

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

JUN 4 2025

By

Clerk

Deputy Clerk

Brian Carpenter and Theresa Carpenter

559 Highway 28

Salmon, Idaho 83404

Telephone: (208) 580-8380

Self-Represented for Plaintiff/Defendants Carpenter

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

AFFIDAVID IN SUPPORT OF MOTION  
TO FILE A CLAIM OF FRAUD

AFFIDAVID IN SUPPORT OF MOTION TO FILE A CLAIM OF FRAUD

STATE OF IDAHO

COUNTY OF LEMHI

AFFIDAVIT OF BRIAN CARPENTER AND THERESA CARPENTER

We, Brian Carpenter and Theresa Carpenter, are over 18, depose and state as follows:

- **Personal Information:** We are residents of Lemhi County, Idaho, and are water right holders in the Snake River Basin Adjudication (SRBA). Our water right is 74-733G. We have personal knowledge of the facts stated herein.
- **Background of Dispute:** In 2008, Rocky Walker and LeAnne Walker, owner of property adjacent to Carpenters, buried a historic 1946 ditch, in 1987 a Highway ditch, and in 2005 a Lower Pasture ditch. The 1946 ditch served as the primary conveyance for my water right and those of three other lower-priority water right holders all violations of 42-1207. This ditch is documented in hand-drawn maps by Bockleman (upper diversion property owner 1995-2008), prepared after his 13-year tenure, and corroborated by historical USGS photographs from 1946, 1953, and 1994 (Exhibits A, B, C). : In 2008, Walker's, with the assistance of McIntosh, concealed a historic 1946 ditch on Walker's property that served as the primary conveyance for Carpenters water right and those of three other lower-priority water right holders, including the Carpenters as (successors to Elmer Peters' 12.4 acres). The Highway ditch, serving similar purposes, was buried earlier (circa 1987). These actions violated Idaho Code § 42-1207.
- **Fraudulent Misrepresentation:**
  - In 2011, Walkers submitted an application to the SRBA Court for water right 74-733H, knowingly omitting the existence of the 1946 ditch buried in 2008, a Highway ditch buried in 1987, on his property and an additional ditch entering the lower pasture, buried in 2005 of Carpenters all in violation of 42-1207. This statement, made under penalty of perjury (I.C. § 18-5401), omitted the 1946 ditch, and Highway ditch, which served my water right and others, as evidenced by Bockleman's hand-drawn maps (Exhibit A) and historical photographs (1946, 1953, 1994; Exhibit B).

- The 1987 sewer application by Walkers also failed to disclose these ditches, despite their presence in Bockleman's maps and historical photos. This in itself constitutes Felony Fraud.
- Walker's omissions were intentional to conceal an illegal septic system installed in violation of Idaho Admin. Code r. 58.01.03.017, with sewer lines placed directly through the 1946 ditch and within 100 feet of lower Carpenter pasture buried supply ditches that entered Carpenter property as well as the North ditch used to satisfy the encumbrance after the highway ditch burial. All violations of 42-1207. Walkers and McIntosh's actions were malicious.
- Fraudulent Omission in 2011 SRBA Application: In 2011, Walkers submitted an SRBA application 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 was false and made under penalty of perjury, as Walkers knew of the 1946 ditch and southwest wastewater ditch, which served Carpenters water right and those of others (e.g., the Carpenters, successors to Elmer Peters). These ditches were buried by Walker in 2008 and earlier, as evidenced by Bockleman's hand-drawn maps (Exhibit A1), historical photographs from 1946, (Exhibits A2-A3), 1953,(Exhibit B1-B2), and 1994 (Exhibit B3), and Painter's drawing (Exhibit C). Walker's omission was intentional to conceal the existence of these water rights and an illegal septic system installed in 1987,(Exhibit F), which violates Idaho Admin. Code r. 58.01.03.017 and contributes to E. coli contamination in Carpenters domestic well DEQ (Exhibit D).
- Civil Conspiracy with McIntosh:
  - Walkers and McIntosh,(lower 5 ac. property holder purchase in 2021) conspired to conceal the historic 1946 ditch, the Highway ditch and the Carpenter Pasture 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 or 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.
- Inference of Agreement: The coordinated actions—Walker burying the central ditch and installing an illegal sewer, and McIntosh fabricating the Southwest ditch to avoid irrigation—indicate an agreement to disenfranchise the Carpenters' water rights and conceal environmental violations. Idaho law allows circumstantial evidence to prove conspiracy (McPheters, 138 Idaho at 395), and the affidavits provide such evidence through consistent documentation of Defendants' actions.

## 2. Unlawful Objective or Means:

The Defendants' actions aimed to achieve unlawful objectives or used unlawful means, including:

- Violation of Idaho Code § 42-1207: This statute prohibits interference with irrigation ditches without consent. The 1946 USGS photo (Exhibit A2) and Bockleman's hand drawn map (Exhibit A1) confirm the historic central ditch, tied to the Carpenters' 1892 water right, was buried by 2008, likely by Walker and McIntosh, to conceal the illegal sewer and disenfranchise the Carpenters. Fabricating the Southwest ditch in 2006 (contradicted by Exhibits B1, C, and E) further violates this statute by altering historic water rights.
- McIntosh's fabrication of the Southwest ditch misrepresented the irrigation system to avoid DEQ compliance, misleading the court and the Carpenters during the original proceedings.

