

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7174 Priority February 27, 1974 Amount 27 cfs

THIS IS TO CERTIFY, that GARY L. SKEEM
of McCammon, Idaho, has complied with the terms and conditions of Permit
No. 29-7174 issued pursuant to Application for Permit dated February 27, 1974,
and has submitted proof to the Department of Water Resources on December 8, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 54.44 cfs of water from Portneuf River,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Power Generation	from <u>January 1</u> to <u>December 31</u> at <u>27</u> cfs and <u>N/A</u>		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 27 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
N/A acre feet per year, said waters to be diverted within the NW¹/4, NE¹/4, Sec. 12, Twp. 9S,
Rge. 36E, B. M. in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE ¹ /4				NW ¹ /4				SW ¹ /4				SE ¹ /4				Totals
			NE ¹ /4	NW ¹ /4	SW ¹ /4	SE ¹ /4	NE ¹ /4	NW ¹ /4	SW ¹ /4	SE ¹ /4	NE ¹ /4	NW ¹ /4	SW ¹ /4	SE ¹ /4	NE ¹ /4	NW ¹ /4	SW ¹ /4	SE ¹ /4	
9S	36E	12	X				X												

Total number of acres irrigated _____

Measuring devices of a type approved by this Department shall be permanently
installed and maintained at the point of diversion and the point of effluent dis-
charge.

This project shall be operated in a manner that will not conflict or inter-
fere with the future upstream diversion of water for irrigation or other beneficial
consumptive uses.

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 20 day of
February, 19 79.

Director

MICROFILMED

Jan

545
750

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

DEC 29 1978

I, Gary L. Skeem & David M. Skeem, hereby assign to Gary L. Skeem
of P.O. Box 291 McCammon Idaho
(DBA) RETSEL CORP.
Department of Water Resources

Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 29-7174
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 28 day of Dec, 19 78.

Gary L. Skeem - David M. Skeem
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Bannock) ss.

On this 28 day of December, 19 78, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Gary J. Hunter
Notary Public residing at
McCammon, Id 83250

My commission expires:
2-1-82

MICROFILMED

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

545
RECEIVED

DEC 29 1978

Department of Water Resources

I, David M. Skeem, hereby assign to Gary L. Skeem

of P.O. Box 291 McCammon Idaho

Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 29-7174
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 28 day of Dec., 19 78.

David M. Skeem
Permit Holder

Stanley Skeem
Spouse of Permit Holder

State of Idaho)
County of Bannock) ss.

On this 28 day of December, 19 78, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Gary A. Smith
Notary Public residing at
McCammon Id.

My commission expires:
2-1-82

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR EXTENSION OF TIME

Department of Water Resources

State of Idaho)
County of Bannock)

Permit No. 29-7174

Gary L. Skeem & David M. Skeem of P.O. Box 291 McCammon
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 29-7174.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before June 1, 1975.

That he has heretofore performed the following work described under said permit:
Completed channel from Portneuf River, including cement water ways, headgate
and excavation of Silo and powerhouse. Excavation also completed for tail water
to return to said river.

Costing \$ 3000.00 approx.

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: We are unable to complete silo and penstock construc-
tion, due to unarrival of turbine equipment from the manufacturer. This equip-
ment needs be in place before Penstock silo can be completed. Also foundation re-
quirements are far in excess, than ordinarily determined due to soft ground that
we thought was underlined with rock.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to June 1, 1978.

Gary L. Skeem
(signature) *

Subscribed and sworn before me this 4 day of Feb, 1975.

seal

Gary W. Switzer
Notary Public residing at
McCammn, Id.

My commission expires 1-14-78

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Operations Division

I, A. KENNETH DUNN, Admin., ~~Director~~ of the Idaho Department of Water Resources,
hereby approve the above application for extension of time for Permit No. 29-7174
to June 1, 1978.

Witness my hand this 10th day of February, 1975.

A. Kenneth Dunn
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, State Capitol, Boise, Idaho 83720.

MICROFILMED

Identification No. 29 7174

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Gary L. Skeem & David M. Skeem (DBA Retsel Inc.)
post office address P. O. Box 291 McCammon, Idaho PH: 254-3325

2. Source of water supply Portneuf River which is a tributary of Snake River

3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12 Township 9S
Range 36E B.M. Bannock County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Portneuf River at a point in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12 Township 9S Range 36E B.M. _____

4. Water will be used for the following purposes:

Amount 27.0 for Power Gen. purpose from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 27.0 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Channel into cement silo, with turbine in bottom of silo, turbine shaft to generator house on top of water silo.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.

b. Estimated construction cost is \$ 15,000.00

8. Description of proposed uses:

a. If water is **not** for irrigation:
(1) Give the place of use of water: NE NW (Lot 1) 12 9S
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12 Township 9S
Range 36E B.M. 36E

(2) Amount of power to be generated: 35-40 hp under 15 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: Electric power generation for personal and agricultural use.

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion Retsel, Inc.
 b. Who owns the land to be irrigated or place of use Retsel, Inc. - David M. & Gary Skeem
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Retsel, Inc., is basically owned by David & Gary Skeem. However, the corporation is in the process of selling to Gary &/or David Skeem, the property in question. This transaction should be complete on or before the project is completed.

10. Remarks Concerning Item #4: Water use would be basically during winter months and water use would be 50% less during summer months.

Concerning Item #6B: We will derive water head by utilizing a natural water fall. We will not change or deface the fall itself, but use the natural formation and head in a nearby location.

Concerning Item #5: We intend to use power from this source to heat and light our (Gary & David Skeem) homes and to operate and heat a food producing green house belonging to the applicant's on a year around basis. Power will also be used to operate a chicken hatchery and other agricultural projects. No power will be sold....as we intend to utilize it all ourselves.

All agricultural projects furnished power are property of David M. & Gary Skeem, who are Vice President and President respectively of Retsel, Inc.

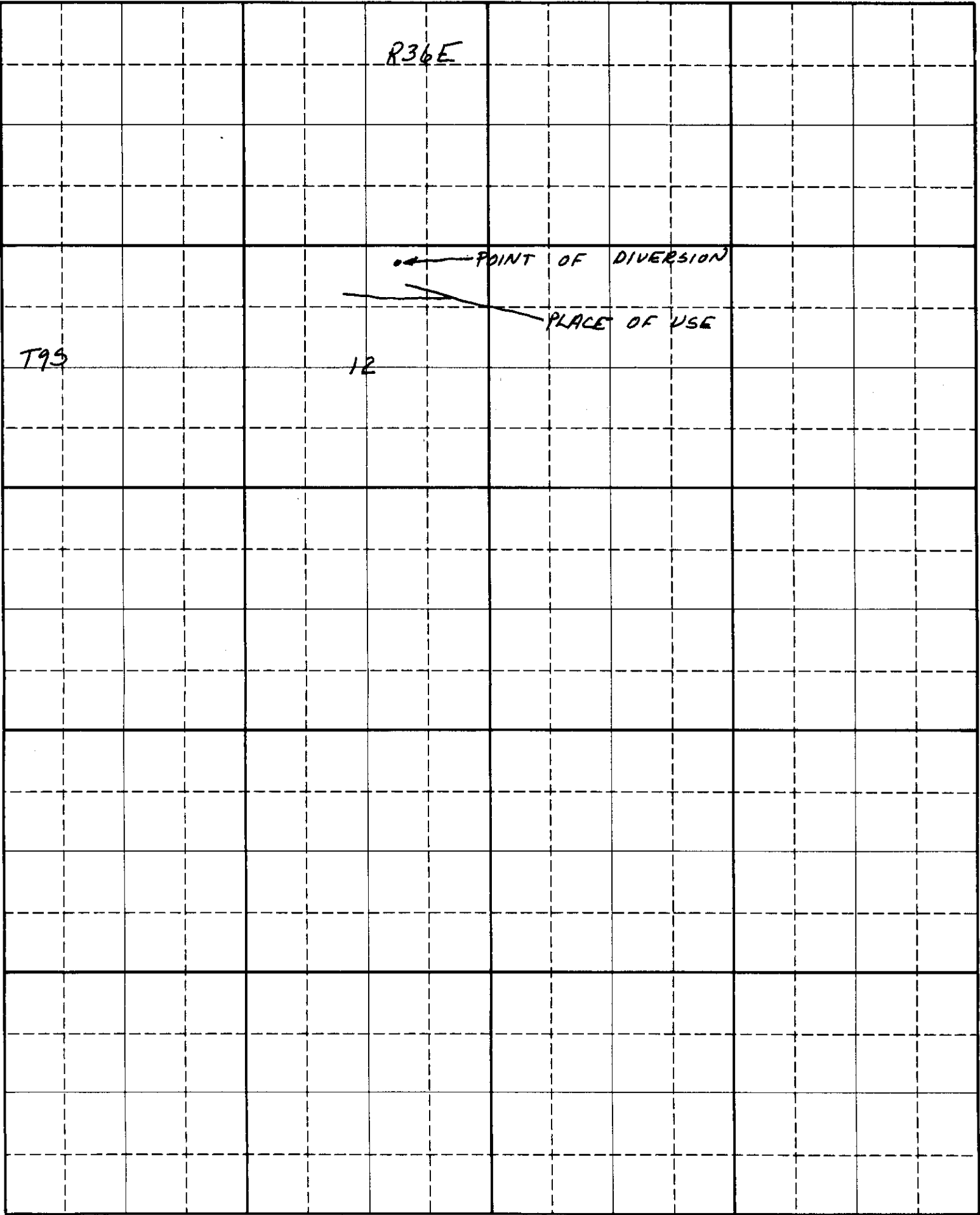
No outside interests will be furnished power commercially.

David M. & Gary Skeem own approximately 90% of outstanding stock in Retsel, Inc.

No water is diverted from the Portneuf River in the reach between the point of diversion and point of injection.

WE AGREE THAT THE LEWIS-GOODENOUGH DITCH COMPANY HAS PRIOR WATER RIGHTS AND WE AGREE THAT THE OPERATION OF OUR SYSTEM WILL IN NO WAY INTERFERE WITH THESE RIGHTS, AND IT IS FURTHER AGREED THAT THE LEWIS-GOODENOUGH DITCH Co. IS IN NO WAY RESPONSIBLE FOR ANY DAMAGE RESULTING BY THE RESTRICTION OF THE FLOW OF THIS RIVER IN ORDER TO EXERCISE THEIR VALID PRIOR WATER RIGHT. *Doug Skeem* *David M. Skeem*

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.

RETSEL, INC.

Gary L. Skeem
(Applicant) President

Received by MB Date 2-27-74 Time 4:25 p
 Preliminary check by JF Fee \$ 250.⁰⁰
 Receipted by MB Date 2-27-74 # 12759
 Publication prepared by MB Date 3-1-74
 Published in Idaho State Journal
 Publication dates March 7 + 14, 1974
 Publication approved CB Date 3/15/74
 Priority reduced to _____ Reason _____

Protests filed by: Lewis-Gordonough Ditch Co.

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by NCY dr JF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7174, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 75.
- c. Other: _____
 - (1) Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
 - (2) Use of water under this permit is subject to control by the Watermaster of State Water District No. 29, Portneuf River.
 - (3) This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

Witness my hand this 20 day of May 19 74.

