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Third Judicial District, Washington County
Donna White, Clerk of the Court
By: Candice Schimmel, Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON

DELTON LARY WALKER, LYNDON HAINES	)	
	)	
Petitioners,	)	CASE NO. CV44-25-0485
	)	
vs.	)	SECOND AMENDED PETITON
	)	FOR JUDICIAL REVIEW
BOARD OF COUNTY COMMISSIONERS OF	)	
WASHINGTON COUNTY, IDAHO	)	
	)	
Respondents	)	

Delton Lary Walker and Lyndon Haines, through their attorney, Lawrence G. Wasden, petition this court to review the November 3, 2025, decision of the Board of County Commission of Washington County (Board) denying Petitioners request for reconsideration of the Board's October 14, 2025, decision setting the attorney fee rate of compensation at One-hundred Eighty-Five dollars (\$185.00) per hour for defending them in the case of *Moye v. State of Idaho Southwest District Health, District 3, et al*, Washington County case number CV44-25-0273.

Pursuant to Idaho Code §§ 31-1506 and 6-903, Petitioners seek judicial review of the Board's decision as its final act, order or proceeding based on the Board's abuse of

discretion in making this decision because the rate of One-hundred Eighty-five dollars (\$185) is significantly below the market rate for such services.

I. Legal Authority to Seek Judicial Review

A. Idaho Code § 31-1506:

(1) Unless otherwise provided by law, judicial review of any final act, order or proceeding of the board as provided in chapter 52, title 67, Idaho Code, shall be initiated by any person aggrieved thereby within the same time and in the same manner as provided in chapter 52, title 67, Idaho Code, for judicial review of actions.

(2) Venue for judicial review of final board actions shall be in the district court of the county governed by the board.

B. Idaho Code § 67-5279:

(1) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.

(2) When the agency was not required by the provisions of this chapter or by other provisions of law to base its action exclusively on a record, the court shall affirm the agency action unless the court finds that the action was:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the agency;
- (c) Made upon unlawful procedure; or
- (d) Arbitrary, capricious, or an abuse of discretion.

If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.

(3) When the agency was required by the provisions of this chapter or by other provisions of law to issue an order, the court shall affirm the agency action unless the court finds that the agency's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the agency;
- (c) Made upon unlawful procedure;
- (d) Not supported by substantial evidence on the record as a whole; or
- (e) Arbitrary, capricious, or an abuse of discretion.

If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, agency action shall be affirmed unless substantial rights of the appellant have been prejudiced.

(5) When interpreting the provisions of any state law, this chapter, or any rule, as defined in section [67-5201](#), Idaho Code, the court shall not defer to an agency's interpretation of the law or rule and shall interpret its meaning and effect de novo. In an action brought by or against an agency, after applying all customary tools of interpretation, the court shall exercise any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.

C. Idaho Code § 6-903:

(1) Except as otherwise provided in this act, every governmental entity is subject to liability for money damages arising out of its negligent or otherwise wrongful acts or omissions and those of its employees acting within the course and scope of their employment or duties, whether arising out of a governmental or proprietary function, where the governmental entity if a private person or entity would be liable for money damages under the laws of the state of Idaho, provided that the governmental entity is subject to liability only for the pro rata share of the total damages awarded in favor of a claimant which is attributable to the negligent or otherwise wrongful acts or omissions of the governmental entity or its employees. When the claim for damages arises from construction, operation or maintenance of an impoundment, canal, lateral, drain or associated facilities that are under the supervision or control of the operating agency of irrigation districts whose board consists of directors of its member districts, then such board and its member districts shall be considered a single governmental unit and the claim may be brought and pursued only against the operating unit.

(2) (i) A governmental entity shall provide a defense to its employee, including a defense and indemnification against any claims brought against the employee in the employee's individual capacity when the claims are related to the course and scope of employment, and be responsible for the payment of any judgment on any claim or **civil lawsuit** against an employee for money damages arising out of any act or omission within the course and scope of his employment; provided that the governmental entity and its employee shall be subject to liability only for the pro rata share of the total damages awarded in favor of a claimant which is attributable to the act or omission of the employee; (ii) provided further, that to the extent there is valid and collectible, applicable insurance or any other right to defense or indemnification legally available to and for the protection of an employee, while operating or using an automobile, aircraft or other vehicle not owned or leased by the governmental entity and while acting within the course and scope of his/her employment or duties, the governmental entity's duty hereunder to indemnify the employee and/or defend any such claim or lawsuit arising

out of the operation or use of such personal automobile, aircraft or vehicle, shall be secondary to the obligation of the insurer or indemnitor of such automobile, aircraft or vehicle, whose obligation shall be primary; and (iii) provided further, this subsection shall not be construed to alter or relieve any such indemnitor or insurer of any legal obligation to such employee or to any governmental entity vicariously liable on account of or legally responsible for damages due to the allegedly wrongful error, omissions, conduct, act or deed of such employee.

(3) The defense of its employee by the governmental entity shall be undertaken whether the claim and **civil lawsuit** is brought in Idaho district court under Idaho law or is brought in a United States court under federal law. The governmental entity may refuse a defense or disavow and refuse to pay any judgment for its employee if it is determined that the act or omission of the employee was not within the course and scope of his employment or included malice or criminal intent.

(4) A governmental entity shall **not be entitled to contribution or indemnification or reimbursement for legal fees and expenses from its employee unless a court shall find that the act or omission of the employee was outside the course and scope of his employment or included malice or criminal intent.** Any action by a governmental entity against its employee and any action by an employee against the governmental entity for contribution, indemnification or necessary legal fees and expenses shall be tried to the court in the same civil lawsuit brought on the claim against the governmental entity or its employee.

(5) For the purposes of this act and not otherwise, it shall be a rebuttable presumption that any act or omission of an employee within the time and at the place of his employment is within the course and scope of his employment and without malice or criminal intent.

(6) Nothing in this act shall enlarge or otherwise adversely affect the liability of an employee or a governmental entity. Any immunity or other bar to a civil lawsuit under Idaho or federal law shall remain in effect. The fact that a governmental entity may relieve an employee from all necessary legal fees and expenses and any judgment arising from the civil lawsuit shall not under any circumstances be communicated to the trier of fact in the civil lawsuit.

(7) When a claim asserted against an employee in the employee's individual capacity is dismissed by the court, the dismissed party shall have the right to a hearing pursuant to the provisions of section [12-123](#), Idaho Code.

(Emphasis added.)

II. PARTIES, JURISDICTION, AND VENUE

1. Petitioner Delton Lary Walker served as the Washington County Prosecuting Attorney from January 12, 2009 to January 12, 2025. He is a practicing attorney and resides in Washington County, Idaho.
2. Petitioner Lyndon Haines served as a Washington County Commissioner from January 11, 2021 to January 12, 2025. He is the Pastor at Weiser Christian Church and resides in Washington County, Idaho.
3. The Board of County Commissioners of Washington County, Idaho, is the legally constituted board provided for in Idaho Code § 31-701, and consists of duly elected Commissioners, Chairman Jim Harberd, Nate Marvin and Gordon Wilkerson.
4. This court has jurisdiction over this matter pursuant to Idaho Code § 31-1506(1).
5. Venue is proper in Washington County pursuant to Idaho Code § 31-1506(2), Idaho Code § 5-403 because it is an action against a county and Idaho Code § 5-404 because the acts and omissions giving rise to this Petition occurred in Washington County, Idaho.

III. FACTUAL ALLEGATIONS

6. On June 21, 2021, the Board by motion and vote rendered a decision denying a rezoning application filed by Samuel Lancaster and in the same motion determined that the Washington County Code would be interpreted to mean that parcels of land 20 acres or more did not need to be rezoned and a single-family could be built on 20 acres. The motion was made by Commissioner Kirk Chandler and seconded by Commissioner Lyndon Haines. The motion passed by unanimous vote. Mr.

Walker was the Prosecuting Attorney providing legal advice to the Board. The June 21, 2021, Minutes of the Board of County Commissioners of Washington County are attached and marked Exhibit A (See, In the Matter of Planning and Zoning, pp 1-2).

7. The Lancaster parcel was near parcels of land and owned by Terry L. Moye, Tanya Moye and Judy Beery. All such parcels are located on Gentry Lane in Washington County, Idaho.
8. Judy Beery is Terry Moye's sister and Tanya Moye is Terry Moye's daughter.
9. Mr. Moye, Ms. Moye and Ms. Beery disagreed with the Board's decision but did not timely petition for judicial review.
10. In late 2023, as a consequence of a continuing and considerable amount of turmoil concerning the legal status of Gentry Lane on which the Moye, Beery and Lancaster parcels sit, the Board undertook a public right-of-way validation proceeding pursuant to Idaho Code § 40-203A. This proceeding resulted in the Board's validating Gentry Lane as a public right-of-way and recording instrument number 254761 on February 12, 2024, in accordance with law. A copy of Instrument number 254761 is attached and marked Exhibit B.
11. Although Mr. Haines was present throughout the proceeding, in order to avoid a potential conflict of interest, he recused himself from the final vote. Mr. Walker provided legal advice to the Board throughout the process.
12. The Moyes and Ms. Beery disagreed with the Board's decision but did not timely petition for judicial review.

13. Both Mr. Walker and Mr. Haines chose not to seek re-election and completed their respective terms of office on January 12, 2025.
14. On March 28, 2025, the Moyes and Ms. Beery, pro se, filed a lawsuit in Ada County District Court (Case number CV01-25-05641) against the State of Idaho Southwest District Health, District 3 and other named parties including Washington County, Mr. Walker and Mr. Haines. A copy of the complaint in *Moye v. State* is attached and marked Exhibit C.
15. The *Moye* case makes a number of claims against Mr. Walker and Mr. Haines including claims that Mr. Walker and Mr. Haines violated the Plaintiffs constitutional rights and, among other remedies, seeks money damages against Mr. Walker and Mr. Haines.
16. Although on its face the *Moye* complaint does not cite 42 USC § 1983 as the basis for the suit, the language of the complaint is styled after 42 USC § 1983 and the Moyes and Ms. Beery have argued their case under 42 U.S.C. § 1983. In addition, they cited 42 U.S.C. § 1983 as the basis for their Objection to Defendant Lyndon Haines Motion for Summary Judgment. A copy of Plaintiffs' Objection (without Exhibits) is attached and marked Exhibit D. (See Objection, p. 3, ¶¶ (3)(E), (F) and, (G)).
17. All of plaintiffs' allegations in *Moye* surround the actions of the Board discussed in paragraphs 6-12 above, that is the denial of the Lancaster rezoning application and the Gentry Lane public right-of-way validation.

18. On June 25, 2025, by order of the Ada County District Court, the *Moye* case was transferred to Washington County and given the case number CV44-25-0273. A copy of the order is attached and marked Exhibit E.
19. The Moyes and Ms. Beery served the summons and complaint on Lyndon Haines on April 28, 2025. A copy is attached and marked Exhibit F.
20. Although the Washington County Prosecutor appeared in the *Moye* case on behalf of other Washington County officials, the Washington County Prosecutor did not appear on behalf of Mr. Haines or Mr. Walker.
21. On July 24, 2025, the Moyes and Ms. Beery sought a default against Mr. Haines. A copy of the Plaintiff's motion is attached and marked Exhibit G.
22. The court rejected the requested default. A copy of the order is attached and marked Exhibit H.
23. On July 24, 2025, Mr. Haines filed an answer, pro se. A copy of Mr. Haines answer is attached and marked Exhibit I.
24. On June 11, 2025 Delton Walker received a copy of the summons and complaint in *Moye v. State* (Case# CV44-25-0273) and as a result was required by IRCP Rule 12 to file a responsive pleading within 21 days or in this instance on or before July 2, 2025. A copy of the Return of Service is attached and marked Exhibit J.
25. On June 30, 2025,(19 days after being served) Mr. Walker timely filed a responsive pleading in *Moye v. State*. A copy of the Motion to Dismiss is attached and marked Exhibit K. (The 36-page Brief in Support and 51 pages of Exhibits (87 pages total) is not attached but can be made available.)

26. On April 23, 2025, (approximately 4 weeks after the *Moye* lawsuit was filed and before Mr. Walker was served in the *Moye* case) Washington County Prosecuting Attorney True Pearce filed a civil action against Delton Walker under Idaho Code § 6-602 alleging usurpation of office. A copy of the Complaint (without Exhibits) in *State v. Walker* (case # CV44-25-0154) is attached and marked Exhibit L.
27. On May 13, 2025, Mr. Walker was served with the Summons and Complaint. A copy of the Return of Service in *State v. Walker* is attached and marked Exhibit M.
28. Under Idaho Rules of Civil Procedure (IRCP) Rule 12, Delton Walker was required to file a responsive pleading in *State v. Walker* within twenty-one (21) days or in this instance, on or before June 3, 2025.
29. Because Mr. Pearce filed the civil action against Mr. Walker (discussed in paragraph 27), under Idaho Rules of Professional Conduct (IRPC) Rules 1.6, 1.7 and 1.10, the Washington County Prosecutor and his office were precluded from representing Mr. Walker in *Moye v. State*.
30. Because the Washington County Prosecutor and his office were precluded from representing Mr. Walker in *Moye v. State* and because Mr. Walker was required to file a responsive pleading in *Moye v. State* on or before July 2, 2025, he contacted and obtained the services of Lawrence G. Wasden, ISB# 3444 to represent him in that matter.
31. Just by way of comparison, Mr. Walker submitted his request for payment of attorney fees in *Moye v. State* to the Washington County Board of Commissioners on September 26, 2025, the Boards' approval of attorney fees at \$185 per hour

occurred on October 14, 2025, (18 days after the request was made) and final action by the Board on the request for reconsideration occurred on November 3, 2025, (38 days after the request was made.)