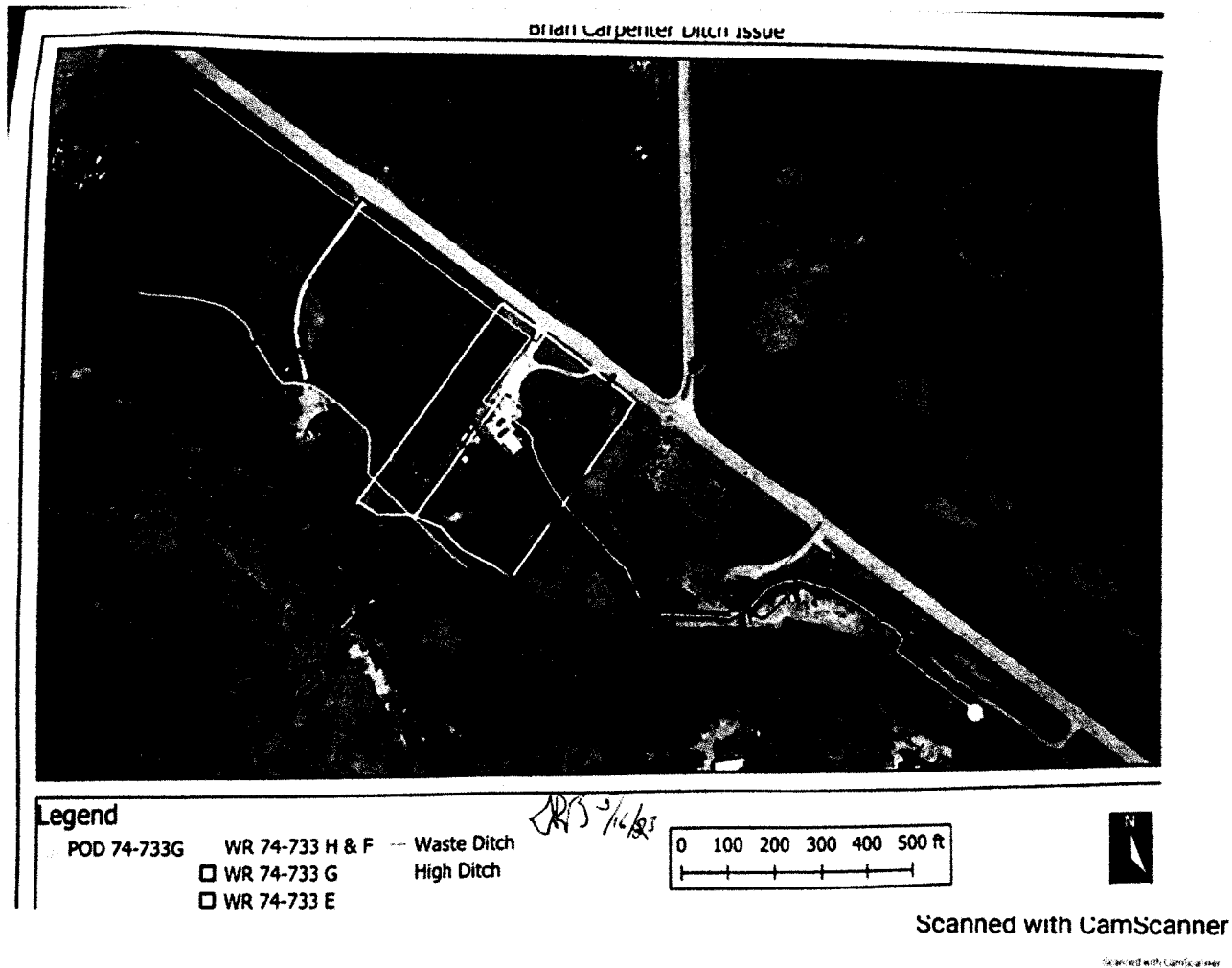
## 3. Resulting Damages

The conspiracy caused significant harm to the Carpenters:

- **Loss of Water Rights:** The burial of the central ditch and fabrication of the Southwest ditch deprived the Carpenters of their 1892 water right, supported by the 1946 USGS photo and Bockleman's map, causing economic and agricultural harm. The northern most ditch was installed as a substitute for the encumbered highway ditch in 1978 as it too was buried without written permission in 1987 when a house was built at the diversion property. A violation of 42-1207. Carpenters have lost three irrigation ditches all in violation of 42-1207.
- **Violations of Law:**
  - **Idaho Code § 42-1207:** Walker's burial of the 1946 ditch in 2008 and burial of the Highway ditch in 1987, respectively, violated statutory protections for water conveyance ditches. The Highway ditch and 1946 main ditch were created to serve Elmer Peters' 12.4 acres (now 5ac. owned by the Carpenters) after the illegal burial of the highway ditch in 1987 and 1946 main ditch, post-1978 encumbrances. There is no record of written permission to bury any ditch on file. A clear violation of 42-1207.
  - **Idaho Admin. Code r. 58.01.03.017:** The septic system's sewer lines violate DEQ's 50-foot setback rule, and 100 foot separation distance from leech lines contributing to E. coli contamination of Carpenters domestic well, by a fabricated story of a Southwest ditch as the main ditch, as confirmed by water quality tests and DEQ setback rules, Exhibit D. The Southwest ditch is a story to hide Walkers illegal sewer system. The Southwest ditch on Carpenter property is illegal per DEQ and was never intended to be the main irrigation method. The Carpenters have a long history of receiving water through the 1946 ditch. 62 years documented and prior to 1946.
  - 18-2403 Felony Fraud.
  - 18-5401 Perjury.
- **Additional Actions by Walker:**

- Walkers buried another ditch entering the Carpenters' lower pasture, as shown in Painter's drawing (Exhibit E), further violating DEQ regulations and concealing the septic system, also a clear violation of 42-1207.
- Walkers constructed a berm, claiming the water as his own and asserting the southwest wastewater ditch as the main ditch to hide his illegal sewer, despite evidence from the 2004 Goodman photo (Exhibit F) showing it is not historic. 42-1207 interference of water rights.
- These actions have disenfranchised Carpenters and three other lower-priority water right holders by restricting access to our decreed water rights.
- Harm Suffered:
  - Loss of access to water through the 1946 ditch and Highway ditch has impaired Carpenters ability to exercise my water right.
  - DEQ violations by Walkers have caused E. coli contamination in my domestic well, caused by Walker's illegal activities, pose a health risk and require immediate remediation and reinstatement of the illegally buried ditches and relief from the illegal Southwest ditch scheme.
  - Walker's fraudulent misrepresentation to the SRBA Court undermines the integrity of the adjudication process and harms all affected water right holders, by burring all ditches and then fabrication of a fraudulent application to the SRBA.
- Exhibits:
  - Exhibit A1, A2, and A3: Bockleman's hand-drawn map showing the 1946 ditch and Highway ditch.
  - Exhibit B1-B3: Historical photographs (1994, 1953) documenting the ditches.
  - Exhibit C: Painter's drawing of the ditch entering the Carpenters' lower pasture, however continuation is not true proven by the 1994 USGS photo.
  - Exhibit D: DEQ violations of the so called fabricated Main Southwest ditch.

- Exhibit E: 2004 Goodman photo showing the non-historic nature of the southwest wastewater ditch. Proving fraud.
- Exhibit F: 1987 sewer application, which proves fraud in itself.
- Exhibit G1-G2: SRBA application.
- Request for Relief: I respectfully request that the SRBA Court revoke water right 74-733H and/or all water rights held by Walker for non-compliance, order restoration of the 1946 ditch, the highway ditch, the Carpenter lower pasture ditch, and refer evidence of Felony Fraud, Perjury and DEQ violations to the appropriate authorities.

