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DEPARTMENT OF WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE PETITION  
FOR DELIVERY CALL OF RANGEN,  
INC.'S WATER RIGHT NOS. 36-02551  
& 36-07694

Docket No. CM-DC-2011-004

**AFFIDAVIT OF ROBYN M.  
BRODY IN OPPOSITION TO  
MOTION TO COMPEL AND  
REQUEST FOR SANCTIONS**

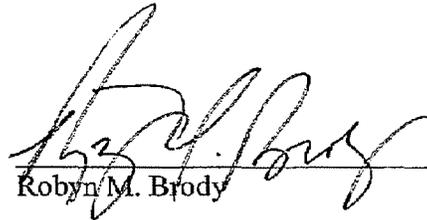
STATE OF IDAHO            )  
  ) ss  
County of Minidoka        )

Robyn M. Brody, being sworn upon oath, deposes and says:

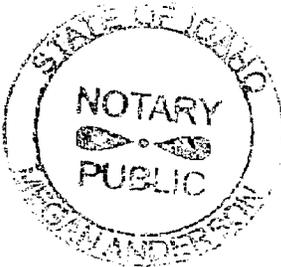
1. My name is Robyn M. Brody. I am attorney licensed to practice law. I represent Rangen, Inc. in the above-captioned matter. The matters contained in this affidavit are based on my personal knowledge.

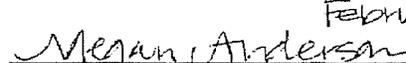
2. The research list identified during David Brock's deposition is not an accounting of research projects that Rangen had planned, but could not complete due to low water flows. The list was developed after I sent an email to Wayne Courtney. He then responded with an email to me and provided additional information. The list attached to Mr. Courtney's email is not self-explanatory and must be read in conjunction with the email exchange between me and Mr. Courtney. I never spoke to David Brock concerning the list attached to Mr. Courtney's email at any time prior to his deposition.

DATED this 13<sup>th</sup> day of February, 2013

  
 Robyn M. Brody

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of February, 2013.



  
 Notary Public for the State of Idaho  
 Residing at: Paul, ID  
 My Commission Expires: 10/22/13

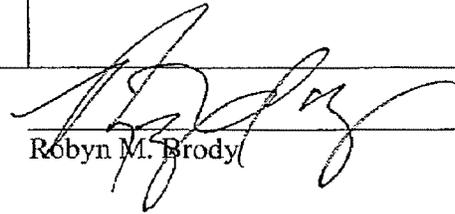
**CERTIFICATE OF SERVICE**

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 13th day of February, 2013 she caused a true and correct copy of the foregoing document to be served upon the following by the indicated method:

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

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Jerry R. Rigby Hyrum Erickson	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/>

<p>Robert H. Wood Rigby, Andrus &amp; Rigby, Chartered 25 North Second East Rexburg, ID 83440 <a href="mailto:jrigby@rex-law.com">jrigby@rex-law.com</a> <a href="mailto:herickson@rex-law.com">herickson@rex-law.com</a> <a href="mailto:rwood@rex-law.com">rwood@rex-law.com</a></p>	<p>Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
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Robyn M. Brody