

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

AUG 20 2025

By

Clerk
Deputy Clerk

Brian Carpenter and Theresa Carpenter

559 Highway 28

Salmon, Idaho 83467

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

REPLY TO WALKERS' RESPONSE TO
MOTION TO FILE CLAIM OF FRAUD
AND REQUEST RELIEF AND MOTION
TO REMOVE DEFENDANTS' WATER
RIGHTS

COME NOW, Brian Carpenter and Theresa Carpenter, self-represented Plaintiffs, and reply to Defendants Rockie and Leanne Walker's Response (filed August 15, 2025) seeking dismissal of Plaintiffs' Motion to File a Claim of Fraud and Request Relief (June 6, 2025) and Motion to Remove Defendants' Water Rights (June 16, 2025) in SRBA Case No. 39576. This reply rebuts Walkers' claims of duplicative litigation, time-bar, lack of jurisdiction, meritlessness, and

attorney fees under Idaho Code § 12-121. Exhibits attached herein (D, E2, D1-D7, F1-F3, J-J2, L1-L3), previously filed with Supplemental Affidavit #2 (June 6, 2025), authenticate claims of fraud and statutory violations.

I. I.R.C.P. 12(b)(8) Inapplicable as SRBA and Lemhi Claims Are Distinct

The Walkers' argument for dismissal under I.R.C.P. 12(b)(8) (another action pending) fails. SRBA adjudicates water right elements (Idaho Code § 42-1411), distinct from Lemhi County's ditch disputes (CV30-23-0114). Fraud in Walker's 2011 application for water right 74-733H (concealing buried ditches serving other rights, Exhibit E2) affects the Final Unified Decree's validity, within SRBA's jurisdiction (*City of Blackfoot v. Spackman*, 162 Idaho 302, 396 P.3d 1184 (2017)). Lemhi addresses conveyance (ditches), not right adjudication—dismissal would deny SRBA's role in fraud claims.

II. Fraud Motion Is Timely Under I.R.C.P. 60(b)(3) for Fraud Upon the Court

The Walkers' claim that the fraud motion is time-barred (6 months post-August 25, 2014 decree, I.R.C.P. 60(c)(1)) ignores fraud upon the court, which has no time limit (*Compton v. Compton*, 101 Idaho 328, 335, 612 P.2d 1175 (1980)). Walker's false statement ("none" for other water rights, despite historic ditches serving four holders, Exhibit E2, filed June 6, 2025) misled the SRBA Court, constituting fraud upon the court warranting relief.

III. SRBA Has Jurisdiction Over Fraud and Water Right Violations

The SRBA Court has authority to address fraud in water right applications and enforce Idaho Code §§ 42-1207 (unauthorized ditch construction) and 42-1102 (encumbrances), as the illegal Southwest Ditch (post-2004, Exhibits F1-F3, J-J2, D, filed June 6, 2025) and E. coli contamination (Exhibits D1-D7, filed June 6, 2025) impact water right validity (74-733H). Relief (e.g., revocation) is within SRBA's purview, not limited to ditch disputes (*Zingiber Inv., LLC v. Hagerman Highway Dist.*, 150 Idaho 675, 680 (2011)).

IV. Claims Are Factually and Legally Meritorious

The Walkers misconstrue evidence: Exhibit E2 (2008 sewer documentation) proves concealment of historic ditches (1946, highway, lower pasture); Exhibit D (DEQ email) confirms Southwest

Ditch illegality under §§ 42-1207/42-1102; Exhibits D1-D7 (E. coli tests) link contamination to Walker's actions, impacting water rights. Criminal referrals (§§ 18-5501, 18-5401, 18-2403) tie to fraud, not extraneous (McPheters v. Maile, 138 Idaho 391, 64 P.3d 317 (2003)). Exhibits F1-F3, J-J2, L1-L3 (filed June 6, 2025) corroborate ditch history and encumbrances.

V. No Basis for Attorney Fees Under Idaho Code § 12-121

Plaintiffs' motions are grounded in evidence (Exhibits D, E2, D1-D7, F1-F3, J-J2, L1-L3) and law (§§ 42-1207/42-1102, I.R.C.P. 60(b)(3)), not frivolous. The Walkers' collateral attack claim fails, as SRBA is distinct. Deny fees. Relief Requested: Deny Walkers' dismissal motion, proceed to September 16, 2025 hearing on fraud and water rights claims, and award costs.

