

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

AUG 14 2025

By _____

Deputy Clerk

Brian Carpenter and Theresa Carpenter

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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, AND
JOSHUA A. MCINTOSH

Defendants

IN RE: SRBA Case No. 39576

AMENDED MOTION TO FILE A CLAIM
OF FRAUD AND REQUEST FOR RELIEF

COMES NOW, Brian Carpenter and Theresa Carpenter, Claimants, appearing pro se, and move 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 Rockie Walker and LeAnne Walker, holder of water right number 74-

733H, and Joshua A. McIntosh (added as defendant herein as a co-conspirator), and to grant relief as set forth herein. This amended motion adds McIntosh as a defendant due to his role as a co-conspirator in the fraud under Idaho Code § 18-7001, as detailed in the original motion filed June 3, 2025. This 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 Claimants and three other lower-priority water right holders.

I. GROUNDS FOR MOTION

- 1) **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 Claimants’ 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.
- 2) **Civil Conspiracy with McIntosh:** Walkers and McIntosh (added as defendant), as the lower 5 ac. property holder purchased in 2021, conspired to conceal Walkers’ illegally buried ditches and civil conspiracy under Idaho Code § 18-7001 to disenfranchise the Carpenters’ water rights and conceal buried ditches. This conspiracy aimed to hide violations of 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 Idaho Admin. Code r. 58.01.03.017 (regulating septic system placement to prevent contamination). Overt acts 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 F1-F3).

- 3) **Violations of Idaho Law: Idaho Code § 42-1207:** Walkers illegally buried the historic 1946 ditch in 2008, which served as the primary conveyance for Claimants' 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.
- 4) **Harm to Claimants 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 Claimants and three other water right holders by restricting access to their decreed water rights. The illegal septic system has also caused E. coli contamination in Claimants' domestic well, posing a public health risk to everyone.

II. LEGAL BASIS

- 1) **I.C. § 18-5408:** Perjury.
- 2) **I.C. § 18-2403:** Felony Fraud.
- 3) **Idaho Code § 42-1412:** Governs objections and amendments to water right decrees in the SRBA, permitting the Court to address fraudulent claims.
- 4) **SRBA Administrative Order 1:** Establishes procedures for filing motions and preserving evidence in the SRBA.
- 5) **Idaho Code § 42-1207:** Prohibits interference with ditches used for water conveyance.
- 6) **Idaho Admin. Code r. 58.01.03.017 and 37.03.09(d):** Sets standards for septic system placement to prevent contamination and domestic well setbacks.

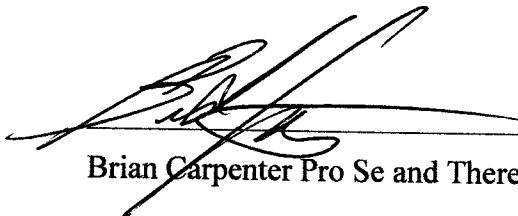
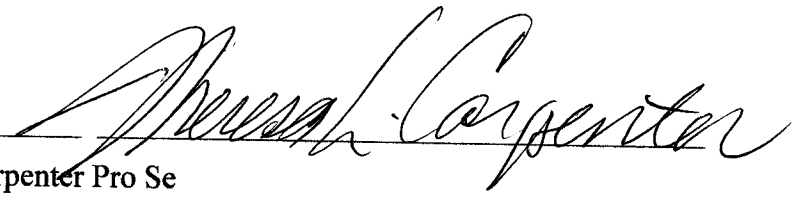
- 7) **I.R.C.P. Rule 60(b)(3)**: Allows relief from a judgment for fraud, misrepresentation, or misconduct.
- 8) **Idaho Code § 18-5401**: Defines perjury for false statements under oath.
- 9) **McPheters v. Maile, 138 Idaho 391, 64 P.3d 317 (2003)**: Establishes elements of civil conspiracy.

III. WHEREFORE, Claimants respectfully request that the SRBA Court:

- Accept this amended 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 10th day of August, 2025.

Respectfully submitted,

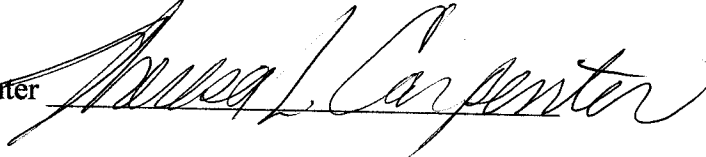
 
Brian Carpenter Pro Se and Theresa Carpenter Pro Se

CERTIFICATE OF SERVICE

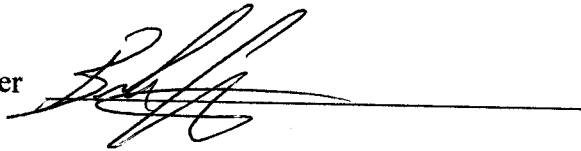
I hereby certify that I caused a true and correct copy of the foregoing document to be served upon the following persons as set forth below.

DATED this 10TH day of May 2025.

Theresa Carpenter



Brian Carpenter



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