R. Keith Higin
 Director

Identification No. 29-S-25

Area _____

Project No. _____
(Idaho Dept. Hwys. Ident.)STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATIONApplication for a Permit to Alter a Stream Channel
Pursuant to Title 42, Chapter 38, Idaho Code**RECEIVED**
FEB 27 1974WATER ADMINISTRATION
Area Office

(TYPE OR PRINT IN INK)

1. Name of applicant Gary L. & David Skeem Ph. 254-3957, 254-3922
Post office address P.O. Box 291 McCammon, Idaho 83250
Telephone number _____
2. Name of stream channel to be altered: Portneuf River
tributary to Snake River
3. Describe the section of the stream to be altered by reference to a section corner, section line, or other permanent reference point: _____
in NENE (1/16 section of lot no.) of Section 12, Township 9S, Range 36E, B.M.
in Bannock County.
4. Length of channel or area involved in alteration: 300' feet
5. Average gradient of existing channel to be altered: 5-6 feet per thousand feet
6. Describe the nature and purpose of the alteration: Install a turbine for electrical power
generation for personal use.
7. Describe how and with what equipment you intend to complete the alteration: This project will basically
be accomplished by hand, with hand tools, and small equipment.
8. When do you plan to start and how long will the alteration take: Approx. July 1, 1974; may take
a year to complete
9. Do you intend to do work below the water surface? yes If so, how do you intend to control turbidity or pollution
resulting from the work: there will be very little contact with the stream channel
bottom or sides

29 7/1/74

10. Will water be diverted around the area to be altered? NO If so, describe how you intend to accomplish the diversion:

11. Attach 2 copies of a vicinity map and plans for the alteration (see instructions for specifications). When a drawing is larger than this application form, one copy must be on tracing paper or some other transparency material. Clearly show typical cross sections, areas of cut or fill, bed profile, plans of footings or structures that will be constructed below the high water mark, elevations of dominant features (actual or assumed), inlet and outlet detail of culverts or restrictive channels, and other items that you feel will assist in explaining the proposed alteration and its purpose. Large scale aerial photos may be helpful and are usually available from your local ASCS office or other government offices.

The above information correctly represents the alteration that I intend to make and is true and correct to the best of my knowledge. I certify that I am the applicant or that I have authority to act in behalf of the above listed applicant and to bind said applicant to observe the conditions of approval of any permit issued pursuant to this application.

FEB. 27, 1974

Date

Dary L. Skorn

Applicant

Land owner

Title

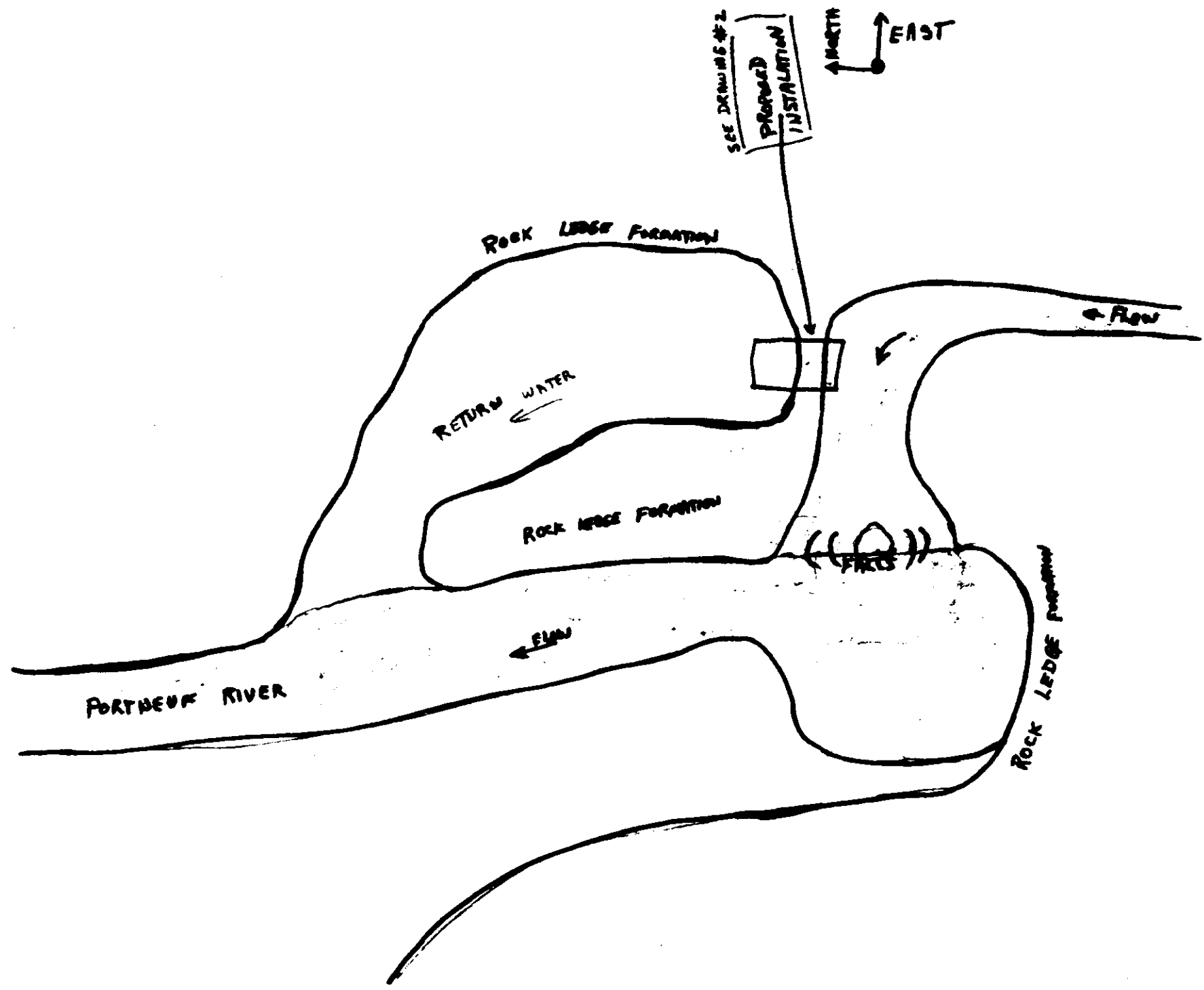
ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to Alter a Stream Channel Pursuant to Title 42, Chapter 38, Idaho Code, and said application is hereby _____, subject to the following limitations and conditions: _____

Witness my hand this _____ day of _____ 19 ____.

HIWAY 30 N

DRAWING #1

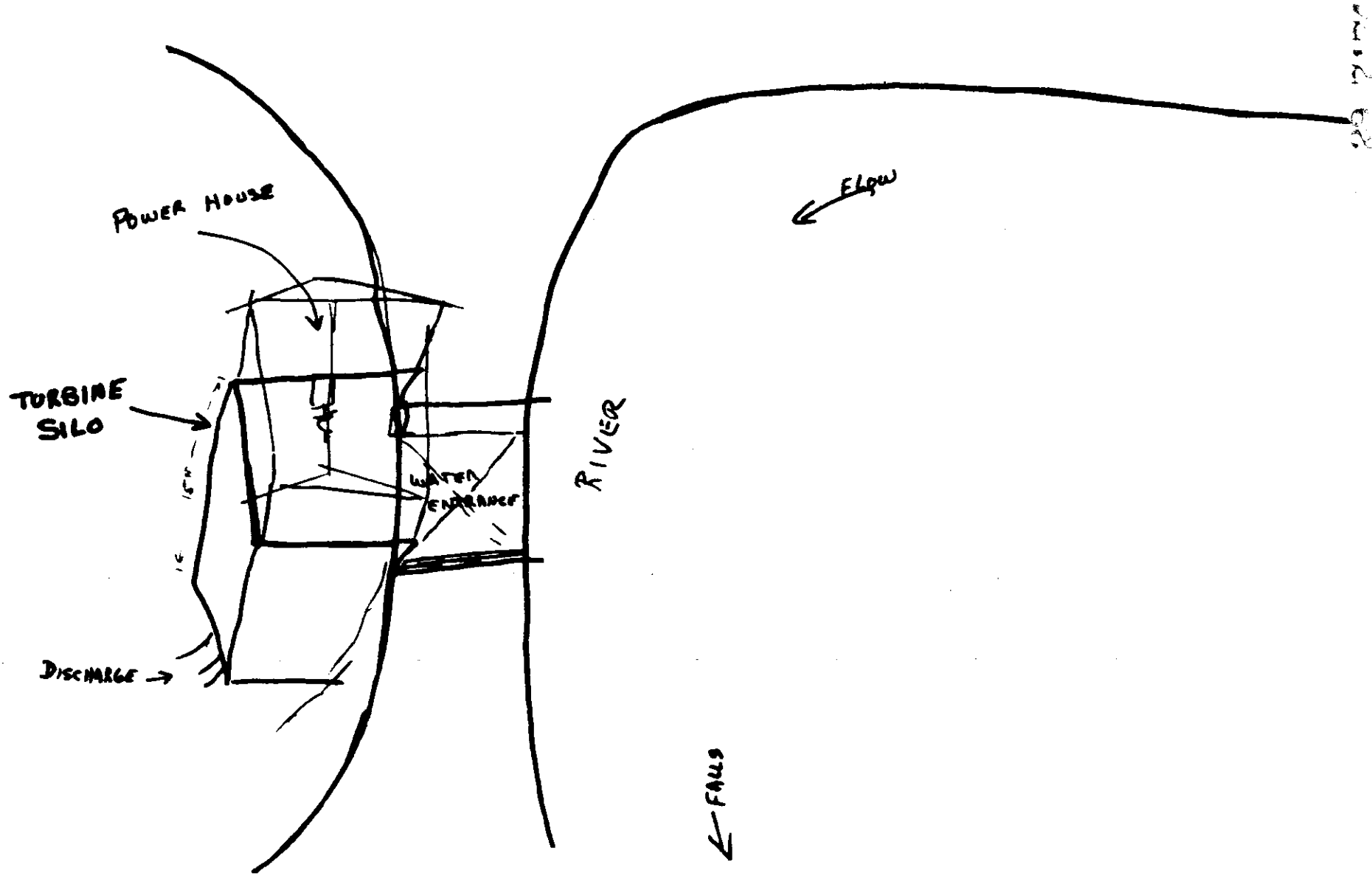


23 7174

OLD MILL - (NOW FARMERS)

MICANON

PROPOSED INSTALLATION
DRAWING #2



STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Application for a Permit to Alter a Stream Channel

Pursuant to Title 42, Chapter 38, Idaho Code

RECEIVED
FEB 27 1974WATER ADMINISTRATION
Area Office

(TYPE OR PRINT IN INK)

1. Name of applicant GARY L. SKEEM Phone 254-3325 or 254-3957
Post office address P.O. Box 291 McCammon, Idaho 83250
Telephone number 254-3325 or 254-3957
2. Name of stream channel to be altered: Portneuf River
tributary to Snake River
3. Describe the section of the stream to be altered by reference to a section corner, section line, or other permanent reference point: _____
in NENW (1/16 section of lot no.) of Section 12, Township 9S, Range 36E, B.M.
in Bannock County.
4. Length of channel or area involved in alteration: 100 ' or less feet
5. Average gradient of existing channel to be altered: 5-6 feet per thousand feet
6. Describe the nature and purpose of the alteration: Install a water wheel for electrical power
generation, for personal and agricultural(personal) use.
I do not intend to change the actual river channel, but will want to build a generator-
house along side the river, and build a cement retainer wall ~~##~~ upstream about 20 ft.,
and downstream passed the wheel to retard washing away of river bank. (and wheel)
7. Describe how and with what equipment you intend to complete the alteration: This project will basically
be accomplished by hand, with hand tools, and small equipment.
We intend to do this project when water is low, thereby will not work below water
surface at the time of construction.
8. When do you plan to start and how long will the alteration take: Aprox. June 1, 1974 - Finnish; Sept. 1,
1974
9. Do you intend to do work below the water surface? no If so, how do you intend to control turbidity or pollution
resulting from the work: We intend to do this project when water is low, therefore do
not intend to work below water level. If it is necessary to do so because of above
average water flow, we will dam off the project area, causing water to flow to the
other side of the river bed, during the project.