VERIFICATION

We declare under penalty of perjury pursuant to Idaho Code § 9-1406 that the foregoing is true and correct.

DATED: August 18, 2025



Brian Carpenter Pro Se and Theresa Carpenter Pro Se


Theresa L. Carpenter Pro Se

LIST OF EXHIBITS

- Exhibit D: DEQ Email Confirming Illegal Southwest Ditch (filed June 6, 2025, Supplemental Affidavit #2).
- Exhibit E2: 2008 Sewer Documentation (filed June 6, 2025, Supplemental Affidavit #2).
- Exhibits D1-D7: E. coli Test Results, July 9, 2024–June 11, 2025 (filed June 6, 2025, Supplemental Affidavit #2).
- Exhibits F1-F3: 2004 Goodman Photos (filed June 6, 2025, Supplemental Affidavit #2).
- Exhibits J-J2: 2006 Sewer Inspection Photos (filed June 6, 2025, Supplemental Affidavit #2).
- Exhibits L1-L3: Water Rights Documentation (filed June 6, 2025, Supplemental Affidavit #2).

Exhibit D-D7:

Find text or tools 

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

Water System Name: BRAIN CARPENTER Well ID: _____

Client: BRAIN C. Date: 7-9-2004 Name: LENNY

Client/Submitting Facility: BRAIN CARPENTER

Condition of Transport: ☐ Sealed ☐ Open ☐ Other _____

Report Results To: _____

Brain Carpenter Gate - COM

Phone Number: 208-580-8380 Fax Number: _____

Teton Microbiology

☐ Public Water System
☐ Private System

Preserved With Sodium Thiosulfate

Billing Address:

Email:

Phone:

Fax:

TETON MICROBIOLOGY LABORATORY ID: 1000969

300 S. Freeman Ave Idaho Falls, IDAHO 83401

Office: 208-529-0077 - Fax: 208-522-3797 info@tetonmicro.com

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 #100	Result #1000	Method Code #100	Result #1000
	2407166	a	WELL	7:10 am			9223B-PA	P	9223B-PA	P
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	

Sample Type: ☒ C. Coliforms ☐ W. Coliforms ☐ Other _____

Preservation: ☒ P. Preserved ☐ U. Unpreserved ☐ D. Decarboxylated ☐ A. Other _____

CA Original Type: _____

Chain-of-Custody Information

Signature	Date	Time	Signature	Date	Time	Signature	Date	Time
<i>[Signature]</i>	7/9/04	14:51	<i>[Signature]</i>					

DATE/TIME RECEIVED: 7/9/04 14:51

DATE/TIME ANALYZE: 7/9/04 15:30

DATE/TIME READ: 7/9/04 13:00

ANALYST: *[Signature]*

SUPERVISOR:

LAB ID #

1000969

REMARKS:

[Handwritten notes]

Exhibit D1

Client Name: Brian Carpenter

Address: Terry 520/2024 Lembo

Condition of Transport: ☐ Cold ☐ Dark ☐ Air ☐ Other

Report Results To:

Please Notify:

Teton Microbiology

☒ Public Water System
☐ Private System
 Preserved With Sodium Thiosulfate

Billing Address:

Email:

Phone:

Fax:

TETON MICROBIOLOGY LABORATORY ID: ID00969
 101 S. Freeman Ave Idaho Falls, IDAHO 83401
 Office: 208-529-0077 Fax: 208-522-1797 tetonmicro.com

Client Sample Number	Lab Sample Number	Sample Type Code	Sampling Location	Time Collected	Chlorine residual PPM	Original Sample Date	Total Coliforms		Escherichia Coli	
							CFU/100ml	MPN/100ml	Method Code	Pass/Fail
1	240839801	S	W H	11:48			9223B-PA	?	9223B-PA	A
2	↓ 02	S	D SW	11:55			9223B-PA	A	9223B-PA	A
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	
							9223B-PA		9223B-PA	

S Surface Sample C Contaminated Surface W Wastewater Sample

E Enteric (Stool or Urine) Bacteria

P Private Sample U Other Use Station D Drinking Water X Other Sample
 (A) Original Tap

