

Brian Carpenter and Theresa Carpenter
559 Highway 28
Salmon, Idaho 83404
Telephone: (208) 580-8380
Self-Represented for Plaintiff/Defendants Carpenter

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

JUN 20 2025

By _____


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; JOSHUA A.
MCINTOSH

Defendants

IN RE: SRBA Case No. 39576

SUPPLEMENTAL AFFIDAVIT #2 OF
BRIAN CARPENTER AND THERESA
CARPENTER IN SUPPORT OF MOTION
TO REMOVE DEFENDANTS' WATER
RIGHTS, BURY ILLEGAL SOUTHWEST
DITCH, REINSTATE HISTORIC WATER
DELIVERY, ENJOIN CITATION, REFER
CRIMINAL VIOLATIONS, AND REFER
FINDINGS TO LEMHI COUNTY CIVIL
COURT

STATE OF IDAHO

COUNTY OF LEMHI

AFFIDAVIT OF BRIAN CARPENTER AND THERESA CARPENTER

We, Brian Carpenter and Theresa Carpenter, being over 18 years of age and duly sworn, depose and state as follows:

- **Personal Information:** We are residents of Lemhi County, Idaho, at 559 Highway 28, Salmon, Idaho 83404, holders of a senior 1893 water right (74-733G, 5.01 acres, successors to Elmer Peters' 12.4 acres) in the Snake River Basin Adjudication (SRBA). We have personal knowledge of the facts herein and are competent to testify.
- **Purpose of Affidavit:** This affidavit supports our motion to:
 - Remove Defendants' water rights (74-733H, 74-733E) for fraud and violations.
 - Bury the illegal Southwest ditch.
 - Reinstate historic water delivery to our pasture.
 - Enjoin or dismiss our Idaho Code § 18-4310 citation (June 6, 2025).
 - Refer criminal violations to the Twin Falls County Prosecutor and Idaho DEQ.
 - Refer SRBA findings to Lemhi County Case No. CV30-23-0114, to be submitted as evidence to compel damages and fees. This aligns with our Rule 60(b)(3) motion in Lemhi per Berg v. Kendall, 147 Idaho 571, 212 P.3d 1001 (2009), avoids declaratory damages, and is not for open debate due to overwhelming fraud evidence.
- **SRBA Jurisdiction:** The SRBA court has exclusive jurisdiction over Basin 74 water rights under Idaho Code § 42-1401A, with authority to revoke Defendants' rights, bury the Southwest ditch, and reinstate our historic delivery Idaho Code § 42-1401A.
- **Unlawful Citation:**
 - On June 6, 2025, we were cited under Idaho Code § 18-4310 for alleged neglect to deliver water. This is unenforceable, as Defendants' actions caused our inability to deliver water (Exhibits A-K).
 - Walker buried the highway ditch (1994), Painter's drawing ditch (2006), and 1946 ditch (2008) without permission, violating Idaho Code § 42-1207(3)(a), (5)(a) (Exhibits A1-A3 A1B, A1C, B1-B4, C).

- Defendants fabricated the Southwest ditch post-2004, without permission, violating Idaho Code § 42-1207(3)(a), (5)(a) and § 42-1102 (Exhibits A1-A3, A1B, A1C, B2-B4, C, F-F1). The Southwest ditch is illegal, abandoned, not historic, and causes E. coli contamination (Exhibit D, D1-D7).
 - The citation is harassment (Idaho Code § 18-6710) and trespass (Idaho Code § 18-7008) (Exhibits B2-B4, F-F1).
- **Fraud and Perjury:**
 - Walker's 2019 SRBA Application: Walker's 2019 application (Exhibit E, E1) falsely claimed no other water rights, concealing our 1893 right, constituting perjury (Idaho Code § 18-5401) and fraud to facilitate an illegal sewer (Exhibits E,E1).
 - Walker's 1987 Sewer Application: Walker omitted the 1946 ditch, highway ditch, and our lower pasture ditch (Exhibit E2), evidencing fraud to conceal an illegal sewer, violating Idaho Code § 18-7001n and (DEQ 58.01.03.17.)
 - Walker's Insurance Fraud: Walker filed a fraudulent insurance claim against the Carpenters in CV30-23-0114 case misrepresenting property compliance, violating Idaho Code § 41-293, reinforcing his fraud pattern (Exhibits E, E1-E2). Walker did not disclose the buried ditches to Farm Bureau and pursued fraud with the Southwest ditch fabrication.
 - McIntosh's Fraud: McIntosh obtained an illegal sewer permit in a flood zone (Exhibit H,H1-H3), using Walker's unadjudicated judgment to mislead authorities, obtain permits and obtain liability insurance under fraud, violating Idaho Code § 18-7001, 18-293. As the cases are combined for court efficiency but entirely separate.
 - Witness Perjury: A witness, Painter falsely claimed the Southwest ditch was historic, contradicted by 1994 USGS photos (Exhibit B2-B4) and 2004 Goodman photo (Exhibit F-F1), indicating collusion with Walker (Exhibits B2-B4, F-F1).
- **Ditch Violations:**
 - Walker buried historic ditches (1994, 2006, 2008) without permission, violating Idaho Code § 42-1207(3)(a), (5)(a) (Exhibits A1-A3, A1B, A1C, B2-B4, C).
 - The Southwest ditch, fabricated post-2004, is illegal, abandoned, not historic, and conceals Walker's sewer, violating Idaho Code § 42-1207 and § 42-1102. It impedes river returns, is

too small, and causes E-coli contamination (Exhibits A1-A3, A1B, A1C, B2-B4, C, D, F-F1).

• **Environmental and Criminal Violations:**

- E-coli contamination (Exhibit D, D1-D7) violates IDAPA 37.03.09.040(d), 58.01.03.017, 58.01.11, 58.01.17, and constitutes felony poisoning (Idaho Code § 18-5501).
- McIntosh's sewer permit (Exhibit H) breaches IDAPA 58.01.17 and Idaho Code § 18-7001.
- Violations include Idaho Code §§ 18-4310, 18-7001, 18-7008, 18-5501, and 41-293 (Walker's claim), warranting referral (Exhibits D, D1-D7, H, H1-H3).

• **Abuse of Process:** Defendants' citation likely with Farm Bureau instigation constitutes abuse of process (**Badell v. Beeks) and harassment (Idaho Code § 18-6710) (Exhibits G).

• **Sheriff's Neglect:** The Lemhi County Sheriff, aware of violations (Idaho Code §§ 18-5501, 42-1207, 18-7001, 41-293, 18-6710, illegal berm), refused to investigate, breaching Idaho Code § 31-2202, supporting trespass (Idaho Code § 6-202) and harassment claims (Exhibit G; Idaho Code § 31-2202, Idaho Code § 6-202).

• **No Final Judgment:** McIntosh lacks judgment due to disputed facts; Walker's judgment is unadjudicated per 60(b) motion.

• **Procedural Misconduct:** Improper service since January 30, 2025. In Idaho a married couple Pro Se must be served separately. This violation, and evidence dismissal before February 4, 2025, prejudiced us (**Harrigfeld v. Hancock) (Exhibits A-K).