FEB 27 1974

10. Will water be diverted around the area to be altered? NO If so, describe how you intend to accomplish the diversion:
Unless waterflow is higher than normal, If so, diversion explained under item
9 of this form.

11. Attach 2 copies of a vicinity map and plans for the alteration (see instructions for specifications). When a drawing is larger than this application form, one copy must be on tracing paper or some other transparency material. Clearly show typical cross sections, areas of cut or fill, bed profile, plans of footings or structures that will be constructed below the high water mark, elevations of dominant features (actual or assumed), inlet and outlet detail of culverts or restrictive channels, and other items that you feel will assist in explaining the proposed alteration and its purpose. Large scale aerial photos may be helpful and are usually available from your local ASCS office or other government offices.

The above information correctly represents the alteration that I intend to make and is true and correct to the best of my knowledge. I certify that I am the applicant or that I have authority to act in behalf of the above listed applicant and to bind said applicant to observe the conditions of approval of any permit issued pursuant to this application.

Feb. 27, 1974
Date

Gary L. Skeem
Applicant

Land owner
Title

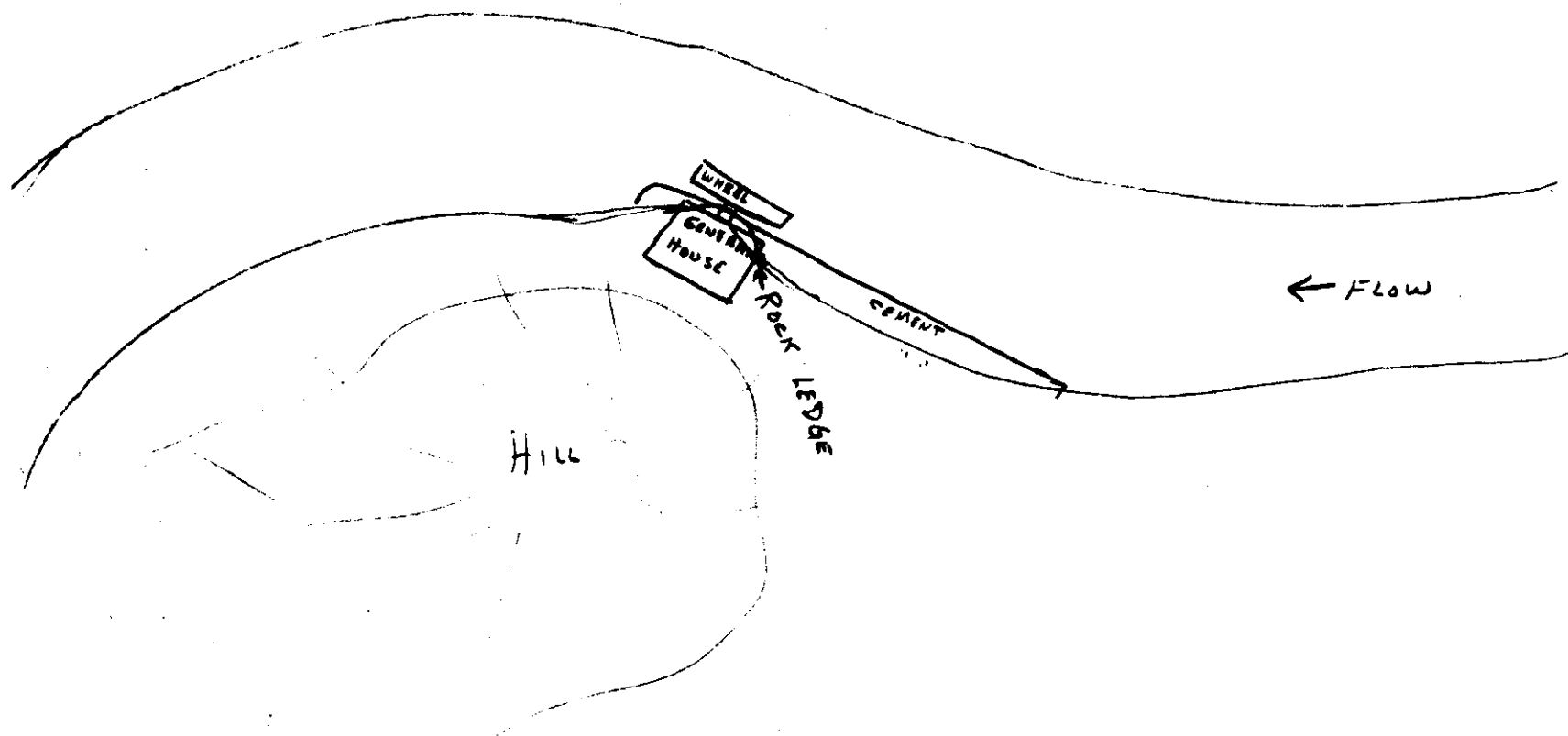
ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to Alter a Stream Channel Pursuant to Title 42, Chapter 38, Idaho Code, and said application is hereby _____, subject to the following limitations and conditions: _____

Witness my hand this _____ day of _____ 19 _____.

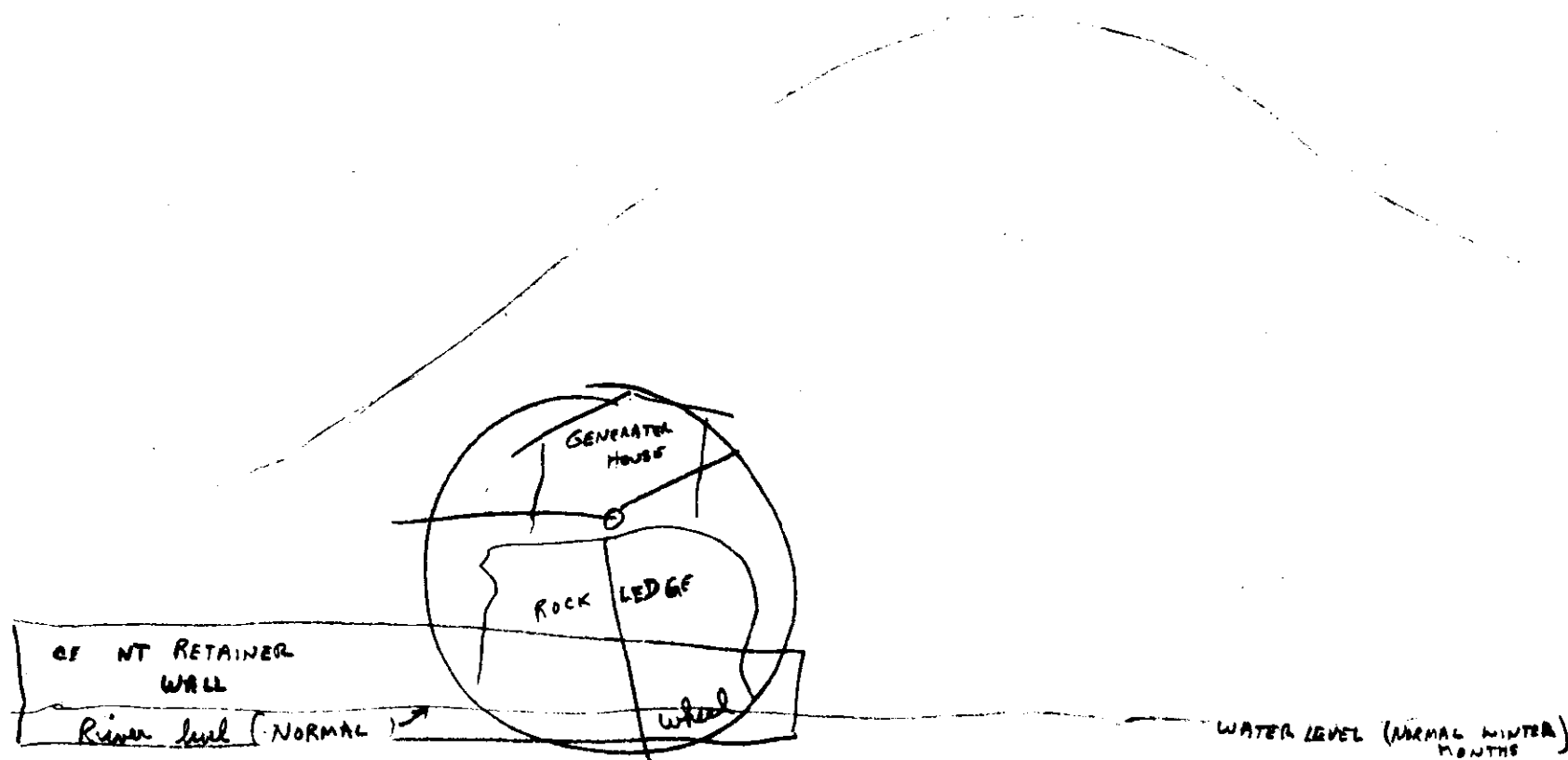
TOP
VIEW

2412 62



FRONT
VIEW

10 2 1974



BARB:

send copy of permit to
Watermaster:

Francis Potter

PO Bx 263

Lava Hot Springs, Id

83246

~~du~~

29 7174

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>WR</u>	<u>2/27</u>	Application No. <u>29-7174</u>
(2)			☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated <u>For Power</u> ☒ Map ☒ Signature ☒ Fee
(3)	<u>WR</u>	<u>2/27</u>	In form to receipt
	<u>WR</u>	<u>2/27</u>	Send Copies to: ☐ Idaho State Health Department ☒ Idaho Fish and Game Department ☐ Bureau of Land Management ☒ <u>SHIRL C Boyce Jr.</u> ☐ Request Special Use Permit from U.S.F.S. ☒ Request Easement from B.L.M. ☒ Request Information from Applicant
(4)	<u>WR</u>	<u>2/27</u>	
(5)	<u>WR</u>	<u>2/27</u>	In form for advertising
(6)	<u>WR</u>	<u>2/27</u>	Located within Water District No. <u>~~28~~ 29</u>
(7)	<u>WR</u>	<u>2/27</u>	Critical groundwater area: yes <u>no</u> <u>X</u> <u>NA.</u>
(8)	<u>WR</u>	<u>2/27</u>	Groundwater levels: <u>NA.</u>
			<u>Decline (comment)</u>
			<u>Stable (comment)</u>
			<u>Increasing (comment)</u>
(9)	<u>WR</u>	<u>2/27</u>	Comments: <u>Should be under control of</u> <u>Upper MASTER French Rotten</u>
(10)	<u>MB</u>	<u>3/15/74</u>	Affidavit of Publication received (date) <u>March 15, 1974</u>
(11)	<u>MB</u>	<u>3/25/74</u>	Final date for protests <u>March 25, 1974</u> Protests received: yes <u>no</u> <u>X</u>
(12)	<u>"</u>	<u>"</u>	Date and Place of hearing <u>NA.</u>
			Decision reached at hearing <u>NA.</u>
(13)	<u>NCY</u>	<u>"</u>	All requested information received from agencies or applicant yes <u>no</u>
(14)	<u>"</u>	<u>"</u>	Action recommended: ☒ Approve Priority <u>2/27/74</u> ☐ Deny Reason for Reduction <u> </u> ☒ Measuring device required ☒ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District <u>E</u>		

RECEIVED

RECEIVED

MAY 13 1974 29 7174

MAR 26 1974

Department of Water Administration

Department of Water Administration

Copy
E.J.