Chain of Custody Information

Received by: <u>Terry Carpenter</u>	Date: <u>8/21/20</u>	Time: <u>9:15 AM</u>	Received by: <u>[Signature]</u>	Date: <u></u>	Time: <u></u>	Received by: <u></u>	Date: <u></u>	Time: <u></u>	Received by: <u></u>
Received by: <u></u>	Date: <u></u>	Time: <u></u>	Received by: <u></u>	Date: <u></u>	Time: <u></u>	Received by: <u></u>	Date: <u></u>	Time: <u></u>	Received by: <u></u>

DATE/TIME RECEIVED: 8-21-20

DATE/TIME ANALYZE: 8/24/20 16:40

DATE/TIME READ: 8/24/20 12:00

ANALYST: JR R

SUPERVISOR:

LAB ID #: ID00969

REMARKS:

Test Results To:
☐ Lab Only ☐ To Client
☐ To City ☐ Other
☐ To State

Exhibit D4

State Memorial Medical Center
 FORM NO. 1000-10 (REV. 12/1/94) - FAX 208/345-4745
 Hospital Address: 1000 N. 10th St., Boise, ID 83725

LABORATORY

NAME: **T. CARPENTER**
 ADDRESS: **559 HIGHWAY 28**
 CITY: **IDAHO**
 STATE: **IDAHO**
 ZIP: **83417**
 PHONE: **TULEFOLK@GMAIL.COM**

TESTS

TEST NO. **08828** TEST NAME **WELL-A**
 TEST NO. **08829** TEST NAME **KITCHEN-SPIRIT**

TEST NO.	TEST NAME	DATE	TIME	RESULT	REFERENCE
08828	WELL-A	10/8	AM 9:15	P	P
08829	KITCHEN-SPIRIT	10/8	AM 9:16	A	A

LABORATORY

TEST NO. **08828** TEST NAME **WELL-A**
 TEST NO. **08829** TEST NAME **KITCHEN-SPIRIT**

LABORATORY

TEST NO. **08828** TEST NAME **WELL-A**
 TEST NO. **08829** TEST NAME **KITCHEN-SPIRIT**

Exhibit D6

REPLY TO WALKERS' RESPONSE TO MOTION TO FILE CLAIM OF FRAUD AND REQUEST RELIEF AND MOTION TO REMOVE DEFENDANTS' WATER RIGHTS

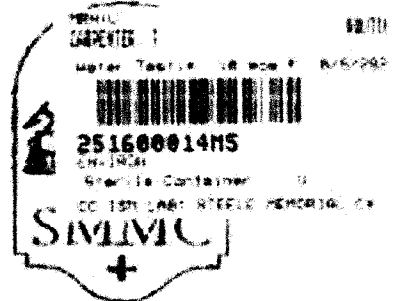
Steele Memorial Medical Center

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

Bacteriological Analysis of Drinking Water Request Form

Please fill in all grey areas

<input type="checkbox"/> Public Drinking Water System		<input type="checkbox"/> PWS ID: Not	
Private Drinking Water			
Public Water		PWS Only: If repeat sample, state of original positive	
System Name:		Address:	
Customer:		Attendant:	
Agency Name: CARPENTER, T.			
Mailing Address:		Contact phone:	
559 HIGHWAY 28		208-580-5550	
City: SALMON		State: ID	Zip: 83421
Additional copy of report sent to:			
TJULSFOLTE@GMAIL.COM			
Mailing Address:			
City:		State:	Zip:
Sample collected by: CARPENTER, T.		Person transporting sample to lab: CARPENTER, T.	
		Condition of transport: <input type="checkbox"/> Cooled <input type="checkbox"/> Carrier <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Other: AIR	



Laboratory Use Sample Identification Number	Sample Type Code	Sample Description Sample Location (Sample ID)	Date Collected	Time Collected (M:SS)	Chlorine Residual (ppm)	Results A = Absent P = Present	
						Method Code: 92230 Coliform	Total Coliforms
#09178	RP	WELL	11/4/05	12:45		D	P

Sample Type Codes

RS - Routine Sample

RP - Repeat Sample

X - Other Repeat

W - Unrested (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 11/14/05 @ 12:45 PM

Date/Time Received: 10-9-05	Initials: dm 109	Date/Time Analyzed: 11/14/05 @ 12:45 PM	Initials:
Testing performed at Steele Memorial Medical Center (000000)		Date/Time Reported: 11/14/05 @ 12:45 PM	Initials:
Water records will be maintained for 7 years and then destroyed.			