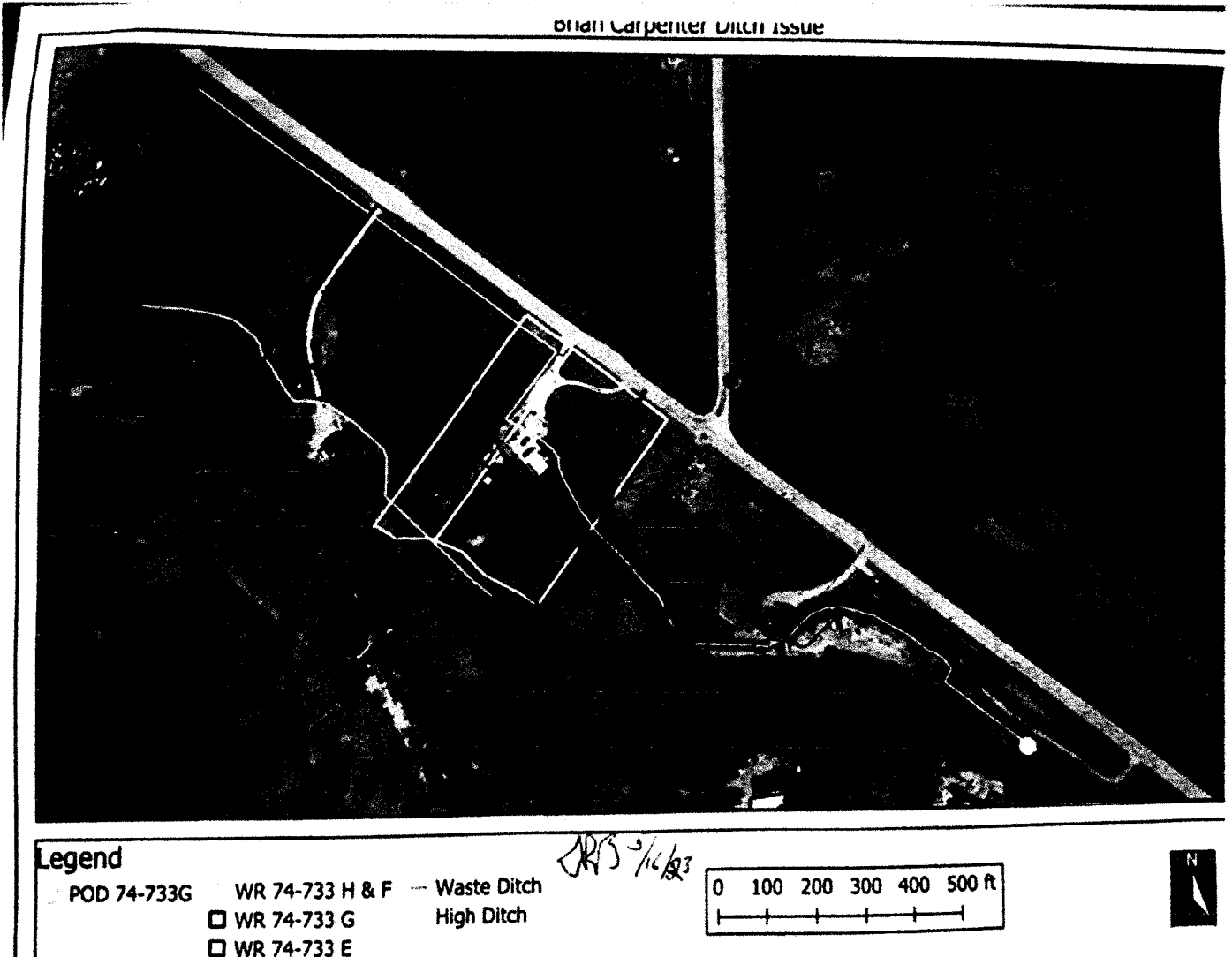
• **Lemhi Coordination:** Lemhi lacks water expertise, mishandling our case (Exhibits A-K). We will submit SRBA findings to Lemhi as evidence to support our Rule 60(b)(3) motion and tort claims, requesting SRBA refer its findings to Lemhi to compel damages and fees (Exhibits A-K).

• **Exhibits:**

- A1-A3, A1B, A1C: Bockleman's map, testimony and photos.
- B1-B4: Historical photos (1946, 1953, 1994 USGS).
- C: Painter's drawing (2005-2017).
- D, D1-D7: DEQ violation letter. Latest E. coli tests (June 11, 2025).
- E, E1-E2: Walker's 2019 SRBA application and 1987 sewer application.

- F-F1: 2004 Goodman photo.
- G: Trespass and sheriff neglect evidence.
- H, H1-H3: McIntosh's sewer permit, 42-1207, 42-1102 violations and fraud..
- J-J1 2005 Carpenter sewer showing clearances met.
- K: River returns: Showing 13 returns to the river.

Brian Carpenter Ditch Issue



Scanned with CamScanner

Scanned with CamScanner

- Exhibit A1

SUPPLEMENTAL AFFIDAVIT #2 OF BRIAN CARPENTER AND THERESA CARPENTER IN SUPPORT OF MOTION TO REMOVE DEFENDANTS' WATER RIGHTS, BURY ILLEGAL SOUTHWEST DITCH, REINSTATE HISTORIC WATER DELIVERY, ENJOIN CITATION, REFER CRIMINAL VIOLATIONS, AND REFER FINDINGS TO LEMHI COUNTY CIVIL COURT

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 Ghillie (phonetic) humps in there that
25 the ditches were on.

Exhibit A1B: Bocklemans testimony about the 1946 ditch.

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?

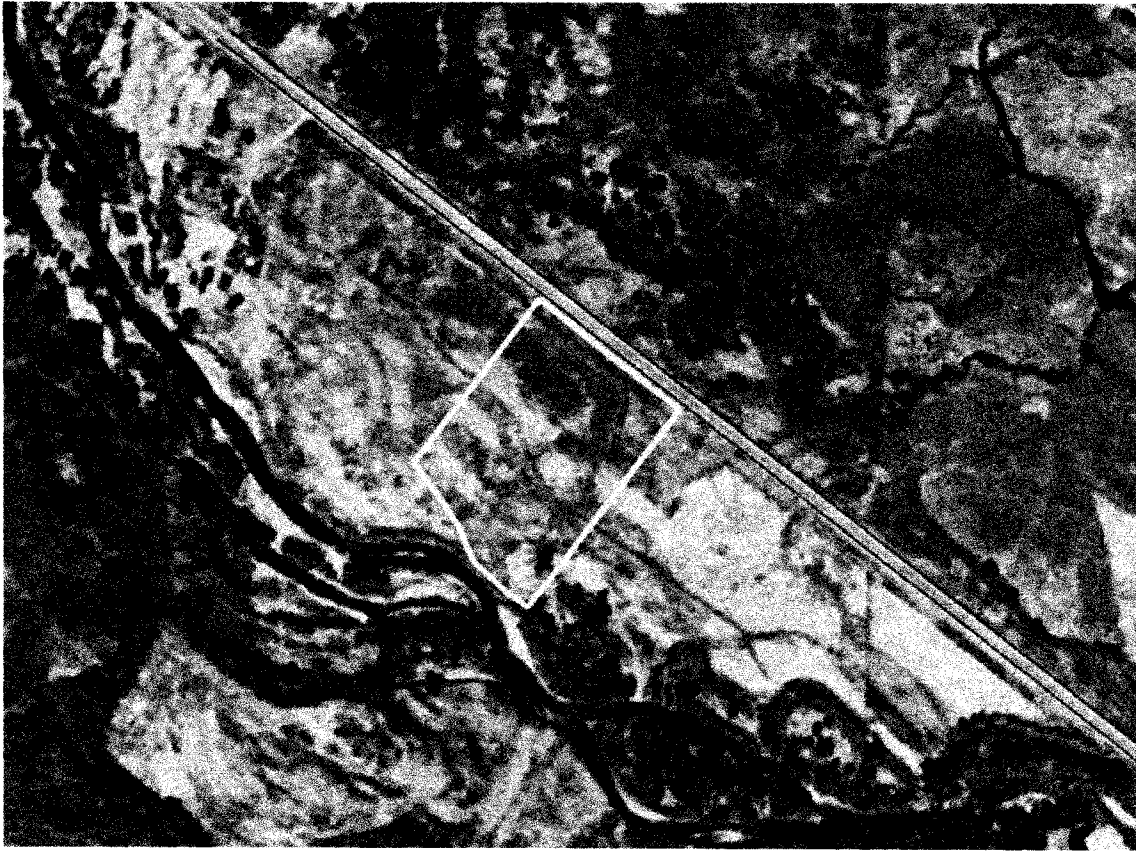
12 A. Right.

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 Hockie'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.

