

Robert L. Harris (ISB No. 7018)
Luke H. Marchant (ISB No. 7944)
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
1000 Riverwalk Drive, Suite 200
Idaho Falls, ID 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Email: rharris@holdenlegal.com
lmarchant@holdenlegal.com
Court Service: efiling@holdenlegal.com

Attorneys for Defendants

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI**

THE IDAHO DEPARTMENT OF WATER
RESOURCES,

Plaintiff,

v.

FLOYD JAMES WHITTAKER and JORDAN
WHITTAKER, as individuals; WHITTAKER
TWO DOT RANCH, LLC, an Idaho limited
liability company; and WHITTAKER TWO
DOT LAND, LLC, an Idaho limited liability
company,

Defendants.

Case No. CV30-22-0169

MOTION TO DISMISS

Floyd James Whittaker, Jordan Whittaker, Whittaker Two Dot Ranch, LLC, and Whittaker Two Dot Land, LLC (collectively “Defendants”), by and through their counsel of record, Holden, Kidwell, Hahn & Crapo, P.L.L.C., submit this *Motion to Dismiss*, pursuant to Idaho Rules of Civil Procedure 12(b)(8), and move this Court to dismiss the *Complaint* filed by the Idaho Department of Water Resources in its entirety. This motion is supported by the *Memorandum in Support of*

Motion to Dismiss and Declaration of Robert L. Harris in Support of Motion to Dismiss submitted contemporaneously herewith. Oral argument on this motion is requested.

Dated this 2nd day of August 2022.



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of August, 2022, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method indicated.

Document Served: MOTION TO DISMISS

Attorneys and/or Individuals Served:

Garrick Baxter Lacey Rammell-O'Brien Mark Cecchini-Beaver Deputy Attorney General IDAHO DEPARTMENT OF WATER RESOURCES P. O. Box 83720 Boise, ID 83720-0098 garrick.baxter@idwr.idaho.gov lacey.rammell-obrien@idwr.idaho.gov mark.cecchini-beaver@idwr.idaho.gov	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> FedEx Delivery <input checked="" type="checkbox"/> iCourt
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Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
Attorneys for the Defendants