Exhibit D7

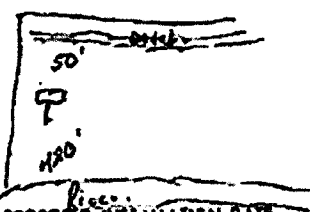
REPLY TO WALKERS' RESPONSE TO MOTION TO FILE CLAIM OF FRAUD AND REQUEST RELIEF AND MOTION TO REMOVE DEFENDANTS' WATER RIGHTS

21N 23E 30

DISTRICT VII SEWAGE PERMIT APPLICATION

Permit no: 47-87 Fee Paid 50⁰⁰ Date 9/28/57
 Name Rockie Walker Phone _____
 Current mailing address P.O. Box 1426 Salmon
 Legal description: Township 21N Range 21E Section 17/4 Section _____
 Subdivision name _____ Lot _____ Block _____
 Directions to property 5E. corner S on Highway 28 -

1. Lot size 8.25 ac. 2. Water supply: Public _____ Private X
 3. Potential number of bedrooms 2 4. Septic tank size 1000 gallons.
 5. Soil texture type Silt loam to 4' Silty clay loam to 6'
 6. Application rate 4 GPD/ft² 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 1/2 ft. 11. Depth to solid rock 100 ft.
 12. Proposed depth of drainfield disposal system 1' deep
 13. Distance from drainfield to nearest: A) River or lake 100' 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 style="text-align: center;">PROPOSED INSTALLATION DATE _____</p>	<p style="font-size: 1.2em; font-family: cursive;">See Attached Self - inspect - as per Idaho Falls okay</p>

APPROVED WITH THE FOLLOWING CONDITIONS:

- 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.
- Permit is valid for only one year or must be renewed.
- A four foot (4') separation must be maintained between highest subwater or bedrock and drainfield bottom.
- Other: Inspector called this office prior to installation - Test hole reviewed - ground water @ 7'

 APPLICANT'S SIGNATURE

 ENVIRONMENTAL SIGNATURE

Inspection date 1/10 Approved X Disapproved _____ By Steve Adams
 Approval based on plans submitted by licensed installer home owner
 Remarks: _____

Exhibit E2: Showing fraud, no 1946 ditch or Southwest ditch by Walker. Self inspected.



