

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

AUG 14 2025

Brian Carpenter and Theresa Carpenter

559 Highway 28

Salmon, Idaho 83404

Telephone: (208) 580-8380

Self-Represented for Plaintiff/Defendants Carpenter

By


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

Subcase Nos. 74-733H, 74-733E

**PLAINTIFFS' OPPOSITION TO
DEFENDANT JOSHUA A. MCINTOSH'S
MOTION TO DISMISS**

COME NOW, Plaintiffs Brian Carpenter and Theresa Carpenter, appearing pro se, and hereby oppose Defendant Joshua A. McIntosh's Motion to Dismiss filed on August 5, 2025, pursuant to Idaho Rules of Civil Procedure (I.R.C.P.) 12(b)(1), 12(b)(6), 12(b)(8), and 11.2(a)(1). This opposition is supported by the attached Joint Affidavit of Brian Carpenter and Theresa

Carpenter, the original Motion to File a Claim of Fraud and accompanying Affidavit filed on June 3, 2025, and the legal arguments set forth below. Plaintiffs request that the Court deny the Motion to Dismiss in its entirety and proceed to a hearing on the merits of the fraud claim on September 16, 2025.

I. INTRODUCTION AND FACTUAL BACKGROUND

Plaintiffs filed their Motion to File a Claim of Fraud on June 3, 2025, alleging fraudulent misrepresentation by Defendants Rockie Walker and LeAnne Walker in their 2011 SRBA application for water right 74-733H. The motion details intentional omissions and misrepresentations regarding historic ditches (including the 1946 ditch, Highway ditch, and Carpenter lower pasture ditch), violations of Idaho Code §§ 42-1207 (interference with ditches) and 42-1102 (right-of-way for ditches), civil conspiracy with Joshua A. McIntosh to conceal these violations, and resulting harms including disenfranchisement of Plaintiffs' water right 74-733G (an 1892/1893 priority right as successors to Elmer Peters) and E. coli contamination in Plaintiffs' domestic well. Although McIntosh is not named as a primary defendant in the original motion, he is explicitly referenced as a co-conspirator in the civil conspiracy allegations (see Affidavit at ¶¶ Civil Conspiracy with McIntosh), where he is accused of conspiring with the Walkers to fabricate the Southwest wastewater ditch theory to conceal illegal actions in order to obtain illegal building, sewer permits in a flood zone. McIntosh has appeared in this action via his Notice of Appearance filed August 5, 2025, and filed the instant Motion to Dismiss without seeking joinder or formal intervention under I.R.C.P. 19 or 20. Plaintiffs contend this action is properly before the SRBA Court as an independent action for fraud on the court under I.R.C.P. 60(d)(3), which is not time-barred and falls within the SRBA's exclusive jurisdiction over water right adjudications under Idaho Code § 42-1401A et seq. McIntosh's property (433 feet wide by 475 feet deep in a flood zone) cannot comply with DEQ setbacks (Exhibits Z1-Z2), and the Southwest Ditch was illegally created post-2004 without written permission under Idaho Code § 42-1207 ("Ditches... shall not be constructed or changed without the written permission of the owner or owners of the lands to be crossed by such ditch...") and expanded beyond its footprint under Idaho Code § 42-1102 ("The footprint of a ditch shall not be increased... maintenance of ditches is the responsibility of the ditch owners [downstream water right holders], not the

property owners"), as shown by Idaho Public Health Department photos (Exhibit J-J2, attached, proving no Southwest ditch existed on Carpenter property prior to 2006) and 2004 Goodman photos (Exhibit F1-F3, referenced in 60(b) as F-F2, attached, proving no Southwest ditch existed on Carpenter property in 2004). The unopposed 60(b) motion in the related Lemhi County case (Exhibit G, attached) and fraud evidence (Exhibits H, Z, J-J2, Q1-Q4, attached) demonstrate likelihood of success.

II. LEGAL STANDARD

A motion to dismiss under I.R.C.P. 12(b)(6) tests the sufficiency of the pleadings, and dismissal is improper if the complaint states a claim upon which relief can be granted, viewing all facts in the light most favorable to the plaintiff. I.R.C.P. 12(b)(6); *Heck v. City of Idaho Falls*, 149 Idaho 689, 691, 239 P.3d 434, 436 (2010). For lack of subject matter jurisdiction under 12(b)(1), the court examines whether it has authority over the subject matter. I.R.C.P. 12(b)(1). Under 12(b)(8), dismissal for another pending action requires identical parties, claims, and issues. *Klaue v. Hern*, 133 Idaho 437, 440, 988 P.2d 211, 214 (1999). Rule 11.2(a)(1) prohibits judge-shopping after a denial but does not apply here as no prior denial exists in the related Lemhi County case on these specific SRBA fraud claims.

III. ARGUMENT

A. The Motion States a Valid Claim for Relief Under I.R.C.P. 60(b)(3) and 60(d)(3), Precluding Dismissal Under 12(b)(6) McIntosh argues the claim is time-barred because water right 74-733E was decreed in 2007, and appeals must occur within 42 days under Idaho Appellate Rule 14(a). However, this ignores that Plaintiffs' motion is not an appeal but a claim for relief from judgment based on fraud, misrepresentation, and misconduct under I.R.C.P. 60(b)(3). More critically, it constitutes fraud on the court, allowing an independent action under I.R.C.P. 60(d)(3), which has no time limit. See *Thiel v. Goyings*, 166 Idaho 790, 796, 463 P.3d 1270, 1276 (2020) (fraud on the court includes intentional misrepresentations undermining judicial integrity, with no statute of limitations). The allegations detail extrinsic fraud: Walkers' perjurious 2011 SRBA application omitted known ditches serving other rights (Exhibits A-F), violating Idaho Code §

18-5401 (perjury), and conspired with McIntosh to bury ditches without consent, violating §§ 42-1207 and 42-1102. This fraud directly affects the SRBA decree's validity, as it misled the court on competing rights under Idaho Code § 42-1405. Relief includes revocation of 74-733H (and potentially 74-733E if conspiracy proven) for non-compliance. McIntosh's decree is implicated via conspiracy, creating a genuine issue for trial. Dismissal is improper.

B. The SRBA Court Has Exclusive Subject Matter Jurisdiction, Precluding Dismissal Under 12(b)(1) McIntosh claims no legal basis under cited statutes (e.g., §§ 42-222, 42-1405, 42-1412, 42-1207, 42-1102). This mischaracterizes the motion. The SRBA has exclusive jurisdiction over water right adjudications and post-decree challenges for fraud under Idaho Code § 42-1412 (amendments for errors/fraud) and § 42-1401A. Rule 60(b)(3) and 60(d)(3) provide procedural relief. Sections 42-1207 and 42-1102 support the substantive violations warranting revocation, as interference with ditches without consent voids compliance. Jurisdiction exists; dismissal is unwarranted.

C. No Identical Pending Action Exists, Precluding Dismissal Under 12(b)(8) McIntosh invokes the Klaue factors, claiming overlap with Lemhi County Case No. CV30-23-0114. However, the Lemhi case involves downstream interference and maintenance obligations, not SRBA fraud in adjudication. Parties differ (McIntosh is plaintiff there, conspirator here); claims differ (tort/damages vs. fraud/revocation); no risk of inconsistency as SRBA findings can inform Lemhi via referral. Judicial economy favors SRBA resolution of water right validity. See Klaue, 133 Idaho at 440. Dismissal is inappropriate.