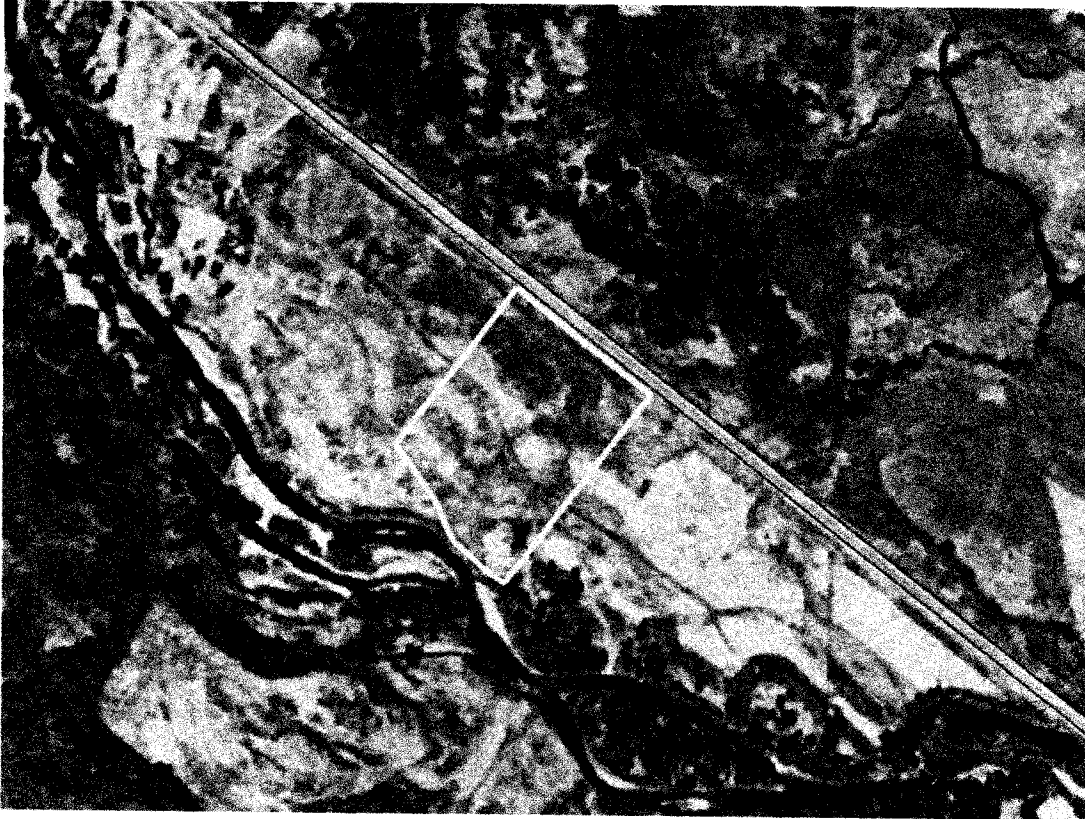


- Exhibit A1



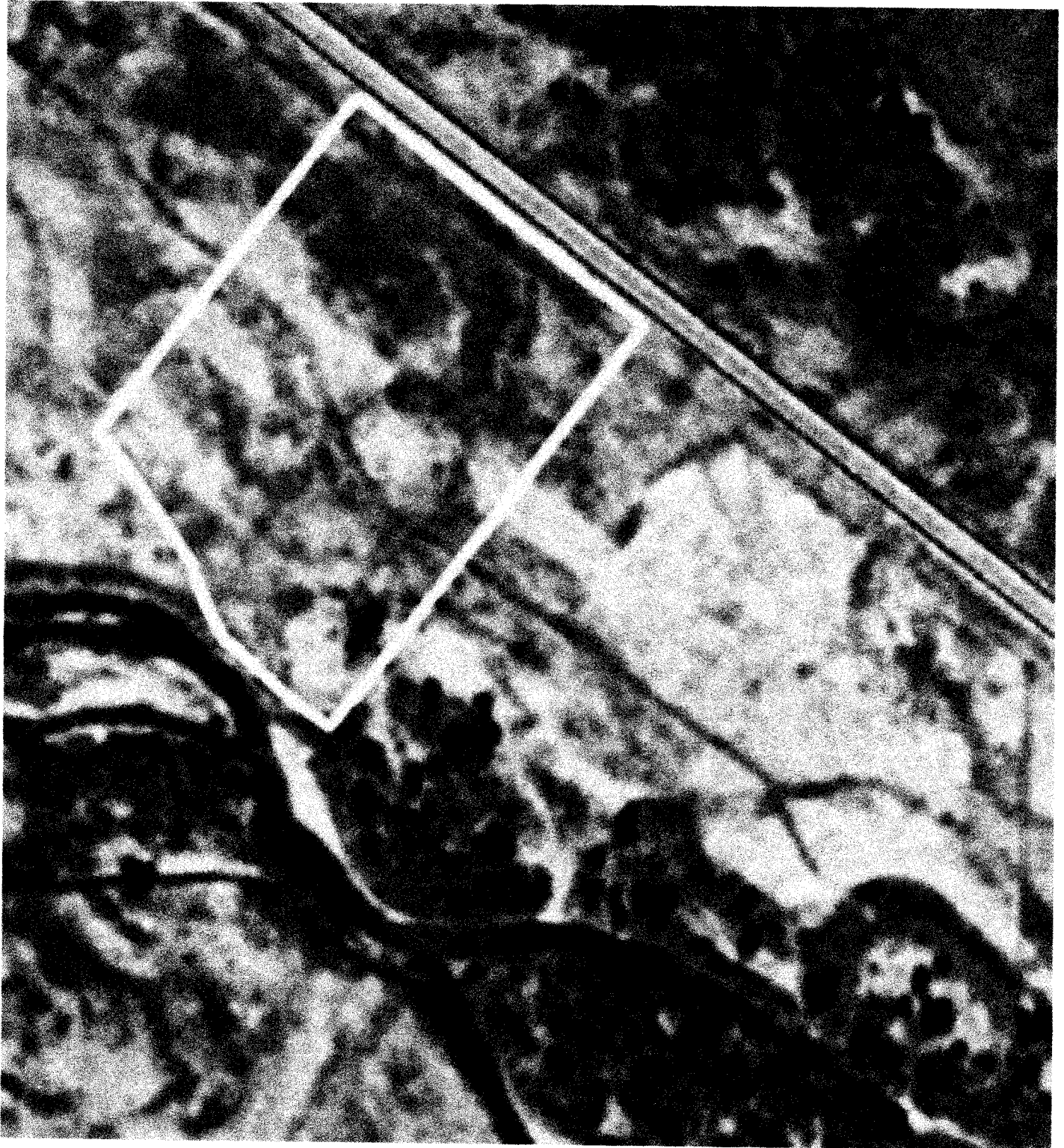
Attachment C-104  
USGS 1946 Image

— HWY 28  
POU 74-733G



- Exhibit A2

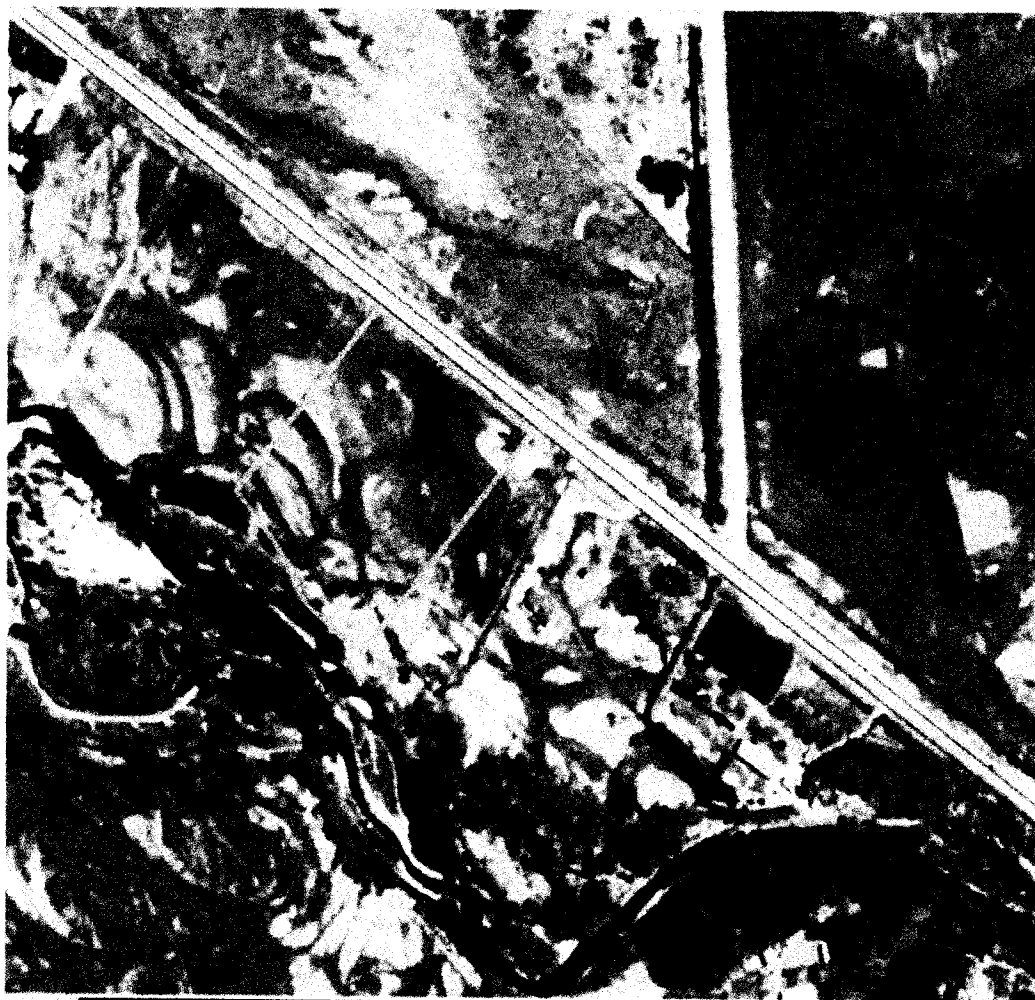




- Exhibit A3: 1946 Close up.



Attachment C-104  
USGS 1994 Image



— HWY 28  
□ POU 74-733G

Exhibit B1: 1994



Exhibit B2 Showing two ditches crossing the property line upper 1946 and a lower that enters into the Carpenter lower pasture going towards the center of the pasture. The yellow overlay is slightly off from the property line.