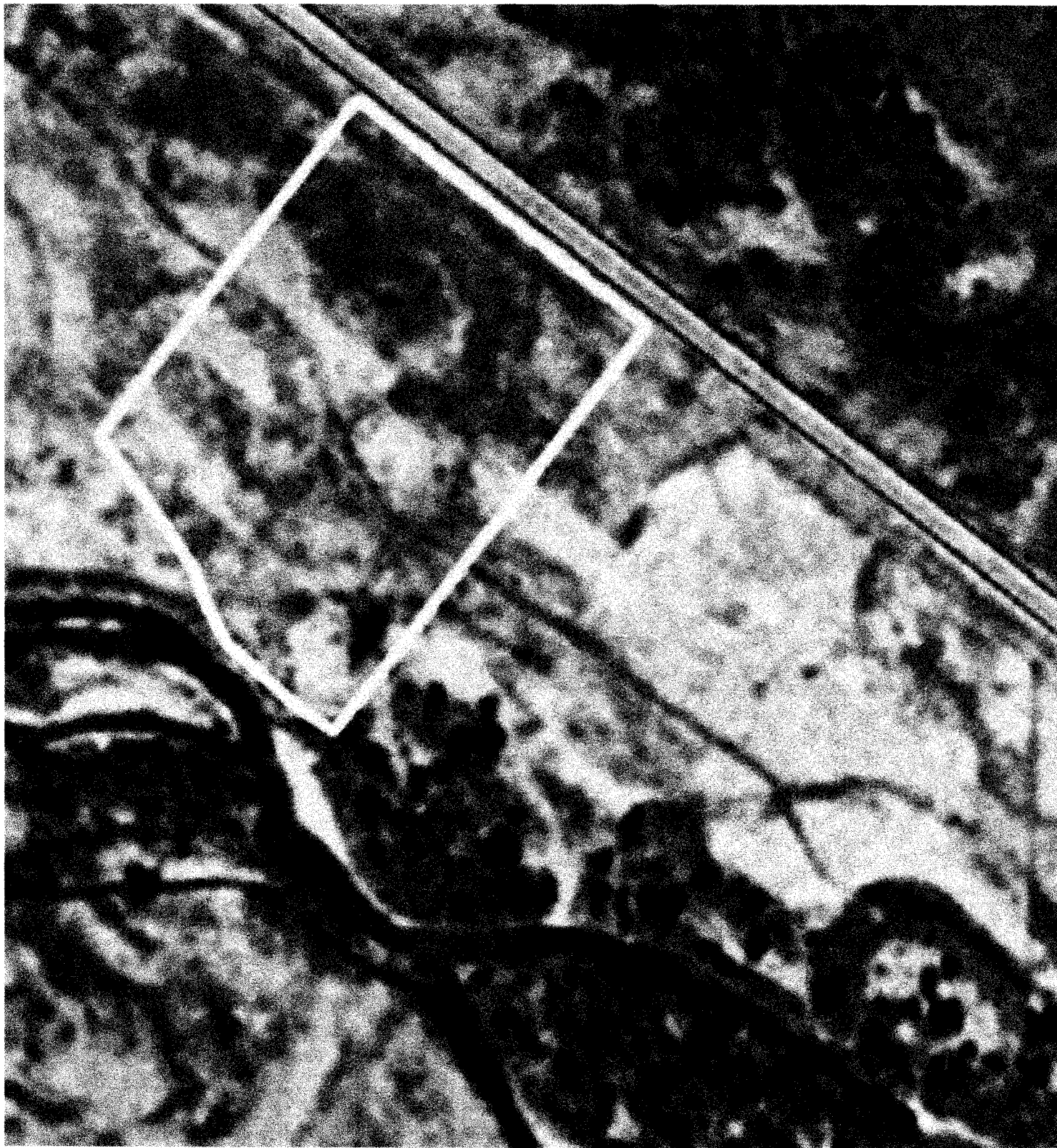
Exhibit A1C: Bocklmans testimony about the main 1946 ditch, and the Highway ditch.



Attachment C-104
USGS 1946 Image

— HWY 28
◇ POU 74-733G

Exhibit A2: 1946 ditch and Highway ditch.



• Exhibit A3: 1946 Close up.

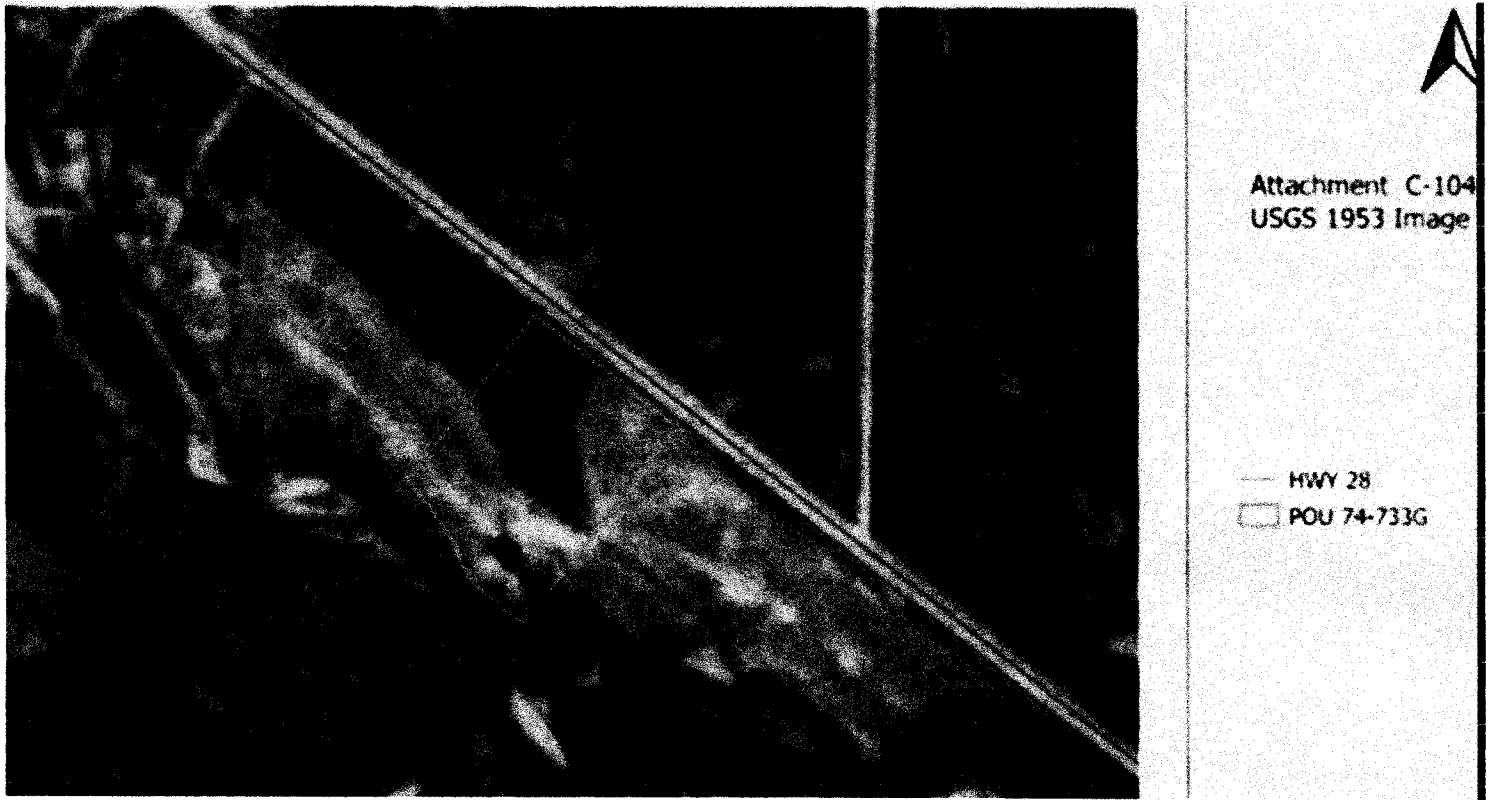
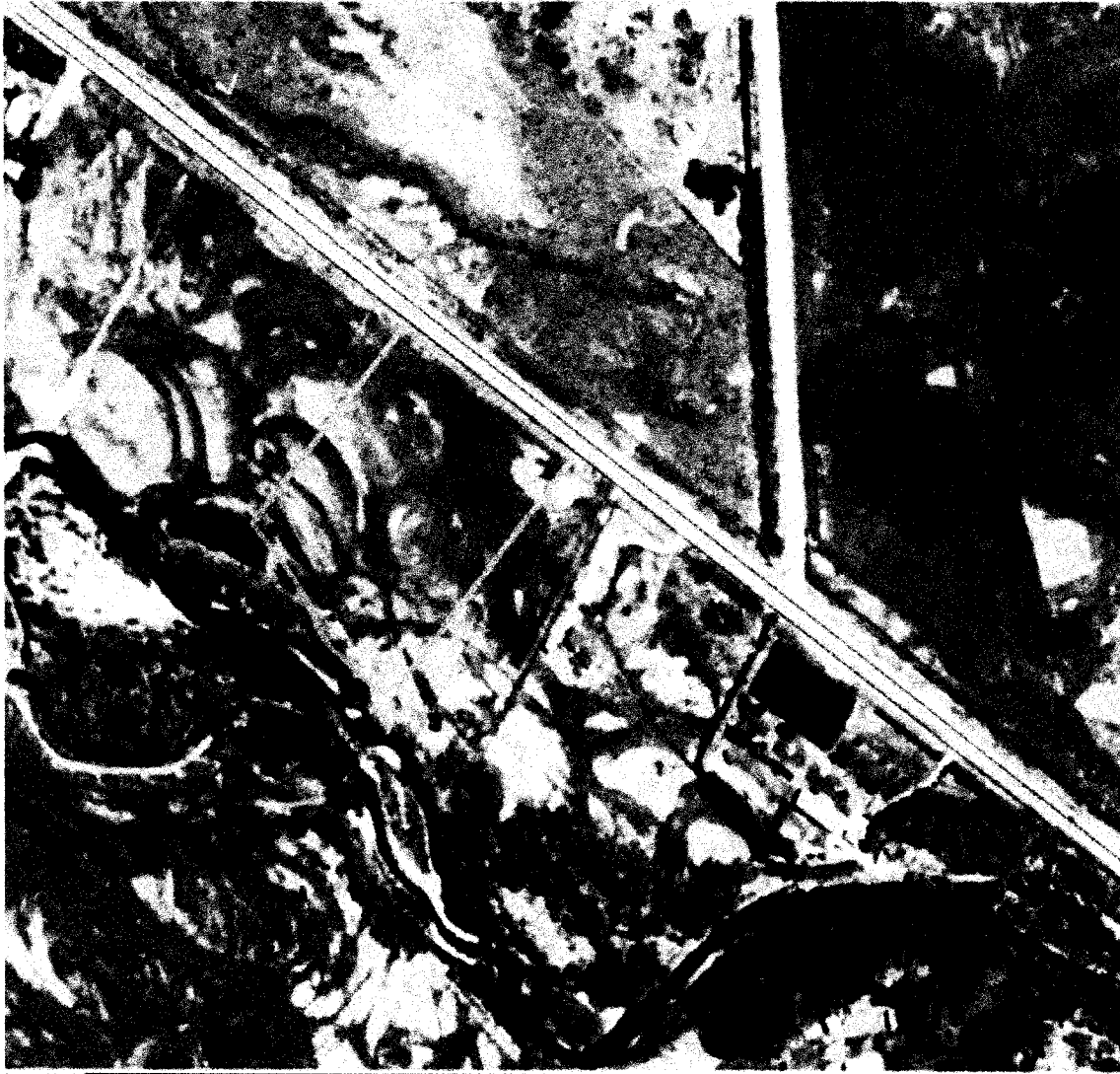