D. Rule 11.2(a)(1) Does Not Apply, as No Prior Denial Exists on These Claims Rule 11.2(a)(1) bars subsequent applications after a denial. Here, no denial occurred in Lemhi on SRBA fraud; Plaintiffs' April 2025 reconsideration motion there is unrelated to adjudication fraud. This is not judge-shopping but proper forum selection for SRBA-specific relief. E. Service Violations by McIntosh and Walkers' Counsel Warrant Sanctions and Affect Related Case McIntosh's counsel (Taggart) and Walkers' counsel (Budge) have violated I.R.C.P. 5(b) by serving one document addressed to both Plaintiffs without separate service on Theresa Carpenter as a distinct pro se party. Rule 5(b)(1) requires service on each unrepresented party: "When these rules require or

allow service on a party, and the party is not represented by an attorney, service must be made on the party." I.R.C.P. 5(b)(1). For mailing under 5(b)(2)(C), service must ensure each party receives notice. Joint mailing to spouses at one address may suffice if both are notified, but here, refusal to serve separately prejudices Theresa as a separate plaintiff. This affects CV30-23-0114 similarly, warranting sanctions under I.R.C.P. 11 and referral. Plaintiffs request the Court order separate service and deny the motion as improperly served.

IV. CONCLUSION

The Motion to Dismiss must be denied. Plaintiffs request oral argument on September 16, 2025, costs, and such other relief as just.

DATED this 11th day of August, 2025

Respectfully submitted,

Brian Carpenter

Self-Represented Pro Se

Theresa Carpenter

Self-Represented Pro Se

Exhibits Attached: R (Arrest Report/Warrant, August 7, 2025), M1-M4 (July 11, 2025, Order), D1-D7 (E. coli Tests, July 9, 2024–June 11, 2025), E (flood zone), H (Sewer Permit #144028), Z (Sewer Permit Requirements), Z1-Z2 (Lemhi County Parcel Maps, August 6, 2025), A1-A3, B1-B4 (Historical USGS photos and Bockleman testimony with hand drawn map), J-J2 (2006 Sewer Inspection Photos from Idaho Public Health Department), F1-F3 (2004 Goodman Photos, referenced in 60(b) as F-F2), F (60(b) Motion against Walker, July 14, 2025), T (Venue Motion, July 31, 2025), U (Preliminary Injunction Motion against McIntosh, July 31, 2025), S (Summary Judgment Motion against McIntosh, July 31, 2025), Q1-Q4 (Damage Calculations), G (Civil Court Docket CV30-23-0114, August 8, 2025) showing filings. Cases referenced are filed in Icourt to save space. Copies for F, T U, S, and G can be provided if requested.

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

JOSHUA A. MCINTOSH,

Plaintiff,

v

BRIAN CARPENTER and THERESA
CARPENTER, husband and wife,

Defendants.

Case No.: CV30-23-0114

**ORDER RE: MCINTOSH'S MOTION
FOR CONTEMPT**

BRIAN CARPENTER and THERESA
CARPENTER, husband and wife,

Plaintiffs,

v

ROCKIE WALKER and LEANNA
WALKER, husband and wife,

Defendants.

I. INTRODUCTION

This matter is before the Court pursuant to Joshua McIntosh's Motion to Hold Carpenters in Contempt filed on July 3, 2025, the Carpenters' Response to Plaintiff's Motion for Contempt¹ filed on July 7, 2025, the Carpenters' Motion to Dismiss Plaintiff's Motion to Hold Carpenters in Contempt filed on July 9, 2025 claiming improper service among other things, the Carpenters' Motion to Stay Contempt Proceedings Pending Resolution of Rule 60(b) Motion Against Rockie Walker and Leanna Walker filed on July 9, 2025.

II. ANALYSIS

¹ Instead of being an opposition to the contempt with a legally cognizable defense, this opposition filing appears to simply contain the growing list of alleged errors that the Carpenters plan to appeal. As such, there is no action to take as this filing.

For clarity of the record on the Carpenters' Motion or requests, there is one legally viable argument presented among the many documents the Carpenters have filed in response to this Motion for Contempt. F.R.C.P. 75(c), does not require service pursuant to F.R.C.P. 4 for McIntosh to institute contempt. Instead, F.R.C.P. 75(d)(4) simply requires that "[t]he respondent must be served" generally. F.R.C.P. 75(d)(1) governs service for a party, which both Brian and Theresa Carpenter are, and requires service in compliance with Rule 5(b), which only requires mailing the document to the Carpenters' address. The Carpenters appear to be confusing Rule 75(d)(2), which requires personal service for non parties with the operative rule in this scenario, Rule 75(d)(1). Additionally, the Court does not send notice setting a party's motion for hearing, so the Court has not failed to provide the Carpenters with timely notice of the hearing McIntosh set on McIntosh's Motion for Contempt.

The contempt motion and the Rule 60(b) motion have no interconnection. The judgment that was entered related to the Walkers has no bearing on whether the Carpenters have interfered with the delivery of mail to McIntosh. There is no basis to stay the contempt proceedings based upon the Rule 60(b) arguments. The claim that the contempt is just a "distraction" from the real issues in this case is similarly unavailing.

Nonetheless, McIntosh's Motion for Contempt is fundamentally flawed. McIntosh appears to have a misunderstanding of the Court's role and authority on the claims McIntosh has pled. For a declaratory judgment, the Court simply determines and pronounces rights of the parties. If McIntosh was seeking some affirmative relief in the form of an order of the Court directing certain actions be taken based upon those rights the Court determined, McIntosh could have included a claim for an injunction. However, McIntosh failed to do so. The Court simply determined the rights

¹ There is an Motion for Relief from Judgment that has been filed. Instead, the Carpenters filed two motions to reconsider what I said in Rule 60(b).

1. The first part of the document is a title page. It contains the title "The Role of the State in the Development of the Economy" and the author's name "John Doe".

2. The second part of the document is an abstract. It summarizes the main points of the paper, including the role of the state in the development of the economy.

3. The third part of the document is the introduction. It discusses the importance of the state in the development of the economy and the role of the state in the development of the economy.

4. The fourth part of the document is the main body of the paper. It is divided into several sections, each discussing a different aspect of the role of the state in the development of the economy.

5. The fifth part of the document is the conclusion. It summarizes the main findings of the paper and discusses the implications of the findings.

6. The sixth part of the document is the bibliography. It lists the sources used in the paper.

7. The seventh part of the document is the appendix. It contains additional information related to the paper.

8. The eighth part of the document is the index. It lists the pages on which the topics discussed in the paper are mentioned.

9. The ninth part of the document is the endpaper. It contains the text "The End" and the author's name "John Doe".

10. The tenth part of the document is the back cover. It contains the text "The End" and the author's name "John Doe".

III. CONCLUSION

As such, Muhammad's Motion to Dismiss Appellate's Contempt is DISMISSED. The hearing on that motion set for July 15, 2025 at 2:00 is hereby VACATED. There is nothing in this matter now properly noticed up to be heard by the Court on July 15, 2025, so the Court will not take up this case on that day.

IT IS SO ORDERED.

Date: 7/11/2025 2:23:31 PM

Samuel H. Thompson
Samuel H. Thompson, District Judge

● 1996年10月1日起，凡在境内销售货物或提供应税劳务、应税服务以及进口货物的单位和个人，均须依法缴纳增值税。

CERTIFICATE OF SERVICE

I hereby certify that on this November 10, 2025, I did send a true and correct copy of the foregoing document upon the parties listed below in the manner indicated.