Attachment C-104  
USGS 1953 Image

HWY 28  
POU 74-7335

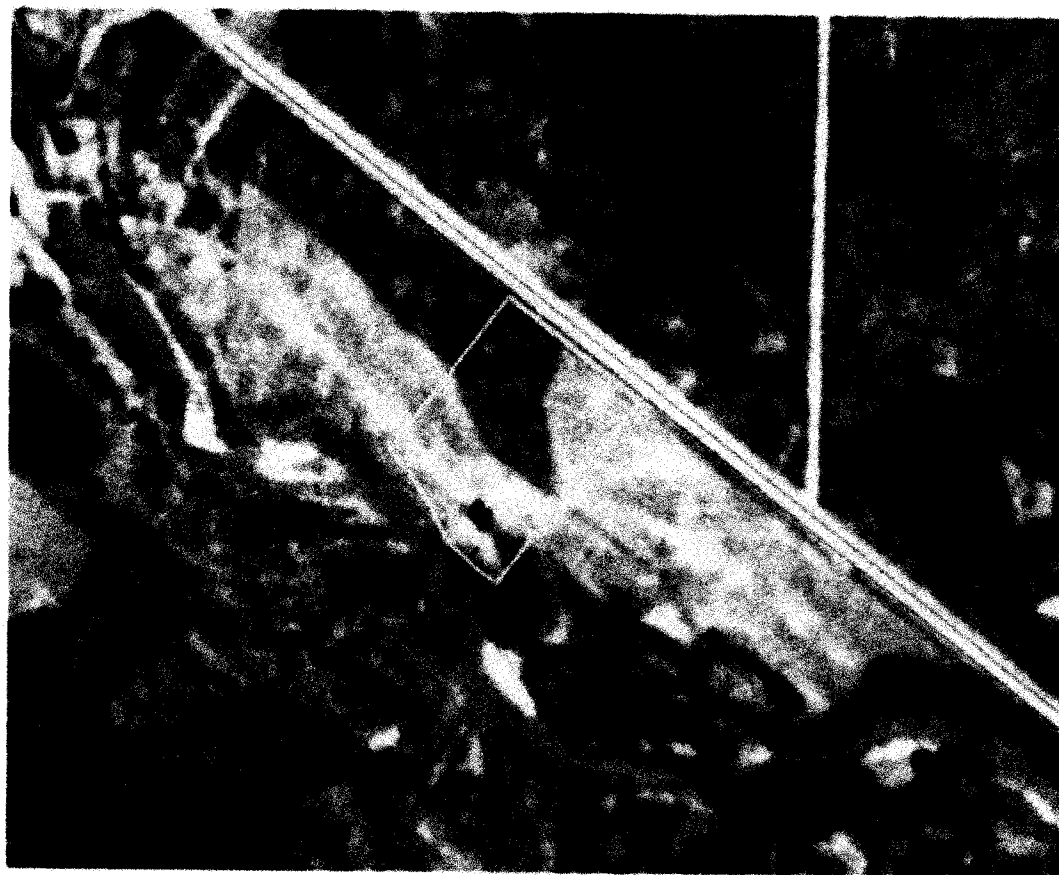


Exhibit B3: 1953



Exhibit C: Painter drawing, showing an entirely different ditch entering the lower portion of the Carpenter pasture. The 1994 photo contradicts Painter testimony as to the water flow to the center of Carpenters pasture. Painter and Walker are fiends and met prior to the deposition. However, this shows another 42-1207 violation.

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**Ditch and separation distances**

1 message

Carlin Feisthamel <Carlin.Feisthamel@deq.idaho.gov>  
To: "briantofixit@gmail.com" <briantofixit@gmail.com>

Thu, Jan 30, 2025 at 4:40 PM

Brian,

Based on the pictures that you have submitted and the conversation that we had on the phone, there is currently a dry ditch that is not used for irrigation purposes. If the ditch in the photos were to be used for irrigation purposes the septic pumps, sewer line and domestic well would not meet the required minimum separation distances to surface water per the Idaho Rules. The minimum separation distance by rule are as follows:

**Domestic Well IDAPA 37.03.09.d**

- 50ft. from permanent (more than six months) or intermittent (more than two months) surface water
- 25ft. from Canals, irrigation ditches or laterals, & other temporary (less than two months) surface water

**Septic pump station and sewer line IDAPA 58.01.03.17:**

- 25ft. from temporary surface water

Currently the domestic well appears to be within 10-feet of the ditch and the septic pumps are within 15-20 of the ditch.

Furthermore, in reviewing the water rights for your property and the neighboring properties, all the properties share a permitted point of diversion that is located approximately 0.3 miles to the southeast of your residence. There is no permitted point of diversion located on your property. Creating a point of diversion on your property without being permitted by the Idaho Department of Water Resources would not be allowed.

I hope that this answers your questions and let me know if there is anything further that I can assist you with.

**Carlin Feisthamel, P.E. | Regional Engineering Manager****Idaho Department of Environmental Quality**

900 N. Skyline Dr Suite B, Idaho Falls ID 83402

Office: (208) 528-2651

Exhibit D: DEQ letter showing the Southwest ditch is illegal and that all properties share a permitted point of diversion that Walker deems to be his alone.

