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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Rangen, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE PETITION
DELIVERY CALL OF RANGEN, INC.'S
WATER RIGHT NOS. 36-02551 & 36-
7694

Docket No. CM-DC-2011-004

**RANGEN, INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
RE: MATERIAL INJURY**

COME NOW the Petitioner, Rangen, Inc. ("Rangen") by and through its attorneys of record, Robyn M. Brody of Brody Law Office, P.L.L.C.; J. Justin May of May, Browning &

May, P.L.L.C.; and Fritz X. Haemmerle of Haemmerle & Haemmerle, P.L.L.C., and pursuant to I.R.C.P. 56 moves for partial summary judgment on its Petitioner for delivery call as there are no genuine issues of material fact that the use of groundwater by junior users is causing material injury to Rangen's use of its decreed rights under water right no's 36-02551 and 36-07694, and Rangen is entitled to a partial finding by the Director as a matter of law.

This motion is based upon the pleadings and papers on file in this case and with and response to this Motion, and the Affidavits and supporting documents submitted along with this Motion. These documents include, but are not necessarily limited to: *Rangen's Brief in Support of Motion for Partial Summary Judgment RE; Material Injury*, and the *Affidavits of Wayne Courtney, Dan Maxwell, Doug Ramsey, Charles E. Brockway, Ph.D., P.E., Charlie Smith, Fritz X. Haemmerle*, and the *Brannon Affidavit in Opposition to IGWA's Motion to Continue Hearing and Request for Expedited Decision*.

Oral argument is requested.

DATED this 8 day of January 2013.

HAEMMERLE & HAEMMERLE, P.L.L.C.

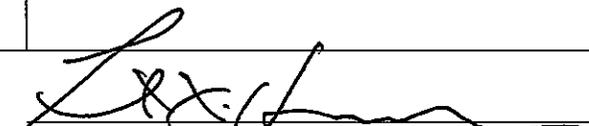

Fritz X. Haemmerle

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 9th day of January, 2013 he caused a true and correct copy of the foregoing document to be served by email and first class U.S. Mail, postage prepaid upon the following:

<p>Original: Director Gary Spackman Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098 Deborah.Gibson@idwr.idaho.gov</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input checked="" type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
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Fritz X. Haemmerle