Exhibit F1

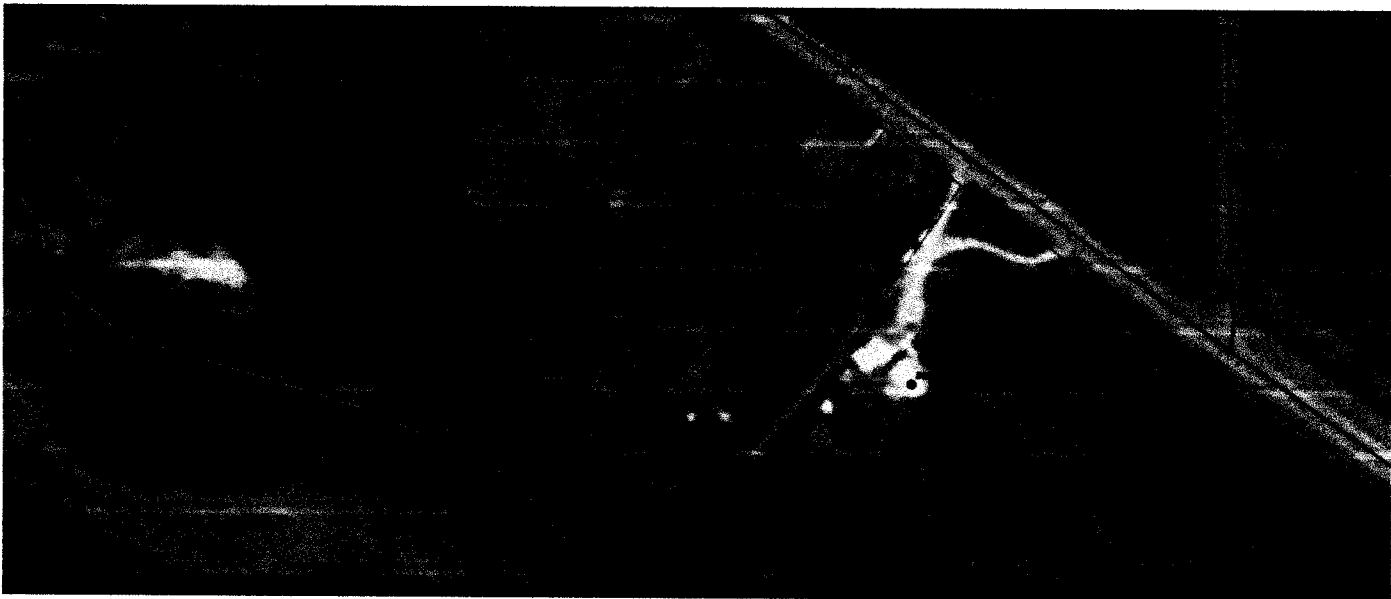


Exhibit F2

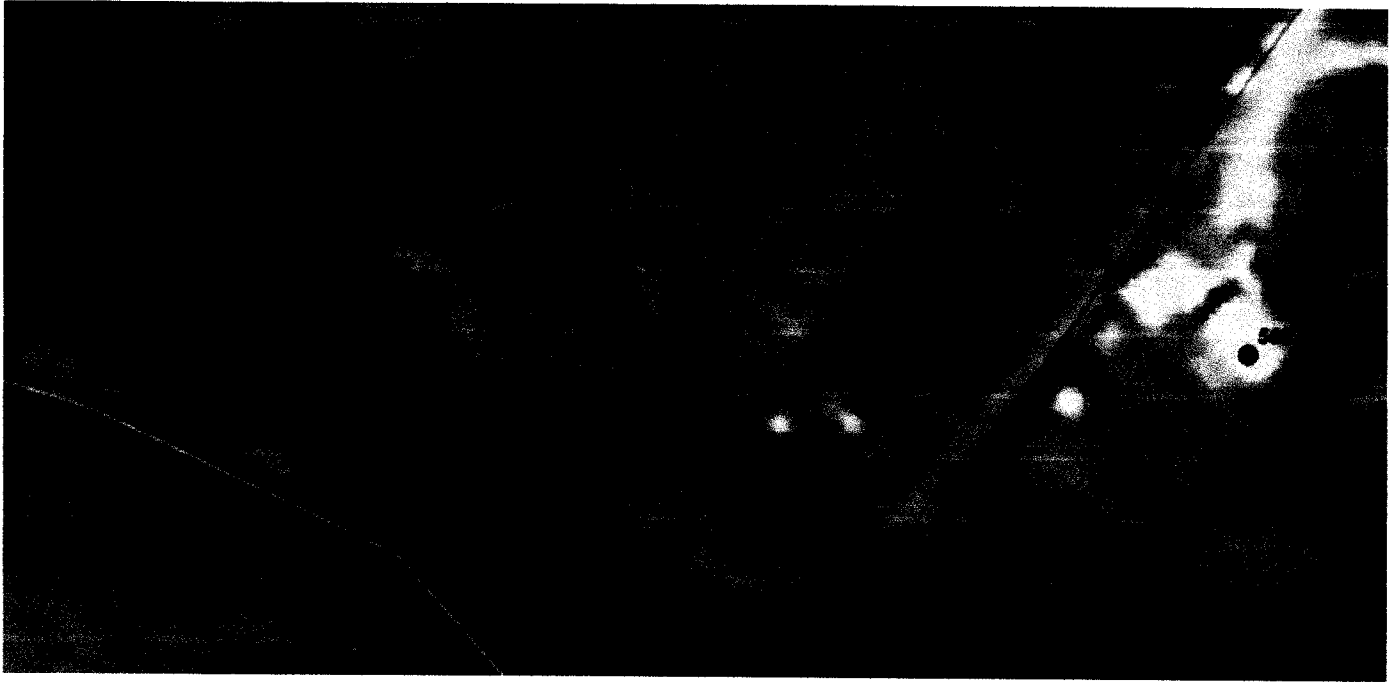