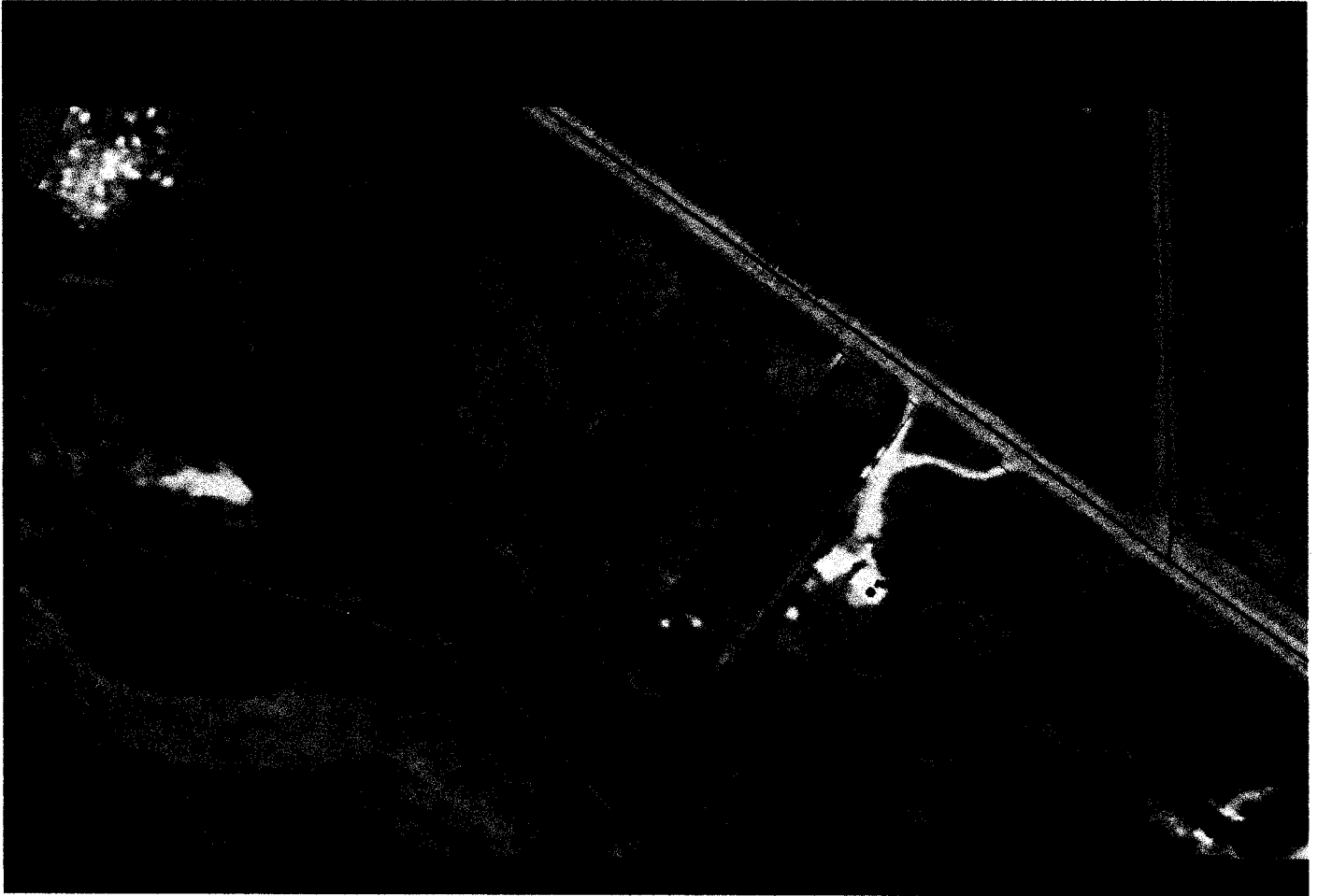


Exhibit E: 2004 photo provided by Gary Goodman of the Lemhi County Building Department showing the Southwest ditch story is fraud, as it was never the main ditch and did not even exist prior to 2004.

21N 23E 30

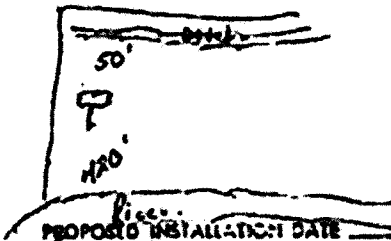
DISTRICT VII SEWAGE PERMIT APPLICATION

Permit no: 47-87 Fee Paid 50<sup>00</sup> Date 8/28/87  
 Name Rickie Walker Phone \_\_\_\_\_  
 Current mailing address P.O. Box 1426 Salmon  
 Legal description: Township 21N Range 23E Section 30 1/4 Section \_\_\_\_\_  
 Subdivision name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_  
 Directions to property 5k. miles S. on Hwy 28 -

1. Lot size 8.25 ac. 2. Water supply: Public \_\_\_\_\_ Private X
3. Potential number of bedrooms 3 4. Septic tank size 1000 gallons.
5. Soil texture type Silt loam to 6' Silt clay loam to 6'
6. Application rate 3 GPD/ft<sup>2</sup> 7. Drainfield disposal area 625 sq. ft.
8. Type of drainfield proposed: Trench X, Bed \_\_\_\_\_, Pit \_\_\_\_\_, Modified \_\_\_\_\_
9. Excavation dimensions 3 line 69' long 3' wide interconnected
10. Depth to highest seasonal subwater: 0.6 ft. 11. Depth to solid rock unknown ft.
12. Proposed depth of drainfield disposal system 1' deep ft.
13. Distance from drainfield to nearest: A) River or lake 300' B) Canal or ditch 50' C) Water line 25' D) Property line 5' E) Neighbor's well 100' F) Proposed properties well 100' G) Dwelling 10'
14. Who is excavating and installing system \_\_\_\_\_
15. Make a proposed plot plan showing location and distances between each of the following: House, well, waterlines, septic tank, drainfield, canals or ditches, lakes or streams.