Drian Carpenter Theresa Carpenter	{X} US Mail {X} Email:	550 State Highway 28 Salmon, ID 83467 briantofixit@gmail.com
Steven L. Taggart <i>Attorney for Joshua A. McIntosh</i>	{X} Email/Court	lccourt@sdventaggart.com
M. Anthony Saxer Thomas J. Hodge Elisha M. Peterson <i>Attorneys for Roxie and Leanne Walker</i>	{X} Email/Court	saxerlawoffice@gmail.com tjh@mcintoshen.com elishav@mcintoshen.com

Clerk of the District Court
Lemhi County Idaho

By *Jane Eagle*
Deputy Clerk




ORDER RE: MCINTOSH'S MOTION FOR CONTEMPT

Exhibit M4 : p.4 Court Order 7-11-2025

Exhibit D1-D7:

Panel 1 vehicle Number	350N CARPENTER		Panel 2 VIN
Vehicle	Vehicle Date	Vehicle	LEAD 1
Panel 3 Insurance Group			
350N CARPENTER			
Condition of Transport	Vehicle Damage	Vehicle Date	Vehicle Date
Report Results To			
BRNTOFIXIT@GMAIL.COM			
Phone Number	Fax Number		
205-580-8383			

 <h1 style="text-align: center;">Teton Microbiology</h1>	Billing Address:
	City:
	State:
	Zip:
<input type="checkbox"/> Public Water System <input type="checkbox"/> Private System	Phone:
Preserved With Sodium Thiosulfate	Fax:
TETON MICROBIOLOGY LABORATORY ID: 1000949 300 N. Freeman Ave Idaho Falls, IDAHO 83401 Office: 208-529-0077 -- Fax: 208-522-7797 Intermountain, Idaho	

[illegible]

Exhibit D1

Steele Memorial Medical Center
P.O. BOX 700 - SALMON, ID 83421 - (208) 768-6841 - FAX (208) 768-6743
HOSPITAL ADDRESS: 1000 W. Main Street, Salmon, ID 83421

PATIENT NAME: CARPENTER, T		PATIENT ID: 10083467	
ADDRESS: 559 HIGHWAY 28		CITY: SALMON	
STATE: ID		ZIP: 83421	
E-MAIL: TULEFOLKE@GMAIL.COM			

PROVIDER: CARPENTER, T
Master Testis: 42 dja F 6/6/2021
242660011MS
STIRLING
Sterile Container U
CC 101 LAB: STEELE MEMORIAL CA
SMMC

LABORATORY	TEST	RESULT	DATE	TIME	STATUS	REMARKS
#08786	RP	559 HTW 28	4/16/	3:35 PM	P	A
		HOME WELL				

LABORATORY: TULEFOLKE@GMAIL.COM

TEST: 559 HTW 28

RESULT: HOME WELL

DATE: 4/16/

TIME: 3:35 PM

STATUS: P

REMARKS: A

Exhibit D5

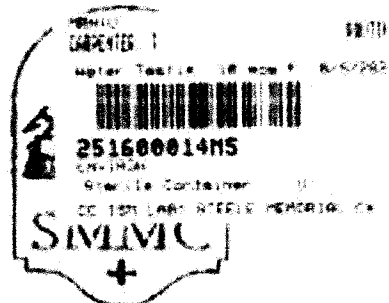
Steele Memorial Medical Center

P.O. BOX 700 - SALMON, ID 83487 - (208)756-5641 - FAX (208)756-5743

Bacterial Analysis of Drinking Water Request Form

Please fill in all gray areas

<input checked="" type="checkbox"/> Public Drinking Water System		PWS ID No:	
Private Drinking Water		PWS Only: If repeat sample, date of original positive	
System Name:		Address:	
Customer:		City:	
Agency Name: CARPENTER, T.		State: ID	
Mailing Address:		Zip: 83487	
559 HIGHWAY 28		Contact phone:	
City: SALMON		208 580 5581	
Additional copy of report sent to:			
TILEFOLIO.COM			
Mailing Address:			
City:		State:	
Zip:		Sample collected by:	
Person transporting sample to lab:		Condition of transport:	
CARPENTER, T.		<input type="checkbox"/> Cooled <input type="checkbox"/> Carrier <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Other: AUC	



Laboratory Use Sample Identification Number	Sample Type Code	Sample Description Sample Location (Sample ID)	Date Collected	Time Collected (Military)	Chlorine Residual ppm	Results A = Absent P = Present	
						Method Code: 9223B-Culture	Total Coliforms
#09178	RP	WELL	11/4/05	11:40			P

Sample Type Codes

RS - Routine Sample

RP - Repeat Sample

R - Other Repeat

W - Unrestored (source)

U - Upstream Repeat

C - Construction/Special

D - Downstream Repeat

E - Enforcement (chain of custody required)

Phone Call Documentation

Customer T. Carpenter was notified of test results 6/14/05 @ 10:37 JF

Date/Time Received	Initials	Date/Time Analyzed	Initials
6/9/05	dm/09	6/14/05 @ 12:15 PM	
Testing performed at Steele Memorial Medical Center. All test water records will be maintained for 7 years and then destroyed.		Date/Time Reported	Initials
		6/14/05 @ 10:37 JF	

