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MAY 02 2005

Department of Water Resources

May 30, 2005

Shelley,

Enclosed you will find the pictures on the pump area and the flow of the river. I am looking for some pictures that I have from two years ago which will show the flow of the river during the slow season. I will get them to you as soon as I find them.

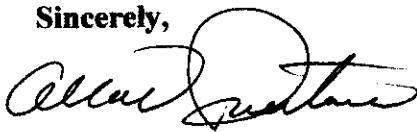
Below is a crude drawing of how the river flows thru this area. It actually was flowing in a lazy S pattern and the erosion during the flood would cause it to Push into the holding area to the east. Thus, a secondary channel was set up to travel to west to cover the overflow during high water.

The original river bed that passes by the water pump is lower than the secondary bed to the west. Thus, in average conditions the majority of the water flows down the river bed and over the collection area while overflow goes down the secondary flow area.

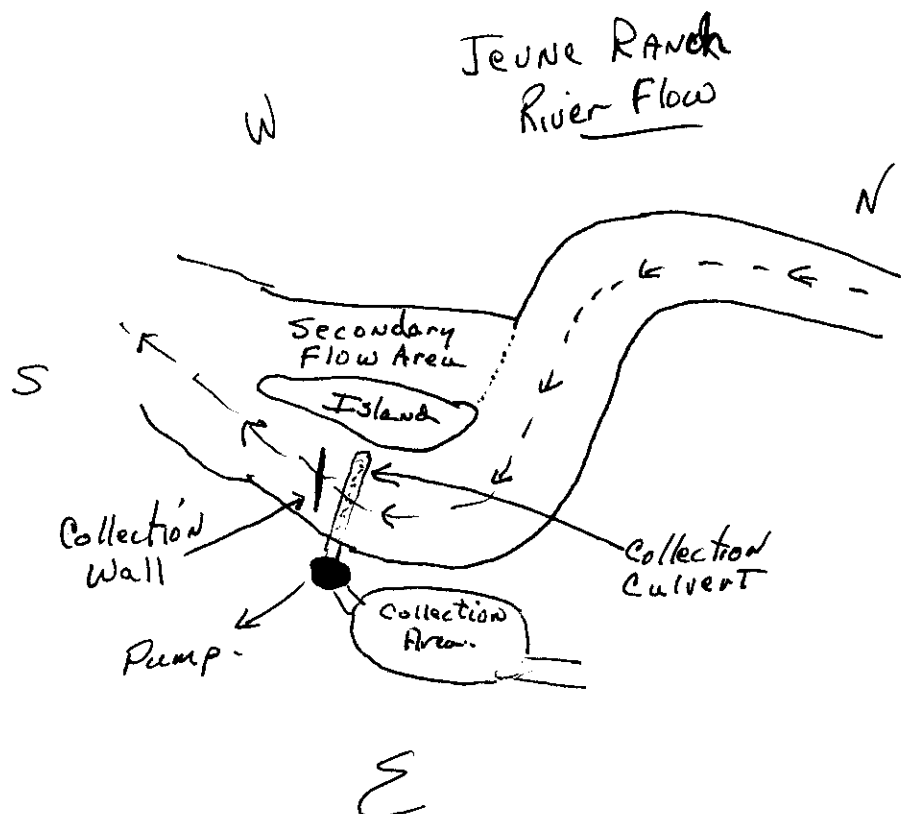
I left the maps and other materials at the ranch and will get them to you as soon as I get down to the ranch. I would really like to speak with Mr. Stanton at some time in the future if you would allow me to do so.

I will be in contact with you soon and if you have any questions, please contact me.

Sincerely,



Allan Smetana
707 Nottingham Cir #2
Billings, Mt. 59105
406-248-9373



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JUN 02 2005

Department of Water Resources

May 28, 2005

**Mr. Shelley Keen
Water Rights Supervisor
Department of Water Resources
State Of Idaho
Box 83720
Boise, Id 83720**

Dear Mr. Keen,

Enclosed you will find some of the documentation that will be necessary for the adjudication of the water rights claim for the Jevne Ranch.

I am enclosing pictures of the pump area in question. One of the major documents that I have reviewed included a note from Jim Stanton on January 26, 1999, in which he refers to a conversation with water master Bob Simpson about the river channel. I have been on the ranch every summer since 1994 and at different times have been the substitute irrigator during the season. I have always been there in April and May of each year helping set up the system as well as closing it down in the fall.

I take exception to Mr. Simpson's statement about the river channel. The flow of the river has been directly over the pump collection area every year. Had Mr. Stanton driven out view the site, he would have seen that the information he received was incorrect. I am enclosing documentation from three independent observers attesting to this as well as pictures of the water flow this year.