Proposed

Actual



See Attached  
Self-inspect - AS  
per Idaho Falls okay

PROPOSED INSTALLATION DATE \_\_\_\_\_

APPROVED WITH THE FOLLOWING CONDITIONS:

1. Applicant accepts responsibility for all information provided and agrees to install system in compliance with "Idaho's Rules and Regulations for Individual Sewerage Disposal Systems," as specified on the permit. Any changes to this permit must be approved prior to excavation.
2. Permit is valid for only one year or must be renewed.
3. A four foot (4') separation must be maintained between highest subwater or bedrock and drainfield bottom.
4. Other: Installer must call this office prior to installation - Test hole review "ground water @ 1'

Rickie Walker  
APPLICANTS SIGNATURE

Steve Adams  
ENVIRONMENTAL SIGNATURE

Inspection date 1/10 Approved X Disapproved \_\_\_\_\_ By Steve Adams  
 Approval based on plans submitted by licensed installer James Adams  
 Remarks: \_\_\_\_\_



Exhibit F: 1987 sewer application approx... 30 days prior to Walkers property purchase. Not showing the 1946 ditch, or the lower ditch entering Carpenter pasture, or the Southwest wastewater ditch. All showing DEQ violations, 42-1207 violations, and intent to commit fraud to a State Court Judge, by fabricating the 2011 application for adjudication.

RECEIVED

MAR 14 2011

511

DEPARTMENT OF  
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39675

Ident Number 74-799H

Date Received 3/14/2011

Receipt No. C092579

Received By 582

\$101-

NOTICE OF CLAIM  
TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Rexie and LeeAnn Walker Phone (208) \_\_\_\_\_

Mailing Address 1691 HWY 28 Salmon ID 83467

2. Date of Priority (Only one (1) per claim) 10/04/1980 City State  
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water ( ) or Other ( ) (a) Land River  
which is tributary to (b) Salmon River

4. a. Location of Point of Diversion is: Township 21N Range 23E Section 30  
1/4 of NWY 1/4 Govt. Lot SE BM. County of LEMING

Parcel (PBN) no. RP21N23E304802

Additional points of diversion if any \_\_\_\_\_

If available GPS Coordinates \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4

Govt. Lot \_\_\_\_\_ BM. County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4

Govt. Lot \_\_\_\_\_ BM. County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed  
and as enlarged and the depth of each well

Diversion is a head gate with ditches to property  
Diversion is about 100 feet long

Exhibit G1

AFFIDAVIT IN SUPPORT OF MOTION TO FILE A CLAIM OF FRAUD

6. Water is claimed for the following purposes.

(Both dates are inclusive APR OCT) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.04 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served, Stockwater Type and number of livestock, Etc.)

9. Description of place of use

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp	Rng	Sec	S1				S2				S3				S4				Totals
			N	E	S	W	N	E	S	W	N	E	S	W	N	E	S	W	
21N	23E	30								1.4									1.4

Parcel (PIN) no(s) RP21N23E304002

Total number of acres irrigated 1.4

10. In which county (ies) are lands listed above as place of use located? LEMHI

11. Do you own the property listed above as place of use? Yes (✓) No ( )

If your answer is No, describe in Narrative below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as the water right above.

13. Remarks:

Water right 74-733 was split several times but not all was claimed in the SRBA. The above referenced parcel was inadvertently unclaimed. When the acres were purchased by the Walker's, it was their understanding that a water right covered the land. While processing a change of ownership, IDWR staff determined that this parcel was not claimed. The Walker's wish to claim the water they thought was already there.

Last Name WALKER

Identification No.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct to the best of my knowledge.

DATED this 3rd day of June, 2025.

Brian Carpenter and Theresa Carpenter


559 Highway 28

Salmon, Idaho 83404

Telephone: (208) 580-8380

Self-Represented for Plaintiff Carpenters Pro Se

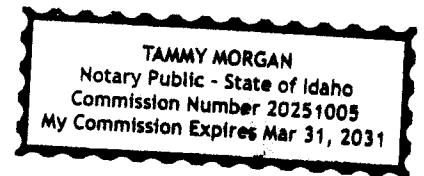
Brian Carpenter



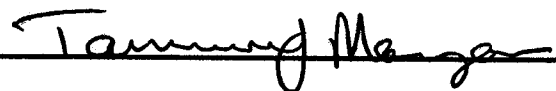
Theresa Carpenter



NOTARY PUBLIC



Subscribed and sworn to before me on this 2nd day of June, 2025.



Notary Public for Idaho

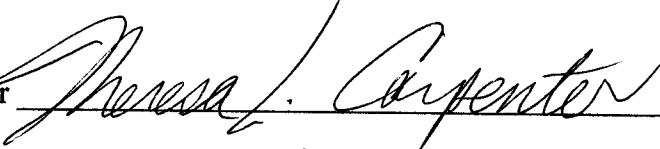
My Commission Expires: 3-31-31

AFFIDAVID IN SUPPORT OF MOTION TO FILE A CLAIM OF FRAUD

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, [X ] E Mail  
Elisheva M. Patterson [ ] Fax  
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