Exhibit D7

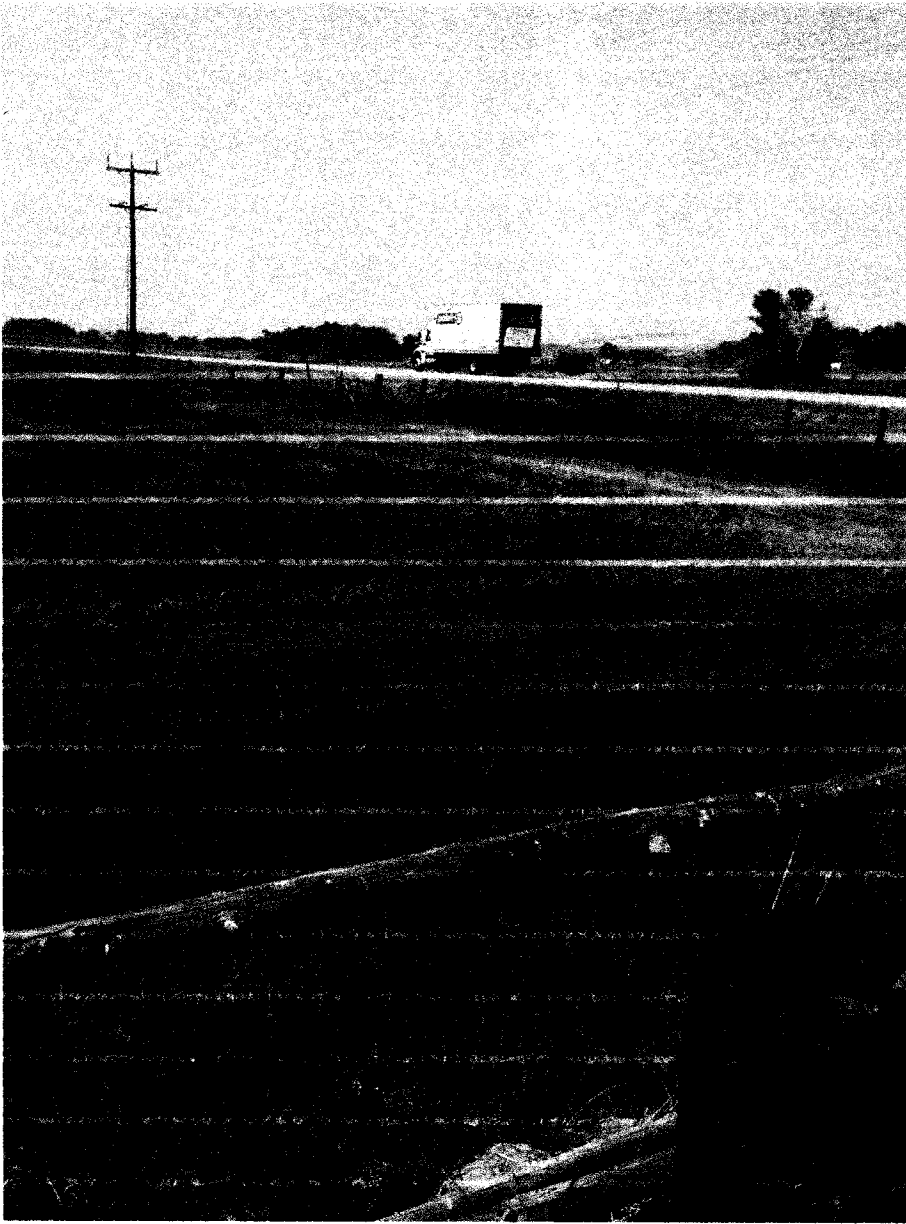


Exhibit E

Exhibit F: 60(b) Motion against Walker filed 7-14-2025 Court Record

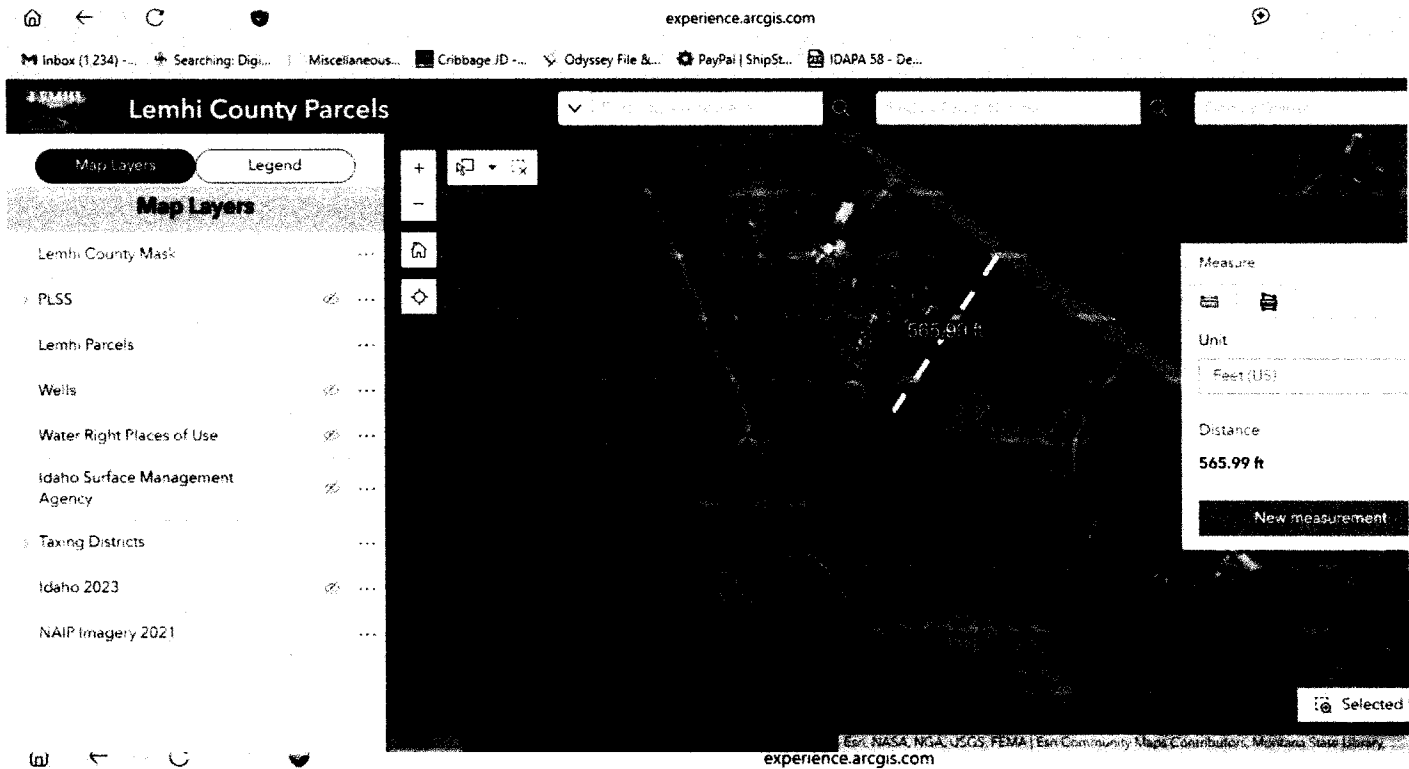
Exhibit T: Motion to Expedite Ruling on Change of Venue and Request for Transfer to a Neutral Judge filed 7-31-2025 Court Record

Exhibit U Preliminary Injunction against McIntosh filed 7-31-2025 Court Record

[illegible]

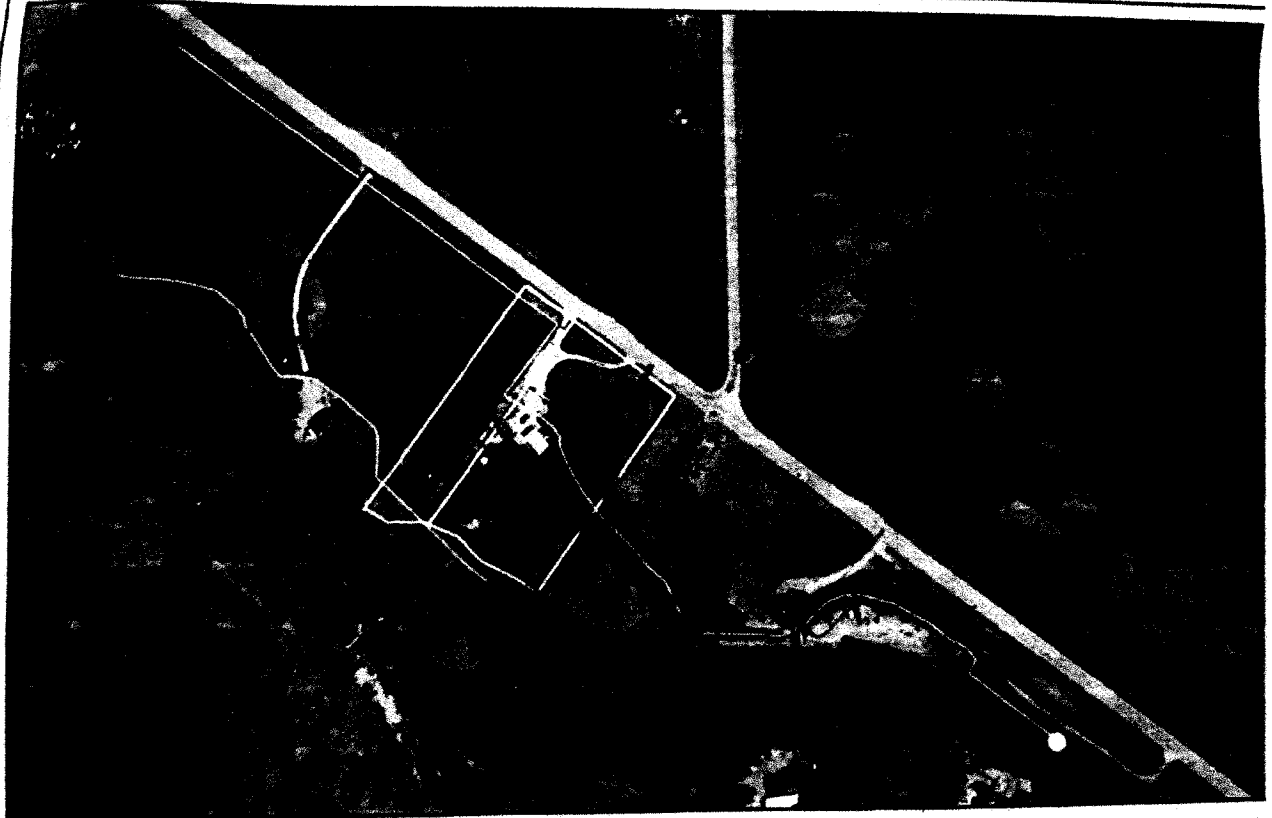
20

Exhibit Z. 300 foot clearance is not legally possible.