32. It would have been very difficult at best or perhaps impossible for Mr. Walker to have both received pre-approval from the Board for payment of attorney fees and to have also timely filed a responsive pleading in *Moye v. State*.
33. On June 30, 2025, through his attorney, Petitioner, Mr. Walker, timely filed a responsive pleading in *Moye v. State* (case #CV44-25-0273). A copy of the Motion to Dismiss is attached and marked Exhibit N. (The 38-page Brief in Support with 49 pages of Exhibits, for a total of 87 pages, is not attached but can be made available.)
34. On September 29, 2025, at the hearing on Delton Walker's Motion to Dismiss (converted to a Motion for Summary Judgment) in the *Moye* case, Lyndon Haines appeared without counsel.
35. During the hearing, Mr. Sean Jorgensen, ISB # 9843, Washington County Chief Deputy Prosecuting Attorney informed the court that the Prosecutor's office did not represent Mr. Walker or Mr. Haines **because they were no longer county officials**. A copy of the September 29, 2025, court minutes is attached and marked Exhibit O. (See Court Minutes, p. 2, 1:58 to 2:02)
36. Immediately after the hearing, in the vestibule outside the courtroom, Mr. Sean Jorgensen again informed Mr. Haines that the Washington County Prosecutor's office would not represent him. Among other things, Mr. Jorgensen claimed they

could not represent Mr. Haines because Mr. Haines was no longer a County Commissioner and the Prosecutor's office did not have malpractice insurance.

37. On September 27, 2025, through his attorney, Petitioner, Mr. Walker, submitted a request to the Board to pay Mr. Walker's attorney fees incurred as a result of *Moye v. State*. The rate requested was Five-hundred dollars (\$500.00) per hour. A copy of the request and accompanying documents are attached and marked Exhibit P.
38. On October 7, 2025, after consultation with Mr. Walker and discussion with Mr. Wasden, Mr. Haines obtained the services of Lawrence G. Wasden, ISB# 3444 to represent him in the *Moye* case (Washington County Case # CV44-25-0273).
39. On October 6, 2025, the Board held a hearing on the request. A copy of the October 6, 2025 minutes of the Board are attached and marked Exhibit Q. (See Minutes, pp. 10-11.)
40. On October 8, 2025, through his attorney, Petitioner, Mr. Haines, submitted a request to the Board to pay Mr. Haines' attorney fees incurred as a result of the *Moye* lawsuit. A copy of the request and accompanying documents are attached and marked Exhibit R. (Emails identifying the audio files submitted to the Board are attached, but the audio files themselves are not attached. They can be made available.)
41. On October 14, 2025, through his attorney, Mr. Haines file a Motion for Summary Judgment in *Moye v. State*. A copy is attached and marked Exhibit S. (The 32-page Brief in Support and 47 pages of Exhibits for a total of 79 pages is not attached but can be made available.)

42. On October 14, 2025, the board met and rendered its decision to pay attorney fees for Petitioners, Mr. Walker and Mr. Haines, but limited the rate of attorney compensation to One-hundred Eighty-five dollars (\$185.00) per hour. The minutes of the Board is attached and marked Exhibit T. (See Minutes, pp.3-9).

43. In making his motion to set the attorney fee compensation rate at \$185 per hour, Commissioner Nate Marvin read from a prepared statement and, among other things, said:

- a. The *Moyes* case is a state court civil action, not a federal § 1983 matter.
- b. The plaintiffs are pro se.
- c. The Board has not pre-authorized Mr. Wasden's engagement and Mr. Walker didn't request it.
- d. Comparative county defense work, including the related § 1983 litigation handled by Canyon County, has been compensated at approximately \$185 per hour.
- e. The requested \$500 per hour rate substantially exceeds prevailing Idaho public sector defense rates and is not reasonable for this matter

A copy of Mr. Marvin's prepared statement is attached and marked Exhibit U.

44. On October 17, 2025, through their attorney, Petitioners, Mr. Walker and Mr. Haines, submitted a written request to the Board to reconsider setting the rate of attorney compensation at One-hundred Eighty-five dollars (\$185.00) per hour. A

copy of the request to reconsider and accompanying documents is attached and marked Exhibit V.

45. Petitioners' request for reconsideration addressed each of Commissioner Marvin's claimed reasons for setting the attorney compensation rate at \$185 per hour .

Among Petitioners' responses is that the rate of \$185 per hour is significantly below the market rate and below the rate the Board set for a similar federal civil case, *Dickerson v. Washington County*, Idaho Federal District Court 1:25-CV-00349-REP.

46. Petitioners written request for reconsideration also referred the Board to the CLIO study of attorney compensation rates in Idaho which can be found at:

<https://www.clio.com/resources/legal-trends/compare-lawyer-rates/id/> .

47. Further, the written request for reconsideration quoted from the CLIO study that, "lawyers in Idaho typically charge between \$96 and \$594 per hour, with the average being \$304."

48. Petitioners written request also referred the Board to the CLIO study concerning practice area rates of compensation in Idaho which indicates that the average hourly rate for civil litigation is \$307 and the average hourly rate of Civil Rights and Constitutional law is \$327.

49. Petitioners had previously (September 27, 2025 and October 8, 2025) submitted minutes from the Board's July 10, 2025, hearing wherein, the Prosecuting Attorney, True Pearce, informed the Board of its being sued under 42 U.S.C. § 1983 (the

Dickerson case) and the need to hire attorneys outside of the Prosecutor's office to represent current and former county official and employees in that case, "and suggested that the hourly rate be between \$300.00 and \$500.00." Commissioner Harberd, "suggested \$400-\$500 per hour for attorney rates." By motion the Board, "put a cap on the hourly rate for attorneys at \$500/hour." . A copy of the July 10, 2025 Board minutes is attached and marked Exhibit W. (See pp. 1-2)

50. On October 19, 2025, Petitioners submitted an additional copy of the minutes from the July 10, 2025, Board meeting along with documents from the Board's own billing and payment records showing the billings and payments to the respective attorneys in the *Dickerson* case to range between \$300 and \$400 per hour. A copy of Petitioners letter and accompanying documents is attached and marked Exhibit X.

51. October 20, 2025, the Board held a hearing on the request for reconsideration. A copy of the October 20, 2025 minutes of Board is attached and marked Exhibit Y. (See Minutes, pp. 4-7.) Unfortunately, there was an error in the public notice necessary for the October 20, 2025, hearing of this matter and in accordance with the Idaho open meeting law, Title 74, chapter 2, Idaho Code, the matter was set for a second hearing, essentially repeating the October 20, 2025 hearing and curing any violation. Idaho Code § 74-208(7).

52. On October 27, 2025, the Board repeated the October 2025, hearing. A copy of pages 1-16 of the October 27, 2025, Board meeting is attached and marked Exhibit

Z. (See Minutes, pp. 11-16.) (The October Board Minutes total 37 pages. Pages 17-37 are not relevant and are not. They can be made available.)

53. On November 3, 2025, the Board held a hearing and issued its decision denying the request for reconsideration and maintaining the attorney compensation rate at \$185 per hour. A copy of the November 3, 2025 minutes of the Board is attached and marked Exhibit AA. (See Minutes, pp. 3 -4.)

54. Despite denying the request for consideration and maintaining the attorney compensation rate at \$185 per hour, the Board was fully aware of the increased costs of selecting outside counsel.

55. On July 3, 2025, Washington County, Washington County officials and others were sued in Federal District Court by David Dickerson and Kristy Burnett under 42 U.S.C § 1983. *Dickerson v. Washington County, et al.*, case no. 1:25-cv-00349-DCN.

56. The defendants in the case included the current county commissioners, Mr. Harberd, Mr. Marvin, and Mr., Wilkerson, former County Planning and Zoning Administrator, Bonnie Brent, other county employees, and Mr. Walker, who was not a county employee at the time pertinent to the lawsuit.

57. In selecting outside counsel for each of the Washington County officials (including the county commissioners, the following occurred:

A. At the Board of County Commissioners meeting on July 21, 2025, the commissioners discussed the Dickerson lawsuit and the hiring of counsel for each of the named Washington County Commissioners and Officials. A copy of

the July 21, 2025 minutes of the Board is attached and marked Exhibit BB.

(Exhibit BB, p. 18.)

B. Commissioner Harberd, “stated that he had already retained an attorney.”

(Exhibit BB, p. 18.)

C. Commissioner Marvin, “stated that he tried to reach out to Bonnie Brent but has not heard back from her.” (Exhibit BB, p. 18)

D. Prosecuting Attorney True Pearce, “wanted to make certain that [Bonnie] Brent knew that the Board of Commissioners authorized her to retain an attorney.” (Exhibit BB, p. 18.)

E. Mr. Pearce, “stated that they have conflicted the counties [sic] portion of the lawsuit out to Canyon County. . . . He stated that the Idaho State Bars [sic] has made it clear to him that due to the circumstances, he cannot represent the county in the lawsuit because of the legal advice that has been given.” (Exhibit BB, p. 18.)

F. Mr. Pearce, “stated that **it would be significantly cheaper to have another County take the case.**” (Exhibit BB, p. 18.) (Emphasis added.)

G. By motion and vote, the Board, “set a Special/Emergency Meeting on July 24, 2025, at 10:00 am to approve the Attorney Fees in the Dickerson lawsuit.” That motion carried. (Exhibit BB, p. 19).

H. After the motion, Mr. Pearce, “stated that he should hopefully have an answer from Canyon County on that day as well. He advised that they may have to sign a Representative Agreement between Washington County and that

a retainer fee and should be billed by the hour. Pearce noted that the cost should be **significantly cheaper than hiring a law firm.**” (Exhibit BB, p. 20.)

(Emphasis added.)

- I. On July 24, 2025, the Board held its special/emergency meeting. At that meeting, “Gordon Wilkerson move, seconded by Nate Marvin, engage legal counsel with the Canyon County Civil Attorney Division for Washington County and sign the Engagement Letter with the Canyon County Prosecuting Attorney’s office with a cap of \$20,000 and the ICRMP [Idaho Counties Risk Management Program] rate of \$185.00 per hour. Wilkerson, Aye; Marvin, Aye; Harberd; abstained.” A copy of the July 24, 2025 minutes is attached hereto and marked Exhibit CC.
- J. During the meeting, retained on the audio recording of the meeting, but not reflected in the minutes, Commissioner Wilkerson said, “We would like to thank Prosecuting Attorney Chris Boyd, the Commission and Washington County, for coming in to look at this lawsuit that we’re up against. It’s added to his busy schedule for **little compensation.** Thank you.” (Emphasis added.) (Audio recording of July 24, 2025 Board meeting.) The audio recording is not attached but can be made available.
- K. Thereafter the Board approved attorney fees (outside counsel) for:
 - 1. Bonnie Brent-Dowell, the former Washington County Planning and Zoning Administrator,, “at an hourly rate of \$355.00 per hour and a \$3,000 retainer fee.” (Exhibit CC, p.1)

2. Danny Roark at an hourly rate of \$300.00 per hour and \$5,000 retainer fee.”

(Exhibit CC, p.1) And,

3. Jim Harberd with an hourly rate of \$300.00 per hour with not retainer fee”

Exhibit CC, p.1.)

IV. CLAIMS FOR RELIEF

58. The minutes of the November 3, 2025, meeting of the Board (Exhibit AA) reflect that :

A. “Commissioner Nate Marvin said he had received comments that the public was in favor of holding to the \$185/hour for reimbursement. Marvin stated he was fine with his previous motion. Exhibit AA, p.3.

B. Mr. Marvin’s statement establishes his abuse of discretion. The basis for determining the rate of attorney compensation under Idaho Code § 6-903 is the market for attorney compensation rather than what comments citizens may or may not make.

C. “Wilkerson stated he was good with that. Wilkerson further stated that Lawrence Wasden made the argument that he went to school with someone that was prominent [referring to Ms. Susan Mimura]. Wilkerson said, “Just because you go to school with somebody that’s been successful doesn’t make you that way.” . . . “Wilkerson stated Wasden hadn’t proved that he had receive \$400.00 per hour.” Exhibit AA p. 3.

“Gordon Wilkerson stated that he agreed with Marvin. Wilkerson stated that it has been brought forward that this resembles the federal lawsuit that the

county went through with the Dickersons, when in fact it is a civil matter, the plaintiff is pro se. Wilkerson further stated that had the matter been brought before the Board before it got started, \$185.00 would probably been the figure the Board felt comfortable paying.” Exhibit AA, p. 4.

- D. Commissioner Wilkerson’s remarks establishes his abuse of discretion. His disparaging remark concerning someone’s being successful, misses the point that, in significant part, the length of time an attorney has been in practice determines the rate of attorney compensation. The issue is not with whom the attorney attended school. The rate of compensation the county paid to Ms. Mimura in the Dickerson case is comparable to the rate that should be paid to someone with the similar length of service.
- E. Mr. Wilkerson establishes his abuse of discretion by his assertion that Wasden hadn’t proved he had received \$400.00 per hour. That is not the proper standard for determining the proper rate of attorney compensation. It is the market that determines the proper rate. The market information here, including the attorney compensation rate the county paid in the Dickerson case is between \$300 and \$500 per hour. It is an abuse of discretion for the Board to have set the attorney compensation rate at \$185 per hour because that rate is significantly below the market rate.
- F. Mr. Wilkerson also establishes his abuse of discretion by showing his marked lack of understanding of legal terminology and the law. Despite Mr.

Wilkerson's lack of understanding, the *Dickerson* case is a proper case to compare to the *Moye* case.

As previously discussed the *Dickerson* case was filed in Federal District Court under 42 U.S.C. §1983, The *Moye* case is an inept attempt to file under 42 U.S.C. §1983 in state court. Although *Moye* is a civil case, so is *Dickerson*.