Exhibit F3

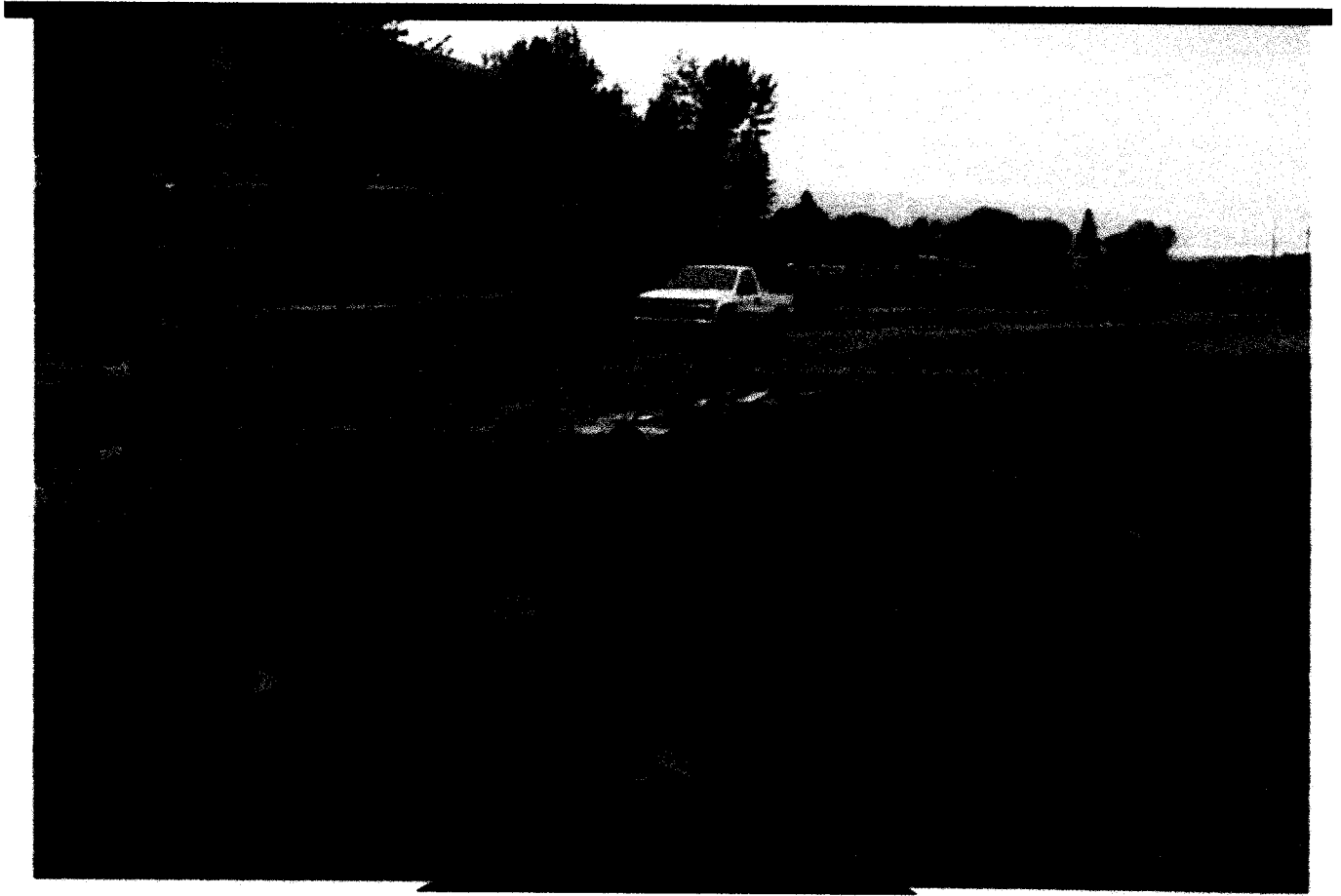


Exhibit J: showing no Southwest ditch existed.

