

Michael C. Creamer, ISB #4030
GIVENS PURSLEY LLP
601 W. Bannock St.
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
SA\CLIENTS\9365\2\Motion to Dismiss Objections.DOC

Attorneys for The Valley Club, Inc.

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DEPARTMENT OF
WATER RESOURCES

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase Nos. 37-00494, 37-00495, 37-
00577BU, 37-00577BV, 37-00657B, 37-
00833K, 37-02623

**MOTION TO DISMISS
OBJECTIONS AND REQUEST FOR
ATTORNEY FEES**

The Valley Club, Inc., ("TVC") successor-in-interest to Wood River Country Club Partners, through its attorneys Givens Pursley LLP, and pursuant to Idaho Rule of Civil Procedure 12(b)(1)), moves to dismiss the objections filed by Big Wood Canal Company ("BWCC") to the recommendations of the above-captioned water right claims. Specifically, the Court lacks subject matter jurisdiction because: 1) BWCC failed to exhaust its administrative remedies; 2) BWCC's Objections present an impermissible collateral attack on the Idaho Department of Water Resources' determinations; and 3) the Court is statutorily barred from hearing BWCC's claims.

TVC also moves for an order granting it its attorney's fees and costs pursuant to Idaho Code § 12-121 and Idaho Code § 12-123.

This motion is supported by the Memorandum in Support of Motion to Dismiss Objections and Request for Attorney Fees and the Affidavit of Michael C. Creamer in Support of Motion to Dismiss Objections and Request for Attorney Fees, filed contemporaneously herewith.

Oral argument is requested.

DATED this 9th day of June, 2008.

GIVENS PURSLEY LLP

A handwritten signature in cursive script, appearing to read "Michael C. Creamer", written over a horizontal line.

MICHAEL C. CREAMER
Attorneys for The Valley Club, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2008, a true and correct copy of the foregoing was served upon the following individual(s) by the means indicated:

Albert P. Barker
Barker, Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102
PO Box 2139
Boise, ID 83701-2139
Fax: (208) 344-6034

*Representing Bill Molyneux, Gerald Bashaw,
Grace Eakin, John F. Stevenson, Pepin
Corso-Harris, Peter Van Der Meulen, Rocky
Sherbine, Tom O'Gara*

☒	U.S. Mail, postage prepaid
☐	Express Mail
☐	Hand Delivery
☐	Facsimile
☐	ECF/Electronic Mail

Craig D. Hobdey
125 5th Ave.
P.O. Box 176
Gooding, ID 83330
Representing Big Wood Canal Company

☒	U.S. Mail, postage prepaid
☐	Express Mail
☐	Hand Delivery
☐	Facsimile
☐	ECF/Electronic Mail

Big Wood Canal Company
112 South Apple St.
Shoshone, ID 83352

☒	U.S. Mail, postage prepaid
☐	Express Mail
☐	Hand Delivery
☐	Facsimile
☐	ECF/Electronic Mail

James P. Speck
Speck & Aanestad
120 East Ave.
P.O. Box 987
Ketchum, ID 83340
Fax: (208) 726-0752

*Representing Barker Living Trust, Chaney
Creek Ranch LLC, Charles L. Matthiesen,
Charles T. Foley, Eagle Creek Irrigation
Co., ECD Inc., Elise G. Lufkin, Gimlet
Property Owners Assn., Gregory Ranch LLC,
Lake Creek Meadows Homeowners, Michael
E. Willard, Michael Engle, Myer Berlow,
Ralph W. & Kandi L. Girton, River Rock
Ranch LP, Rivers Edge Associates LLC, Roy
R. Woods, Steven D. Holzman Trust, The
Gulch Trust, R. Daniel Olmstead, William B.
Gordon*

☒ U.S. Mail, postage prepaid
☐ Express Mail
☐ Hand Delivery
☐ Facsimile
☐ ECF/Electronic Mail

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock
& Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829
Fax: (208) 385-5384

*Representing Newfoundland Partners,
Sinclair Oil Corporation*

☒ U.S. Mail, postage prepaid
☐ Express Mail
☐ Hand Delivery
☐ Facsimile
☐ ECF/Electronic Mail

Andrew J. Waldera
Moffatt, Thomas, Barrett, Rock
& Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701
Fax: (208) 385-5384

Representing Sinclair Oil Corporation

☒ U.S. Mail, postage prepaid
☐ Express Mail
☐ Hand Delivery
☐ Facsimile
☐ ECF/Electronic Mail

Christopher H. Meyer
Givens Pursley LLP
601 W. Bannock St.
P.O. Box 2720
Boise, ID 83701-2720
Fax: (208) 388-1300

Representing Oliver Family Trust

☐ U.S. Mail, postage prepaid
☐ Express Mail
☒ Hand Delivery
☐ Facsimile
☐ ECF/Electronic Mail

U.S. Department of Justice
Environment & Natural Resources
550 W. Fort St., MSC 033
Boise, ID 83724
Representing United States of America

☒ U.S. Mail, postage prepaid
☐ Express Mail
☐ Hand Delivery
☐ Facsimile
☐ ECF/Electronic Mail

The Valley Club, Inc.
P.O. Box 252
Sun Valley, ID 83353
Fax: (208) 727-1831

☒ U.S. Mail, postage prepaid
☐ Express Mail
☐ Hand Delivery
☐ Facsimile
☐ ECF/Electronic Mail

Director of IDWR
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

☒ U.S. Mail, postage prepaid
☐ Express Mail
☐ Hand Delivery
☐ Facsimile
☐ ECF/Electronic Mail



Michael C. Creamer