

C. Tom Arkoosh, ISB No. 2253  
Jeremy C. Rausch, ISB No. 11787  
ARKOOSH LAW OFFICES  
913 W. River St., Ste. 450  
P.O. Box 2900  
Boise, ID 83701  
Telephone: (208) 343-5105  
Facsimile: (208) 343-5456  
Email: [tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)  
[jeremy.rausch@arkoosh.com](mailto:jeremy.rausch@arkoosh.com)  
Copy to: [monica.lehman@arkoosh.com](mailto:monica.lehman@arkoosh.com)

*Attorneys for Petitioner*

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

BOISE RIVER OUTDOOR  
OPPORTUNITIES, LLC, an Idaho limited  
liability company,

Petitioner,

v.

THE IDAHO DEPARTMENT OF WATER  
RESOURCES,

Respondent,

and

CITY OF BOISE,

Intervenor.

Case No. CV01-24-04576

**OPPOSITION TO THE IDAHO  
DEPARTMENT OF WATER  
RESOURCES' MOTION TO  
DISMISS**

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. S63-21092 IN THE NAME OF  
BOISE RIVER OUTDOOR  
OPPORTUNITIES

COMES NOW the Petitioner, BOISE RIVER OUTDOOR OPPORTUNITIES, LLC,  
through its agent ADAM BASS (“Adam” or “BROO”), by and through its attorney of record, C.

Tom Arkoosh and Jeremy C. Rausch of Arkoosh Law Offices, and hereby requests this Court deny the Idaho Department of Water Resources' ("IDWR" or "Respondent") *Motion to Dismiss*, filed May 16, 2024.

This Opposition is supported by the pleadings herein, including the *Memorandum in Support of Opposition to IDWR's Motion to Dismiss*, *Declaration of Jeremy C. Rausch in Support of Opposition to IDWR's Motion to Dismiss*, and *Declaration of Adam Bass in Support of Opposition to IDWR's Motion to Dismiss*.

DATED this 30<sup>th</sup> day of May 2024.

ARKOOSH LAW OFFICES

/s/ Jeremy C. Rausch  
Jeremy C. Rausch  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 30<sup>th</sup> day of May 2024, I served a true and correct copy of the foregoing document(s) upon the following person(s), in the manner indicated:

Jayme B. Sullivan  
Boise City Attorney  
Darrell G. Early  
Deputy City Attorney  
CITY OF BOISE  
OFFICE OF THE CITY ATTORNEY  
P.O. Box 500  
Boise, ID 83701-0500

- U.S. Mail, Postage Prepaid
- Overnight Courier
- Hand Delivered
- Via Facsimile: (208) 287-6700
- E-service:  
BoiseCityAttorney@cityofboise.org

*Attorneys for Intervenor City of Boise*

Garrick L. Baxter  
Meghan M. Carter  
Deputy Attorneys General  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

- U.S. Mail, Postage Prepaid
- Overnight Courier
- Hand Delivered
- Via Facsimile: (208) 287-6700
- E-service:  
garrick.baxter@idwr.idaho.gov  
meghan.carter@idwr.idaho.gov

*Attorneys for the Idaho Department of Water Resources*

Idaho Department of Water Resources  
322 E. Front Street  
Boise, ID 83702

- U.S. Mail, Postage Prepaid
- Overnight Courier
- Hand Delivered
- Via Facsimile: (208) 629-2157
- Email: file@idwr.idaho.gov

/s/ Jeremy C. Rausch  
Jeremy C. Rausch