

SEP 08 2017

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

COMES NOW, City of Pocatello ("Pocatello"), by and through its undersigned attorneys, hereby submits this Motion Regarding Service.

1. Pocatello hereby notifies the Hearing Officer that Spartan Portneuf, LLC (“Spartan”) did not serve Pocatello’s counsel of record, White & Jankowski LLP and Kirk Bybee, City Attorney’s Office, with *Protestant’s Petition for Reconsideration of Preliminary Order Dismissing Protest and Approving Transfer* (“Petition”), dated August 21, 2017. *See* Petition, Certificate of Service. The Certificate of Service on the Petition names only Dean Tranmer, former attorney at the City Attorney’s Office in Pocatello. *Id.*
2. On July 26, 2017, nearly a month before Spartan filed its Petition, Pocatello filed a *Notice of Withdrawal of Representative* (“Notice”) which asked that Mr. Tranmer’s name be removed from the service list and Kirk Bybee, also with the City Attorney’s office, be substituted.
3. Pocatello’s Notice did not withdraw or remove White & Jankowski LLP from the service list. *Id.* (“The firm of White & Jankowski LLP shall also remain counsel of record.”)
4. IDAPA 37.01.01.203 provides:

From the time a party files its initial pleading in a contested case, that party **must** serve and all other parties must serve all future documents intended to be part of the agency record upon **all other parties' representatives** designated pursuant to Rule 200

(emphasis added).

5. Pocatello requests that the Hearing Officer order Spartan to comply with the Rules of Procedure of the Idaho Department of Water Resources and serve counsel of record, White & Jankowski LLP and Kirk Bybee, at the addresses below (as previously noticed) with any and all future pleadings in this matter, and any related appeals or proceedings.

Kirk Bybee (ISB # 2782)
City of Pocatello
P. O. Box 4169
Pocatello, ID 83201
(208) 234-6149
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Respectfully submitted this 7th day of September, 2017.

WHITE & JANKOWSKI LLP

By


Sarah A. Klahn

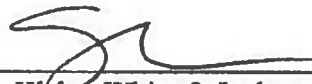
By


Mitra M. Pemberton

ATTORNEYS FOR CITY OF POCATELLO

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September, 2017, I caused to be served a true and correct copy of the foregoing **POCATELLO'S MOTION REGARDING SERVICE** in **Transfer No. 81155** upon the following by the method indicated below:



Sarah Klahn, White & Jankowski, LLP

Eastern Regional Office Idaho Department of Water Resources 900 North Skyline Drive, Suite A Idaho Falls, ID 83402-1718 james.cefalo@idwr.idaho.gov sharla.cox@idwr.idaho.gov	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Overnight ☐ Facsimile (208) 525-7177 ☒ Email
Kirk Bybee City of Pocatello 911 North 7 th Ave. P.O. Box 4169 Pocatello, ID 83201 kibybee@pocatello.us	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Overnight ☐ Facsimile ☒ Email
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