RECOMMENDEDCONDITIONS OF APPROVAL

☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

☒ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed _____ c.f.s.

☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

☒ Use of water under this permit is subject to control by the watermaster of State Water District No. 29, PORTNEUF River.

☐ The proposed well shall not be drilled within _____ feet of another well.

☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

☒ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☒ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☒ Other: Note: Sec 42-209 requires that construction commence within 60 days of the date of issuance of the permit. Should this be made a condition of approval?

Deb?
No
Construction
schedule indicates
it will.

29 2124

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

DAVID M. SKEEM
I, GARY L. SKEEM of MC CAMMON County of BANNOCK
State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident
of the State of Idaho.

David M. Skeem
/s/ Gary L. Skeem

Subscribed and sworn to before me this 27 day of February, 1974

Gary M. Senter
/s/ Gary M. Senter
Notary Public
Residence Mc Cammon Id
My Commission expires 1-14-78

NOTE: This permit is issued subject to the provisions of S. L. 1937, Ch. 142;
am. 1957, Ch. 66. (Idaho Code, Sections 42-205 to 42-210).

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATION TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, GARY L. SKEEM of MC CAMMON County of BANNOCK
State of Idaho, being first duly sworn, depose and say:

That I am the designated statutory agent of the RETSEL ~~INC.~~ INC.,
that as such I am in charge of the registered office of the said Corporation
Idaho, as provided by Section 30-143, Idaho Code, at Mc Cammon,
Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and
that RETSEL INC is a legal Corporation qualified to do business
in the State of Idaho under the laws of the State of Idaho.

Gary L. Skeem
/s/ Gary L. Skeem

Subscribed and sworn to before me this 27 day of February, 1974

Gary M. Senter
/s/ Gary M. Senter
Notary Public
Residence Mc Cammon Id
My commission expires 1-14-78

29 7174

NOTE: This permit is issued subject to the provisions of S. L. 1937, Ch. 142;
am. 1947, Ch. 66, (Idaho Code, Sections 42-205 to 42-210).

PRC OF OF PUBLICATION

RECEIVED

MAR 14 1974

STATE OF IDAHO
County of Bannock

ss.

Department of Water Administration
Eastern District Office

Kathy Wannar

being first duly sworn on oath deposes and says: That She
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

March 7, 1974
March 14, 1974
_____, 19_____
_____, 19_____
_____, 19_____
_____, 19_____
_____, 19_____

That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Kathy Wannar

Subscribed and sworn to before me this 13th
day of March, 1974

Debra L. Lindsey

Notary Public, State of Idaho
Residence: Pocatello, Idaho

23 7174

PRC OF OF PUBLICA TION

STATE OF IDAHO }
County of Bannock } ss.

Lathy Wanner

NOTICE OF APPLICATION
FOR WATER PERMIT
Notice is hereby given that
Gary L. & David M. Skeem,
dba Retsel Inc., P.O. Box 291,
McCammon, Idaho have on
2/27/74 submitted Application
No. 29-7174 for a permit to ap-
propriate 27.0 cubic feet per
second of water from Portneuf
River tributary of Snake River
by means of headgate and open
channel within the NW1/4NE1/4,
Sec. 12, T. 9S, R. 36E, B.M.
Bannock County; to be returned
to the Portneuf River at a point
in NW1/4NE1/4, Sec. 12, T. 9S,
R. 36E, B.M. to be used from
Jan. 1 to Dec. 31 for electrical
power generation within the
NE1/4NW1/4, NW1/4NE1/4,
Sec. 12, T. 9S, R. 36E, B.M.
If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with the
Idaho Department of Water Ad-
ministration, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on or
before March 25, 1974.
R. KEITH HIGGINSON
Director
March 7, 14, 1974
No. 126

being first duly sworn on oath deposes and says: That She
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

March 7, 1974, 19
March 14, 1974, 19
, 19, 19
, 19, 19
, 19, 19

That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Lathy Wanner

Subscribed and sworn to before me this 13th
day of March, 19 74

Ruth L. Sandford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PRC OF OF PUBLICATION

RECEIVED

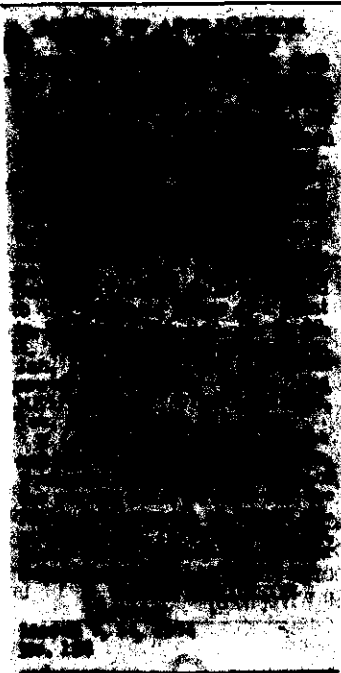
STATE OF IDAHO }
County of Bannock } ss.

MAR 14 1974

Department of Water Administration
Eastern District Office

Duplicate

Kathy Wanner



being first duly sworn on oath deposes and says: That She
was at all times herein mentioned a citizen of the United States of
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IDAHO STATE JOURNAL, a daily newspaper, printed and published at
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That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

March 7, 19 74 _____, 19 _____
March 14, 19 74 _____, 19 _____
_____, 19 _____, 19 _____
_____, 19 _____, 19 _____
_____, 19 _____, 19 _____

That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Kathy Wanner *Carol Davis*

Subscribed and sworn to before me this 13th

day of March, 19 74

Della L. Lundford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PRC OF OF PUBLICA TION

STATE OF IDAHO
County of Bannock

ss.

Duplicate

Ruby Wanner

NOTICE OF APPLICATION
FOR WATER PERMIT
Notice is hereby given that
Gary L. & David M. Skeem,
dba Retsel Inc., P.O. Box 291,
McCammon, Idaho have on
2/27/74 submitted Application
No. 29-7174 for a permit to ap-
propriate 27.0 cubic feet per
second of water from Portneuf
River tributary of Snake River
by means of headgate and open
channel within the NW1/4NE1/4,
Sec. 12, T. 9S, R. 36E, B.M.
Bannock County; to be returned
to the Portneuf River at a point
in NW1/4NE1/4, Sec. 12, T. 9S,
R. 36E, B.M. to be used from
Jan. 1 to Dec. 31 for electrical
power generation within the
NE1/4NW1/4, NW1/4NE1/4,
Sec. 12, T. 9S, R. 36E, B.M.
If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with the
Idaho Department of Water Ad-
ministration, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on or
before March 25, 1974.
R. KEITH HIGGINSON
Director
March 7, 14, 1974
No. 126

being first duly sworn on oath deposes and says: That *she*
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
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Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

March 7, 19 *74*, 19.....
March 14, 19 *74*, 19.....
....., 19....., 19.....
....., 19....., 19.....
....., 19....., 19.....

That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Ruby Wanner

Subscribed and sworn to before me this *13th*
day of *March*, 19 *74*

Leola L. Goodford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

February 21, 1979

Re: Permit No.'s 29-7174 & 29-7247

Gary L. Skeem
P.O. Box 291
McCannon, Idaho 83250

Dear Mr. Skeem:

Enclosed are copies of the Water Right Licenses issued on the above
referenced permits.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

Enc: 2

MICROFILMED

file 29-7174
file 29-7274

M E M O R A N D U M

TO: Jan Grover
FROM: Bill Rhoads *BR*.
RE: Permit No. 29-7174
DATE: December 18, 1978

Gary L. Skeem has been sent assignment forms per the above referenced permit.
It has been requested that he send the completed forms directly to you.

29-7247
Permit No. ~~29-7274~~ (Amended) should be licensed at the same time as
they are the same source, same point of diversion and the same place of use.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 22, 1979

Re: Permit No. 29-7174

Gary L. Skeem
P.O. Box 291
McCammon, Idaho 83250

Dear Mr. Skeem:

We acknowledge receipt of the assignment submitted conveying the above referenced permit to you.

A representative of this Department made an examination of the works covered by your Permit No. 29-7174 on May 2, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 27 cfs Source: Portneuf River

The maximum quantity diverted shall not exceed N/A acre feet per
year.

Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, Twp. 9S, Rge. 36E, B. M.

Beneficial use: Power Generation within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12,
Twp. 9S, Rge. 36E, B. M.

Priority date established: February 27, 1974

*

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

* Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of permanent discharge.

MICROFILMED

RECEIVED

DEC 15 1976

- Department of Water Resources
Eastern District Office 254-3325

- Permit No. 29-7174
- Examination for b/u

- [illegible]

MICROFILMED

TOTAL ACREAGE

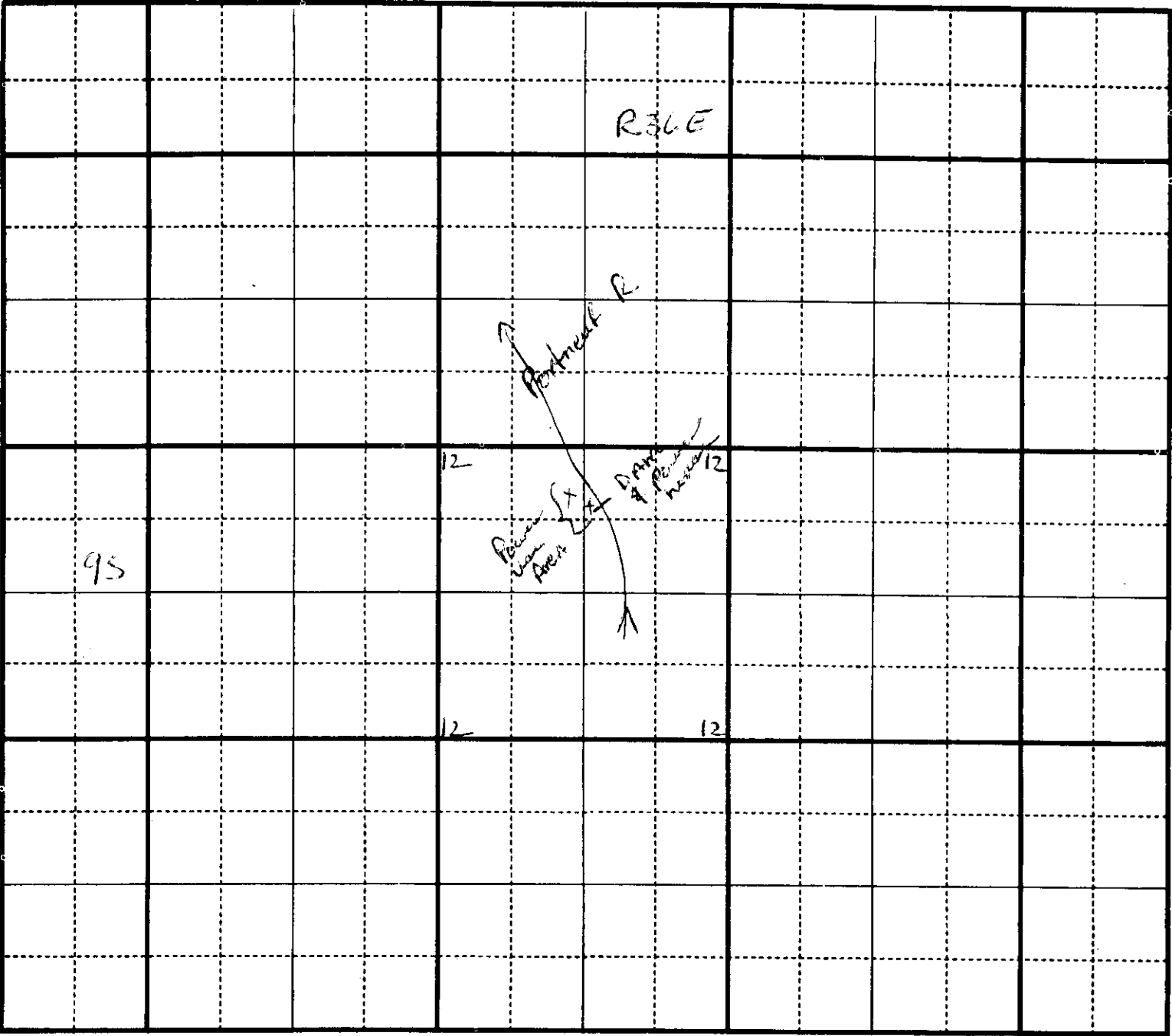
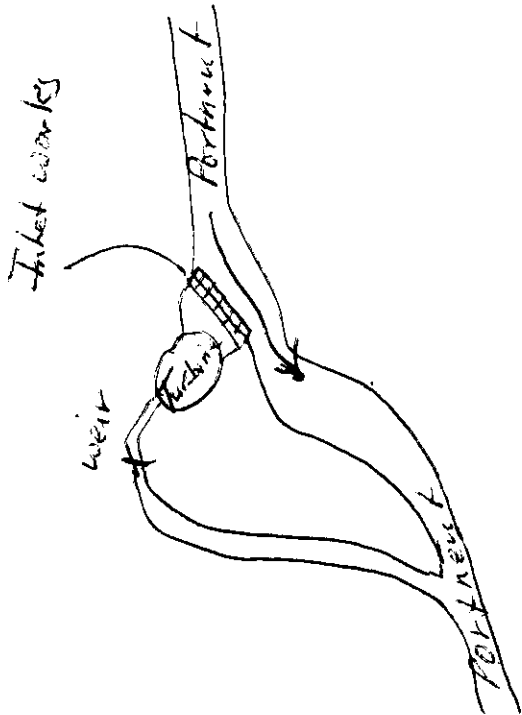