Exhibit B1: 1953 USGS photo



Attachment C-10
USGS 1994 Imag

— HWY 28
- - - POU 74-733G

Exhibit B2: 1994 USGS photo showing the Highway ditch existed, the 1946 ditch and ditch entering Carpenters' lower pasture. The property overlay is off as you can see the property line between Walker 2 acres and Carpenter 5 acres.

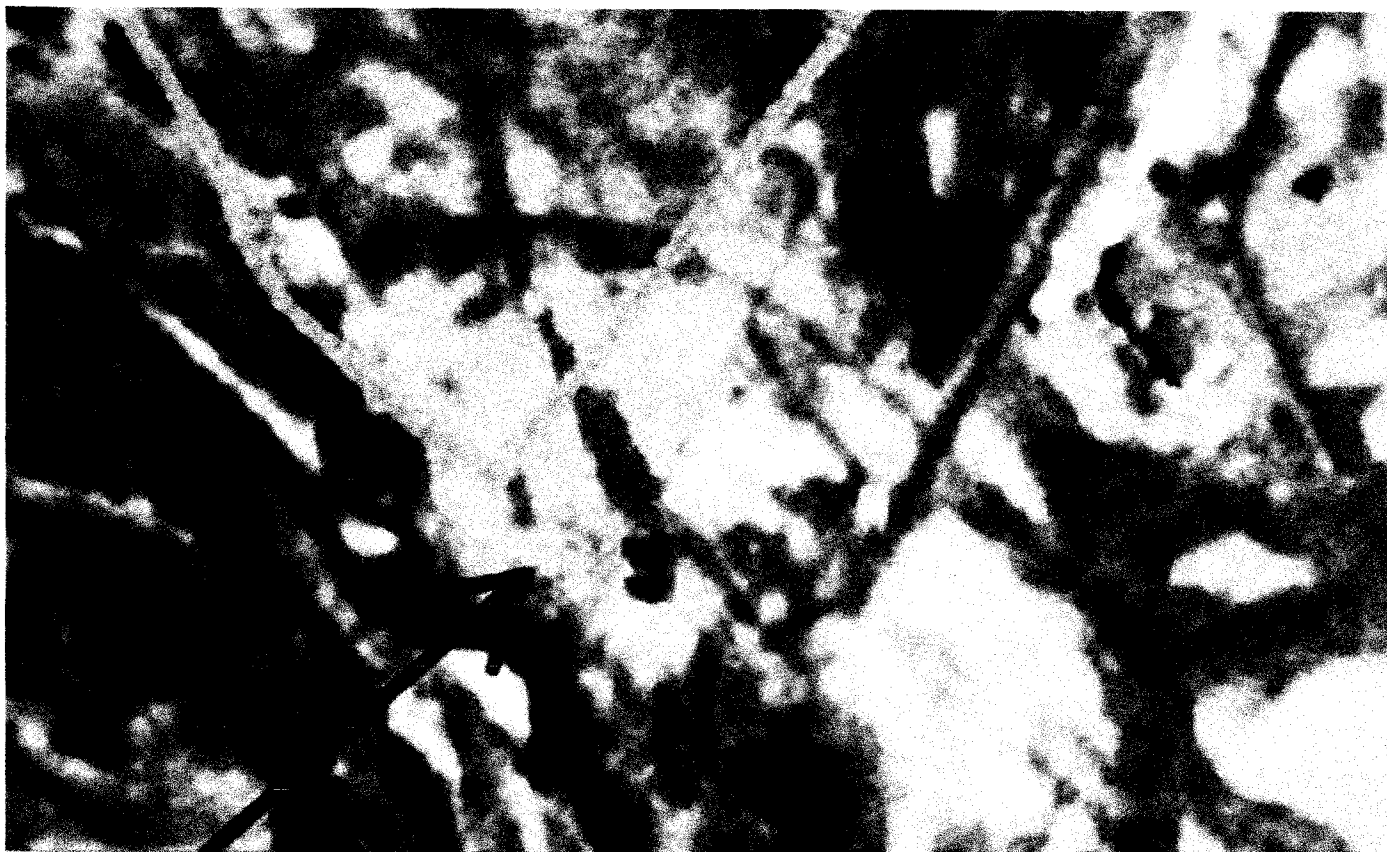


Exhibit B3: 1994 USGS close up showing McIntosh claimed ditch was a catch ditch as no continuous Southwest ditch existed proving Fraud. This photo shows three supply ditches entering Carpenters' property. The highway ditch is obvious with a driveway culvert, the 1946 ditch in the middle of the photo, and the Painter ditch entering the lower pasture. The Southwest ditch did not exist on the Carpenter property or possibly did not exist at all in 1994.

