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DEPARTMENT OF
WATER RESOURCES

June 28, 2005

Mrs. Jennie Lou Winter
Transmitted via e-mail: gmoontree@allidaho.com

Re: e-mail correspondence to Judge Melanson

Dear Mrs. Winter,

The SRBA Court is in receipt of the two e-mails that you transmitted to Judge Melanson on June 27, 2005, regarding water right claim 29-13667 and subcases 29-4491 and 29-13557. Please understand that even though the objection period is still running for 29-13667 and subcases 29-13667 and 29-4491 are currently pending before Special Master Bilyeu, cannons of judicial ethics, as well as fundamental concepts of fairness, prohibit Judge Melanson from receiving any *ex parte* communications on a pending matter from parties to the SRBA.

All matters sought to be brought before the Judge must be according to the SRBA Procedural Rules and/or the Idaho Rules of Civil Procedure. I also note that you are presently represented by counsel and as such, all matters pertaining to these subcases must be addressed to the Court or Special Master through your counsel.

Your future cooperation in this matter is greatly appreciated.

/ss/

Eric J. Wildman
Staff Attorney for the
Snake River Basin Adjudication

Enc
CC (hardcopies): certificate of service
files for SRBA subcases
Special Master Bilyeu

From "gene winter" <gmoontree@allidaho.com>
Subject Domestic Claim #13667
Date Mon, June 27, 2005 3:07 pm
To john.melanson@co.minidoka.id.us

Dear Judge Melanson,

I am writing to ask you about my domestic claim #13667 for which I filed in 2003. It seems to be taking much longer than I expected to get a decree. I was under the impression that it was not required that I file; however, my attorney advised me to do so at the time. I just spoke with Ernest Carlson who recommended the claim after a visit?!! I could never get them to visit the Harrison Moon's claim against my irrigation water which was totally illegal when it was filed and still is, yet he visits a small domestic claim that runs less than nine gallons per minute? Why is it also important that I be so closely regulated yet the guy who makes all the trouble for me was never investigated for anything. Even though I told the IDWR at the outset that his claim was illegal they recommended it.. Water has not only never been used on his place, but is still not in use. Is Claim #13667 tied to Claim # 04491? If so and he files an objection do I have a right to file an objection to his bogus original claim?

In any case, I visited with Ernest Carlson this morning and he did not know if Mr. Harrison Moon had filed an objection. I see that he inquired as to the deadline in a memo filed in April. Mr. Carlson said that he did not know of an objection "but there was something. . ." He then said to contact the SRBA court about the case. Is there "something" that is a problem with my little spring? This is the water that made me what I am today. I grew up in the house where it is in use, at least the only remaining portion of it. We had to tear down the log part because children had severely vandalized the house in 1993 after the renters moved out and the weather had taken a high toll. The spring is in use at the remaining portion of the old home, however just as it has been since Hector was a pup. Or at least since I was a little girl.

Please advise me if there is a problem with this claim. I would like to go fly fishing with my husband on the North Fork of the Clearwater for a little while, and be assured that Mr. Harrison Moon had not caused more trouble for us.

Respectfully

Jennie Lou Winter

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From "gene winter" <gmoontree@allidaho.com>
Subject Claim #13667
Date Mon, June 27, 2005 2:37 pm
To john.melanson@co.minidoka.id.us

Dear Judge Melanson,

I am wondering about my domestic claim #13667. I just spoke with Mr. Ernest Carlson to ask him if an objection had been filed. He said he didn't think so; however, he said "but I think there is something. . ." Then referred me to the SRBA Court. Is there "something"? I have been trying to stay on top of all the troubles connected with our little springs. I would like to go fly fishing on the North Fork of the Clearwater soon and know that I don't have to worry about Harrison Moon making more trouble for us while we are gone.

As Thomas Wolfe said, "You can't go home again." I expected that it would be easy to tear down the old home I grew up in except for the cinder block part, replace the old reservoir with a new one and the galvanized pipe with blue poly and put it to its original use. We cleaned the spring and replaced the pipe according to the instructions of the Dept. of Lands and expected to build a new addition onto the old part of the house after we tore down the log portion which had been severely vandalized by someone. The planning and zoning have yet to give our plans their blessing. The water is inside the house, however and is in use just as it has been since Hector was a pup. Mr. Carlson visited the site and gave it his recommendation. Thanks for your consideration in this matter. Please advise me if my decree has been encumbered in some way other than an objection or with an objection.

Respectfully,

Jennie Lou Winter

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