Diagram of System



DATE OF EXAM MAY 2, 1978

ACREAGE
Found 0
Recommended 0

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Power Gen 27.0 cfs Jan 1 Dec 31

Is water co-mingled? yes _____ no X

Name source: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 54.44 cfs Method of measurement Rect. Sup. Weir

Total Q recommended 27.0 cfs Meter No. N.A. Type 8.33' Condition Std. Cond.

Total V recommended _____

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None X

MEASUREMENT CALCULATION:

Q Calculated using suppressed weir formula w/ correction for approach velocity
L = 8.33' H = 1.32' Vot App 4'/sec (Surface)
 $Q = 3.33 L (H + h)^{3/2} - h^{3/2}$
 $(3.33)(8.33)[1.32 + .25]^{3/2} - .25^{3/2} = 54.44 cfs$

SYSTEM DESCRIPTION:

2 openings (gates) onto the portneut R.
Water flows through 2 hettel Turbines with 12' head.
Water is discharged over a Rectangular Weir Thence
returning to the Portneut River
62 hp / 15' head, 33 hp / 15' head

REMARKS:

Examiner's Signature Bill Rhoads & Loren Holmes P.E. Date MAY 2, 1978
Checked by Anthony R. Kozlowski Date 5/22/78
Approved by _____ Date _____

Ref Permit No. 29-7174

Gentlemen:

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Sincerely,

DDR: JG

RECEIVED
DEC 8 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. 29-7174

RECEIVED

DEC 9 1976

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Gary L. Skeem (RetseI Inc.)
b) Post Office Address P.O. Box 291, McCammon, Idaho
2. Permit Number 29-7174
3. Date of Priority that you are prepared to establish 2-27-74
4. a) Source from which water was appropriated Portneuf River
b) Location of the point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12
Township 9S, Range 36E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 27.0 for Power Generation purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 27.0 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: self - from weir tables
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) concrete headgate adjacent to the Portneuf River. There are no conveyance channels.
b) Describe the type and size of measuring device which you have installed at your point of diversion: 8' rectangular weir
c) Give well driller's name and address and the date the well was completed: N.A.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Power generation - NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 9S, R. 36E, B.M.

Examined 12/1/76

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

Dec. 3, 1976
(Date)

Gary L Sporn
(Signature)

State of Idaho)
) ss.
County of Bonneville)

On this 3rd day of December, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Loren O. Salmer
Notary Public residing at
Idaho Falls, Id.

My commission expires March 21, 1978

February 11, 1975

Re: Permit No. 29-7174

Gary L. Skeem & David Skeem, dba Ratsel, Inc.
P. O. Box 291
McCammon, ID 83250

Gentlemen:

Enclosed is a copy of the approved application for extension of time submitted in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to June 1, 1978.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 29, 1975

Re: Permit No. 29-7174

Gary L. Skeem, dba Retsel, Inc.
P. O. Box 291
McCammon, ID 83250

RECEIVED
FEB 5 1975
Department of Water Resources

Dear Mr. Skeem:

We acknowledge receipt of your letter dated January 23, 1975, in which you request an extension of time for the above referenced permit.

However, in order to process this extension request additional information is needed. Enclosed is an application for extension of time form which will give us this necessary information.

Please be advised that proof of beneficial use is not due for this permit until June 1, 1975, therefore, this extension application need not be submitted until shortly before that date.

If you have any questions concerning this matter, please contact us.

Sincerely,

D. Darlene Reich
D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

MICROFILMED

enclosed - Please note I have filed now rather than waiting until may, because things will be real busy in may I believe, and we may slip up and forget to take care of the matter. So I have gone ahead and completed it now. The delivery on the turbine equipment will probably not get here till about March or April, and it will not give us time, even if it were here now. - Thanks again
Darlene Reich

January 29, 1975

Re: Permit No. 29-7174

Gary L. Skeem, dba Retsel, Inc.
P. O. Box 291
McCammon, ID 83250

Dear Mr. Skeem:

We acknowledge receipt of your letter dated January 23, 1975, in which you request an extension of time for the above referenced permit.

However, in order to process this extension request additional information is needed. Enclosed is an application for extension of time form which will give us this necessary information.

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Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

MICROFILMED

Design -- Development
Manufacturing



Phone 208-254-3325

QUALITY PRODUCTS

McCammon, Idaho 83250

P. O. Box 291

Civil Security
Promotional Aids

JAN 1
Department of Water Resources

January 23, 1975

State Of Idaho
Department of Water Resources
State House
Boise, Idaho

Attention: R. Keith Higginson, Director

Dear Sir:

I need to request an ammendment to approved permit #29 7174, issued May 20, 1974, of ITEM #7-A.

It has become evident that we will not be able to complete our project in time for June 1, 1975 beneficial use clause of our permit, due to non-arrival of Turbine equipment, and excavation problems that were not evident at the time of application.

If possible we wish to extend the length of time for completion two or maybe 3 years.

Would you give me information as to how this could be accomplished?

Sincerely,

Gary L. Skeem
President,
Retsel Corporation

GLS/el

MICROFILMED



IDAHO

DEPARTMENT OF PUBLIC LANDS
BOISE, IDAHO 83707



GORDON C. TROMBLEY
COMMISSIONER

ADDRESS REPLY TO:

DEPARTMENT OF PUBLIC LANDS
EASTERN IDAHO AREA OFFICE
ROUTE 1, BOX 400 (BEECHES CORNER)
IDAHO FALLS, IDAHO 83401

May 6, 1974

RECEIVED

MAY 10 1974

Mr. Norman C. Young
Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Administration
Eastern District Office

Dear Norm:

Reference is made to your letter of May 2, 1974 concerning application for permit no. 29-7174 - Skeem.

In this application I doubt if this Department is involved. Though the Snake River and some of its tributaries are designated as navigable and the bed of the river owned by the State, the list provided us does not consider the Portneuf River as navigable.

We therefore would apparently have no say in this application.

Sincerely yours,

FOR THE COMMISSIONER

A handwritten signature in cursive script, reading "L. D. Benedick".

L. D. BENEDICK
Area Supervisor

LDB/ab

MICROFILMED

May 22, 1974

C
Re: Permit No. 29-7174

Gary L. Skeem & David M. Skeem
(DBA Retsel Inc.)
P.O. Box 291
McCannon, Idaho 83250

Gentlemen:

P
Enclosed is a copy of your approved Application for Permit No. 29-7174. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Y
Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

cc: Francis Potter
P.O. Box 263
Lava Hot Springs, Idaho
83246

29 7174

RECEIVED

MAY 14 1974

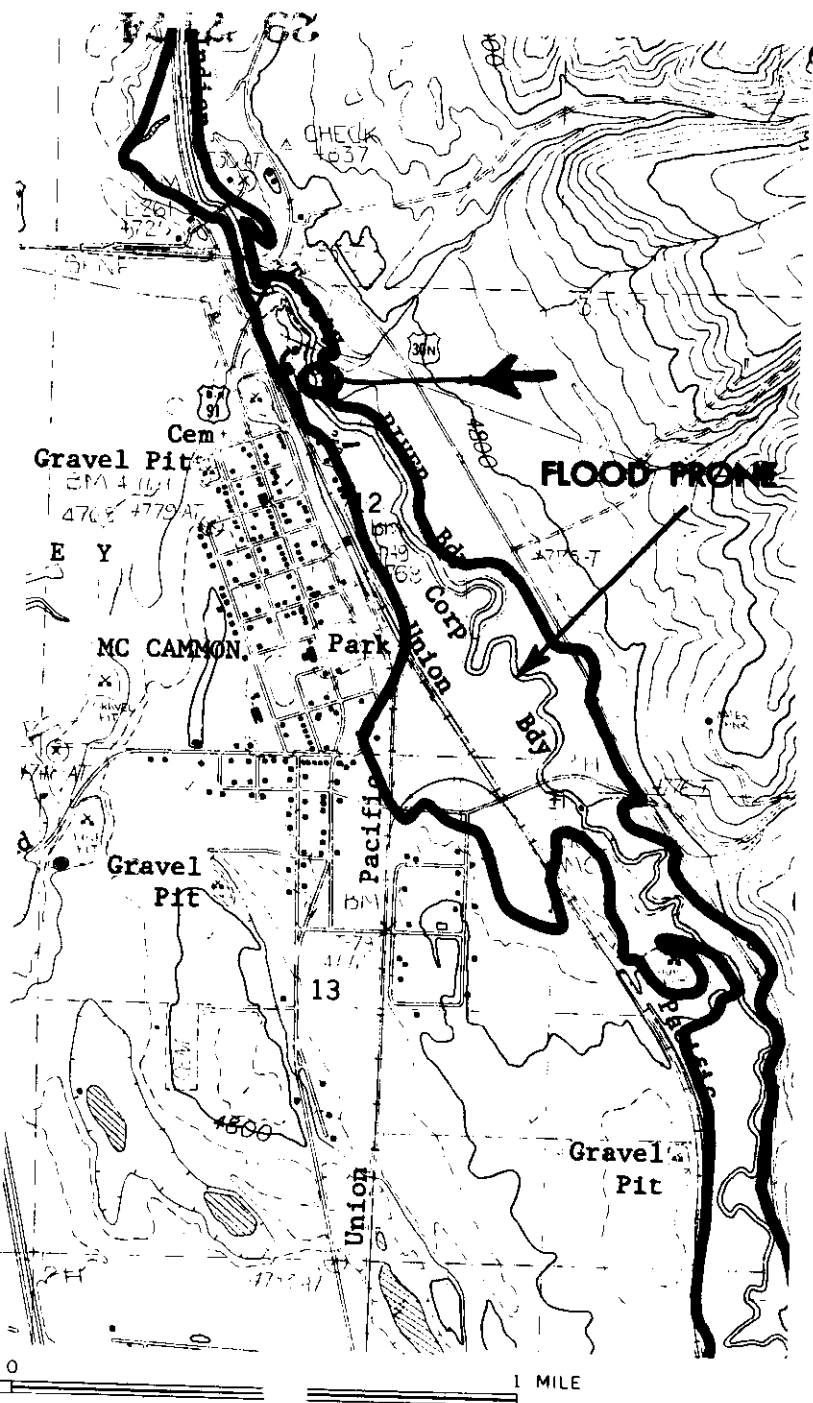
Department of Water Administration
Eastern District Office

