

Brian Carpenter and Theresa Carpenter

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Self-Represented for Plaintiff/Defendants Carpenter

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls-State of Idaho

JUN 4 2025

By

[Signature]
Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND
FOR THE COUNTY OF TWIN FALLS
IN RE: THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE
RIVER BASIN WATER SYSTEM

BRIAN CARPENTER AND THERESA
CARPENTER

Plaintiff,

v.

ROCKIE WALKER AND LEANNE
WALKER, husband and wife,

Defendants

IN RE: SRBA Case No. 39576

MOTION TO FILE A CLAIM OF FRAUD
AND REQUEST FOR RELIEF

COMES NOW, Brian Carpenter and Theresa Carpenter, Claimant, appearing pro se, and respectfully moves the Snake River Basin Adjudication (SRBA) Court, pursuant to Idaho Code § 42-1412, Idaho Rules of Civil Procedure (I.R.C.P.) Rule 60(b)(3), and SRBA Administrative Order 1, to file a claim of fraud against Rocky Walker and LeAnne Walker, holder of water right number 74-733H, and to grant relief as set forth herein. This

MOTION TO FILE A CLAIM OF FRAUD AND REQUEST FOR RELIEF

motion is supported by the attached Affidavit of Brian Carpenter and Theresa Carpenter and accompanying exhibits, which demonstrate fraudulent misrepresentation in the adjudication of water right 74-733H, resulting in harm to Claimant and three other lower-priority water right holders.

I. GROUNDS FOR MOTION

- Fraudulent Misrepresentation in SRBA Application:
 - In 2011, Walkers submitted an application to the SRBA Court for water right 74-733H, checking “none” on page 2 when asked to describe other water rights used at the same place and for the same purpose. This statement, made under penalty of perjury (I.C. § 18-5401), was false, as the historic 1946 ditch and the Highway ditch, buried by Walkers in 2008 and earlier, served other water rights, including Claimant’s and those of three other lower-priority holders (e.g., successors to Elmer Peters’ 12.4 acres, now 5ac. owned by the Carpenters).
 - The omission was material, as it misled the SRBA Court into adjudicating water right 74-733H without considering competing water rights, violating the court’s duty to ensure accurate adjudication under Idaho Code § 42-1405.
- Civil Conspiracy with McIntosh:
 - Walkers and McIntosh,(lower 5 ac. property holder purchase in 2021) conspired to conceal the historic 1946 ditch in 2021 and fabricate the Southwest wastewater ditch as the main ditch theory earlier, which was installed illegally in 2006, which did not serve Claimant’s water right and others, to conceal an illegal septic system installed in 1987 on Walker’s property. This conspiracy aimed to hide violations of Idaho Code § 42-1207 (prohibiting interference with ditches) and Idaho Admin. Code r. 58.01.03.017 (regulating septic system placement).
 - Overt acts in furtherance of the conspiracy include: (a) Walker burying the 1946 ditch and Highway ditch, (b) Walker’s false statement in the 2011 SRBA application, (c) constructing a berm to claim water as private, and (d) misrepresenting the southwest wastewater ditch as the main ditch, as proven false by the 2004 Goodman photo (Exhibit E).
 - The conspiracy caused harm by disenfranchising Claimant and three other water right holders, restricting access to their decreed water rights, and causing E. coli contamination in Claimant’s domestic well due to the illegal septic system and fabricated Southwest non historic ditch now proven fraud.
- Violations of Idaho Law:
 - Idaho Code § 42-1207: Walkers illegally buried the historic 1946 ditch in 2008, which served as the primary conveyance for Claimant’s water right, and a Highway ditch

southwest wastewater ditch, both without authorization, violating statutory protections for ditch maintenance and access.