In pertinent part, Idaho Code § 6-903 provides that, "a governmental entity shall provide a defense to its employee . . . and be responsible for the payment of any judgement on any claim or **civil lawsuit** against the employee for money damages arising out of any act or omission within the scope of his employment." (Emphasis added.) The *Moye* case is a civil lawsuit that seeks money damages against Mr. Walker and Mr. Haines for an act or omission within the scope of their employment. (Exhibit C, p. 13, ¶ 40G). In addition in Idaho, "there is one form of action to be known as a 'civil action.'" IRCP 3(a). (Quotation marks original.)

The Board and Mr. Wilkerson's basing a lower rate of attorney compensation on the distinction that *Moye*, "is a civil matter" is a non sequitur, in violation of Idaho Code § 6-903 and an abuse of discretion.

- G. "Jim Harberd said Wasden did admit he had not done any work for \$500.00 per hour." Exhibit AA, p. 3.
- H. "Gordon Wilkerson moved, seconded by Nate Marvin, to keep the attorney fees for Lawrence Wasden as attorney for Walker and Haines v. Moye at

\$185.00 per hour. Gordon Wilkerson, Aye, Jim Harberd, Abstain, Nate Marvin, Aye. Motion carried. Exhibit AA, p. 4.

FIRST CLAIM FOR RELIEF

(Abuse of Discretion — Idaho Code §§ 31-1506, 67-5279)

55. Petitioners incorporate paragraphs 1–57 as though fully set forth herein.

56. The Board’s decision denying Petitioners’ request for reconsideration was made in violation of Idaho Code §§ 31-1506 and 67-5279. The Board failed to accurately consider the material facts presented, relied on incorrect or incomplete information, and failed to apply the controlling statutory standards governing defense obligations under Idaho Code § 6-903.

59. The Board’s stated basis for denying reconsideration was illogical, internally inconsistent, contrary to the evidence before the agency, and failed to address the statutory obligations triggered by the allegations in the *Moye* lawsuit. The Board disregarded undisputed evidence demonstrating that Petitioners were acting within the course and scope of their official duties, thereby triggering the County’s defense obligations.

57. The Board’s decision was therefore made in excess of its statutory authority, was made upon unlawful procedure, is not supported by substantial evidence on the record as a whole, and is arbitrary, capricious, and an abuse of discretion within the meaning of Idaho Code § 67-5279.

SECOND CLAIM FOR RELIEF

(Abuse of Discretion — Idaho Code §§ 31-1506, 67-5279; Violation of the
Duty to Defend — Idaho Code § 6-903(1))

58. Petitioners incorporate paragraphs 1–57 as though fully set forth herein.

All allegations in the *Moye* lawsuit arise from actions performed by Petitioners Lyndon Haines, while serving as an elected Washington County Commissioner, and Delton Walker, while serving as the elected Washington County Prosecuting Attorney. These actions were undertaken wholly within the course and scope of their official duties.

59. Idaho Code § 6-903(1) imposes a mandatory duty upon Washington County to provide a legal defense for its officials when they are sued for acts arising out of and performed within the course and scope of their employment. No finding of malice, criminal intent, or conduct outside the scope of official duties has ever been made against either Petitioner.

60. The Board claims it need only provide legal defense at the internal rate of \$185 per hour—the rate it pays sister counties for temporary inter-county assistance. This internal rate does not represent the cost of obtaining competent defense counsel capable of litigating a complex land-use and civil-rights action under 42 U.S.C. § 1983. Market rates for qualified Idaho defense counsel range from \$300 to \$500 per hour.

61. By refusing to secure competent counsel at prevailing market rates, the Board has failed to fulfill the mandatory duty to defend under Idaho Code § 6-

903(1). This refusal leaves Petitioners without a meaningful defense and undermines the purpose of the Tort Claims Act, which is to protect public officials from personal liability for actions performed in the discharge of their official duties.

62. The Board's failure to provide an adequate defense is in excess of statutory authority, made upon unlawful procedure, unsupported by substantial evidence in the record as a whole, and is arbitrary, capricious, and an abuse of discretion under Idaho Code § 67-5279.

THIRD CLAIM FOR RELIEF

(Abuse of Discretion — Idaho Code §§ 31-1506, 67-5279; Unlawful Employee

Contribution — Idaho Code § 6-903(4))

63. Petitioners incorporate paragraphs 1–57 as though fully set forth herein.

64. Idaho Code § 6-903(4) expressly prohibits a governmental entity from requiring any “contribution,” “reimbursement,” or “indemnification” from an employee as a condition of providing a defense when the alleged acts occurred within the course and scope of public employment.

68. By limiting Petitioners' defense to counsel compensated at only \$185 per hour—an amount far below the prevailing market rate for competent counsel in federal civil-rights and land-use litigation—the Board effectively requires Petitioners to personally fund the difference between the internal rate and the actual cost of adequate representation.

65. This forced financial contribution violates Idaho Code § 6-903(4), because the statute prohibits the County from shifting any portion of the cost of defense onto the employee once the duty to defend has been triggered.

66. The Board's refusal to provide market-rate counsel thereby imposes an unlawful condition on Petitioners' statutory right to a fully funded defense, and constitutes agency action in excess of statutory authority, taken through unlawful procedure, unsupported by substantial evidence, and arbitrary, capricious, and an abuse of discretion under Idaho Code § 67-5279.

FOURTH CLAIM FOR RELIEF

(Abuse of Discretion — Idaho Code §§ 31-1506, 67-5279; Violation of Idaho Code § 6-903; Recovery of Attorney Fees under Idaho Code §§ 12-117, 12-119, 12-120, and 12-121)

67. Petitioners incorporate paragraphs 1–57 as though fully set forth herein.

68. Petitioners provided the Board with a timely ten-day notice letter in compliance with Idaho Code § 12-120(3), advising the Board of the County's statutory duty to defend under Idaho Code § 6-903 and affording the Board an opportunity to cure its violations. A copy of the notice is attached as Exhibit DD.

69. Despite receiving proper statutory notice, the Board refused to fulfill its mandatory obligation to defend Petitioners, compelled Petitioners to secure private legal counsel in the marketplace and refused to compensate that

counsel at prevailing market rates. As a direct result of the Board's refusal to comply with Idaho law, Petitioners were forced to file the present action to obtain judicial review and enforcement of Idaho Code § 6-903.

70. The Board's conduct constitutes an abuse of discretion, is contrary to the requirements of Idaho Code § 6-903, and falls within the statutory grounds for recovery of attorney fees under Idaho Code §§ 12-117 (actions involving a state or local agency), 12-119 (actions brought or defended frivolously or without foundation), 12-120(3) (commercial transactions upon proper notice), and 12-121 (bad-faith or unreasonable positions in litigation). Petitioners have incurred and will continue to incur attorney fees, costs, and expenses as a direct result of the Board's unlawful conduct.

71. Accordingly, Petitioners are entitled to recover their reasonable attorney fees and costs in this action. The Board's actions were in excess of statutory authority, made upon unlawful procedure, unsupported by substantial evidence in the record as a whole, and were arbitrary, capricious, and an abuse of discretion within the meaning of Idaho Code § 67-5279.

FIFTH CLAIM FOR RELIEF

(Violation of Procedural Due Process and Constitutional Retaliation — Idaho Const. art. I §§ 9, 10, 13; U.S. Const. amend. I, XIV; Judicial Review under Idaho Code §§ 31-1506, 67-5279)

72. Petitioners incorporate paragraphs 1–57 as though fully set forth herein.

73. Petitioners possess a statutory entitlement to a defense under Idaho Code § 6-903, creating a protected liberty and property interest under Idaho and U.S. Constitutions.

74. Petitioners, through counsel, presented evidence, legal authority, and argument, which the Board failed to consider. Instead, the Board relied on irrelevant, inaccurate, and extralegal considerations in denying Petitioners' request.

75. The Board's refusal to follow law, reliance on political considerations, and predetermined decision-making constitute a denial of due process under Idaho Const. art. I, § 13 and the Fourteenth Amendment.

76. The Board's actions were motivated in whole or in part by political hostility or animus toward Petitioners for lawful conduct undertaken as elected officials, constituting unconstitutional retaliation under the Idaho Constitution and the First Amendment.

77. The Board's actions violated Petitioners' constitutional rights and were in excess of statutory authority, made upon unlawful or unconstitutional procedure, unsupported by substantial evidence, and arbitrary, capricious, and an abuse of discretion under Idaho Code § 67-5279.

V. PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court enter judgment in their favor and grant the following relief:

1. Pursuant to Idaho Code §§ 31-1506, 67-5279, and 6-903, that the Court exercise its authority to review the Board's November 3, 2025 decision denying reconsideration and declare that such decision is unlawful, including findings that the Board's action was:

- a. in excess of its statutory authority;
- b. made upon unlawful or unconstitutional procedure;
- c. not supported by substantial evidence on the record as a whole; and
- d. arbitrary, capricious, or an abuse of discretion.

Petitioners request that the Court set aside the Board's decision and remand the matter with appropriate instructions consistent with Idaho law.

2. Pursuant to the Court's equitable authority, including Article V, §§ 1 and 20 of the Idaho Constitution and Idaho Code § 1-705, and in light of the Board's demonstrated prejudice and animus toward Petitioners, that the Court establish the reasonable market rate of attorney compensation for Petitioners' defense in *Moye v. State, et al.*, Case No. CV44-25-0273, and set that rate at Five Hundred Dollars (\$500.00) per hour.

3. Pursuant to Idaho Code §§ 6-903, 31-1506, 12-117, 12-119, 12-120(3), and 12-121, that the Court award Petitioners their reasonable attorney fees and costs incurred in bringing and prosecuting this action, to be calculated at a reasonable market rate and determined upon proper post-judgment motion and affidavit.

4. For such other and further relief as the Court may deem just and equitable.

Dated December 5, 2025

Delton Walker, Petitioner

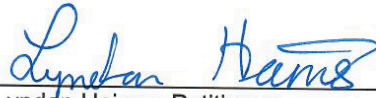
Lyndon Haines, Petitioner

Lawrence G. Wasden, ISB # 3444

Dated December 5, 2025



Delton Walker, Petitioner



Lyndon Haines, Petitioner



Lawrence G. Wasden, ISB # 3444

CERTIFICATE OF SERVICE

I, Lawrence G. Wasden, certify that on December 5, 2025, I sent copies of this
Second Amended Petition for Judicial Review by e-file and email to the following persons
at the indicated addresses:

Washington County Board of Commissioners
256 E. Court St.
Weiser, ID 83672
dwhite@washingtoncountyid.gov

True Pearce, ISB # 9465
Washington County Prosecuting Attorney
Sean M. Jorgensen, ISB # 9843
Chief Deputy Prosecutor
343 E. Main St.
Weiser, ID 83672
wcpaefile@washingtoncountyid.gov

DATED: December 2, 2025



Lawrence G. Wasden, Bar #3444

Exhibit A

June 21, 2021

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 21st day of June 2021.

IN THE MATTER OF ROLL CALL)

Debbie Warren, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

Nate Marvin opened the meeting and led the Pledge of Allegiance. Lyndon Haines gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

Correspondence received by the Board was reviewed and disseminated as required.

Kirk Chandler moved, seconded by Lyndon Haines to approve a Catering Permit Application submitted by the Copper Lounge to be used June 25 and 26, 2021 at the Weiser Biker Rodeo. Motion carried unanimous.

Haines reported he attended the Southwest Health District Board meeting last week.

The Board discussed the recently declared Juneteenth holiday.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of June 14, 2021 were approved as written.

The minutes of the Board not heretofore approved of June 15, 2021 were approved as written.

The minutes of the Board not heretofore approved of June 16, 2021 were approved as written.

IN THE MATTER OF OPERATION IN FUNDS/STATEMENT OF TREASURER'S CASH)

Lyndon Haines moved, seconded by Kirk Chandler to approve May 2021 Operation in Funds/Treasurer's Cash in the amount of \$12,105,907.13. Motion carried unanimous.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board.

June 21, 2021

Walker informed the Board that he had further discussions with Chris Meyer regarding County Code. Walker inquired if the Board is in favor of having a compliance officer.

Chandler stated he believed that the Prosecuting Attorney should be the one to issue a letter to persons who are in violation of County Code.

Marvin stated that the compliance officer could assist with the workload on the Prosecutor.

Haines clarified that the Planning & Zoning Department currently issues a letter, then the Prosecuting Attorney issues a letter, the Sheriff's Office serves a complaint, then the landowner may need to go to court.

Walker stated that whenever there are code changes, a public hearing would be required.

Haines stated that issuing a citation should be the last step. The County is not trying to be heavy handed, but there needs to be a balance.

Nate Marvin moved, seconded by Kirk Chandler to go into executive session at 9:20 a.m. in accordance with I.C. 74-206(1) (a & b) to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office, (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student, and I.C. 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. Motion carried unanimous. Kirk Chandler, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Nate Marvin stated they were out of executive session at 10:02 a.m.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Members of the public present were Marv Williams, Stacy Walker, _____ Walker, Lisa Collini, Diana Noe, Gene Shiver, Gene Wyss, Kay Wyss, Nancy Williams, Sam and Stefanie Lancaster, and Tanya Moye.

Marvin inquired if the members of the Board wanted to approve or deny the Lancaster Rezone request from A1 to A2.

Kirk Chandler moved, seconded by Lyndon Haines to deny the rezone based on 20 acres to be interpreted by County Code that 20 acres or more does not need to be rezoned and a

June 21, 2021

single-family dwelling can be built on 20 acres. Kirk Chandler, Aye. Lyndon Haines, Aye. Nate Marvin, Aye.

Prosecuting Attorney, Delton Walker, stated the County has not received very many requests for a rezone when the parcels are 20 acres or larger. Walker stated that Lancaster has applied for divisions of 20 acres or greater and under County Code, section 5-4-1, states that "in Zone A1 no dwelling shall be sold, transferred or built with less than 20 acres of lot area except as provided in Section C." Walker stated that the proposed lots are 20 acres or greater, that is allowed per code, but only one house would be allowed per 20 acres. Walker stated it is not Lancaster's intent to have more than one home on each 20-acre parcel. Walker stated Lancaster would still have to meet the requirements of the Fire Code and Southwest District Health regulations. A building permit will need to be required on each 20-acre or larger parcel.