Exhibits Z1-Z2:

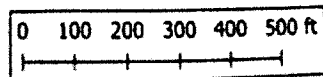
Orin Carpenter Ditch Issue



Legend

- POD 74-733G WR 74-733 H & F — Waste Ditch
☐ WR 74-733 G High Ditch
☐ WR 74-733 E

AR 5/16/83



Scanned with CamScanner

Scanned with CamScanner

Exhibit A1

8 A. Beats me. It was on his property. I
9 didn't care.

10 Q. And then the other ditch that went
11 between his house and the river, is that the one that
12 you described as being approximately 3 feet wide and
13 about 3 or 4 foot deep?

14 A. Correct.

15 Q. And that -- full of water, do you know
16 where it went after it went behind his home?

17 A. No. I do not.

18 Q. Okay. But in the -- boy, thirteen years
19 that you were there, those ditches all existed for
20 that period of time?

21 A. Yes. I wanted to fill them in, but --

22 Q. Why did you want to fill them in?

23 A. Because I wanted all this area flat up
24 here, versus Gillie (phonetic) humps in there that
25 the ditches were on.

Exhibit A1B

1 pond, I'm familiar with what you're talking about,
2 and these guys, I believe, have too.

3 So when the water was coming in the pond
4 and going out of the pond, wasn't it substantially
5 the same flow? I mean, what did pulling the headgate
6 do other than dump --

7 A. Dump all the water in the pond except
8 for lowest point.

9 Q. Okay. All right. So you mentioned
10 there were three ditches. The one that went along
11 the river?

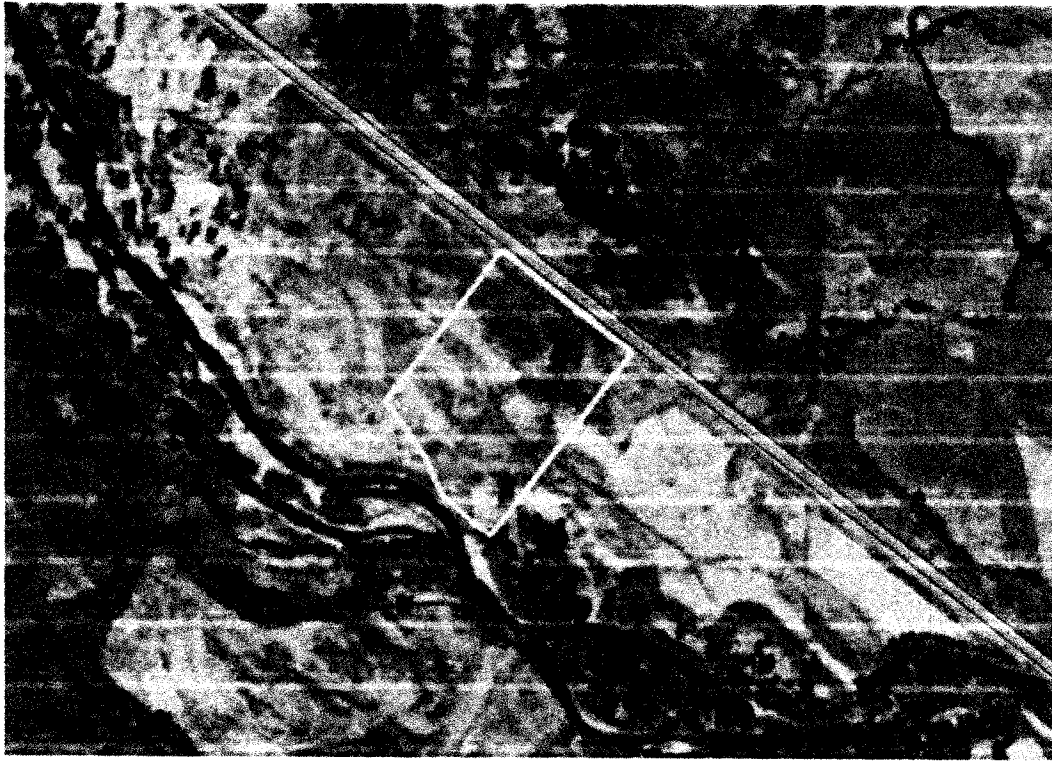
12 A. Right.

13 Q. And one that would have swung, I guess,
14 to the north?

15 A. The one, I guess, that dissected the
16 property in half, if you want to call it; but it
17 wasn't really half, but what got irrigated was pretty
18 much half. And that was what I would call a major
19 ditch, maybe as wide as this table and deep, because
20 I'd clean it out. And that would run through to
21 Rockie's property. And then there was another little
22 ditch that came up and headed up towards maybe half
23 of his front yard, and there was another one that
24 went down towards the highway --

