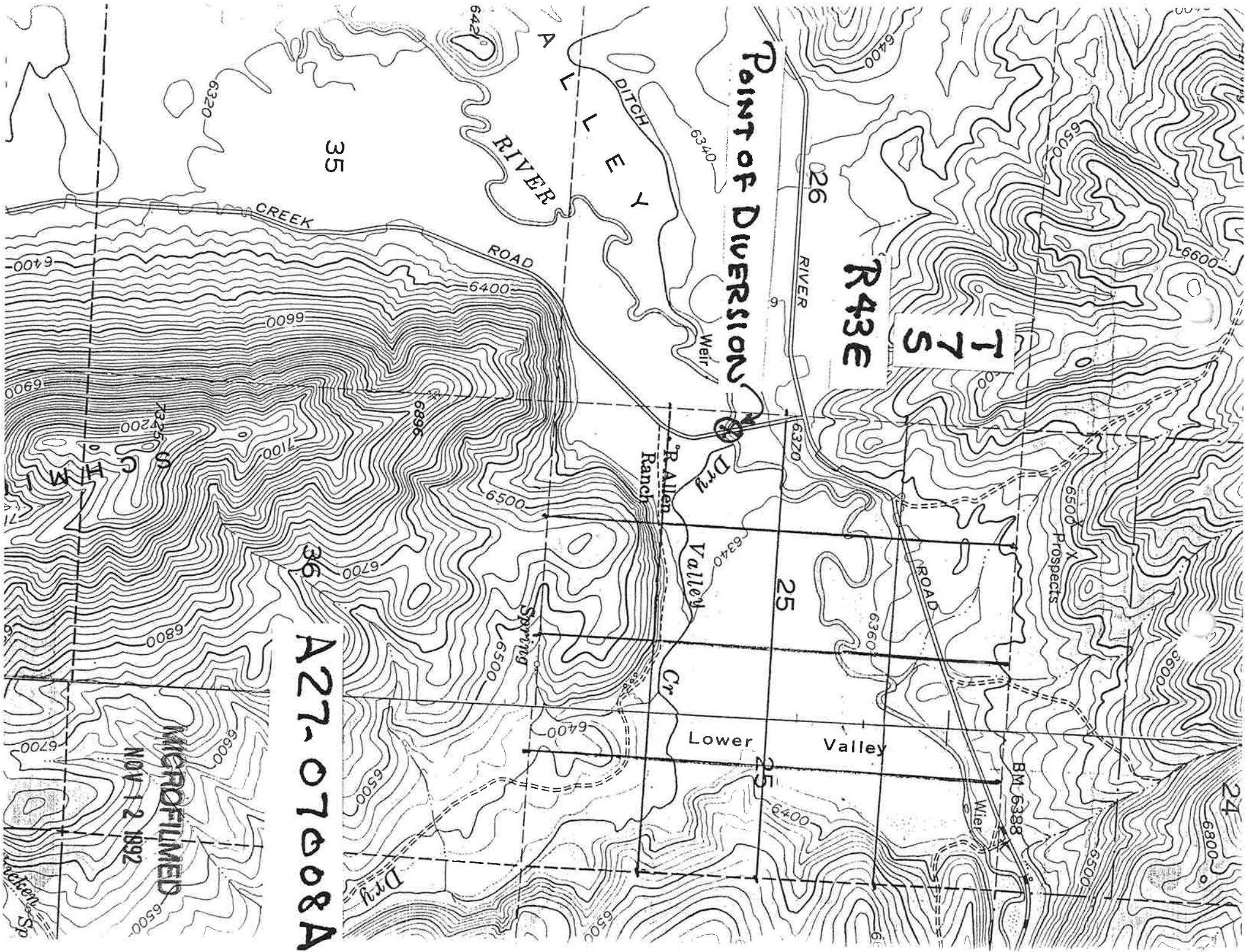
Subscribed and sworn (or affirmed) before me this 7th day

of Feb 19 90

Carol A King
Notary Public

Seal

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



Point of Diversion

R43E

T7S

Dry

Valley

Lower

Valley

R. Allen
Ranch

Cr

Spring

Creek

River

Ditch

Road

Road

Prospects

BM 6388

Weir

Weir

A27-07008A

MICROFILMED

NOV 12 1992

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