Chandler stated that if a new well dries up an existing well, the injured party could sue the new landowner. Chandler stated persons need to work with the Department of Water Resources to monitor wells for changes.

IN THE MATTER OF AMBULANCE)

Nate Marvin moved, seconded by Lyndon Haines to recess as the Board of Washington County Commissioners and convene as the Board of the Weiser Ambulance District. Motion carried unanimous.

Debbie Warren, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

Luke Smith, Ambulance District Director, met with the Board. Smith reported the Ambulance District had thirty-one calls for service last week, which included eleven transfers and seven public assists/refusals for care. Order No. 21-30 for general expenses in the amount of \$434.34 and Order No. 20-0019 for payroll expenses in the amount of \$26,875.23 were presented to the Board for review.

Smith stated he is working on the budget with hopes of presenting a draft to the Board in the near future. Smith informed the Board that the District is accepting applications and has received a few completed applications.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-19 for payroll expenses in the amount of \$26,875.23. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 21-30 for general expenses in the amount of \$434.34. Motion carried unanimous.

June 21, 2021

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-19VAC in the amount of \$1,668.23. Motion carried unanimous.

Nate Marvin moved, seconded by Lyndon Haines to recess as the Board of the Weiser Ambulance District and reconvene as Board of Washington County Commissioners. Motion carried unanimous.

Debbie Warren, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

IN THE MATTER OF WEED SPRAY SIGNS)

Karl Greshover, 1232 Mann Creek Road, met with the Board. Also present was Washington County Weed Superintendent, Bonnie Davis.

Greshover requested approval of an Owner Responsibility and Maintenance Agreement of Noxious Weeds/Vegetation on Washington County Roadside Right of Way.

Marvin requested that Greshover provide a map with the Agreement.

Mr. Greshover was able to obtain a map and returned to the meeting. Greshover stated he was requesting the County to not spray a portion of the roadside in front of his property.

Nate Marvin moved, seconded by Lyndon Haines to approve the Owner Responsibility and Maintenance Agreement of Noxious Weeds/Vegetation on Washington County Roadside Right of Way. Motion carried.

IN THE MATTER OF IMPACT AREA DISCUSSION)

Sandra McKee, City of Cambridge Clerk, and Cambridge City Council met with the Board. Members of Cambridge City Council present were Corey Morgan, Levi Harrison, Mark Loveland, Jack Toothman and Delray Platt.

Sandra McKee presented copies of the current County Code relating to the Cambridge Area of City Impact. McKee reviewed 4-3-4 regarding jurisdiction with the Board. McKee discussed recent issue that had come before Cambridge City Council. McKee also discussed the boundaries of the area of impact as addressed in the Local Land Use Planning Act.

Haines clarified that the County could adopt the City's code for the impact area. The County could also adopt the City's Comprehensive Plan.

McKee stated that was correct, but the County would still have jurisdiction.

June 21, 2021

McKee read from the Idaho Association of Cities Handbook, which states, "Because cities lack jurisdiction outside their corporate limits, if a county wants to enforce a city's

comprehensive plan, zoning ordinance and/or subdivision ordinance in the area of impact, the county commissioners must formally adopt the city's policies for the area of impact." McKee continued reading "once enacted the area of city impact map, regulations remain in place until both city, and county governing boards agree to renegotiate. Prior to renegotiation, the city and county governing boards must submit the issue to the respective planning and zoning commissions for recommendations, renegotiation must begin not more than 30 days after a request by the city or county governing board". McKee stated she was not aware if this has happened in the past. McKee discussed areas of city impact as stated in chapter 10 of County Code and areas that need to be addressed. McKee provided a Future Land Use Map of the City of Cambridge. McKee stated the map indicates four defined zones.

Haines inquired about some of the major differences that are between the city and county ordinances.

McKee stated the intent of both the City and County Comprehensive Plan is to protect agriculture. McKee informed the Board that in order for the city to expand, a developer's agreement would need to be in place so infrastructure can be put in place for the development. Neighboring cities are requiring a development agreement.

Haines discussed the designation of zones within the City of Cambridge code.

Chandler discussed zoning, the Comprehensive Plan, and the need for the two to "mirror" each other.

Jack Toothman, Mayor, Levi Harrison, Mark Loveland, and Delray Platt, Councilmen, addressed the Board.

Loveland inquired of the Board what concerns they have. The group agreed that City Council needs to meet with the County Planning and Zoning to address areas that need to be changed or updated.

Chandler stated private property rights need to be protected. Chandler discussed the Land Use Planning Act and what can be regulated through the Act. Chandler stated that it could be spelled out in the development agreement.

Chandler stated the County had previously met with the City of Cambridge regarding these issues.

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Haines stated that it is a balancing act. How do we preserve agricultural land and balance property rights? Haines stated he believes a development agreement is the best idea. Haines stated growth needs to pay for itself.

McKee stated that the City is between 60 to 70 percent of capacity for water and sewer.

Marvin discussed ideas of what would need to be done to allow for additional growth.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Also present was Justin Walker from Keller Associates as the Project Manager for Unity Bridge, and Nathan Cleaver, Transportation Division Manager. Members of the public present were Tim Wrightman, Cheri Clausen, Dennis Lance and Tony Edmondson.

Walker addressed the Board and discussed the preliminary design for Unity Bridge. Walker discussed funding that may be available to assist with the project. Walker stated it would be between five to ten years before the bridge could be constructed with funding from the State.

Marvin stated he believed the County needed to move forward with a plan and a design.

Walker discussed compliance with ITD (Idaho Transportation Department).

Chandler discussed the size of the bridge. Chandler stated it would have to clear ice during spring runoff. Chandler inquired if the bridge could be shortened.

Nathan Cleaver addressed the Board. Cleaver discussed funding and other projects within the State. Cleaver also discussed requirements for Federal funding including archeological, biological species of concern, public involvement, including a public hearing.

Haines discussed the current weight restriction to the bridge. Haines inquired if the design would allow eliminating the width and loading restrictions.

There was discussion of a one-lane bridge. Walker stated Federal Highways is not allowing one-lane bridges.

Marvin inquired when a public hearing would be needed.

The Historical Preservation Committee is interested in retaining the bridge. It was questioned if the bridge could be donated to a private group or individual.

Wrightman discussed moving the bridge and the maintenance of the bridge.

June 21, 2021

Cleaver addressed the rules and procedures of maintaining the bridge and the possible move of a portion of or all of the bridge.

Road and Bridge Supervisor, Jerod Odoms, met with the Board. Also present was Assessor, Debbie Moxley-Potter. Odoms stated he had hired two new seasonal workers.

Odoms discussed the condition of Loafer Lane.

Odoms discussed the Juneteenth holiday. The Board stated it was not budgeted for and has not been adopted or included in the Personnel Policy.

Odoms presented documentation on the Special Assessment fees for Solid Waste. Odoms stated a 4% increase would generate an approximately \$11,000.00 in additional revenue. An increase of 7.1% increase or approximately \$4.00 would generate approximately \$21,000.00 revenue. Odoms stated there has not been an increase to the Special Assessment since 2000. Odoms informed the Board that an increase of \$21.00, or one dollar per year since the last increase, would generate approximately \$111,000.00 in revenue for Solid Waste. Odoms stated an increase of over 5% would require a public hearing to be held. Odoms discussed the need to fund the 2022 proposed budget.

Chandler inquired as to what amount would be needed in order for Solid Waste to pay for itself.

Odoms stated he estimated revenue for the 2021 year to be approximately \$552,000.00. This includes the amount levied, Special Assessment fees and User fees charged at the site. Odoms stated the 2022 proposed budget is \$608,000.00.

The Board inquired if the current levy limit is for Solid Waste.

Treasurer, Sabrina Young, stated the State levy limit rate is .0004 and the County is currently at a .000245 levy rate. Young reminded the Board they would also have to take into account the overall budget increase allowed to be funded by tax dollars.

The Board requested that Odoms to report back with additional information before deciding to hold a public hearing to increase the assessed fee.

Odoms discussed the cost of fuel for Solid Waste. Moving forward, Solid Waste will be fueling at Road and Bridge and will reimburse Road and Bridge for the cost of the fuel. This would be a savings of .45 per gallon.

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Motion by Nate Marvin, seconded by Kirk Chandler and unanimously carried to recess at 2:33 p.m. until June 28, 2021 at 8:45 a.m.

Chairman, Board of County Commissioners

ATTEST:

Clerk

A full audio recording of the Commissioner Meeting is available at the Clerk's Office upon request.

Exhibit B

254761

Washington County
Board of County Commissioners
Gentry Lane Validation Hearing

Finding of Facts and Reasoned Decision by Commissioner Nate Marvin

This matter came before the Washington County Commissioners on the 11th day of December, 2023, at the hour of 1:00pm. The hearing was held at the Vendome Events Center, 309 State Street, Weiser, Idaho. The purpose of the hearing was to receive public comment on the possible validation of Gentry Lane. Chairman Haines explained the hearing procedure and time allowed each person speaking. Time allowed was three (3) minutes, with clerk's office running timer.

Findings of Fact Supporting Validation

- Documentation from Wash. County Road and Bridge that Gentry has been maintained by grading the road, plowing snow, installing culverts, mowing, and tree trimming. Records document maintenance on Gentry Lane at least back to 1980. Signed letters from employees that have performed maintenance on Gentry Lane
- Documentation from Wash. County Road and Bridge that Gentry Lane from Highway 95 to the turn around east of Moye's, a distance of 0.633, has been receiving Highway User funds for maintenance of Gentry Lane. Records show from 2013-2023.
- The bridge crossing Monroe Creek just east of Highway 95, is in fact county owned and maintained by Wash. County. This bridge is inspected by ITD (Idaho Transportation Dept) on a regular basis.
- Gentry Lane is shown on the Wash. County snow plowing route map.
- 2000 agreement with property owners Tim and Carolyn Folke to make repairs to Gentry Lane and dedicate the proposed widened roadway to the county. Instrument number 179739.
- Letter from Idaho Power Company stating that they use Gentry Lane to access their power lines and facilities that serve customers on Gentry Lane. If that road was vacated

Instrument # 254761

STATE OF IDAHO, COUNTY OF WASHINGTON
2-12-2024 01:53:17 PM No. of Pages: 10
Recorded for : WASHINGTON COUNTY
DONNA ATWOOD Fee: 0.00
Ex-Officio Recorder Deputy *Donna Atwood*
Index to: MISC RECORDING

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that would require constructing new roads, acquiring new easements, and moving infrastructure to serve customers. This in turn could cause extended power outages.

- One of the families testifying in favor of the validation, said they depend on Gentry Lane for emergency services such as law enforcement, fire department, and ambulance service. Having a very sick family member they rely heavily on home health care, home medical supplies delivered in a timely manner. They also rely on packages delivered by USPS, Fed-Ex, and UPS. Propane deliveries for home heating are a major concern this time of year. Their family has suffered hardships over this section of road through Moyes property. Request we use the Highway User Funds to maintain the right-of-way as it should be. When the gates were locked through Moyes, they were not provided with keys, some of the others further up on Gentry Lane did receive keys.
- Another property owner and his sister own a substantial amount of property at the east end of Gentry Lane and rely on the road to access water pumps for stock watering. The water right goes back to 1915. In favor of validating Gentry Lane so he can maintain his water pumps.
- BLM (Bureau of Land Management) does have land near the end of Gentry Lane. Near the cell tower site. I thought I read in code where we could not land lock Federal Property. Another property owner is concerned if we don't validate Gentry Lane that they might possibly be landlocked as well.
- There are three documents signed by Terry Moye and recorded in Washington County. 1) Personal representative deed recorded May 13th, 2009 2) Quit claim deed recorded Aug. 19, 2014 3) Another quit claim deed recorded November 1, 2022. All documents "subject to the right-of-way of existing county road known as Gentry Lane."
- Letter from Officer in Charge at Weiser Post Office supporting validation of Gentry Lane. The employees are not allowed to get out and open gates.
- One resident from the Weiser area suggested the road mess be fixed and supported the validation.
- Three of the Moye's family members have major disability issues that could potentially require emergency services on Gentry Lane.

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Findings of Fact Against Validating Gentry Lane

- Some say this was a takings of property rights. No documentation was presented at the hearing.
- Terry Moye sold six lots in 1981 to Laird. He originally owned the property to the next cattle guard to the east. This appears to be the start of the easements to access the land that was sold by Moye. The land that was sold by Moye would have been landlocked without the easement. Today there are many people using the easement due to land sales, visiting family and friends, parcel delivery companies, and utilities. The original easement was set at 16 feet, Moye stated to prevent the County Road Dept. from taking his road. He refused to allow county equipment to cross his property until he finally agreed to let them turn around east of his property.
- The Moyes have experienced hardships due to animals being run over by vehicles using Gentry Lane. This has prompted removing cattle guards and installing gates. Most recently locking gates and providing very few keys.
- One resident stated that the County Road Dept. has not maintained Gentry Lane as was indicated in Road and Bridges records. Another resident thought Sam Lancaster should have put in a road when he did his development.
- Several people were not in favor of the validation but didn't have any documents or facts to substantiate their stance on this.
- Person that lived at 1678 Gentry said he had been lied to and had a signed easement.
- Several folks said we need to clean-up this mess but didn't support validation.
- The Moyes have a leaking water line in Gentry Lane. And the septic line crosses under Gentry Lane. There was mention of spring that runs water across Gentry Lane near the Moyes property.
- The Moyes have chosen to free range their livestock, thus the reason for the gates.
- There was a suggestion to relocate the road to the south of Moyes. She was opposed to the validation procedure.
- Of the people that signed the sheet to testify, 19 were for the validation, 15 were against the validation.

