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*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

Fee Category:

Fee Amount:

**DECLARATION OF JEREMY C.  
RAUSCH IN SUPPORT OF  
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

JEREMY C. RAUSCH declares and says as follows:

1. All statements made in this declaration are true to the best of my knowledge and

belief.

2. I am counsel for the Petitioner in the above-entitled action.

3. On February 7, 2024 a motion for reconsideration was timely filed with IDWR and was ignored by the agency.

4. On March 13, 2024, BROO filed a Petition for Judicial Review with the Ada County Fourth Judicial District Court to seek review of the IDWR's issuance of Permit No. S63-21092.

5. On April 15, 2024, BROO served IDWR with notice of its Petition for Judicial Review.

6. In its agency record filed in this case, the memorandum in question was included as part of the evidence considered by IDWR.

7. The rejection of this motion on procedural grounds—claiming BROO was not a party nor an aggrieved person—is inconsistent with the principles of administrative law that seek to ensure that all affected parties have their concerns heard and addressed.

8. I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

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  
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Deputy City Attorney  
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/s/ Jeremy C. Rausch  
Jeremy C. Rausch