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Attorneys for Plaintiff City of Pocatello

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF BANNOCK**

CITY OF POCA TELLO

Plaintiff,

vs.

IDAHO WATER RESOURCES BOARD, IDAHO
DEPARTMENT OF WATER RESOURCES,
GARY SPACKMAN in his capacity as Director of
the Idaho Department of Water Resources and
TONY OLENICHAK, in his capacity as Water
District 01 Watermaster

Defendants.

Case No. CV03-23-00876

PROOF OF SERVICE

Attached is the Affidavit of Service of the Summons and Complaint in the above-captioned case, along with the stamped receipt of Summons from the Idaho Office of the Attorney General's Office, both dated March 22, 2023.

Respectfully submitted this 23rd day of March 2023.

SOMACH SIMMONS & DUNN, P.C.



Sarah A. Klahn, ISB No. 7928

Attorney for Plaintiff City of Pocatello

CERTIFICATE OF SERVICE

I do hereby certify that on March 23, 2023, a true and correct copy of the foregoing document with all attachments was sent via U.S. certified mail to the following as representative of all defendants in the above-captioned matter:

Garrick L. Baxter
Deputy Attorney General
IDAHO DEPARTMENT OF WATER RESOURCES
P. O. Box 83720
Boise, Idaho 83720-0098

SOMACH SIMMONS & DUNN, P.C.



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Attorney for Plaintiff City of Pocatello

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Attorneys for Plaintiff City of Pocatello

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District 01 Watermaster

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Case No. CV03-23-00876

AFFIDAVIT OF SERVICE

I certify:

1. I am a resident of Ada County, State of Idaho, over the age of eighteen (18) years, and not a party to the above-entitled action.
2. On the 22 day of March, 2023, I personally served copies of the Plaintiff's *Complaint for Declaratory Relief to Find the WD01 Rental Pool Procedures Void, to Find Rule*

7.3 *Unconstitutional, and for Damages from the Unconstitutional Taking of Property* and a court-issued *Summons* on the IDAHO WATER RESOURCES BOARD, IDAHO DEPARTMENT OF WATER RESOURCES, GARY SPACKMAN, and TONY OLENICHAK, the above-named Defendants, in the County of Ada, State of Idaho, at the Executive Office of the Attorney General, located at:

700 W. Jefferson Street, Suite 210
Boise, Idaho 83720-0010

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: 3/22/2023

Kristina Whipkey
Typed/Printed Name


Signature

**OFFICE OF THE
ATTORNEY GENERAL**

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Sixth Judicial District, Bannock County
Jason Dixon, Clerk of the Court
By: Shelly Cromie, Deputy Clerk

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rdiehl

Attorneys for Plaintiff City of Pocatello

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District 01 Watermaster

Defendants.

CV03-23-00876

Case No. _____

SUMMONS

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE-NAMED PLAINTIFF(S):
THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT
FURTHER NOTICE UNLESS YOU RESPOND WITHIN 21 DAYS. READ
THE INFORMATION BELOW.

TO: IDAHO WATER RESOURCES BOARD;
IDAHO DEPARTMENT OF WATER RESOURCES;
GARY SPACKMAN in his capacity as Director of the Idaho Department of
Water Resources; and
TONY OLENICHAK, in his capacity as Water District 01 Watermaster

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the District Court of the Sixth Judicial District of the State of Idaho in and for the County of Bannock at 624 East Center, Pocatello, ID 83201, telephone of the Clerk of the Court (208) 236-6343, within 21 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 2 and other Idaho Rules of Civil Procedure and must also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof of mailing or delivery of a copy of your response to plaintiff's attorney, as designated above. To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

3/16/2023 2:47 PM

DATED this _____ day of _____, 2023.

CLERK OF THE DISTRICT COURT



Sully Cromie

By _____
Deputy Clerk