I have also reviewed the letter of July 16, 1998, from Mr. Stanton to Ms Jevne. In that letter he quotes Mr. Simpson as stating that the pump was removed in 1997 and that the water right was almost never available for delivery. As with the previous citation from Mr. Stanton, had he visited the site he would have seen that the pump was on site untill 2002. We can present electrical statements that show the power usage from that meter from 1995 through 2002. They will prove that Mr. Stanton received incorrect Information.

The pump on that site was removed in 1997 during the spring flood and was put back in the same site after the flood waters subsided. The ranch has pumped from that site until the summer of 2003 when it was moved to the west canal. The electrical hookup, including the meter, were left intact. Individuals were contacted to replace the pump as indicated in the letters from Mr. Parke and Mr. Hyde. You will see the electrical pole and meter in the pictures as well as the top of the pipe and gauges.

It seems to me that after reviewing written data from Mr. Stanton concerning the pump site, he has gotten all of his information from one source. I have spoken with Mr. Simpson almost every summer since 1995 and a number of these times we were standing at the pump site as water was flowing across the collection area. Probably the person who could shed the most light on this situation would be Buster Peterson. A copy of a conversation with him is enclosed and I know that he certainly would lift the cloud of miss-understanding created by Mr. Simpson. In addition, Buster has worked on the pump site area in the past five years and replaced some main line pipe located in the river bed about 100 feet from the pump site.

I also know that each year Mr. Simpson would stop at the ranch to tell us that we had come to the end of our water rights for the year. From 1994 through 2002, this occurred about the seventh of August and we would shut down the irrigation process within a week. So, we generally had used up our water rights about the 20th of August according to Mr. Simpson.

We moved the pump in 2002 during the drought and also added the pivot system to the big field. The pivot would be more efficient for us and we should have more water. But, that was not the case. The annual notice from Mr. Simpson came a bit earlier. The first of August each of the last two years, Mr. Simpson informed Ms Jevne that she had used up her allocation. Ms Jevne would purchase water from another rancher and we would irrigate for another week. But after moving the pump two years ago we were out of our allocation a week to ten days earlier than in the past.

I reach only one conclusion from this. The collection system in the river was working and it did supplement our water supply.

We have been limited in the amount of acreage that we could irrigate these past years, especially the past two years. Our attempt to find a pump system for the river collection system is on-going. We expect to enhance the current system and provide for the irrigation of the lower parts of the property as shown on the original maps of the application.

I am enclosing the pictures, personal statements, other pertinent information to justify the dismissal of the procedures instituted by your agency. I would be happy to meet with you to interpret the pictures and answer any of your questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allan Smetana".

Allan Smetana

To whom it may concern:

On May 22, 2005, I spoke with Buster Peterson of Carey, Id. Buster has lived in the Little Wood Valley all of his life. Buster is seventy years old and has worked on irrigation systems up and down the valley. He is the resident expert on the Little Wood River Irrigation systems for most of the ranches from the diversion to Carey.

The following is a narrative of my conversation with Buster concerning the irrigation system on the Jevne ranch.

Question: Buster, what was your involvement with the irrigation system on the Jevne Ranch?

Buster: I put the original system into the ranch back in about 1984. I was working for Silver Spring Irrigation of Picabo at that time.

Question: Tell me about the setup and the reasons behind that type of setup on the original pumping system adjacent to the river bed.

Buster: Crae Meachum was not getting enough water from the original system to irrigate the property to the west of the pump. I put in the system to expand his water draw. We had a holding pond with a culvert collection system and we also put a culvert collection system into the river bed. In addition, we constructed a wall in the river bed to help with the water collection. The system would collect sub-water for irrigation.

Question: There is a question as to whether the pump system is actually getting water from the river, what do you think about that?

Buster: There has always been sub-terrain water going into the system. The water flows under the surface almost all summer. As far as I can remember, the sub water is there every year except for a couple of years where the drought has slowed the flow later in the summer.

Question: The Water Board has also been told that the river changed course in 1997 and flows a different direction and not over the pumping site.

Buster: (Laughing) Well, they sure must not have been out to see the pump. It sure looks to me like there is water going over the site!

They went into the river years ago and dug around in that area to give the river an overflow channel beside the pump area. But, the main flow of the river is over the pump area with excess water going into the overflow area. This overflow usually only occurs during very high water.

Question: Do you feel that the pump was drawing water from the river since you put the pump system in.

Buster: As I said before, the sub water has always been there and is pumped out through the collection system under the ground in the river. That system was working until the pump was moved two summers ago.

Question: Would you mind if the someone from the State Board would call you to review what we have just talked about?

Buster: They can call me anytime and I will tell them what I know.

The conversation was spiked with a lot of history of the water systems on the Jevne ranch as well as water flow down the river. Of course, with the flooding on the river at the current time, Buster talked about the comparisons of water flow this year with the history of the valley. Buster still works on irrigation systems in the valley including this past Saturday when he was running a bull dozer on property adjacent to the Jevne Ranch. He was working on dikes and canals moving dirt.