WORK SCHEDULE

TURBINE PROJECT

Begin Excavation	--	June 15, 1974
Footings For Silo	--	June 25, 1974
Turbine Silo Complete	--	August 25, 1974
Generator House & Generators Installed	--	September 30, 1974
Turbine Installed (Pending Arrival of Equipment)		November 30, 1974
Entrance Runway & River Bank Excavation	--	February 25, 1975
Project Completed	--	March 15, 1975

23 7174



RECEIVED

MAY 14 1974

Department of Water Administration
Eastern District Office

NORTH ↑ E

PROPOSED PROJECT

Flow

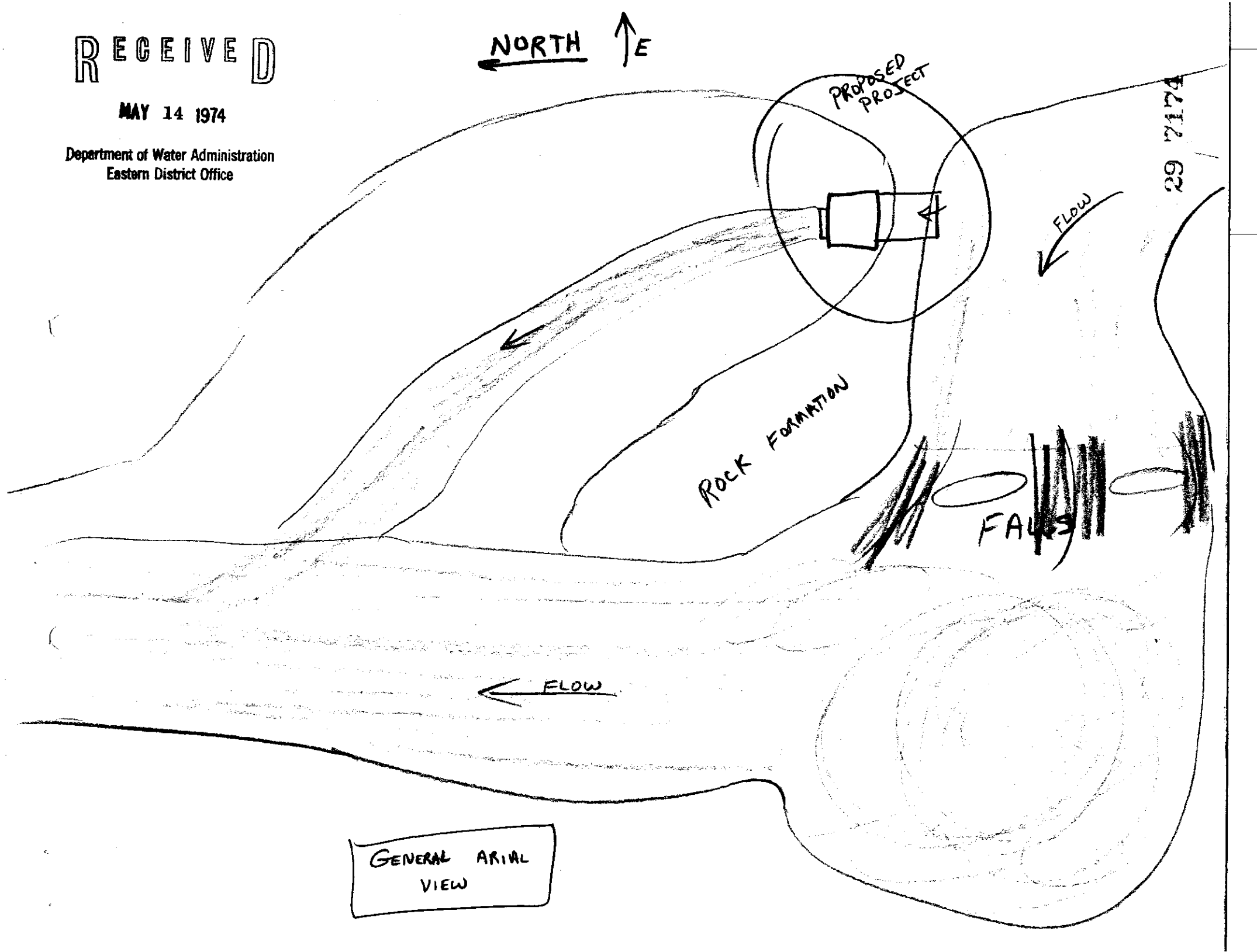
ROCK FORMATION

FALLS

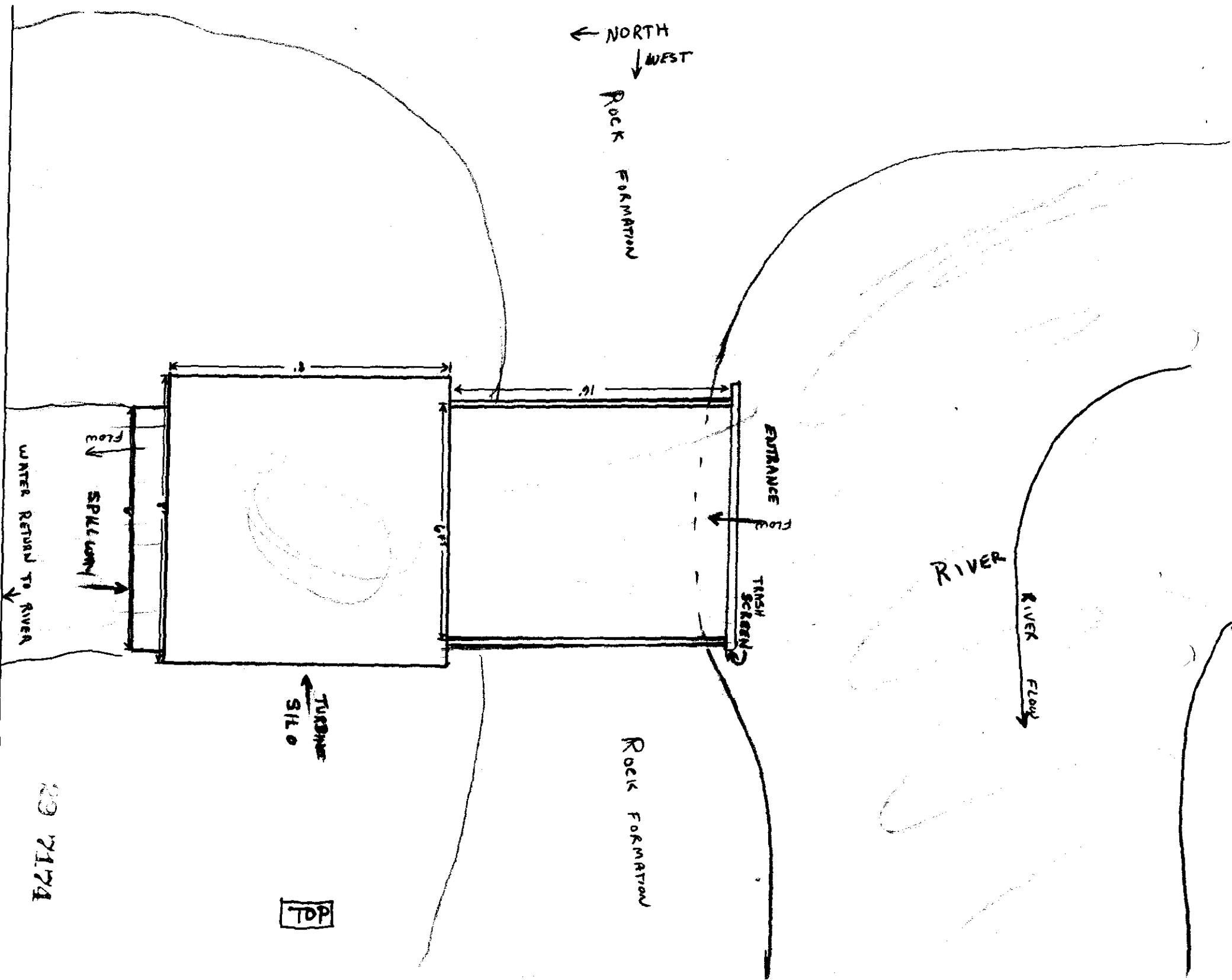
Flow

29 7174

GENERAL ARIAL
VIEW



← NORTH
↓ WEST
Rock FORMATION



TURBINE
SITE →

TOP

Rock FORMATION

RIVER

RIVER FLOW →

ENTRANCE

TINEH
SCREEN

Flow

6 ft

16'

6'

Flow

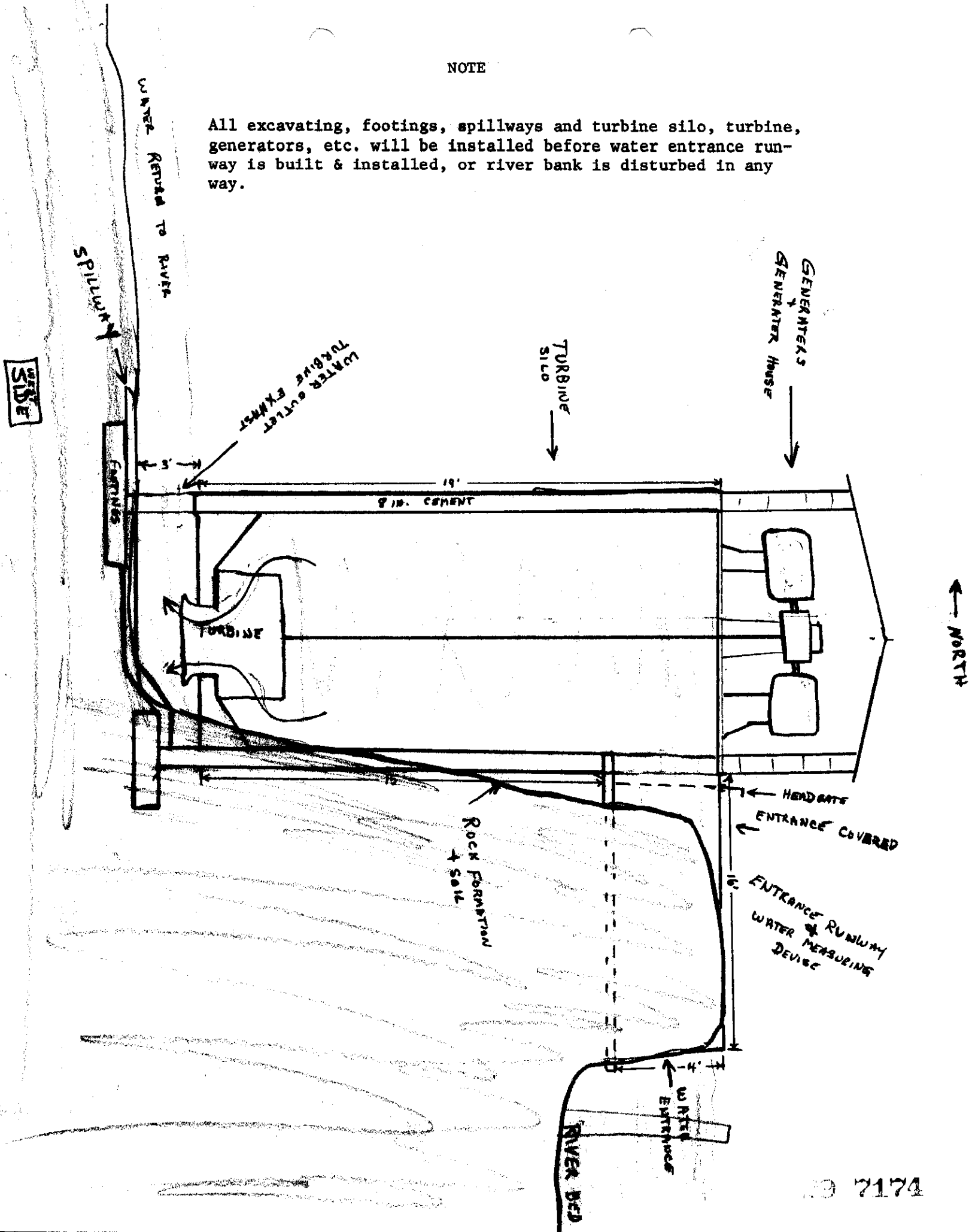
SPILLWAY

WATER RETURN TO RIVER ↓

20 7174

NOTE

All excavating, footings, spillways and turbine silo, turbine, generators, etc. will be installed before water entrance runway is built & installed, or river bank is disturbed in any way.



