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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.



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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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Sarah A. Klahn, ISB No. 7928  
*Attorney for Plaintiff City of Pocatello*

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Maximilian C. Bricker, Colorado State Bar # 57936  
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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 POCATELLO

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

**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:

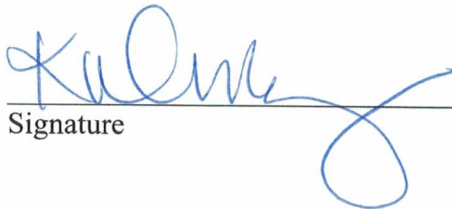
700 W. Jefferson Street, Suite 210  
Boise, Idaho 83720-0010

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**

Sarah A. Klahn, ISB #7928  
SOMACH SIMMONS & DUNN, P.C.  
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Electronically Filed  
3/16/2023 2:47 PM  
Sixth Judicial District, Bannock County  
Jason Dixon, Clerk of the Court  
By: Shelly Cromie, Deputy Clerk

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This document was received by:  
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SKlahn  
rdiehl

*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 POCATELLO

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.

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