25 Q. Okay.

Exhibit A1C



Attachment C-104
USGS 1946 Image

— HWY 28
□ POU 74-733G

Exhibit A2

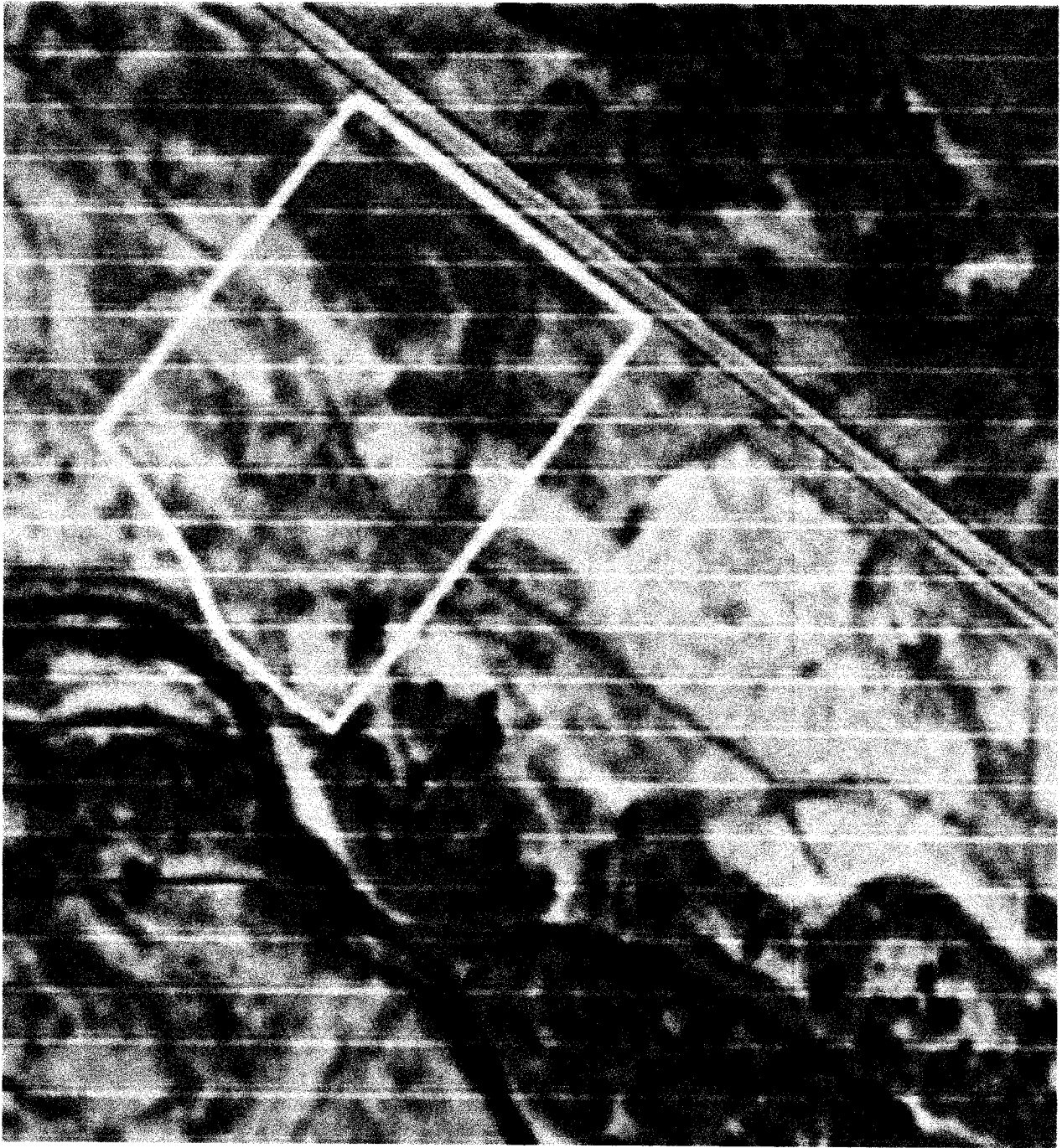
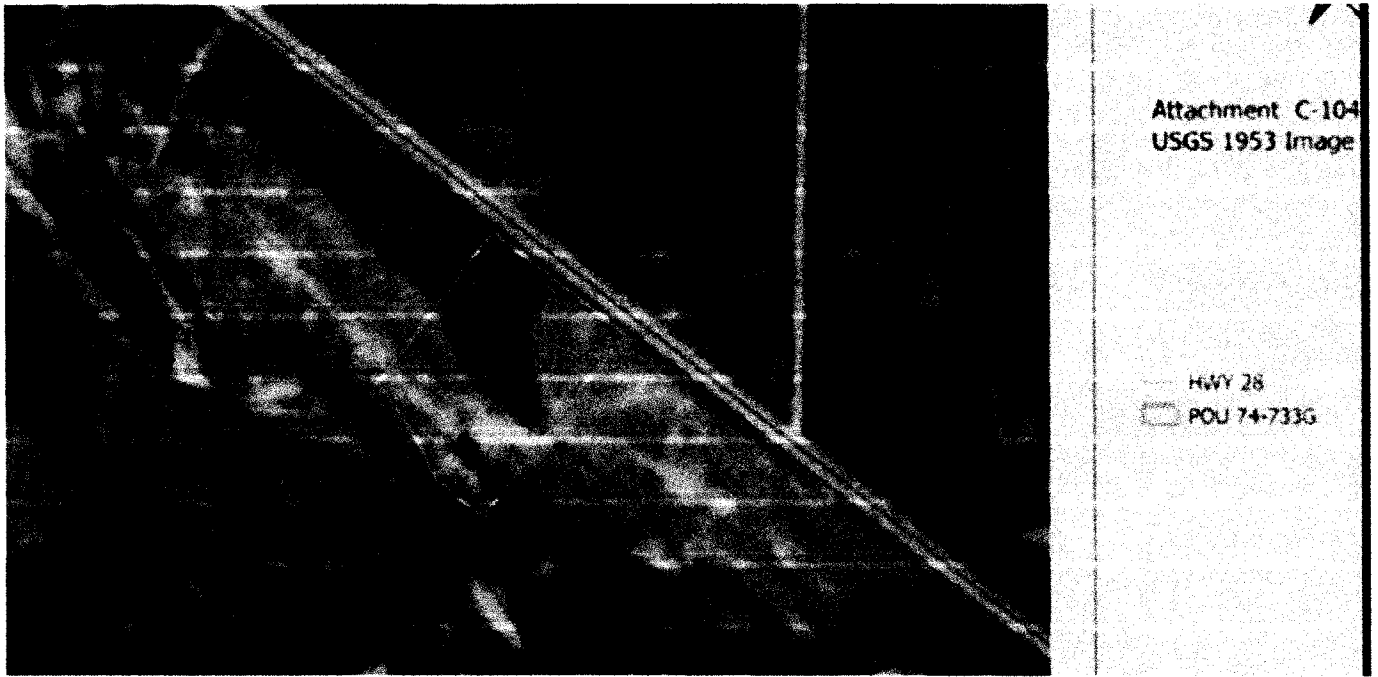