FINANCIAL STATEMENT —

RETSEL CORP.

Period Ending 4-27-74

ASSETS	AMOUNT	LIABILITIES	AMOUNT
CURRENT:		CURRENT: (Payable within one year)	
Cash on hand	237 76	Notes payable Idaho First	16,102 71
Cash in Idaho First National Bank	695 58	Notes payable to other banks	
Cash in other banks	411 77	Notes payable to others	
Notes and contracts receivable (Amount due within one year)			
Accounts receivable	2221 34	Due to relatives	
Inventory	130,222 12	Accounts payable	32,432 92
Stocks and bonds — listed		Contract purchases and chattel mortgages	
Cash value life insurance		Real estate mortgages and contracts	
TOTAL CURRENT ASSETS	133,788 58	Loans against life insurance policies	
NON-CURRENT:		Accrued taxes and assessments	2422 86
Stocks and bonds—unlisted		TOTAL CURRENT LIABILITIES	45,958 49
Real estate and buildings	30,255 55	NON-CURRENT: (Payable after one year)	
Machinery and equipment	10,183 48	Real estate mortgages and contracts	11,699 31
Furniture, fixtures	2453 09	Other liabilities (describe)	
Automobiles and trucks	7407 39		
Notes and contracts receivable (Amount due after one year)		Common Stock	2000 00
Other assets (describe)		Retained Earnings	120,822 18
LESS: Accumulated Depreciation on above Assets	3608 11	Total Liabilities	
TOTAL ASSETS	180,479 98	Net Worth	122,822 18
		TOTAL LIABILITIES AND NET WORTH	180,479 98

May 3, 1974

RE: Application for Permit No. 29-7174

Mr. Gary L. Skeem &
Mr. David M. Skeem
P.O. Box 291
McCammon, Idaho 83250

Gentlemen:

As we indicated at the conference of May 1, 1974, it is necessary, when an application involves more than 25 c.f.s. of water, to submit engineering drawings, proposed work schedules, and a financial statement. Final action on your application is being delayed pending receipt of these documents.

This application will be sent to Boise for final action as soon as this information is received.

Very truly yours,

RONALD D. CARLSON
Assistant to the
District Engineer

RDC:cb

29 7174

M E M O R A N D U M

RE: Application No. 29-7174

A conference was held to consider protest against approval of this application for permit in Pocatello, Idaho on May 1, 1974.

The applicants, David M. Skeem and Gary L. Skeem, were present and represented themselves. Lewis Goodenough Ditch was represented by Robert J. Larsen, Leo E. Bullock, and Bud Bronson.

The protestants indicated that their concern was that in exercising their prior rights to divert water just upstream from the diversion proposed in the application they would be legally responsible for any damage to the power turbine if they were to dry up the stream.

The applicants indicated that they recognized the protestants' right to completely block the stream, and would not hold them responsible. This comment was added to the remarks and signed by the applicants. Following this action, the protestants agreed to withdraw their protest.

May 2, 1974

NCY

NORMAN C. YOUNG
District Engineer

29 7174

State of Idaho
Department of Water Administration

April 4, 1974
RECEIVED

APR 3 1974

Department of Water Administration
Eastern District Office

Mr. Ronald E. Carlson:

In regard to the issuance of application for water by Gary L. and David M. Skum (dba Retail Inc.) the Lewis-Goodenough Ditch Co. wishes a hearing. We feel we have just cause for this hearing under Idaho code 1 and 2.

Sincerely,
Robert J. Larsen
Representative of Lewis-Goodenough Ditch

Robert J. Larsen
Rt. 1 Box 132
McCammou, Ida 83280



State of Idaho
Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

29 7174

Mar 23, 1974

Idaho Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

Mar 23, 1974

Mr. R Keith Longgans:

Department of Water Administration
Eastern District Office

On behalf of the Lewis Goodenough Ditch Co, we
wish to protest the granting of a permit to Gary L &
David M. Skeem, dba Retail Inc of McCammon, Idaho
for the use of 27.0 cubic feet per second of water from the
Portneuf River. During the migrating season there is not
this much water in the Portneuf River below the head
of the Lewis Goodenough Ditch

Sincerely,

Robert E. Larsen

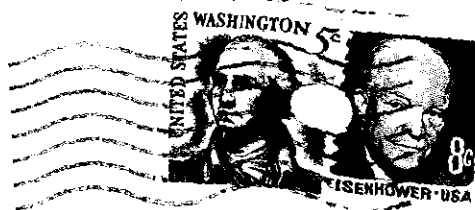
Representative of the Lewis
Goodenough Ditch Co

Rt. 1 Box 132

McCammon Idaho 83255

7171

Robert G. March
Rt. 1, Box 132
Mc Cammon, Idaho 83250



813 MAR 10

Idaho Department of Water Administration
1515 Lincoln Rd
Idaho Falls, Idaho 83401

29 7174

May 2, 1974

RE: Application for Permit No. 29-7174 - Skeem

Mr. Lew Benedict
Department of Public Lands
Box 400
Beeches Corner
Idaho Falls, Idaho 83401

Dear Lew:

Enclosed please find the above referenced application for your comments. This is one that has been laying around for awhile, and we will be taking action on it in the near future.

The applicant indicated concern that the point of diversion might be on a portion of the river bed owned by the state.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:CB

Enclosure

29 7174

WITHDRAWAL OF PROTEST TO 29.7174

WE AS REPRESENTATIVES OF THE
LEWIS-GOODENOUGH DITCH CO. HEREBY
AGREE TO WITHDRAW OUR PROTEST
AGAINST APPLICATION FOR PERMIT
NO. 29 7174 SUBMITTED IN THE NAME(S)
OF GARY L. SKEEM & DAVID M. SKEEM
UNDER THE PROVISIONS THAT:

1. THEIR DEVELOPMENT DOES NOT
INTERFERE WITH OUR VALID PRIOR
WATER RIGHTS,

2. THE LEWIS-GOODENOUGH DITCH
COMPANY IS NOT HELD RESPONSIBLE
BY THE APPLICANT(S) FOR DAMAGE THAT
MAY RESULT TO THEIR TURBINE AND
RELATED MACHINERY DUE TO STOPPAGE
OF FLOWS IN THE RIVER RESULTING
FROM SAID COMPANY DIVERTING
WATER UNDER THESE RIGHTS.

PROTESTANTS

/

APPLICANTS

AGREED TO AND SIGNED _____

Robert J. Janson
Leo E. Bullock
Paul Branson

29 7174

29-7174 - Gary L. & David M. Skeem (dba Retsel Inc.)

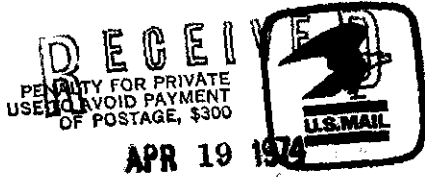
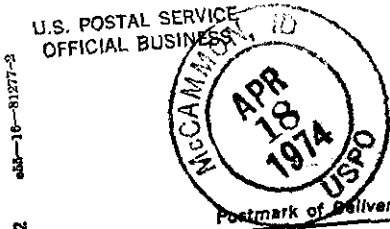
Conference Room, Bannock County, Pocatello, Idaho

May 1, 1974 - 10:30 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
Robert Jensen	McCammon	
Leo E Bullock	McCammon	
Dan Cammon	McCammon	
David M. Skeem	McCammon	
Gary L. Skeem	McCammon	

29-7174



Postmark of Delivering Office Department of Water Administration
Eastern District Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

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IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
1515 LINCOLN RD.
IDAHO FALLS, IDAHO 83401

29 7174

PS Form 3811 Sep. 1972

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CERTIFIED NO.

327

1

X Wynna Larsen

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

4-18-74

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3

29 7174

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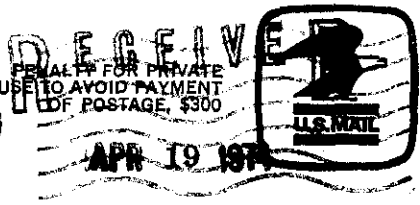
RECEIPT

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REGISTERED NO.	1 2 3	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 326		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
INSURED NO.		
DATE DELIVERED 4-18-44		SHOW WHERE DELIVERED (Only if requested, and include ZIP Code) 29 7174

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Department of Water Administration
Eastern District Office

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IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
1515 LINCOLN RD.
IDAHO FALLS, IDAHO 83401

29 7174

PS Form 3811 Sep. 1972

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APR 19 1974



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EASTERN DISTRICT OFFICE
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IDAHO FALLS, IDAHO 83401

29 7174

PS Form 3811 Sep. 1972 e65-10-81277-2

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RECEIPT

Received the numbered article described below

REGISTERED NO.	1 2 3	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 325		<i>David M. Sheen</i>
INSURED NO.		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
DATE DELIVERED 4-18-74	8	SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
		29 7154

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 29-7174)
in the name of GARY L. SKEEM & DAVID M.)
SKEEM (DBA Retsel, Inc.))
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

On February 27, 1974, Gary L. Skeem, President of Retsel, Inc. filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On March 27, 1974, the Department received a protest against approval of said application from Robert J. Larsen, Representative of the Lewis-Good-enough Ditch Co.

The Department has set the matter of protest for conference and/or hearing for Wednesday, May 1, 1974, at 10:30 a.m., in the conference room of the Bannock County Courthouse, Pocatello, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 17th day of April, 1974.



RONALD D. CARLSON

Asst. to the District Engineer

20 May 1974

DEPARTMENT OF WATER ADMINISTRATION

DISTRICT OFFICE

COLN RD.

ALLS, IDAHO 83401

NAME AND
ADDRESS
OF SENDER

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
C.O.D.