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- The County has expended large amounts of county time and tax dollars by responding to complaint calls (Sheriff Office) and addressing concerns and complaints, County Clerks Office dealing with complaints and people searching for information.
- It was determined that the section of road that runs north and south was part of the old north south highway. Before Highway 95 was constructed.

Finding of Facts and Reasoned Decision by Gordon Wilkerson

This matter came before the Washington County Commissioners on the 11th day of December 2023, at the hour of 1:00pm. The hearing was held at the Vendome Events Center, 309 State Street, Weiser, Idaho. The purpose of the hearing was to receive public comment on the possible validation of Gentry Lane. Chairman Haines explained the hearing procedure and time allowed each person speaking. Time allowed was three (3) minutes, with clerk's office running timer.

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- The bridge crossing Monroe Creek just east of Highway 95, is in fact county owned and maintained by Wash. County. This bridge is inspected by ITD (Idaho Transportation Dept) on a regular basis.
- Gentry Lane is shown on the Wash. County snow plowing route map.
- 2000 agreement with property owners Tim and Carolyn Folke to make repairs to Gentry Lane and dedicate the proposed widened roadway to the county. Instrument number 179739.
- Letter from Idaho Power Company stating that they use Gentry Lane to access their power lines and facilities that serve customers on Gentry Lane. If that road was vacated that

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would require constructing new roads, acquiring new easements, and moving infrastructure to serve customers. This in turn could cause extended power outages.

- Citizens purchased property being told they had easement to the property they purchased because the county included the Moye family barnyard on the county map and took taxpayer money for the maintenance for five years. This rights of way was established by ADVERSE POSSESSION. The preponderance of evidence shows the only easement several families had for their property was the county rights of way of Gentry Lane.
- One of the families testifying in favor of the validation, said they depend on Gentry Lane for emergency services such as law enforcement, fire department, and ambulance service. Having a very sick family member they rely heavily on home health care, home medical supplies delivered in a timely manner. They also rely on packages delivered by USPS, Fed-Ex, and UPS. Propane deliveries for home heating are a major concern this time of year. Their family has suffered hardships over this section of road through Moyes property. Request we use the Highway User Funds to maintain the right-of-way as it should be. When the gates were locked through Moyes, they were not provided with keys, some of the others further up on Gentry Lane did receive keys.
- Gates were closed and locked. Several families were not provided keys which put them directly in harms way. One family had an elderly mother under hospice care with no key.
- County issued building permits, structures were inspected, and certificate of occupancy were given. The fire district signed off.
- There are presently seventeen dwellings on Gentry Lane. Gentry Lane is the only ingress, egress for these citizens.
- Another property owner and his sister own a substantial amount of property at the east end of Gentry Lane and rely on the road to access water pumps for stock watering. The water right goes back to 1915. In favor of validating Gentry Lane so he can maintain his water pumps.
- There are three documents signed by Terry Moye and recorded in Washington County.
1) Personal representative deed recorded May 13th, 2009
2) Quit claim deed recorded Aug. 19, 2014
3) Another quit claim deed recorded November 1, 2022. All documents "Subject to the right-of-way of existing county road known as Gentry Lane."
- Letter from Officer in Charge at Weiser Post Office supporting validation of Gentry Lane. The employees are not allowed to get out and open gates.

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- One resident from the Weiser area suggested the road mess be fixed and supported the validation.
- Three of the Moye's family members have major disability issues that could potentially require emergency services, on Gentry Lane.

Findings of Fact Against Validating Gentry Lane

- Some testified this was a takings of property rights. No documentation was presented at the hearing.
- Terry Moye sold six lots in 1981 to Laird. He originally owned the property to the next cattle guard to the east. This appears to be the start of the easements to access the land that was sold by Moye. The land that was sold by Moye would have been landlocked without the easement. Today there are many people using the easement due to land sales, visiting family and friends, parcel delivery companies, and utilities. The original easement was set at 16 feet, Moye stated to prevent the County Road Dept. from taking his road. He refused to allow county equipment to cross his property until he finally agreed to let them turn around east of his property, understanding his barnyard would never be a public right of way. Unfortunately, there is no documentation to verify this agreement.
- The Moyes have experienced hardships due to the growth beyond the barnyard. Children have been put in harms way, Pets have been killed, livestock has been harassed and killed. This has prompted removing cattle guards and installing gates. Most recently locking gates and providing very few keys.
- One resident stated that the County Road Dept. has not maintained Gentry Lane as was indicated in Road and Bridges records. Another resident thought Sam Lancaster should have put in a road when he did his development.
- Several people were not in favor of the validation but didn't have any documents or facts to substantiate their stance on this.
- Person that lived at 1678 Gentry said he had been lied to and had a signed easement.
- Several folks said we need to clean-up this mess but didn't support validation.

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- The Moyes have a leaking water line in Gentry Lane. A septic line crosses under Gentry Lane. There was mention of a spring that runs water across Gentry Lane near the Moyes property.
- The Moyes have chosen to free range their livestock, thus the reason for the gates.
- The County has expended large amounts of county time and tax dollars by responding to complaint calls (Sheriff Office) P and Z addressing concerns and complaints, County Clerk's Office dealing with complaints and people searching for information.
- It was determined that the section of road that runs north, and south was part of the old north south highway. Before Highway 95 was constructed.

Summary of the Findings of Fact

Documentation from Washington County Road and Bridge indicates that Gentry Lane has undergone maintenance, including grading the road, plowing snow, installing culverts, mowing, and tree trimming. Maintenance records for Gentry Lane date back to at least 1980, with signed letters from employees confirming their involvement.

Further documentation reveals that Gentry Lane, spanning from Highway 95 to the turnaround east of Moyes's (a distance of 0.633), has been receiving Highway User funds for maintenance, as evidenced by records spanning from 2013 to 2023. The bridge over Monroe Creek, east of Highway 95, is confirmed to be county-owned and regularly inspected by the Idaho Transportation Dept.

Additional key points supporting Gentry Lane validation include its inclusion in Washington County snow plowing route maps, a 2000 agreement with property owners Tim and Carolyn Folke, and a letter from Idaho Power Company stressing the impact on power lines and facilities if the road were vacated.

Testimonies in favor of validation underscore the reliance on Gentry Lane for emergency services, healthcare, deliveries, and propane. Property owners with historical water rights and dependencies, such as the BLM near the cell tower site, emphasize the public interest in maintaining Gentry Lane.

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Contrastingly, the findings against validating Gentry Lane present various challenges and concerns, including the assertion that it constitutes a taking of property rights. The sale of lots by Terry Moye in 1981 initiated easements, preventing potential landlocking, but issues such as animal incidents, maintenance disputes, and road relocation suggestions are raised.

Despite disagreements, the significance of Gentry Lane is acknowledged in its historical context as part of the old north-south highway. The County's substantial expenditure on responding to complaints emphasizes the importance of resolving the matter, aligning with the public interest.

Determination of Whether Validation of Gentry Lane is in the Public Interest

Maintenance Records: Documentation shows consistent maintenance of Gentry Lane since at least 1980, indicating its importance for public use.

Highway User Funds: Gentry Lane receives Highway User funds for maintenance, signifying recognition by authorities for its public utility.

Emergency Services Dependence: Testimonies highlight the critical reliance on Gentry Lane for emergency services such as law enforcement, fire department, and ambulance, indicating its importance to public safety.

Utility Access: Idaho Power Company emphasizes the necessity of Gentry Lane for accessing power lines and facilities, preventing potential power outages and infrastructure challenges.

Water Access: Property owners relying on Gentry Lane to access water pumps for stock watering, dating back to 1915, emphasizes its historical and ongoing significance.

Weiser Post Office Support: The Officer in Charge at the Weiser Post Office supports Gentry Lane validation, noting challenges faced by employees due to locked gates.

Public Accessibility: Suggestions for road relocation are opposed, reinforcing the importance of Gentry Lane in its current location for public access.

Historical Significance: Recognition that a section of Gentry Lane was part of the old north-south highway before Highway 95 was constructed highlights its historical importance.

Public Testimony: Of those who testified, 19 individuals expressed support for Gentry Lane validation, suggesting a significant portion of the public favors its validation.

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County Expenditure: The County has invested substantial time and tax dollars responding to complaints, addressing concerns, and dealing with administrative matters related to Gentry Lane, indicating its importance to the public and local government.

Conclusion and Reasoned Decision

Based on the evidence presented and pursuant to Idaho Code 40-203A, as a matter of law, Gentry Lane is hereby validated as a public right-of-way. The comprehensive documentation from Washington County Road and Bridge, highlighting consistent maintenance activities since 1980, establishes the public use and necessity of Gentry Lane.

The allocation of Highway User funds for Gentry Lane's maintenance further confirms its public nature, demonstrating the commitment of public resources to ensure its continued accessibility. Testimonies from residents relying on Gentry Lane for emergency services, healthcare, deliveries, and essential utilities underscore its critical role in serving the public interest.

Idaho Code 40-203A also requires that the validation be in the public interest, and the accumulated evidence overwhelmingly supports this criterion. Gentry Lane's historical significance, agreements with property owners, and the potential ramifications outlined by Idaho Power Company all contribute to the broader public welfare.

ORDER Validating Gentry Lane as a Public Right-of-Way

THEREFORE, IT IS HEREBY ORDERED, as a matter of law pursuant to Idaho Code 40-203A, that Gentry Lane, spanning from Highway 95 to and including the turnaround east of the Moye property, is officially recognized and validated as a public right-of-way. Further, as a matter of public policy, pursuant to Idaho Code 40-203A, this validation is in the best interest of the public, ensuring continued access, safety, and the welfare of the community it serves.

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Lyndon Haines	Recused himself.
Nate Marvin	☒ Aye ☐ Nay
Gordon Wilkerson	☒ Aye ☐ Nay

Dated this 13th Day of February, 2024.

Signed by Commissioner Nate Marvin Nate Marvin

Signed by Commissioner Gordon Wilkerson Gordon Wilkerson



Exhibit C

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Plaintiff Pro Se

NO. _____ FILED _____
A.M. _____ P.M. 304

MAR 28 2025

TRENT TRIPPLE, Clerk
By ELIA MIKKELSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

TERRY L. MOYE, TANYA MOYE,
JUDY BEERY,

PLAINTIFFS,

VS.

STATE OF IDAHO SOUTHWEST
DISTRICT HEALTH, District 3,
COUNTY OF WASHINGTON, State
of Idaho, WASHINGTON COUNTY
SHERIFF'S DEPT., State of Idaho,
DELTON WALKER, LYNDON HAINES
NATE MARVIN, GORDON WILKERSON,
JEROD ODOMS, MATT THOMAS,
JOHN AND JANE DOES, names unknown
at this time,

SUED IN THEIR OFFICIAL AND
INDIVIDUAL CAPACITIES.

CASE NO. **CV 01 25 05641**

CATEGORY: _____

FEE:

BIFURCATED CIVIL COMPLAINT

TRIAL JURY BY DEMAND



PLAINTIFF'S ALLEGE:

JURISDICTION

1. This Court has jurisdiction pursuant to I.C. 1-704; I.C. 1-705; and jurisdiction is proper pursuant to Title 28 U.S.C. 1331 in that this action involves a Federal question; Title 28 U.S.C. 1343 in that this action involves Federal Civil Rights violations; and Title 28 U.S.C. 1357 in that this action involves injuries under Federal Law.

VENUE

2. Venue is proper pursuant to I.C. 5-402; I.C. 5-404; Venue is further proper before this Court pursuant to Title 28 U.S.C. 1391 and Title 28 U.S.C. 1345.

PARTIES TO THE ACTION

PLAINTIFFS

3. PLAINTIFF TERRY MOYE is a resident residing in the County of Washington, State of Idaho, and has resided at said location for more than 6 months prior to the commencement of this action.

4. PLAINTIFF TANYA MOYE is a resident residing in the County of Washington, State of Idaho, and has resided at said location for more than 6 months prior to the commencement of this action.

5. PLAINTIFF JUDY BEERY is a resident residing in the County of Washington, State of Idaho, and has resided at said location for more than 6 months prior to the commencement of this action.

6. Plaintiffs to this action appear in propria persona and are all deemed disabled pursuant to the Dept. of Health and Human Services, an agency/entity of the United States Government and may require special accommodations due to the disabilities they endure.

DEFENDANTS

7. DEFENDANT STATE OF IDAHO, Southwest District Health District 3 is a Defendant to this action, an agency/entity of the State of Idaho, a political subdivision. Southwest District Health is responsible for the lawful permitting and investigating of wells and sewer systems that includes but not limited to issuing of permits for the construction and implementation of safe sewer disposal in residence, commercial and industrial settings.

8. DEFENDANT COUNTY OF WASHINGTON is a political subdivision located in the State of Idaho. Defendant is charged by laws, policies and procedures to insure how taxpayer funds are spent in its political body and to insure the residents within its borders are subjected to the United States Constitution And the Bill of Rights as well as the State of Idaho Constitution and all subsequent Amendments including due process and equal rights under the laws.

9. DEFENDANT WASHINGTON COUNTY SHERIFF'S OFFICE/DEPT. Is an agency/entity of Washington County, State of Idaho. As the main body of law enforcement in the County, the officers/Deputies are charged by oath and position to uphold the laws of the State of Idaho, the Constitution of the State of Idaho and its subsequent Amendments; Federal law; the United States

Constitution and the Bill of Rights; and the policies, procedures and ordinances of the County of Washington.