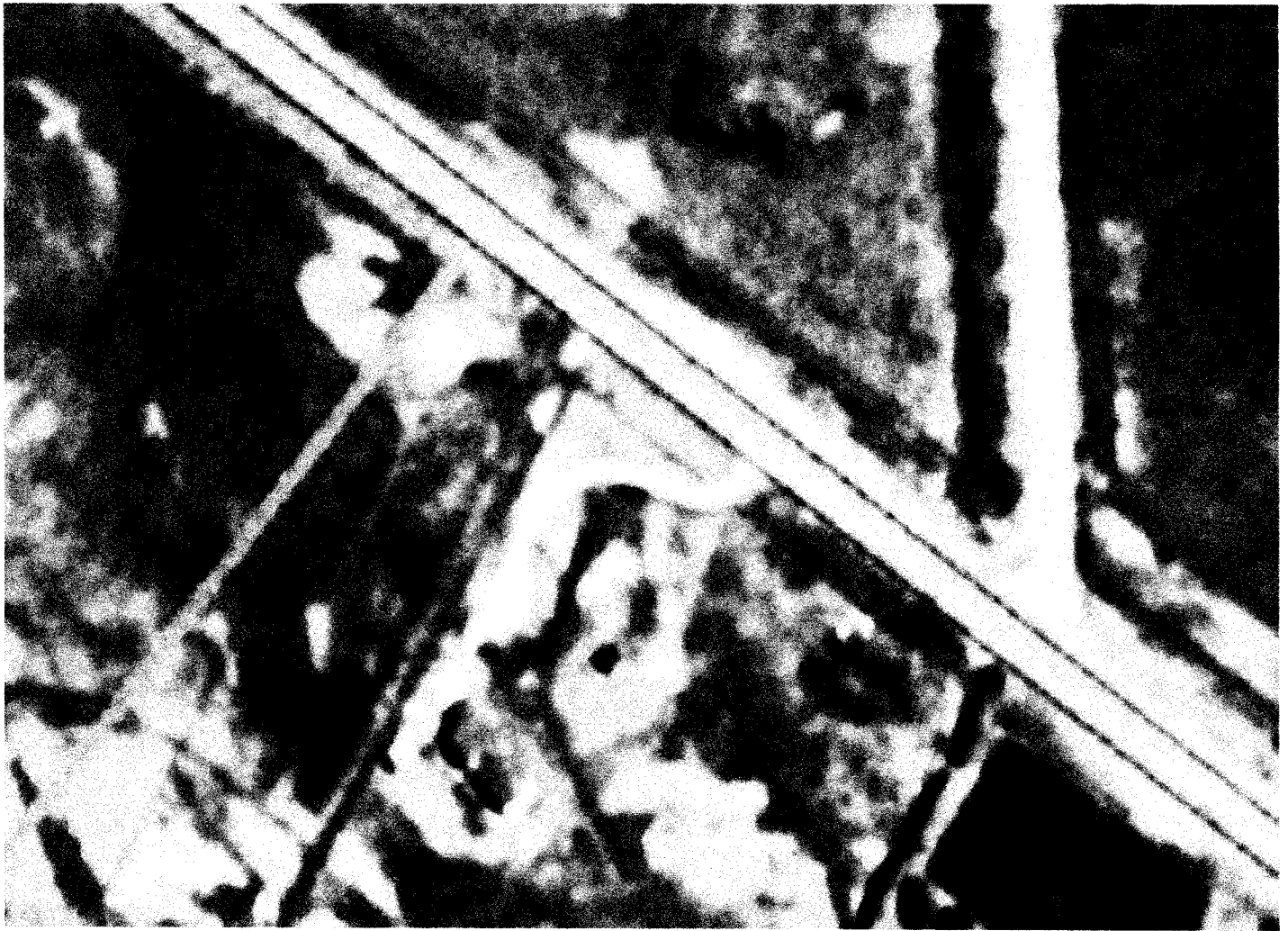


Exhibit B4: Showing the USGS 1994 Highway ditch crossing onto the Carpenter property in the high corner.



Exhibit C: Painter's hand drawn map. Showing and entirely different ditch that was also buried by Walker a 42-1207 violation, 120 feet from the Southwest waste ditch making Carpenters' well legal as shown. However this photo shows Carpenters' sewer would be in violation. Also invalidated by the 1994 Exhibit B2-B4 which disproves a ditch existed to serve McIntosh. Painter and Walker met prior to the deposition. This would be evidence of Perjury.

Ditch and separation distances

1 message

Carlin Feisthmel <Carlin.Feisthmel@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 Feisthmel, 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.

Client Name: Brian Carpenter

Address: Brian C. 7/9/2024 LEMHI

Phone: 208-580-8380

Condition of Transport: Sealed Open Ice Other

Report Results To: Brian.Carpenter@gmail.com



Billing Address:

Email:

Phone:

Fax:

Public Water System
 Private System

Preserved With Sodium Thiosulfate

TETON MICROBIOLOGY LABORATORY ID: H000969
 308 S. Freeman Ave Idaho Falls, IDAHO 83401
 Office: 208-529-0677 - Fax: 208-522-7797

Client Sample Number	Lab Sample Number	Sample Type Code	Sampling Location	Time Collected	Chlorine residual PPM	Original Sample Date	Total Coliforms		Escherichia Coli	
							Without Code Filter	With Code Filter	Without Code Filter	With Code Filter
	2407166	*	WELL	7:00 AM			9223B-PA	P	9223B-PA	P
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	

No test results
 Coliforms Present
 No Coliforms Present
 No test results
 Coliforms Present
 No Coliforms Present
 No test results
 Coliforms Present
 No Coliforms Present
 No test results
 Coliforms Present
 No Coliforms Present

Chain-of-Custody Information

Date/Time	Activity	Signature	Initials	Date/Time	Activity	Signature	Initials
7/9/24	ANALYZE	[Signature]	JL				
7/9/24	RECEIVED	[Signature]	JL				

DATE/TIME RECEIVED: 7/9/24 15:30
 DATE/TIME ANALYZE: 7/9/24 15:30
 DATE/TIME READ: 7/9/24 15:30

ANALYST: [Signature]
 SUPERVISOR:
 LAB ID #: H000969

REMARKS: Submittal in for 100
1 PA - 3 MP/10 - 10/10/24

Exhibit D1: Teton Microbiology test positive for E-coli.7/9/2024

Name: Jon Paul
 Address: 7700 24th St
 City: Boise
 State: ID
 Zip: 83724
 Phone: 208-519-354

Report Results To:
jon@identiflex.com
boise@identiflex.com



Public Water System
 Private System

Preserved With Sodium Thiosulfate

Billing Address:
 Email:
 Phone:
 Fax:

TETON MICROBIOLOGY LABORATORY ID: ID00969
 800 S. Freeman Ave Idaho Falls, IDAHO 83401
 Office: 208-529-0077 -- Fax: 208-522-7797

Client Sample Number	Lab Sample Number	Sample Type Code	Sampling Location	Time Collected	Chlorine residual PPM	Original Sample Date	Total Coliforms		Escherichia Coli	
							Method Code	Result	Method Code	Result
	246724401		Hydrothermal vent	6/10/2024			9223B-PA	P	9223B-PA	A
	↓ OR		Hydrothermal vent	6/10/2024			9223B-PA	P	9223B-PA	P
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	

N Original Sample
 C Composite Sample
 W Inactivated Sample
 P Public Water
 U Unavailable Sample
 D Distribution Point
 X Other Source
 (A) Original Tap

Chain-of-Custody Information

Prepared by	Date	Time	Signature	Received by	Date	Time	Signature
<u>[Signature]</u>	7/11/24	2:48 PM	<u>[Signature]</u>				

TEST TIME RECEIVED: 7-11-24 2:48
 ANALYST: [Signature]
 SUPERVISOR: [Signature]
 LAB ID: ID00969

REMARKS:
 OK
 OK (S)
 OK (M)
 OK (L)

Exhibit D2: Teton Microbiology test positive for E-coli and Coliforms.7/11/2024.

Steele Memorial Medical Center
 P.O. BOX 700 - SALMON, ID 83467 - (208) 752-3241 - FAX (208) 752-8743
 Bacterial Analysis of Drinking Water Request Form
 Please fill in all grey areas.