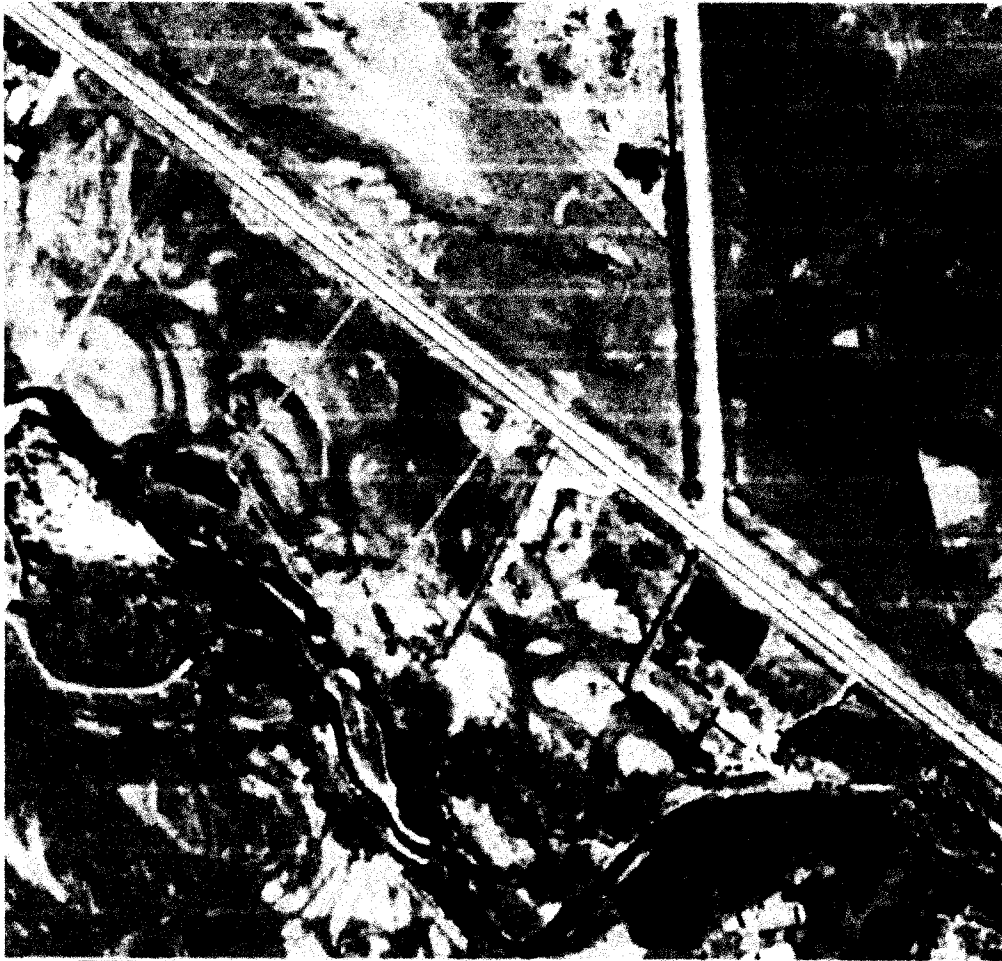
Exhibit A3: close up



Attachment C-104
USGS 1953 Image

HWY 28
☐ POLI 74-733G

Exhibit B1



Attachment C-104
USGS 1994 Image

— HWY 28
— POU 74-733G

Exhibit B2



Exhibit B3: close up 1994 USGS

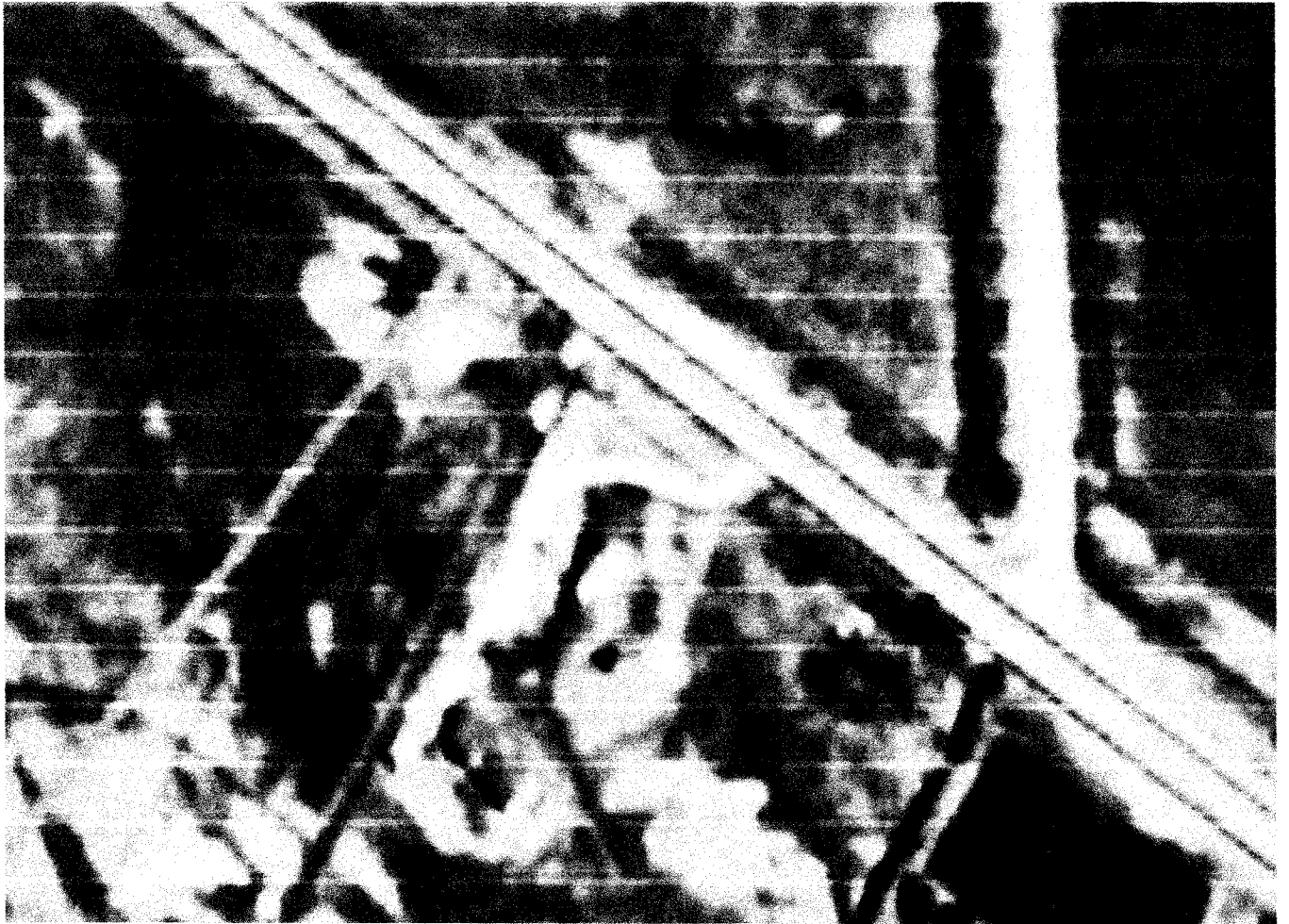


Exhibit B4: close up 1994 USGS

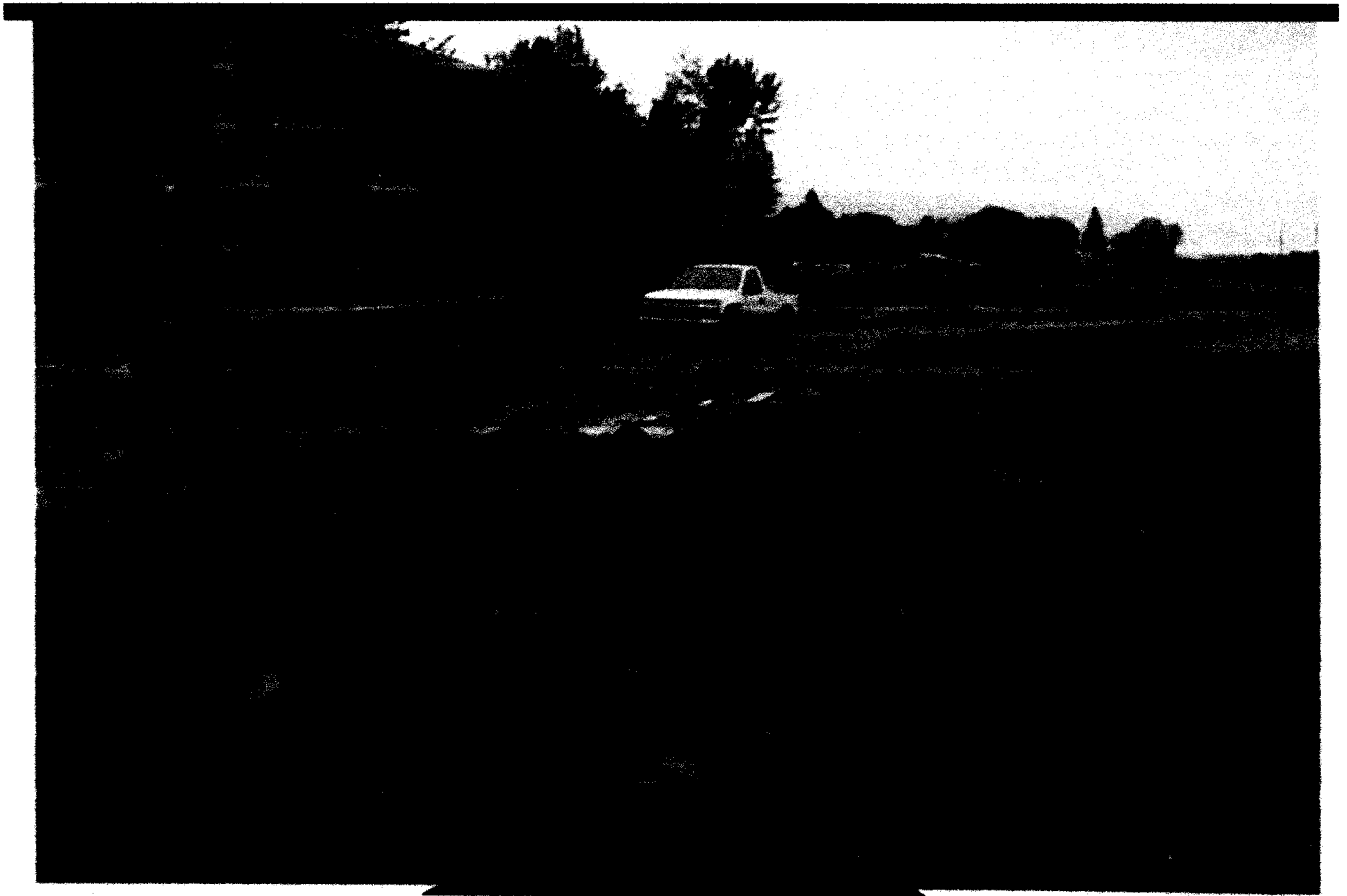


Exhibit J

12/21/2005

ON-SITE EVALUATION

Date(s) On Site Evaluations Conducted.