10. DEFENDANT DELTON WALKER was at all times mentioned herein, the elected Prosecutor of Washington County, State of Idaho. His position besides prosecuting criminal cases was to act as legal counsel for the County of Washington and for the County Commissioners. As a licensed attorney and elected official, Defendant Walker was at all times under oath to uphold the laws of the State of Idaho, Policies, procedures and ordinances for the County of Washington, and the United States Constitution and its Amendments, Federal laws, and the State of Idaho Constitution and its subsequent Amendments. Defendant Walker is also subject to the ethics and rules as set forth for the Idaho State Bar which regulates his license to practice as an attorney in any capacity in the State of Idaho.

11. DEFENDANT LYNDON HAINES is at all times mentioned herein, the District 1 Commissioner of Washington County, State of Idaho. Defendant Haines also holds the position of Southwest District Health Board Member for District 3, and also holds the position of Board Member for the Weiser Rural Fire Department, located in Washington County.

12. DEFENDANT NATE MARVIN is at all times mentioned herein, the District 2 Commissioner of Washington County, State of Idaho.

13. DEFENDANT GORDON WILKERSON is at all times mentioned herein, the District 3 Commissioner of Washington County, State of Idaho.

14. DEFENDANT JEROD ODOMS is at all times mentioned herein, the Supervisor or heads the Department known as Road and Bridge for the County of Washington.

15. DEFENDANT MATT THOMAS is at all times mentioned herein, the elected Sheriff of Washington County, State of Idaho. As Sheriff, Defendant Thomas is charged with upholding the laws of the State of Idaho, the Constitution of the State of Idaho and its subsequent Amendments; upholding Federal laws and the Constitution of the United States and its Bill of Rights; and further upholding and executing the policies, procedures and ordinances of Washington County, State of Idaho.

16. DEFENDANTS JOHN AND JANE DOES, persons unknown at this time of filing but will be identified upon discovery or other means during the course of this action.

**ALL DEFENDANTS AS APPLICABLE WILL BE SUED IN THEIR PROFESSIONAL AS
WELL AS INDIVIDUAL CAPACITIES**

NATURE OF THE ACTION

17. On or about February 21, 1973, Plaintiff Terry Moye purchased 400 acres of land from a Mr. Gentry and made it his place of residence. Over the years Plaintiff Terry Moye had sold off some of the acreage to other persons, who built homes and Plaintiff Terry Moye entered into an easement agreement with those individuals. Plaintiff Terry Moye also had members of his family reside on property off Gentry Lane as well, Plaintiff Judy Beery, his Sister, and Plaintiff Tanya Moye, his daughter. There was no designated County road going or leading up to his gate to the entrance of his home or the other Plaintiffs.

18. In the year 2021, Developer/Rancher Samuel T. Lancaster and his Wife Stefanie, purchased roughly over 200 acres of land that were previously owned by Plaintiff Terry Moye in the past. The land could not be legally split under Idaho law to have homes built unless a subdivision was planned and permitted by Washington County.

19. Samuel T. Lancaster had gone to school in Weiser with District 1 County Commissioner Defendant Lyndon Haines. Defendant Haines's wife, Stacy Haines worked with Samuel T. Lancaster's wife Stefanie in the same realty office, located in Weiser, Idaho. Samuel T. Lancaster filed for a subdivision permit with Washington County Planning and Zoning. It was denied.

20. Samuel T. Lancaster then filed for a land split through numerous hearings and in violation of the laws of Idaho, was approved to split his acreage. Later in the local news paper, Defendant Haines admitted that the County had made a mistake. The justification for the land split was made by Defendant Delton Walker who claimed later he had received bad advice by Givens Pursley LLP, a Boise, Idaho law firm which Delton Walker had contracted out to receive advice.

21. Following the illegal land split approved by the Defendants herein, Samuel T. Lancaster then built a road for his new subdivision, had leveled building plots with which to build homes. The Defendants herein did knowingly and willfully issue illegal building permits to Samuel T. Lancaster and his wife Stefanie, for their subdivision with an illegal ingress and egress for the homes to be built.

22. With building permits illegally obtained, Samuel T. Lancaster sold the properties with building permits. All of the homes built were built with no sewer permit inspection having been performed or approved pursuant to Southwest District Health District 3, which Defendant Lyndon Haines sat as an active Board Member.

23. With building permits illegally obtained, Samuel T. Lancaster had built roads for his subdivision but refused to use them as they were not built to proper County Road specifications and that Defendant Lyndon Haines also sat on the Board of the Rural Weiser Fire District which would have to use roads for fire suppression support and ambulance travel.

24. Samuel T. Lancaster continuously trespassed through the Plaintiff's property and used easement rights afforded to the prior residences previously built. When Samuel T. Lancaster sold the building lots, he had added illegally the easement agreement of the prior residences into the property title work of those lots sold.

25. Once the lots were sold, the new buyers drove through the Plaintiff's property and repeatedly trespassed. Washington County Defendants refused to stop or interfere and Plaintiff's had several of their livestock ran over and killed including one of their livestock guardian dogs. Sheriff Matt Thomas did nothing but instead he repeatedly issued trespassing citations by and through his Deputies to anyone Samuel T. Lancaster called in and complained on.

26. Once Samuel T. Lancaster and his wife Stefanie sold their illegal split lots of 20 acres each, Washington County Tax assessors went in and raised the property taxes through out the County and in particular, the Weiser area due to the high prices the Lancaster's sold their property for.

27. After the tax assessments came in, Washington County Commissioners, Defendants Lyndon Haines, Nate Marvin, and Gordon Wilkerson voted to raise their salaries. While other County employees were denied raises, the Commissioners accepted their pay raise. Plaintiff Delton Walker also received his pay raise. This was based upon the inflated property tax assessments following the sale of the Lancaster's properties.

28. Samuel T. Lancaster and his wife Stefanie had made roads on their properties for ingress and egress for the new property owners however he refused to open the roads up to them. Instead, Lancaster's used the easement of the Plaintiff's and they forced their way through the property.

29. When the Plaintiff's complained to the Defendant Washington County Sheriff's Department and County Prosecutor Defendant Delton Walker of the trespassing, Plaintiff's were ignored. In particular instant, Plaintiff's tried to close their property gates and Defendant Sheriff Matt Thomas and unknown Deputy did willfully trespass upon the Plaintiff's property, jumping over the fences and cutting the lock off one of the gates. Videos exist of this act. Plaintiff's were then threatened by the Defendant Sheriff claiming he had been instructed by the Defendant Commissioners to violate the law and allow the illegal subdivision owners through their property without any due process.

30. In November of 2023, Plaintiff's were notified that the County was going to make their barn yard easement into a right of way for the County and the Lancaster's would not have to use their road for the new property owners. In December of 2023, Washington County Commissioners, all named Defendants herein, voted to make the Plaintiff's easement into a right of way based upon the illegal land splits; illegal subdivision; illegal building permits that had no proper roads and illegal septic systems installed.

31. Lancaster's have repeatedly driven heavy equipment through the illegal right of way of the Plaintiff's, crushing their water pipe system underground damaging it; and that said heavy equipment has been in excess weights of what the County allows on its own roads. Defendant's have done nothing to repair or halt the illegal activity as the Defendant Sheriff Matt Thomas is a close friend of the Lancaster's; coupled with the friendship of the Lancaster's to Defendant Lyndon Haines, and the fact that both of their wives work with each other in the realty company.

32. That other residents in the County of Washington have filed for similar and same permits as the Lancaster's and were denied by the Commissioners.

CAUSE FOR ACTION

33. As alleged herein, Plaintiff's lost real property and value of their property due to the illegal right of way allowed by the Defendant's in violation of their 1st, 5th, 9th, and 14th Amendment Rights, Privileges and Immunities pursuant to the Constitution of the United States; Article I, Section 1, Section 3, Section 14, Section 16, Section 18, and Section 21 of the Constitution of the State of Idaho, Article VII Section 10, and Section 14, and Section 17 of the Constitution of the State of Idaho; and those laws violated of the State of Idaho and the ordinances, policies and procedures of the County of Washington, State of Idaho;

34. As alleged herein, Plaintiff's were harassed, threatened, and intimidated by the Defendants and the Lancaster's to quit complaining and that they had no choice in the matter; and were subjected to repeated citations orchestrated by the Lancaster's and Defendant's to suppress, chill and exercise their fundamental freedom of expression in their trying to fix the situation and get their land rights back in violation of their 1st, 5th, 9th, and 14th Amendment Rights, Privileges and Immunities pursuant to the Constitution of the United States; Article I, Section 1, Section 3, Section 14, Section 16, Section 18, and Section 21 of the Constitution of the State of Idaho, Article VII Section 10, and Section 14, and Section 17 of the Constitution of the State of Idaho; and those laws violated of the State of Idaho and the ordinances, policies and procedures of the County of Washington, State of Idaho;

35. As alleged herein; the Defendant's violated Plaintiff's rights and laws to conspire to build an illegal subdivision/land split, resulting in illegal permits, illegal septic permits, illegal roads, and subsequently the illegal right of way resulting in loss of property and destruction of same their 1st, 5th, 9th, and 14th Amendment Rights, Privileges and Immunities pursuant to the Constitution of the United States; Article I, Section 1, Section 3, Section 14, Section 16, Section 18, and Section 21 of the Constitution of the State of Idaho, Article VII Section 10, and Section 14, and Section 17 of the Constitution of the State of Idaho; and those laws violated of the State of Idaho and the ordinances, policies and procedures of the County of Washington, State of Idaho;

36. As alleged herein, Defendant's conspired to violate the laws, ordinances and policies of the County of Washington to unjustly enrich themselves in violations of their oaths of office and the emoluments clause of the State and Federal Constitutions and Plaintiffs 1st, 5th, 9th, and 14th Amendment Rights, Privileges and Immunities pursuant to the Constitution of the United States; Article I, Section 1, Section 3, Section 14, Section 16, Section 18, and Section 21 of the Constitution of the State of Idaho, Article VII Section 10, and Section 14, and Section 17 of the Constitution of the State of Idaho; and those laws violated of the State of Idaho and the ordinances, policies and procedures of the County of Washington, State of Idaho;

37. As alleged herein, Defendant Lyndon Haines and Delton Walker used their positions of power to conspire to violate Idaho and Federal laws using their positions to ignore said laws in order to deny Plaintiff's Federal and State rights under the law while protecting the Lancaster's and acting as thugs to silence Plaintiff's complaints of victimization in violation of their 1st, 5th, 9th, and 14th Amendment Rights, Privileges and Immunities pursuant to the Constitution of the United States; Article I, Section 1, Section 3, Section 14, Section 16, Section 18, and Section 21 of the Constitution of the State of Idaho, Article VII Section 10, and Section 14, and Section 17 of the

Constitution of the State of Idaho; and those laws violated of the State of Idaho and the ordinances, policies and procedures of the County of Washington, State of Idaho;

38. As alleged herein, Defendants committed fraud upon the Taxpayers of Washington County by violating or refusing to uphold their oaths of office; committing crimes while holding office and profiting from the same; including but not limiting to salaries, pension funds in PERSI, and any raises or salary increases in violation of their 1st, 5th, 9th, and 14th Amendment Rights, Privileges and Immunities pursuant to the Constitution of the United States; Article I, Section 1, Section 3, Section 14, Section 16, Section 18, and Section 21 of the Constitution of the State of Idaho, Article VII Section 10, and Section 14, and Section 17 of the Constitution of the State of Idaho; and those laws violated of the State of Idaho and the ordinances, policies and procedures of the County of Washington, State of Idaho;

39. Defendant State of Idaho, by and through Southwest District Health, did act in a negligent and unlawful manner by approving septic systems that were illegal under the laws of Idaho and the County of Washington; and did act in a negligent manner allowing illegal roads to be built for the illegal subdivision by the Lancaster's. Said Defendant State of Idaho committed fraud upon the taxpayers of Idaho and Washington County by providing tax payer monies to carry out illegal and illicit activity by the County Defendant herein, using State Road and Bridge funds as well as others in furtherance of the fraud against the taxpayers of Idaho in violation of their 1st, 5th, 9th, and 14th Amendment Rights, Privileges and Immunities pursuant to the Constitution of the United States; Article I, Section 1, Section 3, Section 14, Section 16, Section 18, and Section 21 of the Constitution of the State of Idaho, Article VII Section 10, and Section 14, and Section 17 of the Constitution of the State of Idaho; and those laws violated of the State of Idaho and the ordinances, policies and procedures of the County of Washington, State of Idaho.