☒ CERTIFIED

Affix stamp here if issued as certified mail for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT



NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS
1	David M. Skum, Retail Inc P.O. Box 291, McCammon	10	30	15				29-7174
2	Darryl Skum, Retail Inc P.O. Box 291, McCammon	10	30	15				"
3	Robert J. Larson, Pipe Lines - Lardanough Photo Co.	10	30	15				"
4	Route #1 Box 132, McCammon, ID							
5								
6								
7								
8								
9								
10								
11								
12								
13	Now-Certified Francis Patten							
14								
15								
16	Sent by certified mail							
17	4/17/74 MB							
18								
19								
20								

TOTAL NO. OF
LISTED BY S:

POD Form 36

3

TOTAL NO. OF
PIECES REC'D AT P.O. *Three*

POSTMASTER, PER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or
if international

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

7412 62

April 17, 1974

C

O

Bannock County Courthouse
Clerk of the District Court
Pocatello, Idaho 83201

Dear Sir:

P

This is to confirm the use of the conference room for a conference and/or hearing to be held by this office on Wednesday, May 1, 1974, at 10:30 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

Y

RONALD D. CARLSON
Asst. to the District Engineer

RDC:MB

23 7174

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Paul D. Andrus
Governor
Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186
April 8, 1974

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

Gary L. & David M. Skeem
P. O. Box 291
McCammon, ID 83250

Re: Application for Permit No. 29-7174

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 29-7174. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

For Norman C. Young
District Engineer

NCY: mh

Enc: Copy of Protest(s)

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186
April 8, 1974

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

Mr. Robert J. Larsen
Representative of the Lewis-
Goodenough Water Company
Rt. #1, McGannon, ID 83250
Re: Application No. 29-7174

Dear Mr. Larsen:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

For Norman C. Young
District Engineer

NCY: mb

29-7174

April 1, 1974

Re: Application for Permit No. 29-7174 SKEEM

Mr. Robert J. Larsen
Representative of the Lewis-
Goodenough Water Company
Route #1, Box 132
McCammon, Idaho 83250

Dear Mr. Larsen:

This Department is in receipt of your protest against the issuance of the above referenced application in the name of Gary L. & David M. Skeem (dba Retsel Inc.). If you wish, the Department will set a hearing to resolve your protest. However, because your protest was received after the 10 day protest period, the timeliness must be considered by the Department in arbitrating this dispute. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

All permits for surface water rights issued by this office are subject to all prior water rights and will be under the control of a watermaster. A permit for a water right does not in any way convey or establish a right-of-way over private or governmental lands.

If you do not feel that your prior rights can be protected under the conditions posed by this proposed power generation project, the Department will set a conference and/or hearing to hear your objections. However, if you feel that your prior rights can be adequately protected by the watermaster, a letter to us withdrawing your protest will be necessary.

29 7174

Page 2

Robert J. Larsen

Please contact this office by letter as soon as possible and indicate whether you want to withdraw your protest or request a conference and/or hearing. If you need any further information, please feel free to contact us.

Very truly yours,

C

RONALD D. CARLSON
Asst. to the District Engineer

O

RDC:mb
cc: Gary L & David M. Skeem

P

Y

29 7174

INTER-DEPARTMENT MEMO — 1

DATE March 25, 1974

RECEIVED

MAR 25 1974

Department of Water Administration

To:
FROM Norm

TO Bob Fleenor

SUBJECT Application for Permit No. 29-7174

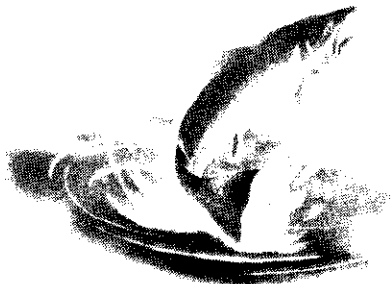
I failed to: (1) Get a financial statement from Retsel, Inc.
(2) Engineering details were not obtained.

I felt from the description given in Item 6a and from the pre-permit exam that these were not necessary, but will obtain them if you wish.

NCY

SIGNATURE

29 7174



CECIL D. ANDRUS, Governor
COMMISSION
ROBERT G. THOMAS, Coeur d'Alene
PAUL C. KEETON, Lewiston
JOHN EATON, Cascade
JACK HEMINGWAY, Sun Valley
H. JACK ALVORD, Pocatello

IDAHO FISH AND GAME DEPARTMENT

March 15, 1974

JOSEPH C. GREENLEY
Director

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83707

RECEIVED

MAR 20 1974

Department of Water Administration
Eastern District Office

Mr. Norm Young, District Engineer
Idaho Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Young:

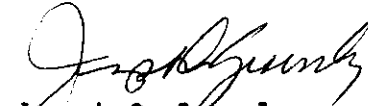
Re: Application to Appropriate Water
Permit #29-7174, Skeen

We have reviewed this application and feel it will have no harmful effects on fish and/or wildlife.

We appreciate the opportunity to comment on this subject.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT


Joseph C. Greenley
Director

29 7174

M E M O R A N D U M

TO: File

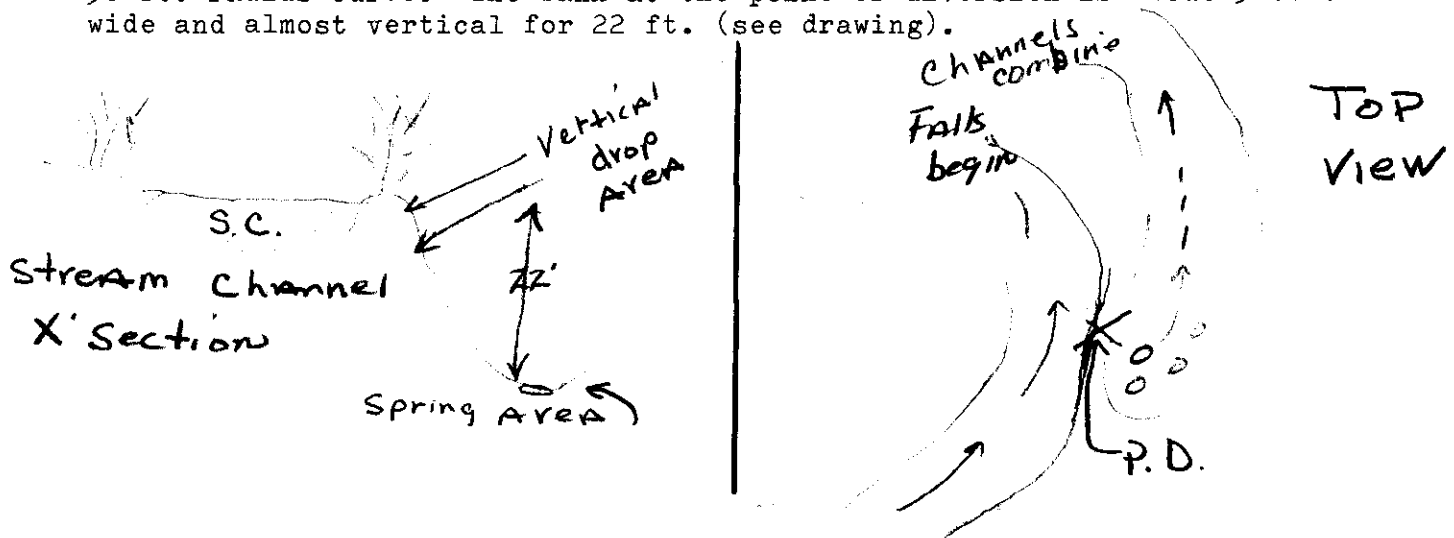
FROM: Bill Rhoads

RE: Per-Permit Exam on 29-7174

DATE: March 11, 1974

Mr. Skeem proposes to divert water through a flume, collected as it falls into a vertically placed concrete silo, so that it will pass through the blades of an electric turbine.

The Portneuf River at the point of diversion is on the outside of a 50 ft. radius curve. The bank at the point of diversion is about 5 to 6 ft. wide and almost vertical for 22 ft. (see drawing).



Snow covered the alteration site at the time of inspection and I can not answer the questions as to the type of substrate making up the stream bank and vertical drop area. If the placement and foundation for the flume are not compatible with the stream bank, erosion may occur and wash out the diversion structure, and permanently split the Portneuf River at this location.

29 7174

Bill
BILL

XXXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

March 4, 1974

C Re: Application for Permit No. 29-7174 SKEEM

C Mr. Ted Biladeau
Engineering Division
Idaho Dept. of Fish & Game
600 South Walnut
Boise, Idaho 83720

Dear Mr. Biladeau:

P We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our Department as soon as possible. The last day of protest is March 25, 1974, and we are required to take final action shortly thereafter.

If we may be of further assistance, please contact us.

Y Very truly yours,

RONALD D. CARLSON
Asst. to the District Engineer

RDC:MB

Enclosure

29 7174

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

March 4, 1974

C Re: Application for Permit No. 29-7174 SKEEM

C Mr. Shirl C. Boyce, Jr.
Idaho State Planning & Community Affairs Agency
Box 73, Regional Office
Idaho State University
Pocatello, Idaho 83201

Dear Mr. Boyce:

P We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our Department as soon as possible. The last day of protest is March 25, 1974, and we are required to take final action shortly thereafter.

If we may be of further assistance, please contact us.

V Very truly yours,

RONALD D. CARLSON
Asst. to the District Engineer

RDC:MB

Enclosure

29 7174

XXXXXXXXXXXXXXXXXXXX 1515 Lincoln Road

March 1, 1974

Re: Application for Permit No. 29-7174 SKEEM

Idaho State Journal
Box 431
Pocatello, ID 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 3-15-74 by NB

NCY:MB

Enc: Legal Notice (1)

29 7174

MB
NOTICE OF ALLOCATION
FOR WATER PERMIT
Notice is hereby given that
Gary L. & David M. Skeem,
dba Retzel Inc., P.O. Box 291,
McCammon, Idaho have on
2/27/74 submitted Application
No. 29-7174 for a permit to ap-
propriate 27.0 cubic feet per
second of water from Portneuf
River tributary of Snake River
by means of headgate and open
channel within the NW1/4NE1/4,
Sec. 12, T. 9S, R. 36E, B.M.,
Bannock County; to be returned
to the Portneuf River at a point
in NW1/4NE1/4, Sec. 12, T. 9S,
R. 36E, B.M. to be used from
Jan. 1 to Dec. 31 for electrical
power generation within the
NE1/4NW1/4, NW1/4NE1/4,
Sec. 12, T. 9S, R. 36E, B.M.
If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with the
Idaho Department of Water Ad-
ministration, 1315 Lincoln Road,
Idaho Falls, Idaho, 83401 on or
before March 25, 1974.
R. KEITH HIGGINSON
Director
March 7, 14, 1974
No. 126

29
7174

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that ~~Gary L. & David M. Skeem, dba Retool Inc.,~~

~~P. O. Box 291, McGannon, Idaho~~

have ~~XXXX~~ has on ~~2/27/74~~ submitted Application No. ~~29-7174~~

for a permit to appropriate ~~27.0~~ cubic feet per second ~~acre feet per annum~~

of water from ~~Portneuf River tributary of Snake River~~

by means of ~~headgate and open channel~~

within the ~~NW1/4, Sec. 12, T. 9S, R. 36E, B.M. Bannock County;~~

~~to be returned to the Portneuf River at a point in NW1/4, Sec. 12, T. 9S, R.~~

~~36E, B.M.~~

to be used from ~~Jan. 1 to Dec. 31~~

for ~~electrical power generation~~

within the ~~NW1/4, NW1/4, Sec. 12, T. 9S, R. 36E, B.M.~~

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before ~~March 25, 1974.~~

R. KEITH HIGGINSON

Director

Published in the ~~Idaho State Journal, Pocatello, Idaho~~

on ~~March 7~~ and ~~March 14, 1974.~~

CB-2
CB-4
5-A

29 7174