<input type="checkbox"/> Public Drinking Water System <input type="checkbox"/> Private Drinking Water	AMS ID No.	
Public Water	AMS ID# - If you are a state or federal agency	
System Name	AMS ID#	
Customer	AMS ID#	
Agency Name	AMS ID#	
Mailing Address	AMS ID#	
559 HIGHWAY 28	208 752 3580	
SALMON	ID 83467	
Additional copy of report sent to		
BRIANTOSIXITE@GMAIL.COM		
Mailing Address		
City	State	Zip
Sample collected by	Person transporting sample to lab	Condition of transport
CUSTOMER		<input type="checkbox"/> Cool <input type="checkbox"/> Other <input type="checkbox"/> Dark <input type="checkbox"/> Other

Barcode
 5521000000
 STEELE MEMORIAL MEDICAL CENTER
 SALMON, ID

Laboratory Use Sample Identification Number	Sample Description				Results	
	Sample Type Code	Sample Location (Sample ID)	Date Collected	Time Collected (M:SS)	Analysis Method (CFU)	Analysis Results (Total Coliforms & Coli)
#08635			8/5/24	11:00 AM		A A

Sample Type Codes: 00 - Routine Sample, 01 - Routine Sample, 02 - Other Routine, 03 - Unusual Occurrence, 04 - Unusual Occurrence, 05 - Unusual Occurrence, 06 - Unusual Occurrence, 07 - Unusual Occurrence, 08 - Unusual Occurrence, 09 - Unusual Occurrence, 10 - Unusual Occurrence, 11 - Unusual Occurrence, 12 - Unusual Occurrence, 13 - Unusual Occurrence, 14 - Unusual Occurrence, 15 - Unusual Occurrence, 16 - Unusual Occurrence, 17 - Unusual Occurrence, 18 - Unusual Occurrence, 19 - Unusual Occurrence, 20 - Unusual Occurrence, 21 - Unusual Occurrence, 22 - Unusual Occurrence, 23 - Unusual Occurrence, 24 - Unusual Occurrence, 25 - Unusual Occurrence, 26 - Unusual Occurrence, 27 - Unusual Occurrence, 28 - Unusual Occurrence, 29 - Unusual Occurrence, 30 - Unusual Occurrence, 31 - Unusual Occurrence, 32 - Unusual Occurrence, 33 - Unusual Occurrence, 34 - Unusual Occurrence, 35 - Unusual Occurrence, 36 - Unusual Occurrence, 37 - Unusual Occurrence, 38 - Unusual Occurrence, 39 - Unusual Occurrence, 40 - Unusual Occurrence, 41 - Unusual Occurrence, 42 - Unusual Occurrence, 43 - Unusual Occurrence, 44 - Unusual Occurrence, 45 - Unusual Occurrence, 46 - Unusual Occurrence, 47 - Unusual Occurrence, 48 - Unusual Occurrence, 49 - Unusual Occurrence, 50 - Unusual Occurrence, 51 - Unusual Occurrence, 52 - Unusual Occurrence, 53 - Unusual Occurrence, 54 - Unusual Occurrence, 55 - Unusual Occurrence, 56 - Unusual Occurrence, 57 - Unusual Occurrence, 58 - Unusual Occurrence, 59 - Unusual Occurrence, 60 - Unusual Occurrence, 61 - Unusual Occurrence, 62 - Unusual Occurrence, 63 - Unusual Occurrence, 64 - Unusual Occurrence, 65 - Unusual Occurrence, 66 - Unusual Occurrence, 67 - Unusual Occurrence, 68 - Unusual Occurrence, 69 - Unusual Occurrence, 70 - Unusual Occurrence, 71 - Unusual Occurrence, 72 - Unusual Occurrence, 73 - Unusual Occurrence, 74 - Unusual Occurrence, 75 - Unusual Occurrence, 76 - Unusual Occurrence, 77 - Unusual Occurrence, 78 - Unusual Occurrence, 79 - Unusual Occurrence, 80 - Unusual Occurrence, 81 - Unusual Occurrence, 82 - Unusual Occurrence, 83 - Unusual Occurrence, 84 - Unusual Occurrence, 85 - Unusual Occurrence, 86 - Unusual Occurrence, 87 - Unusual Occurrence, 88 - Unusual Occurrence, 89 - Unusual Occurrence, 90 - Unusual Occurrence, 91 - Unusual Occurrence, 92 - Unusual Occurrence, 93 - Unusual Occurrence, 94 - Unusual Occurrence, 95 - Unusual Occurrence, 96 - Unusual Occurrence, 97 - Unusual Occurrence, 98 - Unusual Occurrence, 99 - Unusual Occurrence.

Requester Name	AMS ID#	AMS ID#	AMS ID#
BRIANTOSIXITE@GMAIL.COM			
AMS ID#	AMS ID#	AMS ID#	AMS ID#

AMS ID# 08635

Exhibit D3: Steele Memorial Hospital negative test 8/5/2024 after bleaching well.

SUPPLEMENTAL AFFIDAVIT #2 OF BRIAN CARPENTER AND THERESA CARPENTER IN SUPPORT OF MOTION TO REMOVE DEFENDANTS' WATER RIGHTS, BURY ILLEGAL SOUTHWEST DITCH, REINSTATE HISTORIC WATER DELIVERY, ENJOIN CITATION, REFER CRIMINAL VIOLATIONS, AND REFER FINDINGS TO LEMHI COUNTY CIVIL COURT

Client Name: Brian Carpenter

Address: Ferry 820/2024 Lemhi

Condition of Transport: Direct Cold Hot Other

Report Results To:

Phone Number:

Teton Microbiology

Public Water System
 Private System

Preserved With Sodium Thiosulfate

TETON MICROBIOLOGY LABORATORY ID: ID00969
 400 S. Freeman Ave Idaho Falls, IDAHO 83401
 Office: 208-529-0077 Fax: 208-522-3797 tetonmicro.com

Billing Address:
 Email:
 Phone:
 Fax:

Client Sample Number	Lab Sample Number	Sample Type Code	Sampling Location	Time Collected	Chlorine Residual PPM	Original Sample Date	Total Coliforms		Fecal Coliforms	
							Method Code	Result	Method Code	Result
1	240939801	S	AWP	11:28			9223B-PA	P	9223B-PA	A
2	240939802	S	OCW	11:38			9223B-PA	A	9223B-PA	A
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	

S Surface Sample C Commercial/Industrial W Unsanitary Source
 E Contaminated (Fecal Coliforms Suspended) P Private Sample U Unknown Source D Distribution System X Other Sample
 (A) Original Tap

Chain of Custody Information

Collected by	Date	Time	Received by	Date	Time	Remarks
<u>Ferry</u>	<u>8/21/24</u>	<u>11:30</u>	<u>[Signature]</u>			

DATE/TIME RECEIVED: 8/21/24 11:30

DATE/TIME ANALYZED: 8/21/24 16:46

DATE/TIME READY: 8/21/24 12:00

ANALYST: JR

SUPERVISOR:

LAB ID #: ID00969

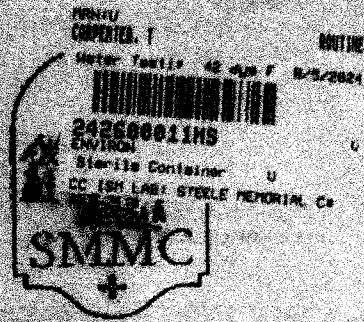
REMARKS:

Lab Results For:
 TSS Turbidity
 pH Chlorine
 Other

Exhibit D4: Teton Microbiology test positive for Coliforms 8/21/2024.

Steele Memorial Medical Center
 P.O. BOX 7907 - SALT LAKE, UT 84147 - (801) 588-3541 - FAX (801) 588-5743
 Hospital Analysis of Drinking Water Request Form
 Form 2012-01-01 (rev. 11/12)

Patient Name: T. CARPENTER	
Address: 559 HIGHWAY 28	
City: SALMON	State: UT
E-mail: TULEFOLKE.GMAIL.COM	
Phone: _____	
Patient ID: _____	
Physician: T. CARPENTER	
Nurse: T. CARPENTER	



Collection Date Sample ID Sample Number	Sample Description			Date Collected	Time Collected	Collection Method	Results	
	Sample Type Code	Sample Location (Sketch #)	Sample Volume				Total Coliforms	E.coli
#08786	RP	559 HWY 28 HOME WELL	9/16	3:35 PM			P	A

Laboratory Use Only
 Laboratory Report
 Department Report

Laboratory Use Only
 Laboratory Report
 Department Report

If necessary, call _____

Exhibit D5: Steele Memorial Hospital positive test for Coliforms 9/16/2024.

SUPPLEMENTAL AFFIDAVIT #2 OF BRIAN CARPENTER AND THERESA CARPENTER IN SUPPORT OF MOTION TO REMOVE DEFENDANTS' WATER RIGHTS, BURY ILLEGAL SOUTHWEST DITCH, REINSTATE HISTORIC WATER DELIVERY, ENJOIN CITATION, REFER CRIMINAL VIOLATIONS, AND REFER FINDINGS TO LEMHI COUNTY CIVIL COURT

Steele Memorial Medical Center
 PO BOX 700 - ELLERSIE, MO 64047 - (417) 522-2041 - FAX (417) 522-0703
 Medical Records of Existing Water Report Form

Patient Name: **T. CARPENTER**
 Address: **559 HIGHWAY 28**
SELMON, MO 64677
 Email: **TULFOLKE@GMAIL.COM**

Order Number: **00000000000000000000**
 Order Date: **10/8/2024**
 Order Time: **8:15 AM**

Order #	Sample Description	Sample Type	Collected	Lab	Result	Unit
#08828	WELL - A	RP	10/8/24	AM	P	P
#08829	Kitchen SINK	RP	10/8/24	AM	A	A

Legend:
 P: Positive Result N: Not Tested U: Unknown Result
 A: Absence of Growth C: Contaminated S: Significant Growth of Coliforms

Remarks: **Report will come back for E. Coli and Coliforms to the City of Selmon - 10/16/24**

Exhibit D6: Steele Memorial Hospital positive test for E-Coli and Coliforms 10/8/2024.