3/15/06

Travel Time associated with evaluation.

30

Inspection Time associated with evaluation.

80

CURRENT LAND USE:

Pasture

SITE SUITABILITY:

Slope: Does slope prohibit installation of proposed system?

Yes

No

Soil Types:

Based on SCS maps.

Type A B C Unacceptable

Based on Engineering Report.

Type A B C Unacceptable

Based on Test Hole.

Type A B C Unacceptable

Test Hole Information:

Depth of Test hole.

6'

Predominant soil type observed *To 3'

Bedrock encountered.

No

Any ground water encountered.

Yes 4 1/2'

Other concerns.

Effective Soil Depth. Has sufficient soil depth below bottom of proposed system to meet rules? Yes No

Depth to nearest Groundwater 3' (mostly) Depth to nearest impermeable layer. 3'

Separation Distances: (Property has sufficient area for system and replacement to meet all separation requirements?)

Well location (owners property)

Yes No

Water Distribution lines

Yes No

Temporary Surface Waters

Yes No

Permanent or Intermittent Surface Water

Yes No

Nearest neighbor's well

Yes No

Downslope Cut or Scarp

Yes No

Property lines.

Yes No

Exhibit J1

i message

Pati Waddell <PWaddell@eiph.idaho.gov>

Fri, Nov 15, 2024 at 9:03 AM

To: "briantofix@gmail.com" <briantofix@gmail.com>

Cc: Kellye Johnson <kjohnson@eiph.idaho.gov>, Melinda Fuentes-Mobo <MFuentes-Mobo@eiph.idaho.gov>, Marty R. Anderson <marty@eastidaholaw.net>, James Corbett <jcorbett@eiph.idaho.gov>, Kim <kim@eastidaholaw.net>

Good morning,

Per your request, I am attaching all the information we have on file for the septic system installed at 559 Highway 28 in Salmon.

If you have any questions, please feel free to email or call me at the numbers below.

Thank you,

Pati Waddell

Administrative Assistant

Main: (208) 523-5382

Desk: (208) 533-3124



From: Kellye Johnson <kjohnson@eiph.idaho.gov>

Sent: Friday, November 15, 2024 8:37 AM

Exhibit J2

Photos Claim 01273333012022092201



briantofixit <briantofixit@gmail.com>
to Bart

Jan 30, 2025, 5:51 PM



Bart,

Thank you for your time. As you can see the ditch by the river did not exist from 1946-2004. Then after the house, well and sewer were installed and passed all clearance inspections in 2005, the South ditch was constructed by prior owner 20 years ago illegally. I am being sued frivolously.

Brian Carpenter

8 Attachments • Scanned by Gmail

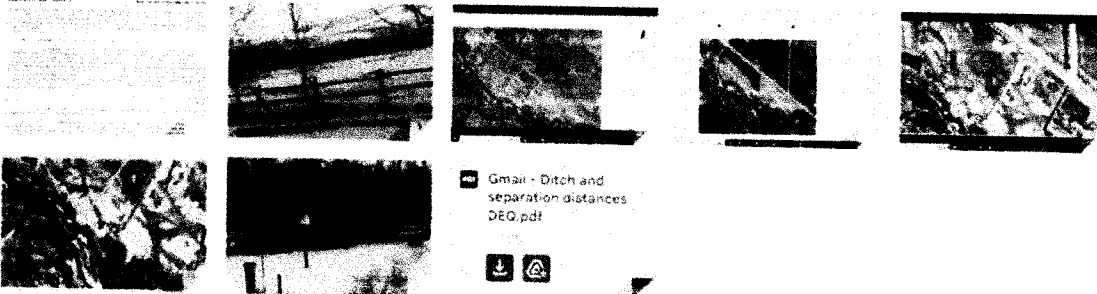


Exhibit Q1: page 1

Re: The ditch I am being sued over never existed.



briantofixit <briantofixit@gmail.com>
to Bart

Jan 10, 2025, 12:31 PM



I found this yesterday at the building department. Gary Goodman. This is more evidence, a photo of 2004. There is no ditch prior to Painter. It's all a complete fabrication. So in other words, and I'm trying to be nice and not hurt anyone's feelings, the ditch Painter built after sewer inspection is illegal as he built the ditch right over the top of the sewer lines. There is a 50 ft rule from any sewer lines.

These are the facts. The lawsuit against me is frivolous and has no standing. So a ditch never existed prior to Painter and after Painter was illegal. It was just a catch ditch that was not continuous. They are busted and should go to jail for insurance fraud because they knew prior.

BC

On Fri, Jan 10, 2025, 11:30 AM Bart Crofoot <bcrofoot@idffins.com> wrote

Hey Brian, I forwarded it to Jon and Nannette for an update. Perhaps they will call you direct, or maybe respond to me. If they respond to me I will pass on the information as to where claims are at.

thanks

Bart Crofoot

Agent

208-756-3335 office

bcrofoot@idffins.com


www.idahoFarmBureauInsurance.com



Farm Bureau Insurance

1000 W. 2nd St. Suite 100, Boise, ID 83702

Exhibit Q2: page 2

RE: The ditch I am being sued over never existed.  Inbox x

B Bart Crofoot <bcrofoot@dfbma.com>
to me

Fri, Feb 7 9:52 PM

Hey Brian,

A Trevor Mackinson (lawyer) reached out to me asking me questions about the claim that you had me submit. I sent over the photos you sent me and did my best to explain it to him. Which I believe I understand so no worries there.

I do believe he was the one that handled the past claim (same issue) that was denied previously. Do what you want but you might reach out to explain to him again for reinforcement of what you are talking about, etc.

Regarding the Ecoli- If you remember there were 2 claims.

1. Was a first party claim entered onto your policy
2. A claim filed against your Neighbor Rocky Walker

Mr. Reid (adjustor) says he visited the sight (your home) in response for the first party claim, and said he relayed the information the policy does NOT extend coverage for this type of damage. You wife when she was in my office asking why Farm Bureau hasn't done anything yet regarding The well. The reason they haven't done anything is they have determined that is a NON covered claim, for both claims. SO at this point they are NOT going to do anything. Which honestly, I don't think any homeowner's policy would cover that. Insurance policies do cover lots of things, but there is plenty of situations NO homeowners' policies cover. I have looked through the policy multiple times trying to see where I could get it covered but just not finding anything. I have spoken with Mr. Reid several times trying to see if there is a way, but he is confident it's a not covered claim. AT this point I don't believe He will be changing his mind on if it is a covered claim or not.

Brian, do you have lawyer representation regarding this gathered on your own, you had mentioned lawyer fees. So, does that mean you have lawyer representation?

Bart Crofoot
Agent
206-756-3335 office
bcrofoot@dfbma.com

Exhibit Q3:

RE: Fwd:  Inbox x  Farm Bureau x

B Bart Crofoot <bcrofoot@dfbma.com>
to me

Thu, Nov 21, 2024, 9:52 AM

Hey Brian,

Sorry I was out a couple of days, I hope all is going well for you, and you are enjoying the fall and transition into winter.

You say two claims currently I can find one on your policy currently?

Do you mean two claims as in the following

1. A claim of general liability ON Rocky Walker policy saying he flooded your well and contaminated it with Ecoli
2. A claim on your policy for a contaminated well

Are those the two claims you are talking about? If so notice only the second one would show up on your policy showing a claim.

And it shows closed

Is this not what you have been told?

If there is something you would like to shed light on additionally, please reach out the adjustor that was assigned that claim. I believe it was Jon Reid

thanks

Bart Crofoot

Exhibit Q4:

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 11th day of August 2025.

Theresa Carpenter

Brian Carpenter

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