RELIEF SOUGHT

40. Plaintiff's herein seek the following relief:

(A) that this Court issue an ORDER that Plaintiff's were violated by the Defendants herein and those discovered later of their Federal and State Constitutional rights, privileges and immunities when they illegally had their property taken under false pretenses; were subjected to fraud by said Defendants and were repeatedly harassed, intimidated and threatened by Defendants, their employees, acting agents and other individuals even after filing a Notice of Tort Claim in violation of US Code Title 18 Sections 1511; 1512; and 1513;

(B) that this Court award by ORDER that Defendants right of way or easement is hereby illegal and was obtained illegally by fraud and that all access easements be restored as it existed in 2020 and before;

(C) that this Court issue an ORDER that the Defendants that were officers/employees of the County of Washington forfeit their pay from the County Treasury from the time they conspired and entered into acts that violated the Plaintiff's, commencing on or about March of 2021 to present; and that said Defendant shall also forfeit all funds placed into their PERSI retirement accounts from the same date(s) as their pay. That all funds recovered by the Defendants herein shall be reimbursed to the Washington County Treasury;

(D) that this Court issue an ORDER that the Defendants herein and others allowed an illegal subdivision to be built in violation of the laws of the State of Idaho, to include but not limited to, illegal septic systems that were never approved by Southwest District Health District 3; that roads for fire service and ambulances were never approved and deliberately circumvented both by the

State of Idaho and the County Defendants; that building permits were issued in violation of established laws of Idaho and the County following an illegal land split approved by Defendants herein with express intents to destroy the property values of the current residents residing on Gentry Lane, County of Washington, State of Idaho;

(E) that this Court issue an ORDER that the Defendants herein did manipulate the property values in Washington County following approval of the illegal subdivision and conspired to unjustly enrich themselves by said County Commissioners and Delton Walker, Prosecutor, voting for themselves to receive pay raises during and continuing forward to the illegal acts complained of herein; that Said Defendants conspired knowingly to approve the illegal subdivision and right of way access to destroy Plaintiff's property values, property in general, and with veiled threats, overt and covert acts, engaged in a for profit racketeering scheme to steal the Plaintiff's property so as to develop land for Defendant's friends;

(F) that this Court issue an immediate and EMERGENCY INJUNCTION prohibiting the Defendants herein from further building and development; and that said Defendant's and their employees and acting agents further are RESTRAINED from any future acts of harassment, threats, communication or travel with 500 feet of Plaintiff's residences and property boundary lines; and that said INJUNCTION ONCE this action is adjudicated, be made permanent;

(G) that each Defendant employed by or from Washington County be ORDERED to pay the lawful sum of \$1,000,000.00 (one million dollars) to Plaintiffs in punitive damages;

(H) that the Defendant Washington County be ORDERED to pay the sum of \$10,000,000.00 (ten million dollars) in punitive damages to the Plaintiffs herein;

(I) that the Defendant State of Idaho be ORDERED to pay the lawful sum of \$10,000,000.00 (ten million dollars) in punitive damages to the Plaintiffs herein;

(J) that the Defendants to this action upon later discovery be ORDERED to pay the lawful sum of \$1,000,000.00 each to Plaintiffs in punitive damages;

(K) that this Court issue an ORDER for an investigation into the felonies and misdemeanors committed by the Defendants herein and that said investigation to explain why Plaintiff's were violated of their constitutional rights and laws and subjected to harassment and threats yet nothing was ever done about it;

(L) that this Court issue an ORDER for the County of Washington to rebuild and repair the water systems of the Plaintiff's property in regards to fresh water supply for the homes and livestock; and also to repair and rebuild the drainage coming onto their property as a result of the approved illegal subdivision that violated Plaintiffs;

(M) and any other relief deemed just, proper, and equitable in the interests of Justice.

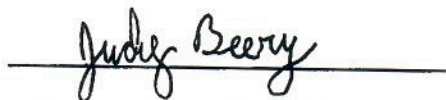
DATED THIS DAY, the 28 of March, 2025.



Terry L. Moye, Plaintiff Pro Se



Tanya Moye, Plaintiff Pro Se



Judy Beery, Plaintiff Pro Se

NOTARIZATION

SUBSCRIBED AND SWORN before me, a Notary Public for the State of Idaho, that the above signatures signed herein, identifying themselves as Plaintiffs to this action, did appear in person and declare themselves that the contents contained herein are true and correct to the best of their belief and knowledge.



Heather M. Dryden

Notary Public for Idaho

My Commission Expires In: 2/9/2030

CERTIFICATE OF SERVICE

We, the Plaintiffs in the above mentioned instrument do hereby certify that this Bifurcated Civil Complaint was hand filed with Summons, before the Clerk of the District Court on the 28 day of March, 2025, at the Ada County Courthouse, 200 West Front Street, Boise, Idaho, 83702.

Terry L. Moyer
Terry L. Moyer, Plaintiff

Judy Beery
Judy Beery, Plaintiff

Tanya Moyer
Tanya Moyer, Plaintiff

Exhibit D

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Plaintiff Pro Se

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Email:ladybugmoyer@gmail.com

Plaintiff Pro Se

Filed 11/14/2025
Donna White 1:10pm
Clerk District Court

By  Deputy

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON**

**TERRY L. MOYE, TANYA MOYE,
JUDY BEERY,
PLAINTIFFS,
VS.**

CASE NO. CV44-25-0273

**STATE OF IDAHO SOUTHWEST
DISTRICT HEALTH, District 3,
COUNTY OF WASHINGTON, State
of Idaho, WASHINGTON COUNTY
SHERIFF'S DEPT., State of Idaho,
DELTON WALKER, LYNDON HAINES
NATE MARVIN, GORDON WILKERSON,
JEROD ODOMS, MATT THOMAS,
JOHN AND JANE DOES, names unknown
at this time,**

**PLAINTIFF'S OBJECTION
TO DEFENDANT LYNDON
HAINES MOTION FOR
SUMMARY JUDGMENT**

Plaintiffs appearing pro se before this Court, hereby submit this OPPOSITION IN SUMMARY JUDGMENT filed by Defendant Lyndon Haines and state:

1. Plaintiff's deny virtually every part of the lengthy and bloated brief coupled with the Affidavit of Lyndon Haines in that it borders perjury.
2. Idaho Civil Rules of Procedure Rule 56(a), states in part: "A party may move for summary judgment...on which summary judgment is sought." Breaking down to each paragraph of complaint, the Defendant ridicules Plaintiff's for "inartful rendition" of the facts and "scattergun and haphazard manner" of the complaint. While this Court and Defendant may ignore established Federal case law pertaining to pro se litigants, it must nonetheless protect and insure unfettered access to the courts in a meaningful manner in accordance to the Plaintiff's rights of access to the courts under the Federal Constitution. See: Faretta v. State of California, 422 U.S. 806, 95 S.Ct. 2525 (1975), citing that an individual has a constitutional right to represent himself, and pro se litigants are allowed a degree of flexibility in their pleadings: Boguslavsky v. Kaplan, 159 F3d 715 (2d Cir. 1998); Frost v. Symington, 197 F3d 348 (9th Cir. 1999); and Haines v. Kerner, 404 U.S. 519, 92 S.Ct. 594 (1972).
3. Plaintiff's bring forth allegations that:

(A) The Defendant's including Lyndon Haines, conspired to allow an illegal hillside subdivision to be built by Developer Samuel Lancaster who had a direct and constant relationship with Defendant Haines; that Stefani Lancaster the wife of Samuel Lancaster worked with and is friends with Defendant Lyndon Haines wife, working in the same Realtor office; and said Defendant Lyndon Haines never recused himself from the conflict of interest until over 2 years later

in the final hearing taking away Plaintiff's property from them illegally. Amazingly, this is not raised in Defendant Lyndon Haines Affidavit except for the last hearing.

(B) The Defendant's conspired together that once they approved the illegal hillside subdivision, they issued building permits in violation of Planning and Zoning Rules to further their common schemer plan. Building permits have to be applied for-which was never done. The permits were handed over in violation of the County ordinances.

(C) The Defendant Lyndon Haines as well as Defendant Delton Walker had numerous phone conversations with Developer Samuel Lancaster regarding getting his subdivision illegally approved and the taking of the Plaintiff's easements through their property. This was necessary since the land sold by Developer Lancaster had no legal public ingress or egress at the time of the land/subdivision was created.

(D) Again for the second time, Plaintiff's file as Exhibit "A", a true and correct copy of the minutes from the June 21, 2022, hearing with the Commissioners and Delton Walker approving the illegal hillside subdivision. Furthermore, further back in the transcript Defendant Walker mentions his phone call with Developer Lancaster prior to the meeting. Plaintiff's will seek in Discovery, the phone records of both Defendant Walker and Defendant Haines calls with the Developer from the respective phone carriers.

(E) Plaintiff's further allege that they were violated of their Federal Civil Rights pursuant to Title 42 U.S.C. 1983 by all Defendants herein including Defendant Haines when the Commissioners knowingly voted for an illegal hillside subdivision using landlocked land parcels. (See Exhibits "B" and "C", a true and correct copy of the Planning and Zoning Definitions for Washington County,

and "C", the legal land descriptions of the 6 – 20 acre lots that Defendant Haines and others voted on and approved of Developer Samuel Lancaster.

(F) Plaintiff's allege that Defendants including Defendant Haines, conspired by voting for the illegal hillside subdivision did violate Title 42 U.S.C. 1985, conspiring to interfere with Plaintiff's rights of their property when the illegal hillside subdivision was approved, the County Commissioners allowed as well as Defendant Walker and the Defendant Sheriff to force Plaintiff's through threat of arrest, intimidation and fear, from blocking their property from the new owners and the Developer Samuel Lancaster.

(G) Plaintiff's allege that following the illegal approval of the hillside subdivision, Defendant Haines as well as others engaged in conspiracy by neglect, Title 42 U.S.C. 1986, to maintain his oath of office to uphold the laws of the State of Idaho and the US Constitution.

(H) The Plaintiff's in September of 2023, submitted a Notice of Tort Claim with other families/persons on Gentry Lane, against Washington County and the current Defendants citing the acts committed. That after the filing of this Tort Claim Notice, Plaintiff's were subjected to acts of retaliation by the Defendant Haines, his friend Samuel Lancaster, Defendant Walker, and Defendant Sheriff Thomas.

(I) Plaintiff's were then subjected to a right of way validation process by Defendant Haines and others where their land was taken away to make way for the illegal hillside development. Plaintiff's water lines to their homes were damaged and they were never compensated for the illegal taking of their land or damages in violation of the Unjust takings Clause of the State Constitution and the U.S. Constitution.

(J) Plaintiff's allege that once the illegal hillside subdivision was developed, the property values increased in the Washington County, and following tax assessments, The Defendant's led by Defendant Haines, voted for raising their wages, not once, but on the consecutive times, unjustly enriching themselves through illegal activity. Article VII, Section 10 of the Idaho Constitution makes it a felony to profit illegally from public funds. Defendant Haines, Defendant Walker, and the other Defendant's whom received raises profited illegally.

4. Defendant Haines and Walker both claim that since Plaintiff's are barred since they did not have a judicial review. How does one go about a judicial review under threats, duress, and coercion by the Defendant's and their thugs carrying out their plans? Defendant Walker, using his position in the Church of Latter Day Saints, made repeated phone calls to Plaintiff Tanya Moye, one lasting 2hrs. Defendant Haines is alleged to have used the Sheriff to have the lock cut off the Plaintiff's gate so they couldn't protect their property. (That video is in the possession of the Court as it was a previous exhibit in Plaintiff's filing against Delton Walker.) So intimidated by the Defendant's, their friend the Developer Samuel Lancaster, and the new neighbors who bought property into the illegal hillside subdivision that Plaintiff's have suffered by having animals ran over and killed, and the deterioration of their health and property through damaged water supplies.

5. Judicial review was not about land rezoning as it was approving the illegal hillside subdivision and taking Plaintiff's property through alleged right of way claims when no compensation was offered or paid for under unjust takings clause. Defendant Haines engaged in joint behavior with Defendant Walker who pursued misdemeanor charges against Plaintiff's and other persons living on Gentry Lane when they were filed by the Developer Samuel Lancaster. However, when Plaintiff's and others on Gentry Lane filed charges against the Developer Samuel Lancaster, the charges were

moved to another county (Owyhee) where they were dropped. Defendant Haines participated in having the Sheriff illegally cut the lock from their gate. Plaintiff's, being under assault, duress, threats and intimidation were never able to obtain judicial review as a result of Defendant Haines, and the other Defendants acting in concert to halt their attempts at any relief. Even after the initial filing of the Notice of Tort Claim in September of 2023, Defendants went on a further effort to falsely "legalize" a right of way through Plaintiff's property so that Developer's sold properties would have access to get through to Gentry Lane.

LEGAL STANDARD

6. Rule 56 of the Idaho Rules of Civil Procedure provides that Summary Judgment is proper only if there is "no genuine issue as to any material fact," see: CELOTEX CORP. v. CATRETT, 477 U.S. 317 (1986). In this action, Defendant Haines violated the County Planning and Zoning ordinances to get his friend Samuel Lancaster approved for the illegal hillside subdivision. The ploy of the defense is to send the Court down a rabbit hole using legal documents from Givens, Pursley, and Webb law firm claiming that this was the real issue was deciding a zoning issue. Plaintiff's copy of the letter aren't even legible and worthless here to quote. Defendant Haines somehow claims to be immune from his actions. Knowingly violating the laws and civil rights of Plaintiff's does not entitle one to any immunity when the conduct was (a) knowingly; and (b), done in concert with other Defendants complicit in the acts or criminal behavior. See: EX PARTE YOUNG, 209 U.S. 123 (1908). Defendant Haines had to have known what he was doing was illegal and unethical, being provided his accomplice's legal advice, Delton Walker. At the time of the sale of the 6 lots or parcels that were illegally approved by Defendant's, it raised the value of land in the local area and Defendant's sought through the Assessor's Office, to reassess all properties in the area so as to raise taxes. The new growth of income allowed Defendant Haines and others to vote 3 times raising their wages as County employees. Herein lies the elements of civil R.I.C.O., Title 18 U.S.C. Section

1984 et. Seq.. It only requires 3 predicate acts by Defendants to bring a RICO claim: (a) that Defendant Haines acted in concert with other persons to achieve the acts; (b) that threats, coercion or intimidation were used on Plaintiff's to further their goals or plans; and (c), that they attempted or achieved their goal or plan of operation.

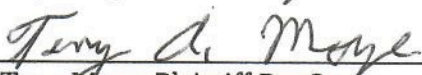
7. Defendant Haines engaged in conspiratorial behavior in a position of power and influence as a County Commissioner, aided and assisted by other Defendants to usurp the Plaintiff's property rights and established easement contract, then sought to take over using his powers to deny Plaintiff's of access and rights to their personal property coupled with intimidation, threats and coercion.

8. WHEREFORE, Plaintiff's seek this Court to DENY any SUMMARY JUDGMENT upon them and allow DISCOVERY to proceed which will substantiate Plaintiff's claims.

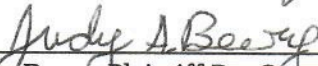
DATED THIS DAY, the 14th of November, 2025.