- Idaho Code § 18-2403 Felony Fraud.
 - Idaho Code § 18-5401 Felony Perjury.
 - Idaho Admin. Code r. 58.01.03.017: Walkers installed an illegal septic system in 1987, with sewer lines placed through the 1946 ditch and within 100 feet another buried ditch that entered Carpenters lower pasture.
- **Supporting Evidence:** The Affidavit of Brian Carpenter and Theresa Carpenter, along with exhibits including hand-drawn maps by Bockleman(13 year upper property owner at diversion, 1995-2008), Painter's drawings (previous owner of Carpenter property 2005-2017), and historical photographs (1946, 1953, 1994, and 2004), corroborate the existence of the 1946 ditch, Carpenter lower pasture ditch and fabrication of a southwest wastewater ditch, which Walkers failed to disclose in his 2011 application.
 - **Harm to Claimant and Others:** Walker's actions, including constructing a berm, blocking Carpenters irrigation and falsely claiming the southwest wastewater ditch as the main ditch, have disenfranchised Claimant and three other lower-priority water right holders by restricting access to their decreed water rights. The illegal septic system has also caused E. coli contamination in Claimant's domestic well, posing a public health risk to everyone.
 - **Relief Requested:**
 - Revocation of Water Right 74-733H: Due to fraudulent misrepresentation, the Court should revoke pursuant to Idaho Code § 42-1412.
 - Revocation of all water rights by Walker for failure of compliance.
 - Removal of Walker Water Master status.
 - Injunctive Relief: Order Walkers to restore the 1946 ditch, the Highway ditch and remove the illegal septic system to comply with Idaho Code § 42-1207 and Idaho Admin. Code r. 58.01.03.17
 - Damages: Award compensatory damages to Claimant for loss of water access if possible by this court.
 - Referral to Authorities: Refer evidence of felony fraud (I.C. § 18-2403, I.C. § 18-5408) and DEQ violations to the appropriate state agencies for investigation.

I. LEGAL BASIS

- I.C. § 18-5408: Perjury.
- I.C. § 18-2403: Felony Fraud.
- Idaho Code § 42-1412: Governs objections and amendments to water right decrees in the SRBA, permitting the Court to address fraudulent claims.
- SRBA Administrative Order 1: Establishes procedures for filing motions and preserving evidence in the SRBA.
- Idaho Code § 42-1207: Prohibits interference with ditches used for water conveyance.
- Idaho Admin. Code r. 58.01.03.017: Sets standards for septic system placement to prevent contamination.
- I.R.C.P. Rule 60(b)(3): Allows relief from a judgment for fraud, misrepresentation, or misconduct.
- Idaho Code § 18-5401: Defines perjury for false statements under oath.
- McPheters v. Maile, 138 Idaho 391, 64 P.3d 317 (2003): Establishes elements of civil conspiracy.

II. WHEREFORE, Claimant respectfully requests that the SRBA Court:

- Accept this motion and schedule a hearing to review the claim of fraud.
- Grant the relief requested, including revocation of water right 74-733H, injunctive relief, possible, revocation of all water rights for noncompliance, and referral to appropriate authorities.
- Grant such other relief as the Court deems just and proper.
- Contact Civil Court if needed. CV30-23-0114.

DATED this 3rd day of June, 2025.

Respectfully submitted,

Brian Carpenter and Theresa Carpenter

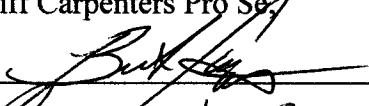
559 Highway 28

Salmon, Idaho 83404

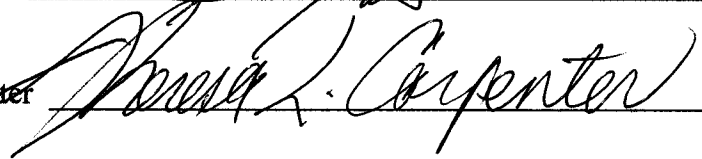
Telephone: (208) 580-8380

Self-Represented for Plaintiff Carpenters Pro Se

Brian Carpenter

A handwritten signature in black ink, appearing to read "Brian Carpenter", written over a horizontal line.

Theresa Carpenter

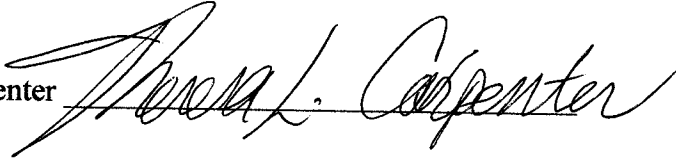
A handwritten signature in black ink, appearing to read "Theresa L. Carpenter", written over a horizontal line.

CERTIFICATE OF SERVICE

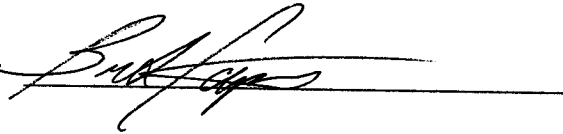
I hereby certify that I caused a true and correct copy of the foregoing document to be served upon the following persons as set forth below.

DATED this 3rd day of June 2025.

Theresa Carpenter



Brian Carpenter



Thomas J. Budge, Esq. RACINE OLSON,

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