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

Docket No. CM-DC-2011-004

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

COMES NOW, Rangen, Inc. ("Petitioner" or "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 moves the Director to enter an Order as a matter of law that: (1) the source of Water Right Nos. 36-02551 and 36-07694 cannot be changed from "Martin-Curren Tunnel; Tributary: Billingsley Creek" – a surface water right – to "Ground Water"; and (2) Rangen's delivery call is not restricted to water from the mouth of the Martin-Curren Tunnel itself. This Motion is supported by a Memorandum filed contemporaneously herewith, the Affidavit of Fritz X. Haemmerle in Support of Motion for

Partial Summary Judgment re: Material Injury, and the Affidavit of Robyn M. Brody in Support of Motion for Partial Summary Judgment Re: Source.

DATED this 8th day of March, 2013.

BRODY LAW OFFICE, PLLC

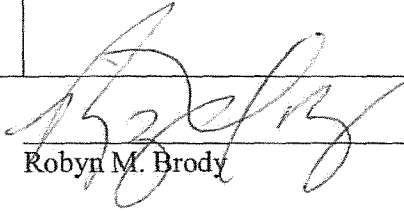
By   
Robyn M. Brody

**CERTIFICATE OF SERVICE**

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 8th day of March, 2013 she 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><b>Original:</b> Director Gary Spackman Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098 <a href="mailto:Deborah.Gibson@idwr.idaho.gov">Deborah.Gibson@idwr.idaho.gov</a></p>	<p>Hand Delivery <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
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