Buster is a very knowledgeable gentleman who can provide an accurate and true history of the water situation in the Little Wood system over the past 50 years. He is a true resource of information. You may contact him at his home in the evenings or early mornings.

**Buster Peterson
194 Littlewood Reservoir Rd
Carey, ID 83320
208-823-4413**

Respectfully submitted:

**Allan Smetana
May 23, 2005**



May 20, 2005

To Whom It May Concern:

I live in Carey, ID. and operate my own excavation business. I am an independent contractor and have been hired by the irrigation district for jobs on the irrigation canals each year. In addition to this, I run a backhoe, front end loader, and other earth moving equipment

I have worked on numerous jobs on the Jevne Ranch and am very familiar with the ranch and its water system. It has been brought to my attention that the water board was notified that the east pumping site on the ranch has been abandoned for many years and that the course of the river has changed so that no water flows to the collection point.

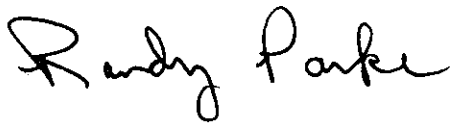
I have been on the ranch every year for the past ten to fifteen years and I would like to clarify some issues that have been brought up as I have personally observed them.

The flow down the river has been unchanged for many years including this year. I was on the ranch about the first week of April and was unable to cross the river at a site about a couple hundred yards down stream from the pump site. The water was flowing over the site of the collection culvert at that time and has been flowing over this site almost every year into the month of July for many years.

I have been working with Allan Smetana of the Jevne Ranch the past year to set up a better collection system at the site. I removed the original culvert collection system from the river in 2002 and we were going to put it back in this spring. Unfortunately, the river flow over the site was early and we are currently in flood status.

So, I can state that the site was not abandoned and water flows over the collection site.

Sincerely

A handwritten signature in black ink that reads "Randy Parker". The signature is written in a cursive, flowing style.

Randy Park
Carey, Id
823-4575

May 20, 2005

To whom it may concern:

I am the manager of Rancher's Supply of Picabo, ID. Rancher's Supply sells all forms of irrigation supplies and equipment. I sell and supervise the work of installing most of the irrigation materials we sell.

I installed a pivot system on the Jevne Ranch three years ago and moved the pump system that is in question to a site along the west irrigation canal. The original site in question was supplied with water from the east canal system to a holding area adjacent to the river bed and the pump site.

I would like to clarify some of the items in question concerning the flow of water to the site from the river. The old site had a holding pond with water coming from the east canal and also had a drain field that led into the river bed. The plume was in the form of a twenty-four inch perforated culvert that stretched across the river bed for about twenty four feet. This culvert has been in place for many years and was removed in 2002 when we started to experience a back flow from the pump. That summer the culvert was pulled out and the following spring I moved the pump to the west canal.

Since that time, I have been in consultation with Ms Jevne and Mr. Smetana concerning the replacement of the system at that site. I have met with Mr. Smetana at the old pump site on the ranch last summer and again this spring. I am in the process of gathering the necessary equipment and parts to restart the pumping system on that site. The electrical setup was not taken out and all of the other materials at the site were left in place so that we could replace the pump. As I understand it and based on the discussions that I have had at the Jevne Ranch, the site has not been abandoned.

In addition, there is some question as to the river changing course and the site not having water to pump. I was on the site this past April and observed water flowing thru the site to a depth of 2-4 feet deep. I also know that water flowed over the site the past two summers through late July of each year. So, information about a change in the course of the river and no water flow over the pump area is incorrect.

If you have any further questions, please feel free to contact me.

Thank you,



Kelly
Ranchers Supply
Picabo, ID
788-3539

Explanation of photo shots of pump area:

1. Photograph of pump area (2 pictures together)

Picture taken from east side of river-- camera pointed west-north-west

- A. River flows from the north at point A on the map. River turns east at about an 80 degree turn and runs east-southeast. It travels for about fifty yards and then bends to the southeast passing by the pump area.
(dotted black line)*
- B. Upper housing of main line with shut off valve. Pump was located at approximate area of X*
- C. Electrical pole with wires still attached. Includes Idaho Power electrical meter still there.*
- D. Upper level wires coming from Idaho power poles to the east still attached and still connected to the meter.*
- E. Island in middle of river which separates normal river channel from over-flow channel that was put in after 1997 flood.*

2. Photograph of pump area- expanded (4 pictures put together)

- A. River flowing into area as shown in photo 1*
- B. This was the upper level collection area- flooding river is flowing into this area*
- C. Main line valve around pump area.*
- D. Electrical area*
- E. island in middle*
- F. Approximate location of six foot deep retaining wall in river bed*
- G. Approximate placement of the perforated culvert placed in the river just upstream from the retaining wall.*

Circled X is approximate location of pump