RECEIVED
MAR 14 2011 511
DEPARTMENT OF
WATER RESOURCES

SRBA Form No. 42-1400-1 (Revised 2008)

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: 39679
Ident. Number 74-499H
Date Received 3/14/2011
Receipt No. C092579
Received By SRB
\$101-

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (a) Rodney and LeeAnn Walker Phone (208) _____

Mailing Address 569 HWY 28 Salmon Id 83467

2. Date of Priority (Only one (1) per claim) 10/04/1880
Month Day Year (YYYY)

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

4. a. Location of Point of Diversion is: Township 21N Range 23E Section 20
1/4 of NW 1/4 Gov. Lot SE BM. County of LEMHI

Parcel (PIN) 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

Gov. Lot _____ BM. County of _____

ending point is: Township _____ Range _____ Section _____ 1/4 of _____ 1/4

Gov. 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 _____

Ditches are a head gate with ditches to convey
water to the ditch.

Exhibit E:

SUPPLEMENTAL AFFIDAVIT #2 OF BRIAN CARPENTER AND TERESA CARPENTER IN SUPPORT OF MOTION TO REMOVE DEFENDANT'S WATER RIGHTS, BURY ILLEGAL SOUTHWEST DITCH, REINSTATE HISTORIC WATER DELIVERY, ENJOIN CITATION, REFER CRIMINAL VIOLATIONS, AND REFER FINDINGS TO LEMHI COUNTY CIVIL COURT

6. Water is claimed for the following purposes.

(both dates are include MM/DD) (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 subcategory in the tabulation below.
 b. If water is used for other purposes, place a symbol of use (for example, D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp	Rng	Sec	B1				B2				C1				C2				Totals	
			NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW		
21N	23E	30																		1.4

Parcel (PIN) no(s) RP21N23E304802 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 claimed on the above place and for the same purpose as _____

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, DWR staff determined that this parcel was not claimed. The Walker's wish to claim the water they thought was already theirs.

Last Name WALKER Identification No _____

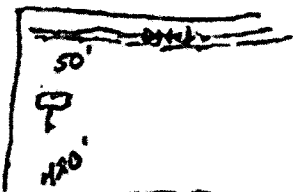
Exhibit E1: Showing Felony Fraud and Perjury.

210 250 30

DISTRICT VII SEWAGE PERMIT APPLICATION

Permit no: 47-87 Fee Paid 50.00 Date 8/28/87
Name Raskie Walker Phone
Current mailing address P.O. Box 1426 Salmon
Legal description: Township 210 Range 218 Section 1/4 Section
Subdivision name Lot Block
Directions to property SE. corner S. on Highway 28 -

1. Lot size 8.25 ac. 2. Water supply: Public Private
3. Potential number of bedrooms 2 4. Septic tank size 1000 gallons.
5. Soil texture type Silt Loam top Silt Clay Loam to 6'
6. Application rate 4 GPD/ft. 7. Drainfield disposal area 600 sq. ft.
8. Type of drainfield proposed: Trench 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 20 ft.
12. Proposed depth of drainfield disposal system 1' deep
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
 <p>Proposed Installation: DATE</p>	<p>See Attached Self-inspect - AS per Idaho Falls okay</p>

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: Test hole and review ground water @ 7'

Raskie Walker
APPLICANT'S SIGNATURE

Steve Adams
ENVIRONMENTAL SIGNATURE

Inspection date 1/10 Approved Disapproved By Steve Adams
Approval based on plans submitted by licensed installer [Signature]
Remarks:

Exhibit E-2: Wakers 1987 sewer application. Not showing the Southwest ditch, lower pasture ditch, 1946 ditch or the highway ditch, Constituting fraud.

SUPPLEMENTAL AFFIDAVIT #2 OF BRIAN CARPENTER AND THERESA CARPENTER IN SUPPORT OF MOTION TO REMOVE DEFENDANTS' WATER RIGHTS, BURY ILLEGAL SOUTHWEST DITCH, REINSTATE HISTORIC WATER DELIVERY, ENJOIN CITATION, REFER CRIMINAL VIOLATIONS, AND REFER FINDINGS TO LEMHI COUNTY CIVIL COURT



Exhibit F: 2004 Gary Goodman Photo from Lemhi County Building department, showing no ditch existed in 2004 prior to building the house, proving Fraud and Conspiracy to commit Fraud on McIntosh and Walker.



Exhibit F1: Close up showing no ditch present in 2004 proving Fraud.



✓ Gate
353.55 kbps



- Exhibit G: Criminal Trespass 18-7008. Because of the 42-1207, 18-5501, 18-7001, 41-293, and Fraud committed by McIntosh and Walker, and neglect of duty per I.C. § 31-2202 as these crimes were reported many times to the Sheriff and his Sergeant.

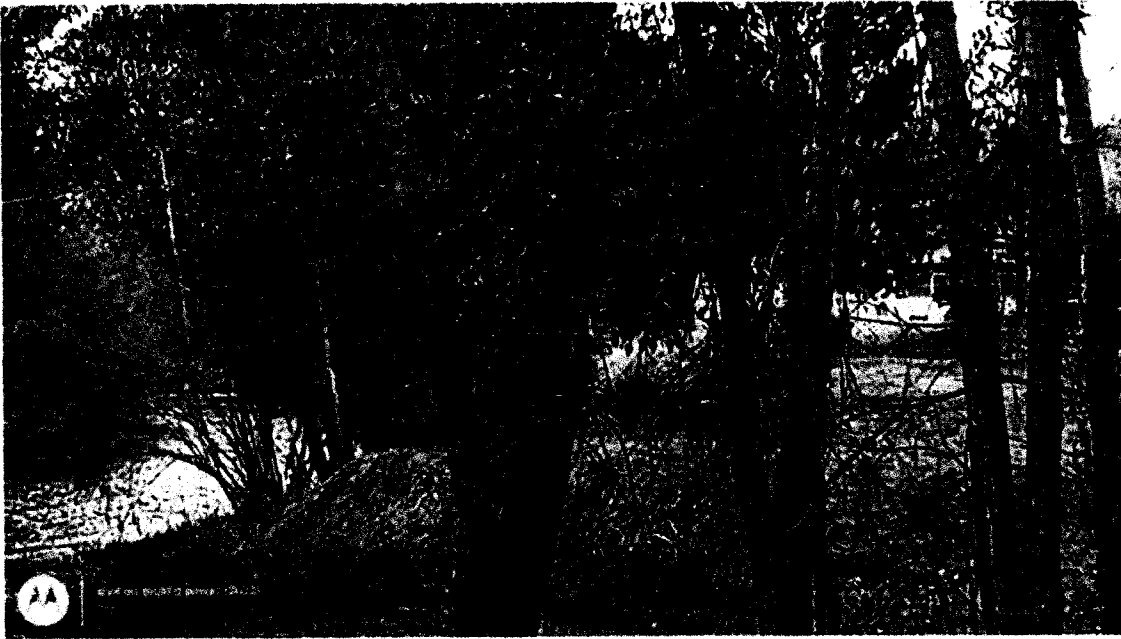


Exhibit H1: Dirt removal to dig new ditches without written recorded permission and to fraud the Court.