Tanya Moye, Plaintiff Pro Se



Terry Moye, Plaintiff Pro Se



Judy Beery, Plaintiff Pro Se

CERTIFICATE OF SERVICE

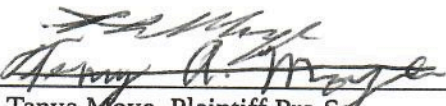
The foregoing instrument titled PLAINTIFFS OBJECTION TO DENIAL OF DEFAULT OF DEFENDANT LYNDON HAINES BASED ON FRAUD BY THE CLERK OF THE COURT, has been mailed via USPS First Class Mail, postage prepaid, this 14th day of November, 2025, to

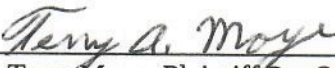
Matthew L. Maurer, ISB#12575
David J. Myers, ISB #6528
Deputy Attorneys General
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
Tel: 208-334-2400

True Pearce, ISB#9465
Washington County Prosecutor
Sean M. Jorgensen, ISB#9843
Chief Deputy Prosecutor
343 East Main St.
Weiser, Idaho 83672
Tel: 208-414-2034

Lawrence G. Wasden, ISB#3444
Delton Walker
811 Heartland Dr.
Nampa, Idaho 83686
lgwasden@gmail.com

Michael J. Kane, ISB#2652
702 West Idaho St., Suite 1100
P.O. Box 2865
Boise, Idaho 83701
Tel: 208-342-4545
Email: mkane@ktlaw.net


Tanya Moye, Plaintiff Pro Se


Terry Moye, Plaintiff Pro Se

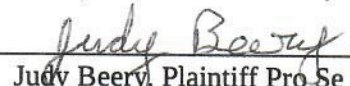

Judy Beery, Plaintiff Pro Se

Exhibit E

True Pearce, ISB No. 9465
Washington County Prosecuting Attorney
Sean M. Jorgensen, ISB No. 9843
Chief Deputy Prosecutor
343 East Main Street
Weiser, ID 83672
Telephone: (208) 414-2034
Facsimile: (208) 414-2039
wcpaefile@washingtoncountyid.gov

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

TERRY L. MOYE, TANYA MOYE and
JUDY BEERY,

Plaintiffs,

vs.

STATE OF IDAHO SOUTHWEST
DISTRICT HEALTH, District 3, COUNTY
OF WASHINGTON, State of Idaho,
WASHINGTON COUNTY SHERIFF'S
DEPT., State of Idaho, DELTON WALKER,
LYNDON HAINES, NATE MARVIN,
GORDON WILKERSON, JEROD ODOMS,
MATT THOMAS, JOHN AND JANE DOES,
names unknown at this time,

SUED IN THEIR OFFICIAL AND
INDIVIDUAL CAPACITIES.

Defendants.

Case No. CV01-25-05641

ORDER TRANSFERRING VENUE TO
WASHINGTON COUNTY

Based upon the Motion to Transfer Venue filed by Defendant Washington County and good cause appearing therefor, the Court hereby ORDERS as follows:

1. This matter shall be transferred to the District Court of the Third Judicial District of the State of Idaho, in and for the County of Washington.
2. All further proceedings in this matter in Ada County are stayed pending transfer.
3. The Clerk of the Court in Ada County shall transmit the complete case file to the Clerk of the Court in Washington County.

DATED this 6/25/2025 9:47:48 AM


District Judge

CLERK'S CERTIFICATE OF SERVICE

6/25/2025

I DO HEREBY certify that on the ____ day of _____, 2025, I caused to be served on the following a true and correct copy of the foregoing document by the method indicated below:

Terry L. Moyer
1580 Gentry Lane
Weiser, Idaho 83672

☒ By U.S. Mail, postage prepaid
☐ By Overnight Mail
☐ By Hand
☐ By Facsimile

Tanya Moyer
1580 Gentry Lane
Weiser, Idaho 83672

☒ By U.S. Mail, postage prepaid
☐ By Overnight Mail
☐ By Hand
☐ By Facsimile

Judy Beery
1577 Gentry Lane
Weiser, Idaho 83672

☒ By U.S. Mail, postage prepaid
☐ By Overnight Mail
☐ By Hand
☐ By Facsimile

True Pearce
Washington County Prosecuting Attorney
Weiser, ID 83672
wcpaefile@washingtoncountyid.gov

☐ By U.S. Mail, postage prepaid
☐ By Overnight Mail
☐ By Hand
☒ By Facsimile

Tanya Moyer
1580 Gentry Lane
Weiser, Idaho 83672

☒ By U.S. Mail, postage prepaid
☐ By Overnight Mail
☐ By Hand
☐ By Facsimile

Judy Beery
1577 Gentry Lane
Weiser, Idaho 83672

☒
☐
☐
☐

By U.S. Mail, postage prepaid
By Overnight Mail
By Hand
By Facsimile

State of Idaho
State of Idaho Southwest District Health
700 W Jefferson Street
Boise, Idaho 83702

☒
☐
☐
☐

By U.S. Mail, postage prepaid
By Overnight Mail
By Hand
By Facsimile

Washington County Sheriffs Dep
262 E. Court Street
Weiser, Idaho 83672t

☒
☐
☐
☐

By U.S. Mail, postage prepaid
By Overnight Mail
By Hand
By Facsimile

Delton Walker
232 E. Main Street
Weiser, Idaho 83672

☒
☐
☐
☐

By U.S. Mail, postage prepaid
By Overnight Mail
By Hand
By Facsimile

Lyndon Haines
319 1st Street
Weiser, Idaho 83672

☒
☐
☐
☐

By U.S. Mail, postage prepaid
By Overnight Mail
By Hand
By Facsimile

Nate Marvin
256 E. Court Street
Weiser, Idaho 83672

☒
☐
☐
☐

By U.S. Mail, postage prepaid
By Overnight Mail
By Hand
By Facsimile

Gordon Wilkerson
256 E. Court Street
Weiser, Idaho 83672

☒
☐
☐
☐

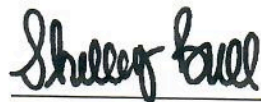
By U.S. Mail, postage prepaid
By Overnight Mail
By Hand
By Facsimile

Jerod Odoms
256 E. Court Street
Weiser, Idaho 83672

☒ By U.S. Mail, postage prepaid
☐ By Overnight Mail
☐ By Hand
☐ By Facsimile

Matt Thomas
262 E. Court Street
Weiser, Idaho 83672

☒ By U.S. Mail, postage prepaid
☐ By Overnight Mail
☐ By Hand
☐ By Facsimile



Deputy Clerk

Exhibit F

NO. _____
A.M. _____ P.M. _____

MAY - 2 2025

TRENT TRIPPLE, Clerk
By BREANNA JOHNSON
DEPUTY

Tanya Moyer, Terry Moyer, Judy Beery
Full Name of Party Filing Document
15804 1577 Gentry Lane
Mailing Address (Street or Post Office Box)
Weiser, ID 83672
City, State and Zip Code
(208) 819-5417
Telephone
ladybugmoyer@gmail.com
Email Address (if any)

IN THE DISTRICT COURT FOR THE 4th JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada
SMALL CLAIMS DEPARTMENT

Tanya Moyer, Judy Beery,
Terry Moyer
Plaintiff(s),
vs.
Lyndon Haines
Defendant(s).

Case No. CV 01 25 05641

AFFIDAVIT OF SERVICE OF:

- ☐ CLAIM
☒ SUMMONS/claim
☐ ANSWER FORM
☐ INFORMATION FOR DEFENDANTS
☐ OTHER: _____

Note: Either use a separate form for each Defendant served, or include information on this form as to how each Defendant was served.

I, Lyndon Haines, certify and state:

I am over the age of 18 years, and I am not a party to this case nor an employee of a party to this case.

On 4/28/2025 (date), I served true and correct copies of the documents indicated above on _____ (name of

Defendant) by:

☐ Personal delivery to Lyndon Haines (name of Defendant) at

319 E 1st St. Weiser, ID (location where process served).

IDAHO NOTARY ACKNOWLEDGMENT

State of Idaho

County of Washington

On this 28 day of April, in the year 2025, before me, Heather M. Dryden

(Notary's name) a notary public, personally appeared Lynnda M. Kinney

(individual's name), personally known to me to be the person(s) whose name(s)

is (are) subscribed to the within instrument, and acknowledged to me that he

(she/they) executed the same.



Heather M. Dryden

Notary Public

My Commission expires on: 2/9/2030

☒ Personal delivery at Defendant's usual place of residence, (address) 319 E 1st St. Weiser, Id
_____, to (name of person served), _____, a
person who is over the age of 18 and resides there.
☐ Personal delivery to _____, the Defendant's
authorized agent for service of process, at _____
_____, (location where process served).
☐ I am charging the Plaintiff(s) \$ 100.00 for this service.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: 4/28/2025

Lynette M. Kinner
Typed/printed name

[Signature]
Signature of Process Server

Exhibit G

Terry L. Moye
1580 Gentry Lane
Weiser, Idaho 83672
Tel: 208-550-5201
Email:ladybugmoye@gmail.com

Plaintiff Pro Se

Tanya Moye
1580 Gentry Lane
Weiser, Idaho 83672
Tel:208-819-5417
Email:ladybugmoye@gmail.com

Plaintiff Pro Se

Judy Beery
1577 Gentry Lane
Weiser, Idaho 83672
Tel: 208-550-1250
Email:ladybugmoye@gmail.com

Plaintiff Pro Se

7/24/25
Donna White
Clerk District Court
Deputy

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON**

**TERRY L. MOYE, TANYA MOYE,
JUDY BEERY,
PLAINTIFFS,
VS.**

CASE NO. CV44-25-0273

**STATE OF IDAHO SOUTHWEST
DISTRICT HEALTH, District 3,
COUNTY OF WASHINGTON, State
of Idaho, WASHINGTON COUNTY
SHERIFF'S DEPT., State of Idaho,
DELTON WALKER, LYNDON HAINES
NATE MARVIN, GORDON WILKERSON,
JEROD ODOMS, MATT THOMAS,
JOHN AND JANE DOES, names unknown
at this time,**

**SUED IN THEIR OFFICIAL AND
INDIVIDUAL CAPACITIES.**

**VERIFIED NOTICE FOR CLERK'S
ENTRY OF DEFAULT UPON
DEFENDANT LYNDON HAINES**

STATE OF IDAHO :
SS
COUNTY OF WASHINGTON:

COMES NOW the Plaintiff's in the above captioned proceeding and pursuant to Rule 55(a)(1) of the Idaho Civil Rules of Procedure, Plaintiffs hereby give NOTICE FOR THE CLERK'S ENTRY OF DEFAULT AGAINST DEFENDANT LYNDON HAINES, and states:

1. Defendant Lyndon Haines was served in person at his residence on April 28th, 2025 by a lawful process server. Plaintiff has attached hereto, a true and correct copy of the Affidavit of Proof of Service to this Notice, (Exhibit "A").
2. Plaintiff's, in their complaint, sought from Defendant Lyndon Haines a Sum Certain amount pursuant to Rule 55(b)(1) in the amount of \$1,000,000.00 for the physical and emotional distress, pain and suffering caused by the deprivation of their State and Federal Constitutional rights, privileges, and immunities, including the unjust takings of personal property or land.
3. Defendant Lyndon Haines, having been lawfully served by process in accordance to the Idaho Rules of Civil Procedure, Rule 4 et. Seq., and Rule 5 et. Seq.
4. Plaintiff's therefore, ask the Clerk of The District Court to immediately enter JUDGMENT in this matter against DEFENDANT LYNDON HAINES, who has failed to appear and otherwise defend the action against him.

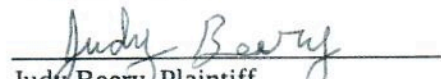
NOTARIZATION

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public for the State of Idaho, that the Plaintiff's herein verify the contents to be true and correct to the best of their knowledge.




Notary Public For the State of Idaho
My Commission Expires In: 2/9/2030


Terry L. Moye, Plaintiff


Judy Beery, Plaintiff


Tanya Moye, Plaintiff

CERTIFICATE OF SERVICE

We, the Plaintiffs in the above mentioned instrument do hereby certify that this VERIFIED NOTICE OF CLERK'S ENTRY OF DEFAULT AGAINST DEFENDANT LYNDON HAINES, before the Clerk of the District Court on the 24 day of July, 2025, at the Washington County Courthouse, 292 East Court Street, Weiser, Idaho, 83672, and to the following parties via US Mail, postage prepaid:

State of Idaho
Matthew L. Maurer, ISB#12575
David J. Myers, ISB #6528
Deputy Attorneys General
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
Tel: 208-334-2400

True Pearce, ISB#9465
Washington County Prosecutor
Sean M. Jorgensen, ISB#9843
Chief Deputy Prosecutor
343 East Main St.
Weiser, Idaho 83672
Tel: 208-414-2034

Matt Thomas, Washington County Sheriff's Office
262 East Court St.
Weiser, Idaho 83672
Tel: 208-414-2123

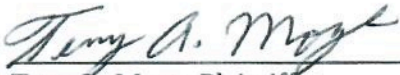
Lyndon Haines
319 1st Street
Weiser, Idaho 83672
Tel:
lyndonthaines@yahoo.com

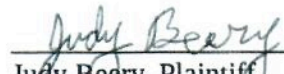
Nate Marvin
256 East Court Street
Weiser, Idaho 83672
nmarvin@co.washington.id.us

Gordon Wilkerson
256 East Court Street
Weiser, Idaho 83672
Tel:
gwilkerson@washingtoncountyid.gov

Jerod Odoms
256 East Court Street
Weiser, Idaho 83672
Tel:
jodoms@co.washington.id.us

Lawrence G. Wasden, ISB#3444
Delton Walker
811 Heartland Dr.
Nampa, Idaho 83686
lgwasden@gmail.com


Terry L. Moye, Plaintiff


Judy Beery, Plaintiff


Tanya Moye, Plaintiff