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*ATTORNEYS FOR CITY OF POCATELLO*

**BEFORE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION ) Docket No. CM-DC-2011-004  
OF WATER TO WATER RIGHT NOS. )  
36-02551 AND 36-07694 ) **CITY OF POCATELLO’S MOTION FOR**  
) **DECLARATORY ORDER REGARDING**  
(RANGEN, INC.) ) **RANGEN’S LEGAL OBLIGATION TO**  
\_\_\_\_\_ ) **INTERCONNECT**

COMES NOW, City of Pocatello (“Pocatello”), by and through its attorneys, and moves the Director pursuant to Rules 260 and 565 of the Department’s Rules of Procedure, for a Declaratory Order that as a matter of Idaho law Rangen must make reasonable steps to interconnect its existing water supplies, or show that such interconnection is financially or technically infeasible, prior to seeking curtailment of junior ground water users. There are no disputes of material fact and, as discussed within, judgment is correct as a matter of law.

Under Idaho law, Rangen has an obligation to:

take reasonable steps to maximize the use of that flexibility to move water within the system before it can seek curtailment or compensation from junior users....

*A&B Irrigation Dist. v. Spackman*, 153 Idaho 500, 284 P.3d 225, 241 (2012). Filed contemporaneously in support of this Motion are Pocatello's Memorandum in Support of Motion for Declaratory Order Regarding Interconnection and the March 8, 2013 Affidavit of Sarah Klahn, Esq.

WHEREFORE, Pocatello seeks a declaratory order that, as a matter of law, Rangen has a legal duty to show the Director it has made reasonable efforts to maximize interconnection of its diversion and conveyance system or show that interconnection is financially or technically infeasible before it can request curtailment of junior water users.

Respectfully submitted this 8<sup>th</sup> day of March, 2013.

CITY OF POCATELLO ATTORNEY'S OFFICE

By Shk for  
A. Dean Tranmer

WHITE & JANKOWSKI

By Shk  
Sarah A. Klahn

By Shk for  
Mitra M. Pemberton

ATTORNEYS FOR CITY OF POCATELLO

## CERTIFICATE OF SERVICE

I hereby certify that on this 8<sup>th</sup> day of March, 2013, I caused to be served a true and correct copy of the foregoing **City of Pocatello's Motion for Declaratory Order regarding Rangen's Legal Obligation to Interconnect** for Docket No. **CM-DC-2011-004** upon the following by the method indicated:



\_\_\_\_\_  
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