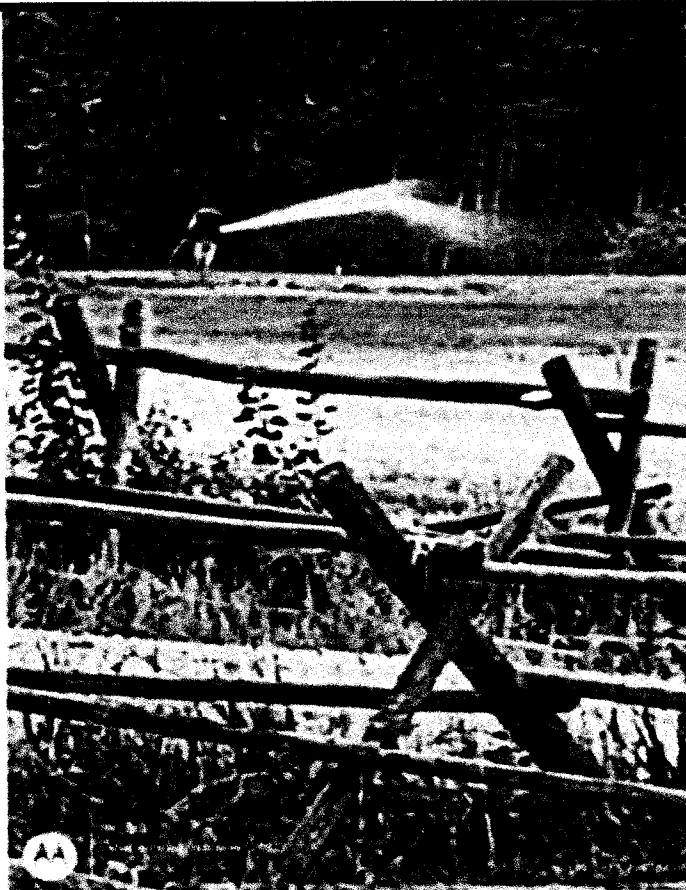


Exhibit H2: McIntosh continues to regularly

pump water illegally watering planted seed after removing 3 feet of high ground in the northwest corner digging new ditches. A violation of 42-1207 and 42-1102.

SUPPLEMENTAL AFFIDAVIT #2 OF BRIAN CARPENTER AND THERESA CARPENTER IN SUPPORT OF MOTION TO REMOVE DEFENDANTS' WATER RIGHTS, BURY ILLEGAL SOUTHWEST DITCH, REINSTATE HISTORIC WATER DELIVERY, ENJOIN CITATION, REFER CRIMINAL VIOLATIONS, AND REFER FINDINGS TO LEMHI COUNTY CIVIL COURT



Exhibit H3: McIntosh's' so called, "main ditch" 14 inches wide and 3 inches deep a catch ditch to stop erosion as a 6ft drop exists within a few feet. 30 feet from Carpenter fence. It is important to know that this McIntosh claim never had a continuous legal ditch as evidenced in 1994 and 2004 photos. (Exhibits B2, B3, B4, F, F1).



Exhibit J: 2006 installed sewer lines on engineered sewer showing no ditches or surface water within 50 feet. Important to know that there is a ditch crossing just behind the pickup rear making the ditch illegal as it violates IDAPA 58.01.03.17. Photo was provided by Department of Health.

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. 30

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	<u>B</u>	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)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Nearest neighbor's well	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Water Distribution lines	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Downslope Cut or Scarp	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Temporary Surface Waters	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Property lines.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Permanent or Intermittent Surface Water	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

Exhibit J1: Carpenters sewer preliminary inspection passed clearances and shows no surface water or ditch within 50 feet per IDAPA 58.01.03.17. This is from Department of Health file.

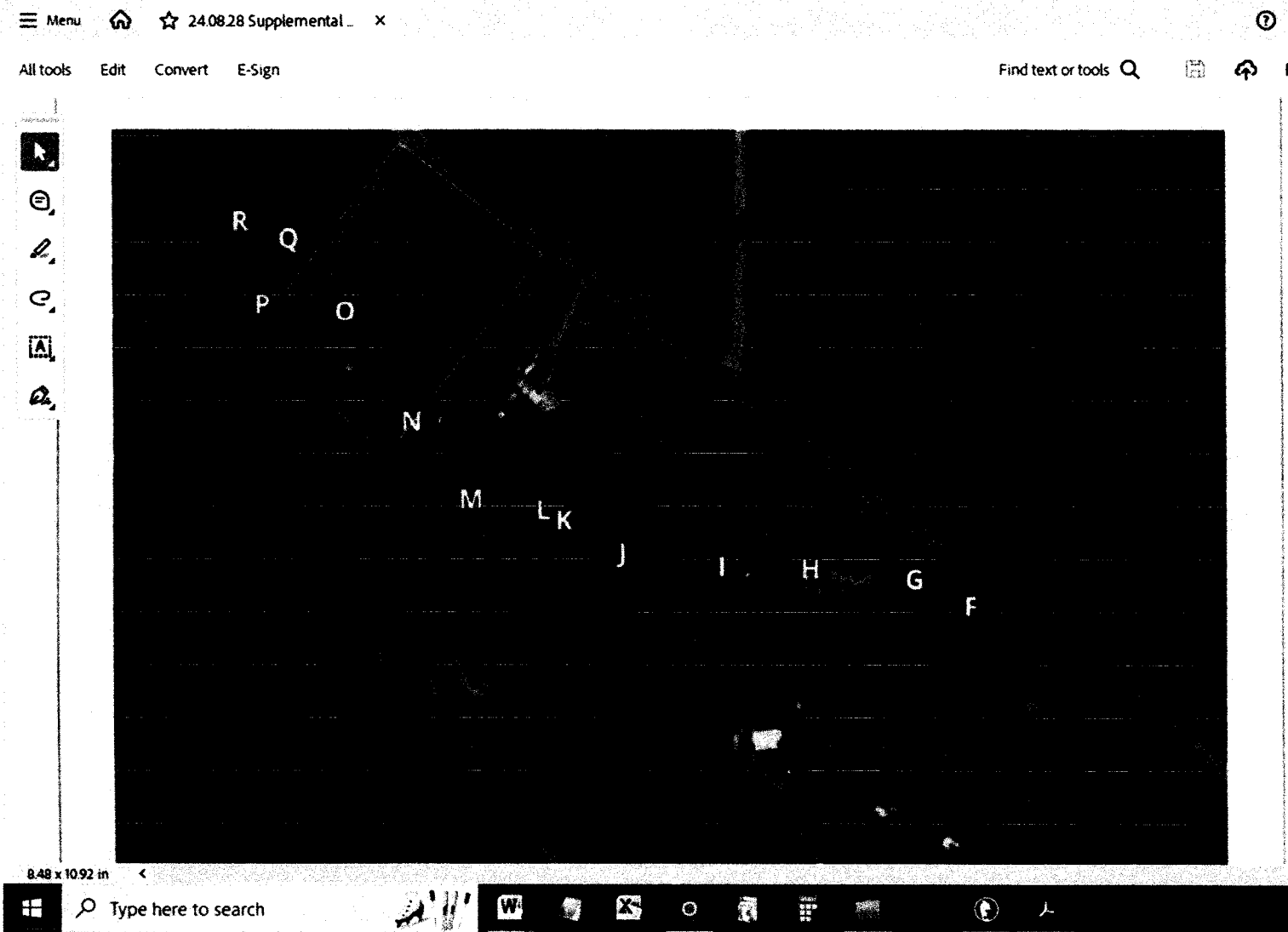


Exhibit K: 13 River returns. Survey done by Rocky Mountain Environmental.

We declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

DATED this 16th day of June, 2025.

Respectfully submitted,

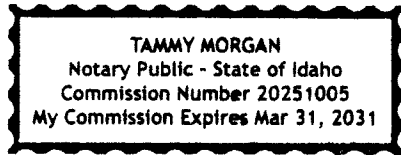
Brian Carpenter *Brian Carpenter*

Theresa Carpenter *Theresa L. Carpenter*

NOTARY PUBLIC

Subscribed and sworn to before me on this 16 day of June, 2025.

STAMP




Notary Public for Idaho *Tammy Morgan*


My Commission Expires: 3-31-31

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 16th day of June 2025.

Theresa Carpenter 

Brian Carpenter 

Rocky Walker
569 Highway 28
Salmon, Idaho 83467

Priority Mail
 Fax
 Hand Delivery

LeAnne Walker
569 Highway 28
Salmon, Idaho 83467

Priority Mail
 Fax
 Hand Delivery

Josh A. McIntosh
11423 E, Ririe Hwy
Idaho Falls, Idaho 83401

Priority Mail
 Fax
 Hand Delivery

Lemhi County Prosecutor
1301 Main St.
Salmon, Idaho 83467

Priority Mail
 Fax
 Hand Delivery