

RECEIVED

AUG 01 2012

DEPARTMENT OF
WATER RESOURCES

*Rec'd by email
7/31/12*

RICHARD H. GREENER, ISB #1191
TARA MARTENS MILLER, ISB #5773
GREENER BURKE SHOEMAKER P.A.
950 West Bannock Street, Suite 950
Boise, ID 83702-6138
Telephone (208) 319-2600
Facsimile (208) 319-2601
rgreener@greenerlaw.com
tmiller@greenerlaw.com

Attorneys for T R Company, L.L.C.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WATER SUPPLY
BANK LEASE FOR WATER RIGHT NO.
63-194

**T R COMPANY, LLC'S MOTION TO
DISMISS**

COMES NOW T R COMPANY, LLC, party in interest and owner of record of Water Right No. 63-194, at issue in the Two Rivers Subdivision Homeowners Association, Inc.'s Verified Petition to Revoke or Modify Lease ("Petition") filed with the Department of Water Resources on or about July 10, 2012, by and through the undersigned counsel and pursuant to IDAPA 37.01.01, Rules of Procedure of the Idaho Department of Water Resources, Idaho Code § 42-1766, IDAPA 37.02.03, Water Supply Bank Rules and Idaho Rule of Civil Procedure 12(b)(6), and hereby respectfully requests the Department dismiss Two Rivers Subdivision Homeowners Associations, Inc.'s Petition, on the basis it lacks standing and the petition is invalid as a matter of law.

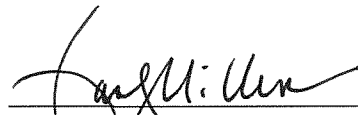
ORIGINAL

This Motion is made and based upon the record herein, specifically including the Memorandum in Support of T R Company, LLC's Motion to Dismiss, submitted contemporaneously herewith.

ORAL ARGUMENT REQUESTED.

DATED this 31st day of July, 2012.

GREENER BURKE SHOEMAKER P.A.

A handwritten signature in black ink, appearing to read "R. H. Greener", is written over a horizontal line.

RICHARD H. GREENER
TARA MARTENS MILLER
Attorneys for T R COMPANY, L.L.C.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of July, 2012, a true and correct copy of the within and foregoing instrument was served upon:

Norman N. Semanko
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Boulevard, 10th Floor
PO Box 829
Boise, ID 83701-0829

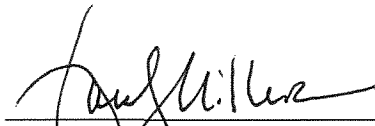
☐ U.S. Mail
☒ Facsimile: (208) 385-5384
☐ Hand Delivery
☐ Overnight Delivery
☒ Email: *NMS@moffatt.com*

*Attorneys for Two Rivers Subdivision
Homeowners Association, Inc.*

Garrick Baxter
Deputy Attorney General for the
State of Idaho
322 E. Front Street
PO Box 83720
Boise, ID 83720-0098

☐ U.S. Mail
☐ Facsimile: (208) 287-6700
☐ Hand Delivery
☐ Overnight Delivery
☒ Email: *garrick.baxter@idwr.idaho.gov*

*Attorneys for the State of Idaho Department
of Water Resources*



RICHARD H. GREENER
TARA MARTENS MILLER



CONFIDENTIAL – LEGAL DOCUMENTS

The information in this facsimile message ("fax") is sent by an attorney or his/her agent, is intended to be confidential, and is for the use of only the individual or entity named below. The information may be protected by attorney/client privilege, work product immunity, or other legal rules. If you are not the intended recipient, you are notified that retention, dissemination, distribution or copying of this fax is strictly prohibited. If you have received this fax in error, please notify us by telephone immediately and we will arrange for the retrieval of the original documents at no cost to you.

**** URGENT ****

11 PAGE(S) INCLUDING COVER SHEET

DATE: July 31, 2012

	Name:	Fax No.	Company/Firm	Phone No.
TO:	Norman M. Semanko	385-5384	Moffatt Thomas, et al.	345-2000
FROM:	Richard H. Greener Tara Martens Miller		rgreener@greenerlaw.com tmiller@greenerlaw.com	
PARALEGAL:	Christina L. Morrow Carolyn M. Baldino		cmorrow@greenerlaw.com cbaldino@greenerlaw.com	
SECY:	Kimberly E. Aulenbacher Kathy J. Wheat		kaulenbacher@greenerlaw.com kwheat@greenerlaw.com	
RE:	Water Supply Bank Lease for Water Right No. 63-194 (GBS No. 18506-031)			

MESSAGE/DOCUMENTS ENCLOSED:

Attached please find, a copy of the Motion to Dismiss and supporting memorandum on Behalf of T R Company, L.L.C. regarding the above-referenced case which has been filed with the Idaho Department of Water Resources. Please note that this document will not be served in any other matter unless specifically requested.

If you have questions, please let us know.

IF YOU HAVE ANY PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL (208) 319-2600.

Transmission Log

Greener Burke

Tuesday, 2012-07-31 16:25

12083192601

Date	Time	Type	Job #	Length	Speed	Station Name/Number	Pgs	Status
2012-07-31	16:22	SCAN	03058	3:08	14400	93855384	11	OK -- V.17 AH30

greener | burke | shoemaker | p.a.

GB+S

CONFIDENTIAL – LEGAL DOCUMENTS

The information in this facsimile message ("fax") is sent by an attorney or his/her agent, is intended to be confidential, and is for the use of only the individual or entity named below. The information may be protected by attorney/client privilege, work product immunity, or other legal rules. If you are not the intended recipient, you are notified that retention, dissemination, distribution or copying of this fax is strictly prohibited. If you have received this fax in error, please notify us by telephone immediately and we will arrange for the retrieval of the original documents at no cost to you.

**** URGENT ****

11 PAGE(S) INCLUDING COVER SHEET

DATE: July 31, 2012

	Name:	Fax No.	Company/Firm	Phone No.
TO:	Norman M. Semanko	385-5384	Moffatt Thomas, et al.	345-2000
FROM:	Richard H. Greener Tara Martens Miller		rgreener@greenerlaw.com tmiller@greenerlaw.com	
PARALEGAL:	Christina L. Morrow Carolyn M. Baldino		cmorrow@greenerlaw.com cbaldino@greenerlaw.com	
SECY:	Kimberly E. Aulenbacher Kathy J. Wheat		kaulenbacher@greenerlaw.com kwheat@greenerlaw.com	
RE:	Water Supply Bank Lease for Water Right No. 63-194 (GBS No. 18506-031)			

MESSAGE/DOCUMENTS ENCLOSED:

Attached please find, a copy of the Motion to Dismiss and supporting memorandum on Behalf of T R Company, L.L.C. regarding the above-referenced case which has been filed with the Idaho Department of Water Resources. Please note that this document will not be served in any other matter unless specifically requested.

If you have questions, please let us know.

IF YOU HAVE ANY PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL (208) 319-2600.

950 w. bannock street, suite 950 | boise idaho 83702 | f. 208 319 2601 | o. 208 319 2600