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 ☒ 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' (muddy) 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

1 message

Pati Waddell <PWaddell@eiph.idaho.gov>

Fri, Nov 15, 2024 at 9:03 AM

To: "briantofoti@gmail.com" <briantofoti@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@eastidaholaw.net" <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

QUITCLAIM DEED

QUITCLAIM DEED OF PARTITION Made on May 1, 1978, by ELMER PETERS and ORENA L. PETERS, husband and wife, of P.O. Box 391, City of Salmon, County of Lemhi, State of Idaho, Grantors, to BENJAMIN DOLLINGER and LUCILLE DOLLINGER, husband and wife, of P.O. Box 532, City of Salmon, County of Lemhi, State of Idaho, Grantees.

The parties own as tenants in common a certain tract consisting of 253.32 acres described as follows:

A fraction of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T. 21 N., R. 23 E., S.M., Lemhi County, Idaho, more specifically described as follows:

Commencing at the southwest section corner of said Section 30 a distance of 2517.19 feet on a bearing of N. 89°23'36" E., to the south quarter corner of Section 30;

Thence N. 0°17'32" W., 2260.19 feet along the east boundary of the SW $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

From this REAL POINT OF BEGINNING a distance of 480.04 feet on a bearing of N. 88°45'00" W.;

Thence N. 47°36' W., 323.74 feet;

Thence N. 35°37'40" E., 736.25 feet to a point on the southerly R.O.W. of State Highway No. 28;

Thence S. 54°22'20" E., 904.03 feet along said R.O.W.;

Thence S. 59°56'34" W., 536.76 feet to the REAL POINT OF BEGINNING, said parcel contains 12.46 acres;

TOGETHER WITH:

A parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, T. 21 N., R. 23 E., S.M., Lemhi County, Idaho, more specifically described as follows:

Commencing at the southwest section corner of said Section 30, a distance of 2517.19 feet on a bearing of N. 89°23'36" E. to the south quarter corner of Section 30;

Thence N. 0°17'32" W., 2260.19 feet;

Thence N. 88°45' W., 480.04 feet;

Thence N. 47°36' W., 323.74 feet to the REAL POINT OF BEGINNING.

From this REAL POINT OF BEGINNING, a distance of 216.85 feet continuing on a bearing of N. 47°36' W.;

Thence N. 9°36' E., 278.00 feet;

Thence N. 59°20' W., 579.00 feet to a point on the west boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence N. 0°22'50" W., 130.00 feet along said west boundary;

Thence N. 35°37' E., 406.30 feet to a point on the southerly R.O.W. of State Highway No. 28;

Thence S. 54°22'20" E., 990.77 feet along said southerly R.O.W.

Thence S. 35°37'40" W., 736.25 feet to the REAL POINT OF BEGINNING, said parcel contains 12.46 acres;

STATE OF IDAHO } 64. No. 140021
COUNTY OF LEMHI }

This instrument was filed for record

at the request of American Land Title Co.
on 05/03/78 at 10:00 A.M. May 3 1978
and duly placed and indexed in the Deeds
Records of Lemhi County, Idaho

Eleanor Aldous

By Eleanor C. Aldous Ex-Officio Recorder
Fees: \$2.00 paid

QUITCLAIM DEED -- page 1

Exhibit L1

REPLY TO WALKERS' RESPONSE TO MOTION TO FILE CLAIM OF FRAUD AND REQUEST RELIEF AND MOTION TO REMOVE DEFENDANTS' WATER RIGHTS

The parties have agreed to divide the tract so that each may have a title in fee simple to one-half thereof.

In consideration of a quitclaim deed from grantee for a part of the aforesaid tract to grantor, receipt of which is acknowledged, grantor releases, remises, and forever quitclaims unto grantee, his heirs and assigns, all of grantor's right, title, and interest in and to property containing approximately 12.46 acres, which property is described as follows:

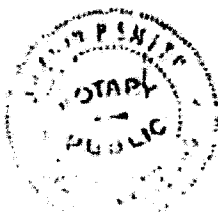
A fraction of the SW 1/4 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4, and the SE 1/4 NW 1/4, Section 30, T. 21 N., R. 23 E., S. 1 N., Lemhi County, Idaho, more specifically described as follows:
Commencing at the southwest section corner of said Section 30 a distance of 2517.19 feet on a bearing of N. 89°23'36" E. to the south quarter corner of Section 30;
Thence N. 0°17'32" W., 2260.19 feet along the east boundary of the SW 1/4 to the REAL POINT OF BEGINNING;
From this REAL POINT OF BEGINNING a distance of 480.04 feet on a bearing of N. 88°45'00" W.;
Thence N. 47°36' W., 323.74 feet;
Thence N. 75°37'40" E., 736.25 feet to a point on the southerly R.O.W. of State Highway No. 26;
Thence S. 54°22'20" E., 904.03 feet along said R.O.W.;
Thence S. 95°56'34" W., 536.76 feet to the REAL POINT OF BEGINNING, said parcel contains 12.46 acres;

TO HAVE AND TO HOLD unto the said Grantee, his heirs and assigns, together with all rights, ditches, and appurtenances thereto in anywise by law in anywise appertaining.

IN WITNESS WHEREOF, Grantee has executed this deed at the Smith Law Office, Salmon, Idaho, on the day and year first above written.

Robert Peters Charles J. Peters

SUBSCRIBED AND SWORN before me, a Notary Public for the State of Idaho on the 2ND day of May, 1978.



Jordan P. Smith
Notary for the State of Idaho
Residing at Salmon, Idaho
My commission expires: Life

QUITCLAIM DEED — page 7

Exhibit L2

REPLY TO WALKERS' RESPONSE TO MOTION TO FILE CLAIM OF FRAUD AND REQUEST RELIEF AND MOTION TO REMOVE DEFENDANTS' WATER RIGHTS

EXHIBIT L3

2 AUG 8

THIS IS BEING RE-SUBMITTED TO CORRECT THE FINAL DESCRIPTION

WARRANTY DEED

For Value Received ELSER PETERSEN and OWEN L. PETERSEN,
Husband and Wife.

the grantor s. do hereby grant, bargain, sell and convey unto
ROBERT LOMAYNE WALKER and LEPANNE L. WALKER,
Husband and Wife,

whose present address is
HRI Box 76A
Gallatin, Idaho 83447

the grantees, the following described premises, in... Lemhi... County Idaho, to wit:

A PARCEL OF LAND LOCATED IN THE SW¹/₄ OF THE NW¹/₄ AND THE NE¹/₄ OF
THE SW¹/₄, SECTION 30, T. 31 N., R. 21 E., BOISE MERIDIAN, LEMHI
COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ¹/₂ CORNER OF SAID SECTION 30, FROM
WHICH THE SW CORNER OF SECTION 30 BEARS S. 89° 23' 36" W. A
DISTANCE OF 2517.19 FT., RUN THENCE N. 05° 31' 49" W. A DISTANCE OF
3102.07 FT. TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HIGHWAY 28,
THE POINT OF BEGINNING;
THENCE S. 35° 37' 40" W. A DISTANCE OF 736.25 FT.;
THENCE N. 47° 36' 00" W. A DISTANCE OF 120.32 FT.;
THENCE N. 35° 37' 40" E. A DISTANCE OF 721.04 FT.
TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HIGHWAY 28;
THENCE S. 54° 22' 20" E. ALONG SAID RIGHT-OF-WAY A
DISTANCE OF 119.48 FT. TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.0 ACRES.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantees do hereby covenant to and
with the said Grantee, that they are the owners in fee simple of said premises; that they are free
from all incumbrances except the lien for taxes for the current year, any liens
and encumbrances of record on this date, and any liens or encumbrances
suffered or created by Grantees prior to the date hereof,

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 10th, 1993.

ELSER PETERSEN

OWEN L. PETERSEN

STATE OF IDAHO, COUNTY OF Lemhi
On this 10th day of August, 1993
before me, a notary public in and for said State, personally
appeared

ELSER PETERSEN and
OWEN L. PETERSEN

known to me to be the persons whose names are subscribed to the foregoing

State of Idaho)
County of Lemhi) ss. No. 712358

This instrument was filed for record
its request of American Land Title
at 11:20 a.m. on 8-11-93 vs. 71
and may be found and indexed in the
records of Lemhi County.

RECEIVED

MAR 16 2009

Department of Water Rights
Eastern Region

Exhibit L3

REPLY TO WALKERS' RESPONSE TO MOTION TO FILE CLAIM OF FRAUD AND REQUEST RELIEF AND MOTION TO REMOVE DEFENDANTS'
WATER RIGHTS

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 18th day of August 2025.

Theresa Carpenter _____

Brian Carpenter _____

Thomas J. Budge, Esq. RACINE OLSON,
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